

## Shahri Adhikar Manch Commends High Court Order on Homeless Shelter in Delhi

**New Delhi, 7 January 2010:** *Shahri Adhikar Manch: Begharon Ke Liye* (Urban Rights Forum: For the Homeless) strongly supports the *suo moto* action of Chief Justice of the Delhi High Court, Justice Ajit Prakash Shah against the Municipal Corporation of Delhi (MCD) for its role in the demolition of the Pusa Road night shelter on 22 December 2009. The *Manch* particularly welcomes the stress placed by the High Court on the responsibility of the MCD to protect Delhi's homeless people.

At a hearing today at the Delhi High Court, at which MCD officials were summoned, a division bench of Chief Justice A. P. Shah and Justice Rajiv Sahai Endlaw, ordered the immediate restoration of the night shelter at the same site. The bench further stated that the MCD should not have taken the step of demolishing the shelter in this chilling winter, on humanitarian grounds. It also condemned the act of city "beautification" for the Commonwealth Games, which are still 10 months away. The bench directed the Delhi Legal Services Authority to inspect the night shelter for the homeless people and file a report by Wednesday January 13, which is the date for the next Court hearing where the MCD and Government of Delhi have to also appear and report on action taken.

*Shahri Adhikar Manch*—a Delhi-based coalition of homeless people and civil society groups—commends the Delhi High Court for its proactive action and urges the MCD to immediately comply with the Court's order. The Court has appointed an *amicus curiae* in the case, and the *Manch* has been asked to contribute, through information and depositions.

Miloon Kothari, former UN Special Rapporteur and executive committee member of *Shahri Adhikar Manch* asserted that, "the timely intervention of the Delhi High Court should serve as a sharp reminder to the MCD not to deviate from the path of respecting people's human right to adequate housing and shelter where required but, in fact, to intensify its efforts to ensure that all homeless people in Delhi have access to permanent shelters."

*Shahri Adhikar Manch* is actively involved in the campaign for the rights of the homeless and has also been pursuing the case of the shelter demolition with the concerned government departments. The *Manch* has made several submissions to the government demanding more homeless shelters, especially for women, children, older persons and families. Currently the number of night shelters is only 24 for Delhi's over 100,000 homeless people. The majority of the homeless (around 95 %) are out in the open, left to fend for themselves in the severe cold. In its campaign to ensure protection of the human rights of the homeless, *Shahri Adhikar Manch* has also approached the UN, and is working on a public interest litigation related to the broader crisis of homelessness and government inaction in Delhi.

At a press conference organized by the *Manch* in New Delhi on 4 January 2010, leading human rights experts condemned the demolition of the shelter, government negligence of the homeless, and the skewed priorities of the Delhi government, New Delhi Municipal Council and MCD, as they consistently violate human rights of the poor and homeless, especially in preparation for the Commonwealth Games.

The prevalent acute winter conditions further heighten the urgency of the situation and the plight of the homeless. It has been over two weeks since the MCD demolished the Pusa Road temporary night shelter, which had been set up by the Department of Revenue, Government of National Capital Territory of Delhi. More than 250 homeless people, some of them new born infants, have been left out in the bitter cold, unable to sleep at night. Bheema, a 35-year old balloon seller succumbed to the cold, dying on a pavement in the country's capital, in a city that welcomes the world for the Commonwealth Games but cannot take care of its own residents. Bheema's mother, Sarju bai, is still shivering on the pavement in Pusa Road, struggling to come to terms with the tragic and untimely demise of her only child and provider. Though nothing could assuage her grief, the MCD has not even offered any support or compensation to Sarju bai.

With dipping night temperatures and dense fog conditions, the cold wave only threatens to get worse. It is not just the MCD but all departments and agencies of the government that need to prioritise the issue of homelessness and consolidate efforts to provide basic services as well as adequate and permanent shelters for Delhi's homeless. Failure to do this is an abrogation not just of the state's national and international legal commitments but also a direct violation of city residents' human rights, for which the state must be answerable and held accountable.

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