

(2020) 01 DEL CK 0263

In the Delhi High Court

Case No : Civil Writ Petition No. 928 Of 2016, Civil Miscellaneous Application No. 26410 Of 2016, 1431 Of 2018

Sajan K Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 21-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0263

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C. Hari Shankar, J

Bench : Division Bench

Advocate : Neha Sharma, Rajesh Gogna, Shadan Farasat, Hafsa Khan, Parvinder Chauhan, Rahul Adhana, Mini Pushkarna, Khushboo Nahar, Latika Malhotra, Mansi Gupta, Jagdish Sagar, Sapna Chauhan

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

W.P.(C) 928/2016

1. This writ petition has been preferred with the following prayers :

"(a) issue the writ of mandamus or any other appropriate writ, order or direction to the respondents for taking appropriate measure for rehabilitation of children of the street of Delhi indulge in begging, rag picking and other hazardous activity and provide them the education and basic amenities of life in order to make them the good citizen of this country.

(b) issue the writ of mandamus or any other appropriate writ, order or direction against the respondent to take appropriate measure to prevent the children of tender age to perform the somersault/gymnastic maneuver at the traffic signal/ intersection and rehabilitee them by providing education and basic amenities of life for them to be good citizen of this country.

(c) issue the writ of mandamus or any other appropriate writ, order or direction

to the respondents for taking appropriate measure to give permanent shelter to destitute women and provide them the opportunity for their dignified living

(d) issue the writ of mandamus or any other appropriate writ, order or direction to the respondents to count the homeless population of Delhi and provide them the permanent shelter and give them the basic identification card or aadhar card in order to enable them to obtain welfare scheme of government.

(e) Pass such other and further order, which this Hon'ble Court deemed fit and proper, in view of the above mentioned facts and circumstances of the present case."

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that this petition has been preferred for rehabilitation of the children in streets of Delhi indulged in begging and rag picking and other hazardous activities and for providing them education and the basic amenities of life.

3. We have heard learned counsel appearing for the respondents at length. It is submitted by learned counsel for the respondent no.3- Delhi Urban Shelter Improvement Board that a detailed counter affidavit has been filed by the respondent no.3 and the steps taken by the respondent no.3 have been mentioned in paragraph no.7 of their affidavit. The said paragraph 7 of the affidavit of respondent no.3 reads as under :

"7. That in compliance of para 4.3 of the Master Plan as quoted above, the Board on the basis of the requirements of the Night Shelters at different, administrative units/ police station areas is providing Night Shelters. The Board has also provided temporary night shelters running in tents as per the requirement at the locations during the winter season from December to March. The Board during the period from December 2015 to March 2016 has constructed a total number of 261 night shelters out of these there were 84 Permanent night shelter while 117 were in porta cabins and there were 60 temporary night shelters running in the tents. The night shelters in the tents have been removed after 31st March 2016. So presently, there are 197 night shelter out of which 81 permanent night shelters and 116 are in porta cabin. It is further pertinent to mention herein that, out of the aforesaid night shelters, 21 night shelters are. designated for women, 15 night shelters are designated for families, 12 night shelters are designated for children, 2 night shelters are for differently-abled persons, while, 4 night shelter has been earmarked for drug addicts. Thus, the Board has made every possible attempt to erect/construct Night Shelters not only at all places wherever requirement for a Night Shelter has been assessed but has also complied with the norms prescribed under Para 4.3 of Master Plan 2021. However, since the land owning agencies have not been able to provide sufficient land, due to the unavailability of enough space for construction of Night Shelters of the size as envisaged in the Master Plan, the Board has constructed much more Night Shelters in numbers than is actually prescribed in the Master Plan. The Board

consistently and regularly endeavours to create more Night Shelters, whenever and wherever required for meeting the needs of the homeless persons."

4. In view of the aforesaid affidavit, it appears that several night shelters have been constructed by the respondent no.3, details have been mentioned in paragraph no. 7 of their affidavit, out of which 21 night shelters have been designated for women, 15 night shelters have been designated for families, 12 night shelters have been designated for children, 2 night shelters are for differently-abled persons and 4 night shelters have been earmarked for drug addicts.

5. Similarly, looking to the affidavit filed by South Delhi Municipal Corporation - respondent no.5, they have mentioned the steps taken by them in paragraph 4 of their affidavit. The said paragraph reads as under :

"4. That so far as Respondent No.5 (SDMC) is concerned, it is stated that Education department of SDMC has carried out an intensive door to door survey from 27.06.2016 to 08.07.2016 for admission of out of school children by the teachers of all the schools of South MCD. Necessary instructions were also circulated while carrying out survey. The Principals/Incharges of all the schools were directed to identify the areas around their schools with special focus on JJ Clusters/slum, homeless street children, resettlement/unauthorised colonies, houses/buildings under construction, Dhabas, tea shops, other vendors are urbanized villages where probability of out of school children is high. A copy of the Circular issued to this effect is annexed herewith as ANNEXURE R-1"

6. In view of the aforesaid affidavit filed by South Delhi Municipal Corporation, it appears that adequate steps have been initiated by the respondents for the education of the children, even a circular has also been issued which is annexed as Annexure R-1 to this affidavit for giving admission to the children in the Government schools.

7. Similarly, looking to the status report filed by the Government of National Capital Territory of Delhi. Paragraphs 2 of the said status report reads as under :

2. It is submitted that 13 open shelters homes have been established and maintained through non-governmental organizations as per the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. Out of the said 13 open shelter homes, 12 are registered and registration of rest 01 open shelter home is under submission for approval of Competent Authority.

Further, it is submitted that the Open Shelter Homes are functioning as a community based facility for children in need of residential support, on short term basis, with the objective of protecting them from abuse or wearing them, or keeping them away from a life on the street."

8. In view of the aforesaid status report filed by the Government of National Capital Territory of Delhi, they have opened 13 shelter homes which are being maintained through NGO as per the provisions of the Juvenile Justice (Care and

Protection of Children) Act, 2015. Out of the said 13 open shelter homes, 12 are registered as open shelter home and registration of one open shelter home is under submission for approval of competent authority.

9. Looking to the affidavit filed by East Delhi Municipal Corporation also, they have taken enough and adequate steps for the rehabilitation of the children. We have heard and also perused the affidavit filed by North Delhi Municipal Corporation and paragraph 2 and 3 of their affidavit reads as under :

"2. That the present Public Interest Litigation has inter-alia raised the issue regarding measures for providing Education to Street Children. In this regard it is submitted that under the jurisdiction of the North Delhi Municipal Corporation, there are 719 Municipal Schools and 23 Municipal Aided Schools. Free education is provided in these schools to children between 5 to 11 years having classes from 1st standard to 5th standard. The admission to these schools are open through the year. Besides free education, the children studying in the Municipal Schools and Municipal Aided Schools are provided free books and free stationery that includes note books and diaries. Further, the children are also provided free uniform which includes shoes, sweater, socks, shirts, trousers etc.

3. That the children studying in the Municipal Schools and Municipal Aided Schools are also provided free mid day meal. The children are provided fresh and nutritious food every day.

This scheme for providing free food to the children ensures that the children attend the school regularly. This also helps in nutritional development of the children."

10. In view of the aforesaid steps taken by the respondents, it appears that the respondents have now started taking care of the children under the Juvenile Justice Act as well as for the rehabilitation of the children in the streets of Delhi. It is expected from the respondents that they shall continue to provide all these facilities to the children as per their affidavits and the status reports filed in this writ petition.

11. In view of the steps taken by the respondents, we see no reason to further monitor this case.

12. With these observations, this writ petition is hereby disposed of.

CM Nos. 26410/2016, 1431/2018

1. In view of the disposal of the writ petition, these applications are also stand disposed of.