

ITEM NO.3 Court 5 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).708/2021

KUSH KALRA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.73626/2021-EXEMPTION FROM FILING
AFFIDAVIT)

Date : 27-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Chinmoy Pradip Sharma, Sr. Adv.
Mr. Mohit Paul, AOR
Mr. Irfan Haseib, Adv.
Ms. Sunaina Phul, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 Among the reliefs which have been sought in these proceedings under Article 32 of the Constitution is a mandamus in the following terms, in prayer (a):

“a direct the respondents to restrain beggars and vagabonds/homeless from begging on traffic junctions, markets and public places to avoid the spread of Covid-19 pandemic in all the states and union territories across India and "rehabilitating them" and to further ensure food, shelter and basic medical amenities including covid-19 vaccination to them.”

(emphasis supplied)

- 2 The relief sought in prayer (a) indicates that the petitioner seeks a direction to the respondent to "restrain beggars and vagabonds/ homeless from begging on traffic junctions, markets and public places to avoid the spread of Covid-19 pandemic in all the States and Union Territories across India". The latter part of prayer (a) is for "rehabilitating them" so as to ensure that basic amenities including food, shelter and medical facilities including vaccination are provided.
- 3 At the outset, the Court has indicated to Mr Chinmoy Pradip Sharma, learned Senior Counsel appearing on behalf of the petitioner, with Mr Mohit Paul, learned counsel, that the prayer for a direction in the above terms cannot be countenanced. A large number of people, including children, are compelled to be on the streets to beg due to the absence of education and employment. This is a socio-economic issue and cannot be remedied by a direction of the nature that is sought in prayer (a). This is a human problem which has to be redressed by the welfare State in a manner which accords with Part III and IV of the Constitution.
- 4 Mr Chinmoy Pradip Sharma, learned Senior Counsel, has submitted to the Court that the object and purport of the petition under Article 32 is not what is conveyed by a *prima facie* reading of the first part of prayer (a) and that, as a matter of fact, the petitioner seeks appropriate directions for the rehabilitation of those who are compelled to be on the streets to eke out their livelihood by pursuing avocations such as begging. In the context of the Covid-19 pandemic, it has been submitted that there is an urgent need to ensure that the vaccination programme includes them like all other citizens.
- 5 Since the first part of prayer (a) is not pressed before this Court, we are inclined to issue notice. However, the petitioner shall amend prayer (a) so as to bring in conformity with the above position and the submissions which have been urged

before this Court.

- 6 Issue notice to the Union of India and to the Government of National Capital Territory of Delhi, at the present stage.
- 7 Dasti, in addition, is permitted.
- 8 Liberty is granted to serve the Union of India through the Central Agency.
- 9 Since the immediate issue which needs to be attended is that of vaccinating the persons to whom the petition relates and to ensure the due provision of medical facilities in the Covid-19 pandemic, we would expect a response from the Union of India and the Government of National Capital Territory of Delhi on what steps are being taken to deal with this human concern.
- 10 We request the learned Solicitor General to assist the Court.
11. List the petition on 10 August 2021.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER