



LEGISLATIVE ASSEMBLY  
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

FIFTH REPORT OF THE SIXTH ASSEMBLY

SUBJECT: IN THE MATTER OF RELOCATION OF NIGHT  
SHELTER NEAR MOUNT KAILASH

PRESENTED ON 02<sup>ND</sup> DECEMBER, 2019

ADOPTED ON 3<sup>RD</sup> DECEMBER, 2019

**Legislative Assembly, Old Secretariat, Delhi – 110054**

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**COMMITTEE ON PETITIONS**  
**(2019-2020)**

**COMPOSITION OF THE COMMITTEE**

<b>1. Sh. Saurabh Bhardwaj</b>	<b>CHAIRMAN</b>
2. Sh. Pankaj Pushkar	MEMBER
3. Sh. Akhilesh Pati Tripathi	MEMBER
4. Ms. Bhavna Gaur	MEMBER
5. Ms. Bandana Kumari	MEMBER
6. Ch. Fateh Singh	MEMBER
7. Sh. Girish Soni	MEMBER
8. Sh. Raju Dhingan	MEMBER
9. Sh. Shri Dutt Sharma	MEMBER

**Assembly Secretariat:**

1. Shri C. Velmurugan	Secretary
2. Shri Sadanand Sah	Deputy Secretary
3. Shri Manjeet Singh	Deputy Secretary

## **PREFACE**

1. I, the Chairman, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Report on the petition received from Shri Ajay Mathur, Secretary, RWA Kailash Towel-1, East of Kailash. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Prakash Jarwal, Hon'ble MLA and referred to the Committee on Petitions dated 14.05.2019.
2. The Committee considered and adopted the Draft Report at their sitting held on 29.11.2019
3. The observations / recommendations of the Committee on the above matter have been included in the Report.
4. I would like to thank all the Members of the Committee for their continued guidance.
5. The Committee places on record the profound appreciation for the valuable assistance rendered by Sh. Sadanand Sah, Deputy Secretary, Sh. Manjeet Singh, Deputy Secretary, Sh. Subhash Ranjan, Section Officer, Ms. Yamini Saxena, Associate Fellow, Delhi Legislative Assembly (DARC) and other of Assembly Committee in preparation of this report.



Date : 30.11.2019  
Place: Delhi

(SAURABH BHARDWAJ)  
CHAIRMAN  
COMMITTEE ON PETITIONS

## **Genesis**

Homelessness is a challenge faced by a large population in our country. In Delhi, there are approximately 1,50,000 homeless people. The Delhi Urban Shelter Improvement Board (DUSIB) is the key agency for operation and management of night shelters in Delhi. These shelters are funded by DUSIB and are operated by Shelter Management Agencies (SMAs). According to the latest available statistics in 2019, there are 248-250 shelters with a total capacity of 17,945 in Delhi.

The provision of night shelters is based on the Operational Guidelines for the Scheme of Shelter for Urban Homeless (SUH) under the National Urban Livelihoods Mission (NULM) issued on 24th September 2013 by the Ministry of Housing & Urban Poverty Alleviation. Guided by the NULM – SUH, DUSIB aims to “provide shelter and all other essential services to the poorest of the poor segment of urban societies”.

However, there are several practical issues in the management and operations of night shelters in Delhi. A large proportion of homeless choose not to utilise these shelters and live on streets instead. Further, a majority of shelters are not disabled-friendly, location of the shelters are unreachable, there are mobility issues etc. It is also evident that there is a lack of effective planning due to which SMAs are overburdened, consequently, leading to multiple inefficiencies across program interventions. A few of these shelters have poor living conditions and bad sanitation. In many places, caretakers, managers and concerned officials are not adequately incentivised. Low occupancy of these shelters can also be attributed to accessibility issues.

The provision of physical structures and a few services is not enough to overcome the plight of the homeless. Several reports presented by NGO's and independent agencies have recommended the need to adopt a holistic approach to address the problem of homelessness in India. Various stereotypes are associated with the urban homeless including labelling homeless as criminals, beggars, immoral, parasitic, and so on. Contrary to many misconceptions that people harbour about the homeless in India, and internationally as well, the homeless population comprises not just beggars but its majority is made up of service providers. They could be rickshaw pullers, vendors, rag pickers, security guards, daily wage labourers or domestic workers.

This Petition serves as an important example to raise awareness on how to balance between the challenges of homelessness in Delhi and simultaneously addressing the concerns raised by several resident welfare associations.

## **Introduction**

1. Shri Ajay Mathur, Secretary, RWA Kailash Tower-1, East of Kailash, filed a petition on 04.05.2019 on the issue related to the Raan Basera, night shelter on Raja Dhir Sen Marg. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Prakash Jarwal, Hon'ble MLA, and referred to the Committee on Petitions dated 14.05.2019.
  
2. It was alleged in the Petition that the night shelter located on Raja Dhir Sen Marg inside 'Astha Kunj' park was creating a nuisance for the residents of Kailash Tower and Mount Kailash. It was also alleged that the night shelters are dens of unsocial elements indulging in all kinds of nefarious activities like drug abuse, open defecation etc. making the residents face crisis with respect to safety and security. It was also alleged that the ugly set up of the night shelter was affecting the beauty of the park. It is then suggested in the petition that the night shelter be shifted to a new location.

## **PROCEEDINGS**

1. In order to ascertain the facts and investigate the allegations levelled in the said Petition, the Committee on Petitions conducted its meeting on 03.06.2019 and deliberated the matter comprehensively with the officers of Delhi Urban Shelter Improvement Board (DUSIB)
2. The Committee proceedings were aimed at enquiring about the following issues:
  - i. Whether there were petty crimes taking place that had serious safety threats for the movement of women in that area?
  - ii. Whether open defecation was a problem in Astha Kunj park which is used by the residents of Mount Kailash Residential Colony?
  - iii. Whether there were occupants of the Night Shelter who were engaged in drug abuse?
  - iv. Whether it is possible to shift the said Night Shelter to other alternative location near MTNL building?
3. A copy of the said Petition was forwarded to the Chief Executive Officer, DUSIB to whom the matter pertained to vide letter dated 22.05.2019 with the request to furnish comments on it by 31.05.2019. Further, Secretary and Chief Executive Officer, DUSIB were directed to attend the Committee meeting scheduled on 03.06.2019.
4. The issues raised by the Petitioner and the Committee to DUSIB, and the replies thereof received from the Department vide letter dated 30.05.2019 has been reproduced below:
  - i. As regards to the petty crimes taking place affecting the women movement and safety in the area it is reasoned that the Night Shelter are being run by DUSIB for a long time as per requirement for providing shelter facilities and no reports regarding indulgence of occupants in committing any crime or threat to women movement has been received in DUSIB. Further, a letter dated 24.05.2019 was sent by Director (Night Shelter) to the ACP (Operations), Delhi (Nodal Officer for Night Shelter) for issuing

directions to concerned Police staff for checking law and order issues for said Night Shelter.

- ii. As regards to the problem of open defecation in the park by the occupants of the Night Shelter it is observed that 4 Nos. Toilets are provided by DUSIB to the occupants and these toilets are in functional condition along with availability of water.
- iii. As regards to the problem of drug abuse by the occupants of the Shelter, it was clarified that no such activities are allowed on the premise. Further, the presence of family, women and children also makes these Night Shelter more sensitized towards such activities.
- iv. The inspection reports of Shelter Management Agency (Safe Approach) and 3<sup>rd</sup> Party Monitoring & Inspection Agency further stated that the Night Shelters were being run in good satisfactory conditions and no unlawful activities as mentioned in the complaint of RWA have been noticed.
- v. As regards to shifting of the Night Shelter, a letter dated 04.12.2018 for seeking NOC/permission was sent to Deputy Director (Land), DDA by the Executive Engineer (EE) C-6, DUSIB. As per updates provided by the Executive Engineer C-6 vide letter dated 24.05.2019, no permission was given by DDA. A letter to DDA (Land) dated 24.05.2019 was also sent by the Superintendent Engineer-2 to provide approx. 500sqm land space in the vicinity for shifting the existing Night Shelter
- vi. As regards to the alternative site near MTNL building suggested earlier by Hon'ble MLA, Sh. Saurabh Bharadwaj, a letter dated 22.12.2018 has been received from Executive Engineer (DDA) stating that the alternate site is operational. Subsequently, another letter dated 11.02.2019 was received by Director DUSIB stating that the said Night Shelter need to be shifted to a different site as the suggested land is under auction. A reply to DDA dated 12.04.2019 was then sent conveying that no Night Shelter can be

shifted without the permission of Supreme Court appointed Monitoring Committee.

5. In the meeting dated 03.06.2019 CEO, DUSIB assured the Committee that he will take up the matter of finding alternative site for the Night Shelter on priority with the concerned officer of DDA.
6. Further, a letter dated 06.06.2019 was sent to the Vice Chairman, DDA by Deputy Secretary, Legislative Assembly Secretariat seeking comments on the petition and suggestion of an alternate site by 14.06.2019. However, no response has been received as yet.

### **Observations and Conclusions**

From the scrutiny of the responses filed by the concerned Government departments, Government records, the following observations are brought on record:

- 1.** Based on the reply submitted to the Committee by DUSIB, the Committee observes that the current Night Shelter structures are running according to the DUSIB guidelines and the inmates are provided with all necessary amenities.
- 2.** The Committee observes that, DDA is reluctant to shift the said Night Shelters to other alternate site.
- 3.** The Committee also observes that encroachment of public land and right of way of roads should be prevented by SDMC in the neighbourhood of such Night Shelters.

### **Recommendations**

- 1.** The Committee takes cognizance of the concerns raised by the Secretary RWA of Kailash Tower-1 and would recommend DUSIB and other concerned authorities to have regular inspections in place for smooth and safe functioning in the future.
- 2.** The Committee recommends, DUSIB should find an alternate site by rigorously following up with DDA and other land owning agencies.
- 3.** The Action Taken Report on the recommendations of the Committee should be submitted by the Chief Secretary, GNCTD to the Vidhan Sabha within 30 days from the adoption of this report.



Date: 30.11.2019  
Place: Delhi

(SAURABH BHARDWAJ)  
CHAIRMAN  
COMMITTEE ON PETITIONS