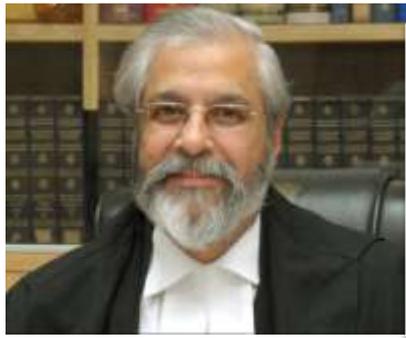
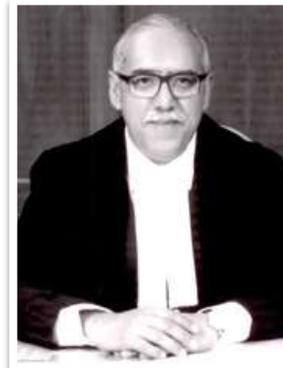


Courts stepping in as govt has failed in its duty: SC

Amit Anand Choudhary| TNN | Dec 14, 2017, 02:22 IST



The Hon'ble Justice
Madan B Lokur
BA His Hons 1974
St Stephen's
LLB 1997
Judge
Supreme Court of India
since 2012



The Hon'ble Justice
Deepak Gupta
LLB 1978
Supreme Court of India
since 2017

NEW DELHI: Taking the government and critics head on for accusing judiciary of encroaching upon the domain of other organs of the state, the Supreme Court on Wednesday 13.12.2017 said judicial activism had come about because of the "inactivism" of governments and bureaucracy which failed to performed their duty.

A Bench of Justices **Madan B Lokur and Deepak Gupta** said courts were left with no option but to intervene to protect the rights of people and enforce the law as government authorities failed to carry out their task.

It took strong exception against Uttar Pradesh and West Bengal governments for not taking effective steps to provide shelter to the urban homeless despite getting funds from the Centre under Deendayal Antyodaya Yojana- National Urban Livelihoods Mission (NULM) scheme.

It directed the chief secretaries of the two states to appear before it to explain why they failed to carry out their duty to provide shelter to homeless people under the social welfare scheme under which more than Rs 2,000 crore have been granted by the Centre. "When we pass orders, then people start criticising us for judicial activism but it is because of inactivism on the part of governments and bureaucrats," the Bench said.

As state governments had turned a deaf ear to the apex court's repeated appeals to show "sympathy and compassion" by constructing shelter homes for the poor and homeless, the Court decided to act tough against them and summoned the top bureaucrat of the two states. "There is lack of concern on the part of state governments and it cannot go on like this," the Bench said.

An SC-appointed panel headed by a former Delhi High Court judge projected a very grim picture for urban homeless people saying more than 90 pc of them had no roof over their heads as state governments had pathetically failed in setting up shelter homes.

The three-member committee headed by Justice (ret'd) Kailash Gambhir in its report on the state of affairs of shelter homes in different states said governments were not using the funds released by the Centre for construction of shelters and homeless people in urban centres were forced to live on roadside, railway platforms and under flyovers.

Additional Solicitor General A N S Nadkarni, appearing for the Centre, urged the court to appoint a committee in each state under a retired HC judge to monitor implementation of the scheme.

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