

National Policy For The Urban Homeless (NPUH)-2021





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NEED FOR HOMELESS POLICY: GAPS IN REDRESSAL TO URBAN HOMELESS

- 1.1 The first time the issue of Urban Homeless was given its due importance was in the 1981 Census as a count of houseless people was added; which indirectly refers to persons who are homeless. In the 2011 Census, the total population count of the Urban Homeless is given as 1.7 million, along with a count for male, female and children who are houseless too. While this is a step in the long journey of recognition, it falls short on many counts. It fails to actualise the multitude of vulnerabilities that come forth with being homeless, by using houseless as an identifier. It also ignores the demographical diversity of the homeless population. It is also argued widely by civil societies that work with the homeless population that the total number given by Census is a gross underestimation. To fill in all these gaps one has to rely on independent data collected by CSOs and NGOs working in this field.
- 1.2 In the data collected by the Government to assess the impact of its policies and the living conditions of the citizens, the homeless population is disregarded as a group within it. In the existing parameters to gauge the accessibility to public facilities and schemes, there is a complete lack of data regarding the homeless population. This translates into overlooking and not acknowledging the nuanced grievances of this large population group. This population accounts for severe violations of human rights, starting from right to life and housing as reiterated by the Supreme Court in 1985 in Olga Tellis v. Bombay Municipal Corporation. Their Fundamental Rights under Article 14, 19, 20, 21 and 22 are also violated due to the existence of laws that criminalise them, their livelihoods and further stigmatise this population, like Bombay Prevention of Beggary Acts, Railways Act 1989. These violations deprive them of social and cultural participation and hence restricts their access to education, health care, economic development and public places which deprives them of the Constitutional guarantee of equality before the law and equal protection of laws. This existence of vulnerabilities of the urban poor can be seen in 3 tangents¹:
 - Residential Vulnerabilities (access to a safe, tenure free, permanent home, and not just housing)
 - 2. Social Vulnerabilities (deprivation due to ones belonging in certain communities or their identity, leading to marginalisation and lack of recognition and representation)
 - 3. Occupational Vulnerabilities (unsafe and insecure livelihoods, participation in the informal sector, lack of job security, social benefits)

¹ Baseline Study-"Enabling Inclusive Cities for Homeless"

- 1.3 Since 2013, when the Central Government started the National Urban Livelihoods Mission some headway has been made into providing Shelter Homes to the Urban Poor in many cities across India. It has been able to give a definition of homelessness and lay down guidelines to ensure their social welfare, though since 2014 no pan-India assessment has been carried out to monitor the implementation of NULM in various cities. Independent news reports and civil society research points to a severe violation of the guidelines of NULM amongst many other issues. This disregard of NULM Guidelines in all states and megacities was in the year 2014-15 observed by the Supreme Court; as of the 1078 crores that were allocated under NULM only 451 crores were used which resulted in only 200 shelter homes being constructed across the country, which is a grossly underwhelming number concerning the existing need. Similarly, a study done by IGSSS in the year 2018² points out that more than half the population of Homeless in Delhi (55%) has spent more than 10 years without permanent shelter, this is after the fact that NULM was put in place in the year 2013.³
- 1.4 Under the Social Developmental Goals of UN, of which India is a signatory Goal Number 1, 8, 10, and 11 as directly concerned with the issues of the homeless population. While India has made some strides in our SDGs it has been unable to compile indicators for most of the targets that directly or indirectly affect the growth of the homeless population. In the SDG Progress Report 2020, Target 11.1 which states "By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums" the proportion of Urban Population living in slums, informal settlements or inadequate housing is an indicator that is still under compilation. Even though in the VNR 2020 report India underlines its steps towards ensuring affordable housing for all under the initiative of "Housing for All by 2022." This policy step of the government. (along with the planning of Smart Cities) also requires the inclusion of the homeless population as a beneficiary, as it only talks about economically disadvantageous households in its eligibility, disregarding a complete tangent of how poverty, inequality affects the lives of the homeless.
- National Crimes Report Bureau only in 2017 started to collect data about the sexual violence inflicted on women in Shelter Homes. In the 2018 annual report of National Crimes Record Bureau also highlighted a rise from 2017 of 30% in incidents of sexual harassment of women in shelter homes. NFHS 4 also states that around 76% of women who have been physically or sexually assaulted do not seek help or inform anybody. While this data is reflective of only a portion of the harassment faced by the homeless population, it underlines the lack of mapping done in this regard to understand the vulnerabilities of the population. Independent news reports and civil society research all mention the continuous abuse and harassment at the hands of the public, police officials and other government employees. They are forcefully displaced and evicted from their place of living and their properties and belongings destroyed. On the other hand, they are also regarded as criminals, vagrants and encroachers, which has translated into laws like Bombay Prevention of Beggary Act, Railways Act of 1989.

² Homeless in Delhi - 14.01.2019.cdr

³ Ibid

These criminalise the life of a homeless individual and deepens the implicit attitude of viewing them as "status offenders" in a city.

The National Policy for the Urban Homeless aims at addressing these gaps, that exists in our thinking, approaches, policies as well as structures of data collection concerning the homeless, through the process of redressal for the homeless population. This Policy after identifying them aims to build a more concrete and stable structure of social welfare to pay the dues of this underserved population.

2. FOR URBAN HOMELESS

1. Shelter Homes

- 1.1 Specific programmes for the urban homeless date back to 1992, when the Ministry of Urban Development, Government of India, introduced 'The Shelter and Sanitation Facilities for the Footpath Dwellers in Urban Areas' Programme with an objective to 'ameliorate the living condition and shelter problems of the absolutely shelter-less households till such time as they can secure affordable housing from ongoing efforts of state housing agencies'. This scheme was renamed as 'Night Shelter for Urban Shelterless' in 2002. The scheme was limited to the construction of composite night shelters with toilets and baths for urban shelterless. This scheme was withdrawn in 2005 because of poor utilization of funds.
- 1.2 The Commissioners of the Supreme Court in the writ petition 196/2001, brought to the notice of the Supreme Court vide letter dated 13 January 2010 the appalling conditions of severe denial of the right to food and shelter of people living on the streets in Delhi, especially in the context of extreme cold weather that threatened their fundamental right to life.
- 1.3 Recognizing their intense vulnerability, denial of rights and extreme poverty, the Supreme Court directed the Central and State Governments to provide permanent 24-hour homeless shelters in 62 cities (in a phased manner). The order emphasized that for every one lakh urban population, facilities for shelter and allied amenities must be provided for at least one hundred (100) persons and the shelters are to remain open 24 hours a day and 365 days a year. It was also directed that the shelters for the homeless should have basic amenities including mattresses, bedrolls, blankets, portable drinking water, functional latrines, first aid, primary health facilities, and de-addiction as well as recreation facilities. 30% of the required shelters should be special or recovery shelters for single women, the mentally challenged, the elderly, and other vulnerable groups. The Supreme Court has been regularly reviewing (Through the petition W P (C) 55 and 572 of 2003) the implementation of its directions for the urban homeless by all state governments, since then.
- 1.4 In 2013, the Shelter for Urban Homeless (SUH) Scheme was launched under the National Urban Livelihood Mission (NULM) later renamed as Deendayal Antyodaya Yojana (DAY). This scheme has acknowledged the contribution of the urban homeless to urban economies and sought to provide permanent shelters equipped with basic services for the urban homeless because the urban homeless reside in the cities with no access to basic public services like food,

water, health, education, sanitation, shelter and social security protection.

1.5 Overall, there has been a discontinuity in the programmes implemented for the urban homeless in the country, therefore, in an effort to ensure continuity and sustainability of the programmes for the urban homeless; Government of India should evolve NPUH 2021.

2. Recognition

2.1 To acknowledge the contributions of the Homeless population in a city, 3 Indian States; Andhra Pradesh, Tamil Nadu and Maharashtra have declared 10th October as World Homeless Day in 2019. This Policy pushes for each state to adopt the same and ensure awareness campaigns about the lives and contributions of the Homeless are held on that day, along with organising certain programmes for the Homeless too.

3. EXPANDING THE UNDERSTANDING OF HOMELESSNESS

1. Shelter Homes

- 1.1 The National Policy for the Urban Homeless also needs to be soundly rooted in theories that view Homelessness not only as a housing or accommodation based issue, but also acknowledge its structural and social roots. Further, the National Policy needs to acknowledge the importance and contributions of the Homeless population in a city, to de-stigmatise the perception others hold towards them. The Policy should uphold a rights-based understanding of the issue of Homelessness and regard the Homeless as equal citizens of this nation. Focusing on ensuring that their rights are not sidelined in the name of development of the city. They are equal shareholders in a city and their development is a part of it too.
- 1.2 To ensure this the policy needs to take into account the reasons for homelessness and the types of homelessness. Homelessness is not a passing phenomenon that is only caused due to natural calamities, it is due to many push factors that lead to people leaving behind their homes to come to cities. The reasons for homelessness differ according to various sections of this population, in studies, it has been found that violence is one of the major causes for homelessness amongst women, persecution and social banishment is one for people belonging to the LGBTQIA+ community. Similarly, demolitions, forced evictions, communal rights, wars, lack of proper rehabilitation after big developmental plans are some of the other reasons that cause homelessness. In all this, the fact that is highlighted is that being homeless is not a conscious choice rather an action that is coerced at many levels.
- 1.3 The National Policy also needs to adopt an intersectional lens that sees the issue of Homelessness from multiple tangents. Its correlation with social exclusion faced by different groups, poverty, caste and class differences, lack of proper homes (not only housing), historical stigmatisation and criminalisation. Only then can this Policy holistically represent the concerns of the Homeless Population. FEANTSA developed a four-fold quality-oriented definition to both define the condition of homelessness and evaluate its extent, it classified homelessness as rooflessness (i.e. sleeping rough); houselessness (i.e. living in institutions or short-term 'guest' accommodation); insecure accommodation; and inferior or substandard housing. Such a definition not only expands the understanding of Homelessness but also underlines its degrees. The current definition by which the NULM functions heavily relies on "accommodative" language. B. Cooper (1995) had called such approaches "accommodation oriented" and thus limiting

the understanding of homelessness to not having a house or being houseless. He discussed the ideas of relative homelessness, wherein a person may have a shelter but not have a home, and absolute homelessness, when there is neither access to shelter nor the elements of a home.⁶ This again expands our understanding of Homelessness and to exemplify it, most women who have left their homes due to domestic violence are forced to be homeless. Here, there is a dynamic element in which their condition of homelessness is sporadic and thus more nuanced. This needs to be dealt with detailed structural changes rather than just a simple provision of shelter homes. Such an understanding should be a part of the Policy to address such fluidity.

1.4 Thus the aim of this Policy Draft would be to ensure that Homeless are acknowledged as workers in the city (City-Makers)⁷ and their contribution given its due credits and at the same time, leaving behind the Shelter Home focused approach of the NULM and expanding the policy to address the issues of the housing continuum, entitlements, access to basic services, social justice, treatment as equal politically conscious citizens of this nation and also social welfare. And this policy will ensure that those homeless people who aren't engaged in working due to ill health, advanced age, will be provided additional assistance from the state to uphold their rights as equal citizens.

Brian Cooper (1995), Shadow People: The Reality of Homelessness in the 90s', Sydney: Sydney City Mission

⁷ Indu Prakash Singh. 2016 & 2017. CityMakers: Tribulations & Triumphs: A Saga of Heroic Struggle of the Homeless Residents of India. New Delhi: Mukul Prakashan. P.74

4. KEY FEATURES

Keeping in mind the gaps identified before in the perception of homelessness and the direct actions done for it by the government and the need to adopt a holistic understanding of it, the following key points will be addressed and emphasised in the Policy:

- Secure and tenure free housing (housing continuum) as a Basic Human Right should be the end goal of the intervention.
- Shelter as a revolving door and resource centre for the homeless.
- A comprehensive and inclusive definition of "Homeless" and a holistic understanding of homelessness
- Ensuring legal coverage under concerned Acts (Supreme Court of India's Exemplary Orders, UN Charters, Conventions, Covenants, Declarations, Committee recommendations, etc.) and convergence of government policies and entitlements.
- A comprehensive allotment of land for Shelter Homes and a process for Budgeting.
 Upkeep and viability of the Shelter Homes
- Rescue, Rehabilitation, Reintegration and Referral
- Committed Monitoring, Evaluation and Grievance Redressal Mechanisms that includes the stakeholders too

5. PREAMBLE

- The National Policy for the Urban Homeless (NPUH), 2021, strongly derived from Article-21 of the Indian Constitution, will adopt a just, humane, and equitable rights based approach towards ending homelessness.
- The policy acknowledges the contribution of the urban homeless to the local economy that is often being ignored because of the stigma attached to homelessness.
- The policy also recognizes the multi-dimensional vulnerabilities that the urban homeless faces because of non-access to basic facilities like food, clothing and shelter.
- It proclaims the housing continuum as a Basic Human Right and stresses its importance to uphold the ideals of equality and justice of our constitution. It emphasizes the role of regarding homeless people as equal citizens of this country and demands for them swift redressal of their violated rights.
- Underlining the importance of regarding homelessness as a lens and homeless people as key beneficiaries in all public policies, schemes and plans is a goal for this Policy.
- The inclusion of their interests and grievances even in city planning is of utmost importance, to create an urban landscape that is not only assistive but also assimilative of its homeless population both in shelter homes and on the streets.
 The policy envisions a cityscape that acknowledges this population group as an active part of its functioning and has its public spaces open to them.
- This policy also pushes for public recognition of this community through awareness drives and educational materials that highlight the role and state of the urban homeless in schools and colleges.
- Therefore this policy seeks to evolve guidelines for the Central and State Governments to -
 - I. Work towards housing continuum to ensure that every homeless in the country are provided with an opportunity to dignified and sustainable living.
 - II. Recognise homeless people as beneficiaries in all schemes and plans
 - III. Acknowledge the diversity of this community and its multi layered and intersectional needs
 - IV. Promote access to entitlements and convergences of government schemes and laws
 - V. Enable rehabilitation process that leads to socio-economic and political prosperity
 - VI. Ensure sensitive rescue process, and
 - VII. Adopt a holistic and rights based perspective on homelessness

6. OBJECTIVES OF THE POLICY

- NPUH 2021 envisages homeless shelters as the necessary first step for the homeless
 persons towards the fulfilment of their rights to life and shelter in-accordance to the
 Supreme Court Direction. This policy recognizes that homeless shelters are only a
 transit arrangement that will enable the urban homeless to access solutions against
 homelessness.
- Creation of adequate shelters with basic infrastructure facilities and services to the
 urban homeless by facilitating the convergence of various schemes to ensure access
 to their right to food, education, health care, and social security measures. The shelters
 will be primarily responsible for the rescue, reintegration, referral, and rehabilitation
 of the residents.
- 3. The policy also recognizes that shelters will function as a revolving door and will not resort to confinement of the residents of the shelter. The shelter will function as resource centres for those urban homeless residing in the neighbourhood, who are unwilling to stay in the shelters, by enabling them access to basic schemes and services. For such persons unwilling to stay in shelters, programmes such as street engagement initiatives such as soup kitchens, distribution of quality food, clothing, and blankets will be planned for.
- 4. The policy seeks to prioritize and cater to the specific needs of the most vulnerable segment of the urban homeless like the dependent children, elderly, single women, persons with a disability, persons with a psycho-social disability, recovering patients and those involved in vulnerable categories of work like sex work, rag picking and destitute begging.
- 5. The policy aims to use an intersectional lens to find redressal to the nuanced vulnerabilities of the homeless population, to ensure that the stakeholders within this group are recognised and their issues mapped individually and intrinsically to holistically cater to their needs. It also underlines the importance to recognise the homeless as CityMakers and essential players in the urban landscape.
- 6. The policy specifically recognizes the need for setting up de-addiction centres, geriatric care shelters and recovery shelters for the infirm. 30% of the shelters constituted in each state should be exclusively for the vulnerable segments.
- 7. NPUH 2021 recognizes and facilitates housing continuum for the homeless by ensuring access to different forms of housing programmes including transit housing arrangement, group residence programme, rental housing programme or permanent housing based on the specific needs of the person.

8. This policy encourages the States to adopt a State Policy for the Urban Homeless (SPUH) In order to ensure better implementation of the programmes for the homeless, to evolve state-level plans, and to facilitate synergies between schemes and convergence among departments for funding and operation.

7. DEFINITION/TERMINOLOGIES

- 1. For the purpose of this policy and interventions of the Government in the future for the urban homeless, the following definition of "homeless" shall be used in reference to the various types of homelessness that exists.
- 2. The term "homeless means such persons who as individuals or family:
 - 2.1. Does not have a house, either self-owned or rented, or do not have a settled place of stay, or
 - 2.2. Live and sleep in park boundaries, over the bridges, on flyover edges, pavements, at park, railway & bus stations, places of worship, outside shops, over the shop roofs, in hume pipes, inside flyovers, road medians, garbage dumps, river beds, river embankments, near cremation grounds / graveyards etc., over shop roofs, in under passes, FOBs, memorials of eminent people, monuments, and other places under the open sky or places.
 - 2.3 Live in temporary structures including under plastic sheets on the roadside or in pavements, also referred to as pavement dwellers in many states, or
 - 2.4. Spend their nights sleeping in place of works such as shops (including dhabas), factories, construction site, etc.; or spend their nights in/on their means of livelihood such as hand/pushcarts, rickshaw etc.,
 - 2.5. Spend their nights in night shelters, transit homes, home for children, or any short stay home, or in the roadside or on pavements.
- 3. The term "homeless" can include the following types:
 - a. Seasonal Homelessness- This consists of usual families that undertake inter-state and intra-state migration for a few months every year in search of employment.
 - b. Occupational Homelessness- This consists of both inter-state and intra-state migrant families who migrate for a specific job and once the task is completed they move on to another area (possibly even another state) where there is a work requirement.
 - c. Distress Homelessness- This consists of families who have temporarily migrated from the source area because of social ostracization, natural calamities like droughts, earthquakes, and floods, indebtedness or poverty, riots that rendered it impossible for them to continueresiding in the source area. They may choose to either move out of the source area on a permanent or temporary basis or remain in a city for a short period of time, making their homelessness more dynamic.

- d. Nomadic Tribes- These tribal families are nomadic in nature and they do not reside in one particular place but keep moving around. Thus their homelessness is nuanced as it isn't a cultural shift but rather is a symptom of the inaccessibility to any place of residence when they move from one place to another in search of work etc.
- e. Individual Homeless- Migrants (in search of employment came to the city, could have a residence in the source area), Destitute elders, person disowned by their spouses/ children/ relatives, Persons with Disability and Sexual and Gender Minorities. These groups demand the expansion of the definition of homelessness to incorporate the language of violence, sporadicity and fluidity to it.
- 4. NULM uses the term "inmates" to refer to homeless people living inside Shelter Homes, National Policy for Urban Homeless would like to rectify that and in exchange use the term "residents" to refer to the homeless people living in the Shelter Homes. "Inmate" is a term that portrays the image of a criminal and confinement, whereas the insistence on using "residents" is to underline the equal shareholders' role of each homeless individual that lives in a shelter home.
- 5. **JURISDICTION** NPUH 2021 is applicable to all the City Corporations, Municipalities and Town Panchayats across the country.

8. LEGAL AND INSTITUTIONAL FRAMEWORK

- 'Safeguarding the interest of weaker sections of society' and 'urban poverty alleviation'
 are the responsibilities of the Municipalities according to the Twelfth Schedule of the
 Indian Constitution introduced by the Constitution (Seventy Fourth Amendment)
 Act, 1992. Therefore it is the primary duty of the Municipalities to provide basic services
 for the urban homeless.
- 2. Therefore, the Ministry of Housing and Urban Affairs will be the apex body for ensuring the right to life with dignity for the urban homeless persons.
- 3. The Urban Local Body (ULB) will be responsible for the implementation of the policy at the State Level and the Department of Municipal Administration/Urban Affairs/ Urban Development will be the Nodal Agency. The District Administration will actively engage with the ULB to ensure access to social security measures for the homeless.
- 4. As the urban homeless also comprises of vulnerable segments including children, women, persons with a disability and mental health issues, denotified semi-nomadic and nomadic tribes, sexual and caste minorities and elderly, the following laws and legal provisions are also relevant for this policy and need to have its implementation at each Shelter Home (refer to Intervention Strategies section for details).
 - a. Maintenance and Welfare of Parents and Senior Citizens Act, 2007
 - b. Protection of Children from Sexual Offenses (POCSO) Act, 2012
 - c. Juvenile Justice (Care and Protection of Children) Act. 2015
 - d. Protection of Women against Domestic Violence Act, 2005
 - e. National Commission for Women
 - f. National Commission for Scheduled Castes
 - g. National Commission for Scheduled Tribes
 - h. National Commission for Backward Classes
 - i. National Human Rights Commission
 - j. National Commission for Denotified, Nomadic and Semi-nomadic Tribes
 - k. National Commission for Protection of Child Rights
 - Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. 1989
 - m. Rights of Persons with Disabilities Act, 2016
 - n. Mental Health Care Act 2017

- o. NALSA Judgement 2014
- 5. The destitute urban homeless for whom there is no scope of reintegration with families should be provided first preference in the short and long-term institutional care provided by the Government under the following schemes:
 - a. SWADHAR Greh (A Scheme for Women in Difficult Circumstances) Ministry of Women and Child Development
 - b. One-Stop Centre Ministry of Women and Child Development
 - c. Working Women Hostel Ministry of Women and Child Development
 - d. Integrated Programme for Senior Citizens Ministry of Social Justice and Empowerment
 - e. Open Shelters Integrated Child Protection Scheme Ministry of Women and Child Development
- 6. Other schemes that are made for marginalised sections within women like sex workers who also comprise a part of the homeless population need to provide preference to the homeless population:
 - a. UJJAWALA: A Comprehensive Scheme for Prevention of trafficking and Rescue, Rehabilitation and Reintegration of Victims of Trafficking and Commercial Sexual Exploitation - Ministry of Women and Child Development
 - b. Matritva Chhaya: Department of Women and Child Development (Delhi Government) in partnership with the YWCA.
- 7. Schemes that exist for strengthening livelihoods amongst the Urban Poor need to have special mention and provisions for the homeless population. This will ensure their sustained growth into more formalised contributors to the economy and also the development of their livelihood skills. These schemes are:
 - a. Stand Up India
 - b. Skill India (already has special provision for women, Scheduled Castes and Tribes need to view homeless population as part of this too)
 - c. National Apprenticeship Programme
 - d. National Rural and Urban Livelihoods Mission existing provisions within for the urban poor need to specifically mention the needs fo the homeless population.
 - e. Support to Training and Employment Programme for Women (STEP)
 - f. Samagra Shiksha Programme
 - g. Deen Dayal Disabled Rehabilitation Scheme (DDRS)

9. INTERVENTION STRATEGIES

1. General

- 1.1 Identification and Mapping of Urban Homeless: To identify the urban homeless various strategies including hotspot mapping based on night visits, night enumeration, street engagement programmes like a soup kitchen, mobile kitchen and information campaigns for the urban homeless can be designed. Helplines for the homeless will be crucial for involving the public in the identification of homeless. The ULBs shall place notice boards in railway stations, bus terminus, markets and other hotspot locations.
- 1.2 Identifying and Allotting Land for Shelters: All the ULBs shall engage in vacant land/unused building mapping to identify spaces available for construction of shelter. Shelters cannot be constructed in Industrial, Recreational, Agriculture, and Water Bodies as per the Urban Development Projects Formulation and Implementation (UDPFI) guidelines. Construction of shelters may be permitted with due permission from ULB/Planning Authorities in Public Use Zones. Shelters are permitted to be constructed in Residential, Commercial zones.
- 1.3 Design and Construction of Shelters: All the shelters should be constructed as per the norms stipulated in the National Building Code. All shelters should provide a barrier-free environment for persons with disability, transgender and the elderly. The shelters will ensure a minimum of 5 square meters per person. Disaster resilient structures should be designed for shelter purposes.
- 1.4 Rescue: All ULBs will be provided rescue vehicle(s) for ensuring timely rescue of the urban homeless, especially those in distress situations. The rescue vehicles will be made available 24*7 with trained two para-medical staff and helper. For rescue of homeless persons with special needs (women, children, the infirm, the elderly and persons with Psycho-Social disabilities, a trained and experienced social worker with medical and psychiatry specialization will accompany the rescue process.
- 1.5 Establishment of Exclusive Department: Each ULB should establish a department exclusively to implement the shelter program. This can be adopted from the model like the Chennai, Tamil Nadu.
- 1.6 Shelters for Urban Homeless
 - 1.6.1 The shelters should be permanent, running throughout the year; and open throughout the day, because many homeless persons may/will have to work for the night

- 1.6.2 Shelters should not be set up in spaces that are used for other purposes. Exclusive spaces should be allotted for shelters so as to ensure safety and security for the residents.
- 1.6.3 Shelters should be allotted proximate to the place of livelihood of the homeless, not exceeding a 3 kilometre radius.

1.6.4 Types of Shelters

- a. Shelter for Men
- b. Shelter for Women including pregnant and lactating mother
- c. Care and Protection Shelters for Children
- d. Shelter for Elderly
- e. Shelter for Transgender and Sexual Minorities
- f. Shelters for Persons with Disability
- g. Shelters for Persons with Psycho-Social Disabilities
- h. Family Shelters
- i. Shelters for Nomadic Tribes in Urban areas
- i. Hostels for Migrant Men and Women Workers
- k. Labour Transit Camps
- I. Shelters for Persons involved in Begging
- m. Recovery Shelter for the Infirm
- n. De-addiction Centre for the homeless
- o. Special Shelters in/alongside Hospitals

1.6.5 Basic Support Services in the Shelters

- a. Nutritious Food and Supplements (For the shelter for the vulnerable groups, the government should provide 3 times meals)
- b. Kitchen and cooking space and necessary equipment such as cooking gas connections
- c. Adequate utensils for cooking and serving
- d. Clothing (no old clothes should be mobilized for the shelters)
- e. Monthly health checkups to be conducted in the shelters and individual health cards should be maintained
- f. Childcare facilities for dependent minor children with linkage with Integrated Child Protection Scheme (ICPS).

- g. Water and Sanitation Facilities (including potable drinking water)
- h. Personal lockers for personal storage space
- i. Regular cleaning and maintenance of shelters
- j. Adequate toilet facilities
- k. Bathing and washing area (as per National Building Code)
- I. Suitable waste management arrangements
- m. Adequate bathing facilities, including running water, water storage cans, buckets and mugs
- n. Cooling, ventilation and heating as per the need of the local area
- o. Adequate lighting for shelter, including emergency lights
- p. Adequate fire protection measures including functional fire exit
- q. Common recreation space with television, reading space, etc.
- r. Parks with swings, see-saw, and other equipment's.
- s. First aid facilities
- t. Pest and vector control including mosquito nets to be installed in the shelter
- u. An open space, either on the ground or the terrace, with additional spaces based on livelihood and storage needs of residents, such as for parking rickshaws and carts, and storing sacks of collected waste for those engaged in waste picking.
- v. Display boards in all shelters with the emergency contact numbers

1.6.6 Rehabilitation

- a. Socio-Economic Rehabilitation: The Socio-Economic Rehabilitation includes availing identification documents, access to bank accounts, access to skill training, employment linkage, livelihood support (entrepreneur programme/credit linkage), education and child-care facilities and access to various social entitlements like Old Age Pensions (OAP), Pensions for Single Women (Widows and Deserted Women) and Persons with Disability.
- b. Psycho-Social Rehabilitation: This includes psycho-social counselling, access to recreation facilities, access to de-addiction centres, facilitating creative therapies and exposure visits for the residents.
- 1.6.7 Reintegration: Possibilities of reintegration with families especially for the destitute homeless should be adopted. The Police Department should work with the ULBs to ensure that this process is undertaken. For those who are to be reintegrated, house visits and the family-counselling process

should be mandatory.

- 1.6.8 Referral to Long-term Institutional Care: Referral to long-term institutional care will be the last option adopted when there are no possibilities to trace the family of the homeless, or in case of non-willingness of the family member they accept the homeless. All ULBs should prepare and maintain a directory for referring destitute homeless for long-term institutional care. The referral will be jointly undertaken by the ULB and the concerned Social Welfare/Social Defence Department of the State.
- 1.6.9 Access to Entitlement: Shelters should be a space for convergence where provisions for various government entitlements like social security, food, education, livelihood and housing schemes be ensured to the homeless persons so that they no longer remain homeless. District Collectors are mandated to provide these entitlements for the homeless through a single-window system. The entitlements for the homeless residents in the shelters should include:
 - a. Birth Certificate, Age Proof
 - b. Old age certificate, widow certificate, and disability identity card to be eligible for pension
 - c. BPL card / PDS ration card / Voter Identity card
 - d. Bank or post office accounts
 - e. Access to Integrated Child Development Scheme (ICDS)/Anganwadi
 - f. Admission to government schools/private schools under Right of Children to Free and Compulsory Education Act, 2009
 - g. Linkage to livelihood schemes
 - h. Linkage with the National Urban Health Mission (NUHM)
 - i. Admission to all public hospitals with free medicines and treatment
 - j. Linkage with Housing Programmes
 - k. Free legal aid
 - I. Any other entitlement as deemed fit for the homeless person by the local ULB
- 1.6.10 Communication Channel between Shelter Homes (intra and inter cities): To accommodate the homeless population that has to move for new work, either within a city or between cities. The Shelters should have a directory with the numbers of the manager of all the Shelter Homes (old and new) in the country, this should be made according to the types of Shelter mentioned above too. This directory will then be used to contact the most suitable Shelter Home to refer the homeless there. This is to ensure that

the migrating homeless person gets accommodation in the Shelter closest to their workplace with full facilities upon arrival to the new place and isn't forced into homelessness once again.

- 1.6.11. Registry and Surveying of the Residents: Shelter Homes need to keep a record of the name, date of arrival and age of the new resident. Further, they should also do a survey of their experiences and issues to identify what proper facilities and assistance the resident requires upon their entry into a Shelter Home. This will highlight the target areas of basic redressals in which each Shelter Homes will differ and be able to provide more focused care.
- 1.7 Initiatives for Homeless not Accessing Shelters: The ULB and the Shelters will function as a resource centre for the homeless who are not willing to access shelters. The homeless persons located in the neighbourhood of the shelters who are unwilling to stay in the shelters should be able to avail services from the shelter including linkage to livelihood measures, entitlement, health care, and housing.
- 1.8 Housing Continuum: All the State Government in their legislation on housing or in their State Urban Housing and Habitat Policy (SUHHP) shall incorporate special provision for housing for the urban homeless. The homeless should be allotted houses in the existing housing initiatives of the Government on a priory basis. The housing programmes should be in proximity to the place of livelihood of the urban homeless.
- 1.9 Diverse transition housing and permanent housing programmes could be introduced for the urban homeless that facilitates both individual and group residence initiatives. Rental housing and working person hostels could also be introduced. Permanent housing based on the specific needs of the person should be explored by the State.
- 2.0 Inclusion of Homeless as Beneficiaries: In all social welfare schemes and policies made by the Government, Homeless persons should be recognised as the beneficiary and given cognisance for the implementation of the schemes and policies for them.

2. Stakeholder Specific

2.1 Acknowledging the Intersections: This Policy acknowledges the intersectional groups that exist within the homeless community and seeks actively to address their issues and find ways for redressal. This portion needs to be implemented in conjunction with the general intervention strategies mentioned above, keeping in mind the definition provided and the legal and institutional frameworks mentioned. For the sake of ease, this section will be mapping intervention strategies for the following stakeholders within the homeless community:

- a. Women
- b. Children and Youth
- c. LGBTQIA+ people
- d. Elderly
- e. Persons with Disability
- f. Persons with Mental Health Issues
- g. Denotified Nomadic and Semi- Nomadic Tribes
- h. Caste and Religion based Minorities
- 2.2 Cross-sections within the Stakeholders: While Policy acknowledges these stakeholders, it also needs to be clarified that these identities are not rigid categories and many cross sections exist within it, similarly, the issues and the intervention required also thus becomes more layered and individual-focused. The Policy underlines the usage of this intersectional lens to identify the individual lives that exist within these stakeholders as well and apply the strategies that best suit the issues of the individual homeless. To exemplify, a transwoman though belonging to the LGBTQIA+ community is also a woman and thus faces double discrimination, similarly, a woman with a disability and mental health issue also belong to the homeless community. Thus is it important to identify the multi-layered vulnerabilities of the individual homeless and thus use specific intervention strategies for their benefit.
- 2.3 Identification and Mapping: The first step before using redressal strategies would be to have accurate pan-India and state-wise data of each category within the homeless population. Starting with their population count, age, caste, religion, education, medical history, family structure. The data collection should take place in a centralised manner alongside the census, in which the impact of schemes and policies of the government is also mapped within this community.

2.4 Women

2.4.1 Identifying the Issues: Initial step would be to acknowledge gendered violence as a root cause and consequence of homelessness amongst women. It is important to have statistics that identify the survivors of gendered violence amongst homeless women both inside and outside shelter homes within the National Crimes Record Bureau's annual work. Safety within and outside shelter homes is another important tangent which along with better access to legal and police aid is required. Focus on their health, especially sexual and reproductive health needs to be looked after (menstruation, PCOD, prenatal care, pregnancy, childbirth and rearing etc).

- 2.4.2 Identifying and Allocating Land: While the NULM guidelines mention the usage of land which is within 3 km of the homeless' workplace and is not being used for other purposes, it is also important to ensure the safety of women residents specifically. Thus the allocation of land for Shelter Homes should be done with keeping in mind the workplaces of homeless women that work as domestic workers, street vendors, sanitation workers etc. Further, the area leading up to the Shelter Homes should be ensured to be well-lit in the evening and with moving traffic to avoid secluded and backalley spaces, which can lead to an unsafe environment.
- 2.4.3 Design and Construction: The architecture of Shelter Homes needs to ensure the safety of the residents. The structure should have facilities for locked rooms and locked entrances, access to bathrooms that are in well-lit and not distant areas from the living quarters and have proper latches on them, the common area which isn't shared by other outsiders or nearby residents of other shelter homes. All this needs to be especially ensured in Shelter Homes specifically for women.
- 2.4.4 Safety: NCRB 2018 annual report highlighted a rise from 2017 of 30% in incidents of sexual harassment of women in shelter homes. Independent newspapers and CSO studies showcase individual as well as particular data to identify not only infliction of sexual violence but also harassment, lack of reporting and justice amongst homeless women both inside and outside shelter homes. Thus safety needs are a major concern amongst the vulnerable groups of homeless. A special unit for the homeless population should be created amongst the Police Departments and a PCR van should be responsible for regular rounds around the area of the shelter homes evening onwards.
- 2.4.5 Health Facilities: Homeless women face discrimination while accessing hospital and other health care facilities, makes their well being a challenge. Certain basic needs that each Shelter Home needs to be equipped with is access to products like sanitary products to ensure hygienic menstruation for all homeless women. Further, it is important to keep in mind the entire reproductive cycle of the women and avail free and professional care. In cases of teen or unwanted pregnancies amongst the homeless women, access to medical counsel and contraceptives should be made available in the Shelter Home. It is important to have regular health check-ups organised in the Shelter Homes with collaboration from community health departments of these health facilities need to have these shelters as their priority with mobile medical vans for the outreach / Mohalla clinics in the shelter complex, like in Delhi.

Further information regarding health care services and schemes needs to be displayed on the display board of the Shelter Homes, for the residents as well as other homeless population to access it. 2.4.6 Legal Aid: In conjunction with the Legal and Institutional Framework portion, it is important to find convergences of the existing laws and schemes to ensure legal aid is available to homeless women. Further, it is important that women have access to legal aid and counselling in the Shelter Home on a regular basis, that not only provide the aid when sought out but also hold legal awareness sessions with them to make them aware of their rights and the legal procedure.

2.5 Children and Youth

- 2.5.1 Identifying the Issues: To get an idea about the magnitude of the issue of children and youth amongst the homeless population, During the year 2016 a total of 63,407 children, during 2017, 63,349 children, and during 2018 a total of 67,134 children have been reported as missing, according to the Report on Missing Women and Children in India by NCRB. This complicates the violence inflicted on these individuals, ranging from trafficking, exploitation and even severe mental health issues. There also exists a lack of clarity in the chain of command for the care of homeless children, which has lead to many times homeless children living away from their families too. This points to the need to construct more family shelters, to ensure that homeless families stay together.
- 2.5.2 Education: The homeless children and youth need to have access to decent and basic education under the RTE Act. Moreover, to supplement that and have a holistic psychosocial rehabilitation of the children and youths, it is important to provide them access to Social-Emotional Learning. This can lead to a better grasp of not only academics but also knowledge of self, emotions, life skills and social abilities, which would make their integration as well as access to other jobs and educational facilities much easier.

2.6 LGBTQIA+ individuals

- 2.6.1 Identifying the Issues: While mapping for the statistics on homeless people who belong to the LGBTQIA+ community, one has to understand the existing stigma surrounding it and thus the lack of willingness to identify as such. But despite this, people who belong to LGBTQIA+ especially transgender persons, have been forced into homelessness due to persecution, denial of their identities, atrocities and gendered violence. Thus the possibility of reintegration with their families is also a bleak possibility, which leads to a need to have long term referral schemes and institutions for such individuals.
- 2.6.2 Basic Support: In Shelter Homes along with health care facilities specifically for transgender persons medical access to professional treatment and care of those who are taking Estrogen or Testosterone Hormone Therapy needs to be provided. Access to medical facilities to deal with HIV/AIDs and other

- sexually transmitted diseases needs to be available in the Shelter Homes. For this, the use of display boards within the Shelter Home and collaboration with local government hospitals is recommended.
- 2.6.3 Legal Aid: In accordance with the NALSA Judgement 2014, the individual should be given the right to self determine their gender and thus be identified as the same by the official records of the Shelter Home and other officials managing it. To ensure that the persons do not face any discrimination or harassment, legal counselling should be provided and access to information and support should be given to the individual to pursue the legal course. Further provisions within the Transgender Persons (Protection of Rights) Act, the demand for any transgender person to be a resident of the district of 12 months before they can apply for to identify as a Transgender citizen, needs to be revoked since it is discriminatory for those who face homelessness and insecure housing.

2.7 Elderly

2.7.1 Identifying the Issues: Abandonment of elder persons due to decreased physical and mental well-being is a reason that forces them into homelessness. Further lack of proper medical care leads to more deterioration. The ambiguity over the number of individuals that belong to this category overlaps into the impact of existing government schemes on this population that provide a pension for elderly and widows under the National Social Assistance Programme, Atal Pension Yojana.

2.8 Denotified Nomadic and Semi-Nomadic Tribes

- 2.8.1 Identifying the Issues: Using the intersectional lens, it is very important to look at the caste-based structure of homelessness. While we do not have Census data to support this, independent study conducted by IGSSS states that about 80% of the total population of homeless in 15 cities belongs to the Scheduled Caste and Tribes and OBC category (35.6, 23 and 21.4% respectively). It is the existing caste discrimination and atrocities that force the community into homelessness. Further existence of laws like the Animal Protection Act, without any proper rehabilitative measures, has criminalised them as well as taken away their traditional livelihood. The cultural lifestyle of the NT-DNT community is such that it is not a cultural shift dealing with homelessness, rather it is the lack of safe structures provided within the city which leads to concerns, thus it is important not only to find ways to let them integrate with their culture in Shelter Homes but also provide alternative safe spaces for them.
- 2.8.2 Documentation: The Shelter Home should be the central point for this, to maintain and map a record of the NT-DNT community in detail. This should work alongside the Shelter Home maintaining a register and record for all

its residents.

2.8.3 Access to Entitlements: Due to their mobile living style, there is a lack of permanent address, which makes it difficult to make government documents. This is especially true for caste certificates and other legal documents (voter ID, address proof) which a large portion of this population does not have access to. This further translates into them not being able to access the social welfare schemes that exist. This can be helped by accounting for the homeless population in the nearest Shelter Home (through maintenance of a record) and thus allowing them to use the address of the Shelter Home for their permanent address until they have been rehabilitated into a tenure free housing.

2.9 Caste and Religion based Minorities

- 2.9.1 Identifying the Issues: As mentioned within the Denotified Nomadic and Semi- Nomadic Tribes section, it is important to view and understand homelessness as a caste-based structure, which needs to have its redressal in connection with anti-caste measures. This is why access to entitlements, education, health care, public spaces and legal aid have to be seen in the context of caste-based discrimination.
- 2.9.2 Legal Aid: Independent news reports and CSO studies highlight cases of caste discrimination within Shelter Homes and how this worsens treatment of homeless persons there. Furthermore, many people are driven into homelessness because of caste-based atrocities, which complicates their reintegration and access to justice. To ensure better representation legal counsel should be available in Shelter Homes. Further as mentioned in the Legal and Institutional Frameworks section, Shelter Homes need to come under relevant laws for protection to the vulnerable groups of homeless (Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989) and have special task forces of relevant National and State Commissions in Shelter Homes. This will ensure coverage of the issues of the homeless alongside the larger discourse.

3.0 Person with disability

- 3.0.1 Identify the Issues: It is important to adopt the Social Model of Disability, recognised by the UNCRPD and Mental Health Care Act and to ensure that all staff and officials dealing with PwD who are homeless well versed with this model of identification.
- 3.0.2 Access to Entitlements: The failure to produce a permanent address and thus not having a PwD certificate leads the homeless individual without the entitlements for a Person with Disability. As mentioned before, this can be tackled by ensuring that their details are recorded in the Shelter HOmes and the address of the Shelter Home acts as their permanent

address. Further to make a PwD certificate, professional medical approval is required too, this should be made available in case a resident requires this. Under existing schemes like Deen Dayal Disability Rehabilitation Scheme, access to special educators, scholarships and aids for education, assistive devices and appliances should be made available.

3.1 Person with Mental Health Issues

- 3.1.1 Convergences: This Policy should work along with the Mental Health Care Act and acknowledge homeless people as one of the beneficiaries in it. It should be made sure that Advance Directives, Nominated Representatives and the involvement of the Mental Health Review Board should be in each Shelter Home to ensure better and professional care for all homeless who have mental health issues.
- 3.1.2 Access to Entitlements: Keeping in mind the Social Model of Disability, access to a professional counsellor and medical personnel should be assured in all Shelter Home spaces with fixed timings. Further the counsellor in the Shelter Homes should also be equipped to provide the homeless person with more information on legal help and connect them with other socio-legal organisations if needed, to ensure that their mental wellbeing is having in tandem with social redressal.

10. FINANCES

1. Shelter Homes

- 1.1.1 Under NULM the budget provided for each financial year should be clearly allotted for each objective mentioned under it. The budget should also be provided on the ULB and urban department level (refer to 1.1.7)
- 1.1.2 Administration: Each ULB shall depute a team of designated and empowered officers for creating a Special Cell that will operate as a resource centre for the urban homeless persons.
- 1.1.3 Infrastructure: The components of financial assistance include the construction of new shelters, refurbishment of old buildings and rental buildings (only in areas where there is no space for construction available).
- 1.1.4 Operation and Maintenance: Budget for operation and management of shelters will be allotted that includes both recurring and non-recurring costs.

 The budget should be flexible to incorporate the cost of living in megacities.
- 1.1.5 Rescue: Special budget provision for a rescue that includes rescue vehicles for the ULB and the staff for the rescue vehicle to be allotted.
- 1.1.6 Budget componen for Rehabilitation/Reintegration/Referral/Outreach activities should be provided.
- 1.1.7 Along with a central budget being prepared, each ULB should be mandated to set aside 1-5% of the money from its Municipal Budget to facilitate the development and maintenance of the shelter homes and also any assistance that can be provided to the homeless population in their area.

2. Stakeholder Specific Needs

- 2.1 Financial Assistance is important for the gaps mentioned before and for the implementation of the specific intervention strategies, this requires the development of a detailed budget for each redressal task as well as connecting them with existing schemes and their budgets.
- 2.2 Monetary facilities should also be kept for data collection or statistical analysis of the homeless population whenever a particular mapping needs to be done for schemes.

3. Awareness and Culture

3.1 The Policy recognises that each individual has the right to community living, which

means that a person has the right to not be separated from their families too. With such an approach community-based rehabilitation should be implemented in all Shelter Homes.

- 3.2 Ensuring the conciliation of their rights needs to come along with reconnecting the homeless population with their cultures. This plays a role in creating an atmosphere of home, within which better rehabilitation, recovery and connections can be formed. To provide this, cultural themed recreational activities and sessions should take place, to not only educate others of their diverse background but also as a way to reconnect with their roots. Local schools, theatre, dance groups and other volunteers can be engaged in this in Shelter Homes.
- 3.3 Awareness drives should be planned within as well as outside the Shelter Homes. Focussing on creating knowledge about the homeless community and its contributions, diversity and problems within the public and specific awareness drives regarding legal right and procedure, medical and health issues, livelihoods options etc need to take place within the Shelter Homes.
- 3.4 Information Boards should be placed by ULBs in prominent public zones that are of frequent access to homeless persons eg. Railway Stations, Bus Stations, Hospitals. These boards should contain the name, address and number of all nearby Shelter Homes, the types of Shelter Homes that exist nearby, emergency services number and any civil society that works in that area.
- 3.5 A 24 hours helpline should be started in the state and the union government, like 1098 Child Helpline.

MONITORING, EVALUATION AND GRIEVANCE REDRESSAL

- 1.1.1 All monitoring and evaluation committees should comprise of representatives from civil society organisations, academicians, experts and representations from community-based groups of the urban homeless
- 1.1.2 Monitoring and evaluation committees should be composed at the national, state, ULB and at shelter level. At the national level, the Department of Housing and Urban Affairs will constitute a monitoring committee to review the function of the shelters across the country and at the state level, a committee headed by the Chief Secretary to the Chief Minister will be constituted. At the ULB level, the Commissioner of the ULB shall be the head of the committee and the District Collector should co-convene the meeting and at the Shelter Level, a Shelter Management Committee shall be constituted. The committees at the National and State Level shall meet twice a year and the committee at the ULB Level shall meet once in three months. The Shelter level committee shall meet once a month.
- 1.1.3 The State Level Monitoring Committee that is constituted based on the directions of the Supreme Court will act as the State Grievance Redress Forum
- 1.1.4 All ULB should have a Grievance Redress Structure in place and the details of this structure should be made available.
- 1.1.5 Every ULB should facilitate a social audit process annually. A compliance report of the social audit process should be submitted to the State Level Monitoring Committee
- 1.1.6 Furthering (1.1.1), all Monitoring and Evaluation activities of these various levelled committees should be done in consultation with civil societies that are engaged in the issue of Homelessness.
- 1.1.7 Within these Monitoring Boards and Review Boards at various levels, the homeless person themselves, or their family members, or an NGO or CSO on the person's behalf can lodge a complaint if the rights of the person are violated and the board has to review it and give an answer within a stipulated time.

About IGSSS

Indo-Global Social Service Society is a non-profit organisation working with the mandate for inhuman social order used on truth, freedom, justice, freedom and equity. Established in 1960, IGSSS works for development, capacity building and enlightenment of vulnerable communities across the country for the effective participation in development.

With its presence in 25 states and one Union Territory of India, IGSSS has set its thematic focus on promoting sustainable livelihoods, energising the youth as change makers, protecting lives, livelihood and assets from the impact of hazards, advocating for the rights of CityMakers (Urban Poor Residents) and developing a cadre of leaders from the community and civil society organisations. Gender and Youth are underlying themes across all its interventions.



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