

Shelters for the Urban Homeless

A Handbook for Administrators and Policymakers



Commissioners of the Supreme Court
in the Case of Writ Petition (Civil) 196 of 2001

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Even while sustaining cities with their cheap labour, urban homeless persons live desperately hard lives with no shelter or social protection. The courage, fortitude and sheer enterprise that allows the homeless to survive on the streets is not recognized or channelized. In placing homeless persons outside the society of 'legitimate urban residents', we are in effect disenfranchising a large, vulnerable population. Both at the level of social attitudes and at the level of development policy, changes are urgently needed.

Shelters for the Urban Homeless: A Handbook for Administrators and Policymakers contains detailed guidelines for setting up shelters as a first-stage arrangement. From here, the homeless can take the initial steps towards a life of dignity, sustain a livelihood for themselves and ultimately move beyond these shelters into permanent housing arrangements. This book is intended to assist senior government officials in establishing and running shelters for homeless people in every city in compliance with the expectations of the Supreme Court of India and Government of India's scheme of Shelters for Urban Homeless.

Commissioners of the Supreme Court were installed by an Interim Order of the Supreme Court in the Writ Petition (Civil) 196 of 2001 with the power to investigate violations of interim orders related to the case, and demand redress. In April 2001, the People's Union for Civil Liberties, Rajasthan had submitted to the Supreme Court a writ petition seeking enforcement of the right to food. The contention in the petition was that the right to food is fundamental for the right to life enshrined in Article 21 of the Indian Constitution. Later the Supreme Court held that the right to "dignified shelters" was a component of the Right to Life.

Cover photograph: Ram Pal Gupta with his youngest daughter and his wife. Gupta is a balloon seller who lives beneath a bridge next to railway tracks in Okhla, Delhi. When this photograph was taken in 2011, Gupta had lived here for seven years.
(Photograph Courtesy Stuart Freedman/ActionAid)

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Preface

Even while sustaining cities with their cheap labour, urban homeless persons live desperately hard lives with no shelter or social protection. They are described variously as homeless, houseless, roofless, shelter-less and pavement dwellers. The Census of India defines 'houseless population' as persons who are not living in 'census houses'. A 'census house' is a 'structure with roof'. Census enumerators are instructed 'to take note of the possible places where houseless populations are likely to live such as 'on the roadside, pavements, in hume pipes, under staircases or in the open, temples, *mandaps*, platforms and the like'.¹ Problems of reliable estimation and clear definition of houseless population are encountered in the surveys conducted for Indian cities.²

The Census in 2001 enumerated 1.94 million homeless people in India, of whom 1.16 million lived in villages, and only 0.77 million lived in cities and towns. However, these numbers are likely to be gross underestimations, as homeless people tend to be an invisible group especially to officials. Their 'invisibility' renders them a difficult grouping to work with, although many have lived for years, sometimes even a generation or two, on the streets and survived. In part, their invisibility results from the fact that they do not have a formal address. In addition, they are rendered anonymous because they usually lack even the elementary markers of citizenship (of poor people) in India like ration cards and voters' identity

¹ *Census of India*, 1991: 64

² *Homelessness* by Asha Habitat <http://www.ashahabitat.com/knowledgebase/pdf/slums3.pdf>

cards. We estimate that at least one per cent of the population of cities is homeless. As over 286 million people now are inhabitants of the country's cities,³ this places the estimate of urban homeless persons in India to be at least around three million.

In 2009, Centre for Equity Studies undertook a study for the Planning Commission, which delved into the social, economic and nutritional situation of urban homeless men, women, boys and girls in four cities - the metropolises of Delhi and Chennai, and the cities of Madurai and Patna.⁴ The study reveals that life on the streets involves surviving at the edge, in a physically brutalised and challenging environment, with denial of elementary public services and assured healthy food. In addition, there is illegalisation and even criminalisation by a hostile State of all self-help efforts for shelter and livelihoods by urban poor residents. There are both grave ruptures - but also continuities - of bonds with their families and communities. There may be somewhat better prospects of livelihoods and earnings than in the countryside, although the study indicates that for urban homeless people, work still tends to remain casual, exploitative and without dignity and security.

Almost in every city in India, homeless citizens have remained more or less completely neglected by local and state governments. Over the past decades, governments have rarely provided to them even minimal essential services necessary for basic survival, such as shelters, to ensure that they do not have to sleep rough under the open sky. Hunger, deprivation and exclusion of homeless persons occur in almost every city of India. Unclaimed corpses, especially during winter, bear silent testimony to the saga of homelessness and exclusion. It is a life of destitution, combined with hunger, intense social devaluation and extreme vulnerability. Although there was a provision for night shelters in earlier plans of the Government of India, even this provision has lapsed due to lack of initiative by state and local governments.

³ *India: Urban Poverty Report 2009* at http://data.undp.org.in/poverty_reduction/Factsheet_IUPR_09a.pdf http://www.undp.org.in/index.php?option=com_content&task=view&id=239&Itemid=322

⁴ *Living Rough*, Centre for Equity Studies, 2009

Homeless people suffer substantial policy neglect not just in India, but also globally.⁵ Various stereotypes are associated with the urban homeless all over the world- including labelling the homeless as criminals, beggars, immoral, parasitic and so on. The courage, fortitude and sheer enterprise that allows them to survive on the streets is not recognized or channelised. In placing homeless persons outside the society of 'legitimate urban residents', we are in effect disenfranchising a large, powerless population. Therefore, both at the level of social attitudes and at the level of development policy, changes are urgently needed.

This handbookbook suggests guidelines for state and municipal governments to give effect to a national programme for shelters and other services for the urban homeless. The program aims to provide permanent homeless shelters and other services for homeless men and women and their dependent children, in all cities and towns, in a phased manner. The Supreme Court of India in the writ petition 196/2001 on 27 February 2012 directed the Commissioners appointed by it, to prepare the draft of this handbookbook and manual.

In her address to Parliament on 16 March 2012, the President of India stressed the importance given by the Government of India to providing basic services to urban homeless people. She declared that, 'The needs of the urban homeless and destitute are of the highest priority for my Government, and I am happy to announce a new scheme called the "National Programme for the Urban Homeless" that would help create a network of composite shelters in the urban local bodies, with adequate provisions for housing and food for the destitute'.

This nation-wide effort gives effect to guidelines of the Supreme Court of India in the writ petition 196/2001.

⁵ Speak, S. and Tipple, G. (2006) 'Perceptions, Persecution and Pity: The Limitations of Interventions for Homelessness in Developing Countries', *International Journal of Urban and Regional Research*, Volume 30.1 March 2006, 172–88

Directions of Supreme Court

The Commissioners of the Supreme Court⁶ in the Writ Petition 196/2001 brought the distressing conditions of people living on the streets of Delhi to the notice of the Supreme Court in their letter dated 13 January 2010. These distressing conditions included denial of the right to food and shelter, especially in the context of extreme cold weather, which in turn constituted a threat to their fundamental right to life. The Supreme Court took urgent notice of this matter and directed the Government of Delhi to immediately provide shelter to all those without shelter. Further, it directed that these shelters must provide basic amenities such as blankets, water, and mobile toilets. Government agencies joined hands to more than double the number of shelters in just two days. This intervention of the Supreme Court led to the saving of several precious lives of the most vulnerable citizens of the capital city.

In their second letter to the Supreme Court dated 25 January 2010, the commissioners informed the Supreme Court of a similar situation of severe denial of the right to food and shelter for people living on the streets in all cities throughout the country. This constituted a grave and persisting threat to their fundamental right to a life with dignity.

On 12 March 2010, they submitted detailed guidelines for states to establish shelters and other basic rights of the homeless. Since then, the Supreme Court has been regularly reviewing the implementation of its directions for the urban homeless by all state governments. The Delhi High Court has also been closely monitoring the situation of the homeless in Delhi. In its most recent hearing, on January 27 2012, the Supreme Court reiterated that the right to dignified shelters was a necessary component of the Right to Life under Article 21 of the Constitution of India.

⁶ NC Saxena and Harsh Mander

The Supreme Court's interventions have been seminal in bringing the need to develop rights based policy and programme interventions for homeless persons to the notice of the public and policy agenda for the first time.

However, although the Supreme Court outlined a set of programmes for shelters and related services, and directed the state governments to implement these, experience of monitoring the actual progress on the ground has not been very encouraging. It highlights low will and capacity to implement the Supreme Court's directions. The experience also underlines the urgent need to develop a national framework and programme to address the issues of the urban homeless population, now reflected in the scheme of Shelters for Urban Homeless (SUH).

Learning from Earlier Government Initiatives for the Urban Homeless

In 1992, the Ministry of Urban Development launched a small programme called 'The Shelter and Sanitation Facilities for the Footpath Dwellers in Urban Areas'. Its objective was 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 implemented through the Housing & Urban Development Corporation Ltd (HUDCO) and covered major urban centres where there was a concentration of homeless persons or footpath dwellers. To start with, the scheme had the following components:

1. Construction of Community night shelters with water supply and sanitary facilities
2. Pay and use toilets/baths
3. Renovation of existing structures, such as market places as 'Night Shelters'
4. Temporary or mobile night shelter of adequate standards based on the justification provided by

state Governments after considering prevailing local factors.

In October 2002, the scheme was renamed 'Night Shelter for Urban Shelterless' and was limited to the construction of composite night shelters with toilets and baths for the urban shelterless. These shelters were in the nature of dormitories/halls with plain floors used for sleeping at night. During the daytime, these halls were available for other social purposes such as health care centres, training centers for self-employment, adult education etc. This scheme was finally withdrawn in 2005 because most State Governments did not utilise the funds allotted to them properly.

It is important to understand why the 'Night Shelter' scheme failed. Some of the reasons for this failure were:

1. The scheme was marginal in profile and importance.
2. Though the scheme had some positive elements, it was not promoted as an 'entitlement' of the homeless. Without such entitlement guarantees and accountability mechanisms, the initiation and implementation of the scheme was left to the state and municipal bodies or agencies designated by state governments, which tended not to give priority to such a programme.
3. The scheme was managed by HUDCO, which, under the supervision of Ministry of Urban Development, was responsible for appraisal, financing and monitoring of the scheme. The Government of India in a sense, did not directly own it.
4. The scheme required taking soft loans from HUDCO, which was not a viable design, because a programme for the most marginalised cannot be expected to raise resources internally to enable repayment. There were efforts to make shops, for instance, in the same complex as shelters. In fact, in most cases, over time the shelters were overtaken by enterprises for commercial use.
5. It was a demand driven programme, based on the demand from local city and state governments, which

rarely came because of the invisibility, powerlessness and stigma that surrounds urban homeless persons.

6. The scheme also did not have strong programme linkages with other elements – the services in the shelters, food and other entitlements. It also lacked clear guidelines for operating on the ground
7. It had extremely marginal allocations, sometimes as low as one crore rupees a year for the entire country! A total of just eight crore rupees were used for 114 projects throughout the country with 17,000 beds during the period of the scheme.⁷
8. There was very little detailing of the design and operation of shelters.

It is hoped that the current effort will avoid the pitfalls of the earlier scheme. There are some positive indications in this direction as the new scheme is mandated under the directions of the Supreme Court. The scheme does not depend on demands from local, city and state governments. Instead, it is now a legal obligation of these governments to implement this basic programme for the most vulnerable citizens of the cities, to protect their fundamental right to life with dignity. The new scheme will be a centrally sponsored programme, adequately resourced, with clear details of vision and design. It is based not on loans, but direct public expenditures. It is located within not just the Constitutional right to life, but as a whole set of citizenship rights – to food, identity, healthcare, education and housing. It also envisages shelters as a first step to help homeless people move into permanent housing.

Permanent Shelters for Urban Homeless People

An urban homeless shelter may be understood as a safe, decent, and secure covered space, which offers to urban

⁷ *People Without a Nation – The Destitute People*, a study done by Ashray Adhikar Abhiyan and ActionAid India, 2004

homeless persons who wish to access it, protection from the elements, space to rest and store their belongings, access to drinking and bathing water, sanitation and allied facilities, and security and safety.

Services for the urban homeless are woefully inadequate in all Indian cities. For instance, prior to Supreme Court's interventions, Lucknow had only one and Chennai only two permanent shelters. In the cities of Patna and Jaipur, there were only a few temporary shelters. Mysore had only one shelter. There were no shelters in Mumbai, Ranchi, Kolkata, and Ahmedabad, among many other cities (Eighth Report of the Commissioners).

Under the guidelines of the Supreme Court, all state and local governments are now legally bound to build dignified permanent shelters for the urban homeless in sufficient numbers and with appropriate facilities, to ensure fulfilment of their rights to life and shelter.

Following up on the Hon'ble Supreme Court's directives, the Commissioners of Supreme Court inputted into HUPAs efforts to develop a national programme for urban homeless. A scheme of 'Shelters for Urban Homeless' (SUH) was been launched in September 2013, and operational guidelines issued for it under the National Urban Livelihoods Mission in December 2013.

Whereas winter is a period of the severest crisis for homeless people, in that it is directly life threatening, all seasons also pose a threat to homeless people. Homeless people are also subjected to continuous violence and abuse. Living in the open, with no privacy or protection, is a gross denial of the fundamental right to a life *with dignity*. It is to defend and uphold their right to a life with dignity, and their rights to food and shelter that sufficient numbers of permanent shelters are required in all cities, in all seasons.

Location of these shelters close to the areas where the poorest congregate—railway stations, bus depots, terminals, markets, wholesale *mandis*, etc., is of critical importance. Proximity of permanent shelters to places of work/

congregation of homeless persons enables them to use and access the services and facilities that a shelter offers. Many occupants of shelters are engaged in work during the nights (e.g. as head-loaders), and thus need shelters to sleep in, during the day. Casual workers also often do not get employment on a daily basis, and so again often need shelters during the days and not just at night. Therefore, entry to the shelters should be open to the homeless all through the day.

This programme must recognize and respect the autonomy and independence of homeless persons and make clear that all shelters are voluntary, and persons staying in them cannot be treated as being in custody; nor can they be forced into shelters. If the shelters really meet their needs in terms of location, amenities, services and treatment, they will voluntarily seek entry into shelters. In many cities, anti-beggary laws are misused to criminalize homeless persons. This must halt. Most homeless persons work and do not beg, and even those who do beg, should not be treated as offenders, but as persons to whom the state must extend social protection on priority. It needs to be remembered that custodial beggars' homes are not homeless shelters.

The destitute population among the homeless - including those who survive by begging, casual sex work, the mentally ill, the elderly, women headed households, persons with disabilities and street children - are often the most invisible, as they hesitate to seek the assistance of hostile officials or police, whom they typically distrust. On account of their perceived illegal existence and invisibility, various social security, food, education and healthcare schemes of the government for the economically weaker sections and the socially disadvantaged groups, still elude homeless persons,.

In addition, public institutions should be encouraged to think of applying innovative approaches to serve the most marginalised. For instance, all major public hospitals could create sufficient and appropriately designed shelters to house families of poor resident patients. Community health departments of all these hospitals should also be organised to provide both outreach and inpatient services to homeless populations.

Permanent shelters, which are established in every city, should be designed not merely to cater to needs of working men, who form the bulk of urban homeless people. They should also house the most vulnerable groups within the homeless populations, such as (a) single women and their dependent minor children, (b) the aged, (c) the infirm, (d) the disabled and (e) the mentally challenged. There should also be recovery shelters for recuperating homeless and their families. Actual break-up should depend on local particularities, and size of the city, and total numbers of shelters.

No child should be turned away from shelters, more so if the child accompanies a homeless parent. Minor children should not be separated from their parent/s. If the child has no adult carer, a separate, protected space may be created for him or her. Taking such a step is especially necessary for boys without adult protection in men's shelters, as well as for other older children. One appropriate form of intervention is to have residential schools for deprived urban children, created under Sarva Shiksha Abhiyan (SSA).

Shelters and a Revolving Door towards a Housing Continuum

Any programme for the urban homeless must envisage homeless shelters as a necessary first step for homeless persons to escape the disaster-like situation in which they find themselves. However, homeless shelters should not be their final destination. The desired solution needs to be decent, affordable social housing. A shelter is only the first point of intervention and cannot replace the right to housing for all. Community shelters are an outcome of the severe backlog of economically weaker and low-income housing, severely neglected by most state governments as well as the central government to date. Beyond the immediate intervention of shelters, a robust housing policy for all (like the Kerala Housing Policy) is a key requirement. There is also a need to address the denial of other rights of the homeless, including their right to food, healthcare, education and employment.

Therefore, any scheme should focus on urban homeless shelters, only as a specific starting element of an overall programme. The programme should have a four pronged approach in the framework of a housing rights continuum in which working homeless people transit from homeless shelters to owning houses and dwelling units.

1. Permanent community shelters with amenities and facilities as outlined in a dedicated scheme
2. Working women's and men's hostels for single working men and women, and labour transit camps for construction workers
3. Rental accommodation of dwelling units
4. Ownership of dwelling units

For the most vulnerable segments of homeless persons, such as old persons without care and mentally ill and challenged persons, there may be a need for long term social protection institutions, but even these should be open and voluntary, and with appropriate services.

Objectives of the Handbook

In order to comply with Supreme Court directions and the Government of India's scheme of Shelters for Urban Homeless (SUH), many state governments felt they needed detailed guidelines on how to plan, establish and run shelters for homeless persons in their cities.

The National Advisor and the Commissioners of the Supreme Court⁸ have therefore developed this guide for planning the location and type of homeless shelters, as well as the management and services that should be provided therein by governments.

⁸ Dr. N. C. Saxena and Harsh Mander were appointed as the Commissioner and Special Commissioner to the Supreme Court. Sandeep Chachra was appointed as the National Advisor, Urban Homeless by the Commissioners of the Supreme Court. The Commissioners were in charge of monitoring the food and employment related schemes in the country. The Commissioners brought to the notice of the Supreme Court in January

The objectives of this handbook are to suggest guidelines to:

1. ensure availability and access by the urban homeless population to permanent 24 hour shelters, in order to address their problems of homelessness
2. create special homeless shelters for specially vulnerable segments of the urban homeless like single women and their dependents, the aged, disabled, mentally ill, and recovering gravely ill
3. formulate structures and frameworks for engagement for development, implementation and monitoring of shelters by state and civil society organisations
4. create convergence with other basic social services and government programmes including food and nutrition, health, social security etc., and ultimately with affordable housing.

This book intends to provide basic guidelines to different state and municipal governments in India for delivering services, beginning with well-equipped permanent shelters for the urban homeless. It attempts to fill the gap that exists because the urban homeless have received scant attention in government policies and programmes so far (which speaks volumes about the denial of their right to a life with dignity). It suggests ways to secure for them their right to dignity, including access to a living space, clean drinking water and food and sanitation facilities. These are bare minimum standards, which have to be followed up by a right to permanent housing, education, livelihood, health etc.

It contains detailed guidelines for setting up shelters for the homeless as a first-stage arrangement. From here, they can take the initial steps towards a life of dignity, sustain a livelihood for themselves and ultimately move beyond these shelters into permanent housing arrangements.

2010 that recurrent deaths were occurring in Delhi not because people are starving but also because they are homeless. This led to the inclusion of the issue of Homeless shelters as a part of the already ongoing Right to Food case (Writ Petition 196 of 2001).

This book is intended to assist senior government officials in establishing and running shelters for homeless people in every city in compliance with the expectations of the Supreme Court of India. This is a work in progress, and we hope to update and improve this handbookbook based on efforts by various state governments, supported by leading civil society organisations.

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Chapter 1

Homelessness in Indian Cities

Introduction

Urban homeless people are invisible in public policy, even though policy makers can see every them every single day, as the policy makers drive on city streets. The homeless live in our cities virtually as non-citizens. Many die un-mourned in the bitter winter cold, the merciless summer heat, or in the monsoon deluge. Life for them is an unremitting struggle against hunger, loneliness and sickness.

A homeless woman said poignantly that her life's greatest wish was for an uninterrupted night's sleep: without the noise of traffic, the glare of street lights, the perils of sexual and physical assaults and the brutality of the police.¹ It is a dream that few among the homeless can realise.

The bitter winter cold often proves to be a messenger of death.² Every bout of severe cold leaves behind corpses of homeless people. However, research by the Commissioners' office revealed that even more people die on Delhi's streets in the summer heat and monsoons than those who are defeated by Delhi's harsh winters.³ The onus lies entirely on the government in building a comprehensive policy to support

¹ Mander, Harsh (2003) 'Surviving the Streets', *Frontline* 20 (10)

² Zaidi, Annie. (2005) 'Homeless in Delhi', *Frontline* 22(01).

³ Letter dated 13th January 2010 from the Commissioners to the Supreme Court stating the conditions of homeless in Delhi.

the city's most marginalised residents, but across the nation, governance amnesia for this segment of most vulnerable citizens has been acute.

A large majority of homeless people sleep on pavements and sidewalks, under ledges of shops and homes, in market corridors, at bus stands and railways stations, and outside places of worship, often in danger of being run over by rash and drunken drivers. In some cities, there seems to be a clear preference among single women to live in shrines, families on pavements and children in bus stands and railway stations.⁴

Urban poverty, even though starkly visible to the makers of policy, has engaged governments in India far less than rural poverty, both in terms of the range of interventions and the scale of financial outlays. Despite evidence of burgeoning urban populations with stubbornly high levels of both absolute and relative poverty, it remains, for the most part, an area of significant and persistent neglect in public policy.

At the bottom of the heap are the urban homeless. The relationship between homeless persons and the state is one of extreme mutual acrimony and distrust. State authorities are distrustful of homeless people as being parasitical, lazy, unhygienic, illegal and largely criminal. Homeless people return the compliment by regarding the government as implacably uncaring, hostile, corrupt and neglectful.⁵

The homeless survive without resisting periodic onslaughts, as they feel profoundly powerless and have nowhere else to go. There is an un-stated de facto hierarchy of citizenship. The legitimate citizens of the city who are deemed to deserve both protection and services from the State are those who live in homes and settled orderly colonies. Those who are too impoverished to afford these, are lesser citizens, with a downward hierarchy of legitimacy - from residents of

⁴ These choices are probably linked to preferred occupational choices and considerations of safety. Mander, Harsh (2007), *Living Rough - Surviving City Streets*, Report of the Homeless Study done in Delhi, Chennai, Patna and Madurai, Centre for Equity Studies

⁵ Ibid

authorised slums, to those that are unauthorised, to those finally who are at the bottom of the heap, the wretched mass of the cities' homeless. To them, the State owes nothing, except to drive them away from the city to which they are seen to have no rights to whatsoever.

This has begun to change only recently, more than 60 years after Independence, under the watchful eye of the Supreme Court of India. After a series of deaths of homeless persons on Delhi's streets in the winter of 2009-10, the highest court of our land stepped in to enforce the rights of these most marginalized persons to a life with dignity.

Definition of Homeless Persons

For the purpose of interventions of the government, the following are understood to be 'homeless':

Persons who do not have a house, either self-owned or rented, but instead

- live and sleep at pavements, parks, railway stations, bus stations, places of worship, outside shops and factories, at constructions sites, under bridges, in Hume pipes and other places under the open sky or places unfit for human habitation
- spend their nights and/or days at shelters, transit homes, short stay homes, beggars' homes and children's homes
- live in temporary structures with or without walls under plastic sheets or thatch roofs on pavements, parks, nallah beds and other common spaces. Within this group, there are multiple degrees of vulnerability. For instance, there are single women, the infirm and old, the disabled and persons who have special needs such as floating migrant populations unable to find labour or food, those involved in substance abuse and patients suffering from debilitating diseases.

Living Rough

Despite their growing numbers and intense and comprehensive deprivations in every city in India, homeless citizens have remained almost completely neglected by local and state governments. Over the past decades, governments have rarely provided to homeless even minimal essential services such as shelters, for their basic survival.

A study was recently undertaken for the Planning Commission of India,⁶ to look into the social, economic and nutritional situation of urban homeless men, women, boys and girls in four cities, Delhi, Chennai, Madurai and Patna. From this study, it is evident that the lived experience of urban poverty, and even more so of urban homelessness, differs in many significant ways from that of rural poverty. Urban living may allow better prospects for livelihood and earning (although the study indicates that for urban homeless people work still tends to remain casual, exploitative and without dignity and security) for the homeless. However, life on the streets usually involves surviving in a physically brutalised and challenging environment, with denial of even elementary public services and assured healthy food. In addition, there is an illegalisation and even criminalisation by a hostile State of all self-help efforts for shelter and livelihoods by poor homeless residents.

Earlier studies⁷ in Lucknow, Delhi and Chennai also point to the near complete invisibility of homeless persons in the development and poverty alleviation programmes, and their continued stigmatization and marginalization.

For their part, homeless families are wary of the government and the middle classes, particularly because both perceive homeless people of any age and gender to be vaguely dangerous and intractably on the wrong side of the

⁶ Ibid

⁷ Study Reports on Homeless of ActionAid India. These include *The Capital's Homeless* (2001), *Basare Ki Kahani — Story of a Shelter* (2002), *Towards Reclaiming Our Humanness* (2003), *Art of Partnership: Networking for the Rights of Homeless* (2004) and *People Without a Nation* (2005)

law. Homeless people are taken as illegal elements, to be weaned out of the city by police and municipal authorities, as trespassers, encroachers and potential petty criminals. Because of this, police brutality and harassment is common among homeless people. Worse still, vagrants, mentally ill itinerants, 'illegal' squatters, and pavement dwellers are all considered 'guilty' of violating penal statutes whose entire enforcement is at the mercy of the police and the junior magistracy. In a study, S. Murlidhar (then a Supreme Court lawyer and civil rights activist, now a judge of the Delhi High Court) observed:

Criminalising the homeless is a serious problem; wandering people of a wide variety can be defined as beggars and powers are given to the police to deal with such persons. Squatting on the pavement is nuisance under the Municipal laws. Creation of nuisance can be penalised.⁸

Across cities, large numbers of homeless people are routinely rounded up by the police and put into preventive detention, beggars' homes, or are just made to shift out from the places they have made their home. This is usually done to fulfil targets of 'preventive detention' under Sections 109 and 151 of the Criminal Procedure Code, 1973. Homeless people then languish for long periods in jail or beggars' homes, because they are too poor, asset less and lacking in access to legal aid and literacy to secure bail. However, rather than brutalising them, it is possible to include the homeless in citizen efforts to safeguard urban areas. They are familiar with the streets they live in, and could identify any strangers or strange objects placed there and inform the police.

Other than their acute need for shelter, homeless persons' daily efforts for survival are hindered at every step by the imposed 'illegality' of their existence. At the heart of the problem are existing laws and policies for regulating urban land and housing rights, which systematically exclude the

⁸ Murlidhar. S. (1991). 'Adequate Housing: From a Basic Need to a Fundamental Right' (Dissertation submitted in partial fulfillment of the degree of Master of Law, University of Nagpur)

poor from building or acquiring legal shelter and exercising their 'rights to shelter'. Behind these laws are attitudes that simply deny the fact it is their labour which has built our cities, runs and sustains them.

In the case of homeless people, two basic documents that are widely perceived as proof of citizenship – the ration card and voter's card - are not available to the overwhelming majority. The reason often cited by authorities is that they lack a permanent address. They mostly also lack birth certificates. Homeless people are therefore denied not only citizenship but also participation in decision making and opportunities for secure tenure and housing rights, credit, education, health care, water and sanitation and a host of other basic services.

Not having any proof of identification and address means not being able to claim Below Poverty Line (BPL) or Antyodaya cards and the other related food schemes. Only one-fifth of the respondents in the Centre for Equity Studies (CES) study⁹ possessed ration cards. The rest had either never been issued one, or had it assigned to their village address, which could not be used once they migrated. Others had lost them in the transition from their native houses. Still others, who earlier lived in urban slums, found their cards invalidated or lost once their slums were demolished, often without prior notice. In any case, the mere possession of a ration card does not assure the homeless any food security. They are often discriminated against at PDS fair price shops. Even if a majority of the homeless are aware of the need for ration cards and voter identification cards, most are rarely able to possess these basic government documents, due to their powerlessness.

Other social assistance programmes such as old age pensions, NFBS (death insurance) and NMBS (maternity benefit) are simply out of the reach of the urban poor. This is either due to their contested citizenship because of lack of permanent address, or due to the lack of political will and

⁹ *Living Rough*, Centre for Equity Studies, 2009

administrative rigour by the government in delivering the benefits to the homeless. In Delhi, for example, no aged, homeless, urban poor person was found to have accessed rice under the Annapurna scheme. In Chennai, only a handful of old homeless people availed of the old age pension from the Government. Others have tried a great deal and ended up frustrated when asked for bribes to avail of their rightful entitlements. Most have given up.¹⁰

In these circumstances, addressing the question of urban homelessness requires an urgent change both at the level of attitude and at the level of development policies and programmes. Actions to change attitudes and develop strong welfare policies might begin with increasing the understanding of the realities of life on the streets, developing policies and programmes with the agency of homeless persons, and building on the cumulative policy and programming experiences globally, particularly in the southern world. Such a trajectory also needs to be enabled by a strong initial programming framework that will allow for the first steps concerning inclusion to be undertaken.

¹⁰ Ibid

Chapter 2

Institutional Arrangements for Shelters and Allied Services

Based on the Fundamental Right to Life under Article 21 of the Constitution, the recent interventions of Supreme Court of India provide a legal framework for new policy architecture for the urban homeless people of India.

The Commissioners of the Supreme Court, in the writ petition 196/2001, brought the appalling conditions of people living on the streets in Delhi to the notice of the Supreme Court in their letter dated 13 January 2010. In this letter, they indicated a denial to the homeless people, of their right to food and shelter, especially in the context of extreme cold weather, which constituted a threat to their fundamental right to life. The Supreme Court Justices, Dalbir Bhandari and K.S. Radhakrishnan took urgent notice of this matter and directed the Government of Delhi to immediately provide shelter to all those who were deprived of them. At the same time, the Delhi High Court also took up the issue *suo moto*. The MCD was directed to draw up a plan to construct 140 permanent shelters for the homeless across Delhi. Further, the Court directed that these shelters must provide basic amenities such as blankets, water and mobile toilets.

Government agencies joined hands and more than doubled the number of shelters in Delhi in the span of two days. The Supreme Court further directed that the shelters be provided basic amenities. This major intervention by the Supreme Court and its implementation by Government

agencies led to the saving of many precious lives of the most vulnerable citizens of Delhi, who were exposed to the deadly winter cold.

On 25 January 2010, the Commissioners wrote a second letter to the Supreme Court, stating that shelters must be equipped with basic services compatible with human dignity. They quoted a study on the quality of the existing shelters for the homeless in Delhi, which had been conducted by the Tata Institute of Social Studies (TISS) on the request of the Commissioners .

The TISS study found that most existing shelters were running in buildings constructed for other purposes such as marriage halls, community halls etc., and therefore were not designed to meet the needs of a homeless shelter. While in three shelters, there were no toilet facilities, even in the rest (14 shelters), the toilets were not clean and there was not enough water. There were no clean beddings in any of the shelters as the contract for beddings had not been finalised by the government. Almost half the centres did not have the facility for adequate and clean drinking water. Other facilities like lockers, were not available in any of the centres. It must be remembered that lockers are of vital importance for the urban poor, because they have no place in the city to store their belongings and savings, and literally have to live with only the clothes on their backs. This pushes them into deeper vulnerability, a vicious cycle of poverty, dispossession and even starvation. The quality of the few shelters that existed in Delhi was found to be very poor, with minimal facilities, which did not meet the requirements of the homeless. This was one of the main reasons for the underutilisation of the existing shelters.

The Commissioners stated that ‘Some shelters are sub-human, barely better than being on the streets. Permanent shelters must be provided for the homeless with minimum facilities such as toilets, drinking water, bedding, lockers, cleaning facilities etc. being available’. Further, the rules in the shelters must be flexible to suit the requirements of the homeless people, such as being open all night and all day

to facilitate use by homeless citizens who have night jobs. The idea of a 'night shelter' or *rain basera* thus evolved in recognition of the needs of homeless citizen workers into a 24 hour, all year shelter. The Commissioners reiterated in this letter that severe malnutrition and hunger were the underlying causes making people susceptible to extreme weather conditions.

They added that these concerns regarding the wellbeing of homeless people in Delhi were equally relevant to people living on the streets in other cities in the country, several of whom were at that time also reeling under severe cold conditions. The Commissioners observed that the response of the governments in all Indian cities to the needs of homeless people was woefully inadequate. For instance, while there were about 20,000 homeless people in Lucknow, the city had only eight temporary shelters and one permanent shelter. There were no official shelters in Mumbai or Patna (or incidentally in many other cities including Hyderabad and Chennai).

On 12 March 2010, the Commissioners submitted detailed guidelines for states to establish shelters and other basic rights of the homeless. In this third letter, they further wrote to the Supreme Court:

Whereas winter is a period of severest crisis for homeless people, in that it is directly life-threatening, all seasons pose threats to homeless people, especially the rainfall. Homeless people are subject to continuous violence and abuse. Living in the open with no privacy or protection for even for women and children, is a gross denial of the right to live with dignity. It is for this reason that the Commissioners are convinced that similar directions as were passed for Delhi to deal with winter need to be passed for the entire country for all seasons, for sufficient numbers of permanent shelters, to defend and uphold the right to life with dignity, and the rights to food and shelter of all urban homeless men, women and children across the country.

Many occupants of shelters are engaged in work during the nights (e.g. head-loaders), and thus need shelters to sleep during the day. Casual workers also often do

not get employment on a daily basis, and therefore again often need shelters during the days and not just at night. Therefore, entry to the shelters should be open to homeless all through the day and night.

The shelter should at minimum provide for basic facilities such as beds and bedding, toilets, potable drinking water, lockers, first aid, primary health, de-addiction and recreation facilities.... The strength per shelter should be a minimum of 100 occupants, because the services will not be viable and optimal with smaller populations. Locations should be close to homeless concentrations and work sites. Some shelters can be established by redeploying existing unused or under-utilised buildings. Others may require new buildings which can be permanent structures or in porta cabin type low cost temporary structures. As stated earlier, the shelters should be permanent, running throughout the year; and open round the clock, because many homeless persons find work in the nights. The minimum space provided per person in each of these shelters should be 3.5 square metres, a standard which we draw from the United Nations High Commission for Refugees¹ for temporary shelters for refugees.

The Commissioners therefore sought a direction to all State Governments/Union Territories in India, 'to build and run 24 hour, year round shelters for urban homeless people, with adequate and appropriate facilities. The shelters must be in sufficient numbers to meet the need, in the ratio of at least one per lakh of population, in every major urban centre (on lines of the ratio prescribed by the Delhi Master Plan). As explained, all shelters for homeless people should be functional all through the year and not as a seasonal facility only during the winters'. They added that whereas over time these services need to be provided in all urban areas, in the first phase it 'should be mandatory for cities with a population of above one million, and other cities and towns identified by the Government of India to be of special social, historical, tourist or political importance.

¹ *Handbook for Emergencies* 3e, UNHCR, 2007, p64

Sixty-two such cities were identified under the Jawaharlal Nehru National Urban Renewal Mission (JnNURM). Central and state governments directed, as a minimum, to provide permanent 24 hour homeless shelters in these 62 cities in the first phase within a period of one year from the order. These shelters should be in the minimum ratio of a shelter with the capacity to house 100 persons for every lakh of population. These were to be operational latest by March 31, 2011.

The Supreme Court concurred and issued a notice to all state governments to respond about facilities that they were providing to the urban homeless. As a result, the matter of providing services to the homeless was taken up at the highest levels of the administration by various state governments for the first time. The Supreme Court passed similar directions asking the state governments and those of union territories to defend and uphold the right to life with dignity, and the rights to food and shelter, of all urban homeless men, women and children across the country.

The interventions of the Supreme Court upheld, in principle, the right to life with dignity of this most vulnerable population, with binding instructions to all state governments to provide fully equipped shelters for the homeless in the ratio of at least one per one lakh urban population. Since then, the Supreme Court has been regularly reviewing the implementation of its directions for the urban homeless by state governments.

Ahead of each hearing, the Supreme Court Commissioners' office, sometimes on its own based on review of progress on the ground, and sometimes through the instrument of joint inspection, has been regularly submitting reports to the Supreme Court to make it cognisant of the developments on the ground in different cities. The Supreme Court interventions have been seminal in terms of highlighting the need to develop rights-based policy and programme interventions for urban homeless people in India.

Hence, the Supreme Court has outlined a set of programmes for the construction of shelters and services and

directed the state governments to implement them. However, there is very little administrative experience and expertise among state and municipal governments about the needs of this specific population. Thus, there is an urgent need for the development of a framework, guidelines and operational programming steps, to address the issues of the urban homeless population. The Supreme Court articulated this need on 27 Feb 2012. While reviewing the progress of the case, the Supreme Court noted that in view of the slow progress of implementation and follow-up in all states, the Court Commissioners, based on their experience, and in consultation with the states, should draw up a programme framework and a clear set of guidelines for the rapid implementation of Supreme Court directions.

Further, in the same order of February 27, 2012, the Supreme Court made a clear link between the right to shelter and Article 21 of the Constitution of India. This article lists the 'Right to Protection of Life and Personal Liberty' as one of the fundamental rights of Indian citizens. Hence, no person should die because of not being able to access a shelter. The notion of 'life' and 'liberty' has a broad meaning under the Article 21. The word life does not only merely mean 'animal existence' but also living with 'human dignity'. In many rulings, the Supreme Court has clarified that the right to life includes the right to live with human dignity, which means that bare necessities of life such as adequate nutrition, clothing and shelter over head, all are included within the provisions of Article 21 (Order dated 23 January 2012 and 27 February 2012). The Supreme Court ordered on 27 February 2012, 'It must be the endeavour of each State to ensure that in compliance of Article 21, the life of homeless people must be properly protected and preserved.'

A brief summary of the directions of the Supreme Court in the writ petition 196/2001 is given in the Annexure to this accompanimentbook.

In the remaining part of the book, we will lay down some guidelines on how to implement the directives of the Supreme Court. These will include guidelines on institutional

arrangements for shelters and allied services, mapping of homeless clusters and available resources, post-mapping implementation planning, as well as complementary services, individual entitlements and the housing continuum.

Institutional Arrangements for Shelters and Allied Services

Planning for permanent shelters and allied services for the urban homeless at the national, state and city levels requires coordination with several line ministries and departments, with urban local bodies, as well as with various social work, health and town planning professionals, homeless collectives, unorganised worker unions and various civil society organisations. Innovative institutional arrangements to enable such wide convergence and coordination do not exist at present, and need to be created. This section suggests some ways in which these institutions may be created at various levels, to be able to plan, implement and monitor programmes for shelters and other services for urban homeless persons.

Throughout this book, where reference is made to state governments, this includes governments of union territories, even when this is not explicitly mentioned.

Coordination and Convergence for Urban Homeless in Central and State Governments

At the central level, there is a need to authorise the Ministry of Housing and Urban Poverty Alleviation (HUPA) and under it the National Urban Livelihoods Mission (NULM), to provide overall leadership to the programme nationally. Technical support could be sought from Housing & Urban Development Corporation Ltd (HUDCO) and where needed, from selected schools of architecture and social work, which are of national reach and reputation.

At the state level, the State/Urban Local Body (ULB) would establish the shelters and operate them directly or through agencies identified by them. The state government should encourage their convergence and dovetailing with similar programmes for homeless that are being carried forward by the State/ ULB.

At the state level, the State Urban Livelihoods Mission, under the NULM will be the nodal body. It should have representation from officials as well as non-officials such as experts from schools of social work, planning and architecture, homeless collectives, collectives of unorganised workers such as head-loaders and construction workers, youth and women organisations, and NGOs with expertise in working with homeless populations.

For the project proposals for shelters, a Project Committee (Project Sanction Committee) should be constituted at the state level under the chairpersonship of Principal Secretary/Secretary in charge of NULM and the representatives of concerned departments in the state. The Project Sanction Committee should consider and approve projects under this scheme. A representative of the Ministry of Housing and Urban Poverty Alleviation should also be a member of this Committee.

The state governments should develop clear guidelines and process flows to promote participatory management systems at the level of the overall city planning and implementation, and for management of each shelter.

Roles and Responsibilities of the Central and State Government and Urban Local Body

The following are the roles and responsibilities of the centre and states with respect to the scheme of Shelters for Urban Homeless:

1. The Central Government would take the larger responsibility in provisioning for capital costs, for example

of construction or costs for refurbishment/ improvement to existing infrastructure and buildings. The Government of India would fund seventy-five per cent of the cost of construction or that of refurbishment/ augmentation where existing infrastructure/public buildings are to be used. The remaining twenty- five per cent would be the contribution of state government. In case of special category states (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Jammu & Kashmir, Himachal Pradesh and Uttarakhand), the Centre State contribution ratio would be 90-to-10. In case funds are provided by other non-governmental sources, the ratio of centre to state resourcing would be still 75-to-25 or 90-to-10, as the case may be. Any cost escalations beyond the proposed date of completion (at the time of project sanction) would be borne by state government/ urban local body.

2. The State Government and concerned local authorities should provide existing infrastructure and unused buildings to be refurbished and redeployed as permanent shelters, where these are available. For refurbishment of existing structures, necessary approvals, lease agreements, ownership deed and such necessary documents will need to be obtained by the state governments for project financing approvals.
3. Where such existing buildings and infrastructure are unavailable, land will need to be set aside for the required permanent shelters. All land for the purposes of construction of shelters will be provided and provisioned for by the state or local governments/Urban Local Body (ULB). For this purpose, the state governments/ULBs must obtain the necessary clearances and approvals prior to preparation of the proposal as cost of land acquisition is not eligible for central funding. For construction of new shelters, central PWD rates applicable to the Region/State Schedule of Rates (SOR) where construction is proposed, at the time of construction, will be used.

4. The costs for running the shelter – operational and management costs will also be provided by the central government in the same ratio (as the construction costs), for the first five years from the date of the start of the project. Central government will provide seventy-five per cent of the operational and management costs (or ninety per cent in case of special category states) and state governments/local bodies are expected to contribute twenty-five per cent (or ten per cent in case of special category states).
5. A total of Rs. 6, 00, 000/- is permissible as operation and maintenance costs per shelter housing 50 homeless persons. These expenditures would be limited to annual maintenance cost (including expenses for electricity and other maintenance costs), annual servicing cost (including cost of upkeep, replenishment of bedding, kitchen and other materials), food cost (restricted to ten per cent of the residents who are old/infirm and cannot pay) and staff salaries (a manager and three caretakers in eight hour shifts). Additional funding requirements may be borne by the State/ULBs, or provided from other sources by the state.
6. Shelter proposals must come from the ULB that initiates the shelter. Each shelter proposal (for approval and finalisation) should also contain the shelter management mechanism including details of the staff, constitution, roles and responsibility of SMC, facilities/amenities being provided at the shelter, operational mechanism, code of conduct for the staff and residents, responsibilities of the shelter inmates, delegation of power to manage/operate the shelter, etc.
7. Each shelter proposal developed by the ULB for the construction and management of shelters would need to spell out the Proposed Date of Completion (PDC) together with all timelines and costing details. A Detailed Project Report (DPR) with all administrative and regulatory clearances should accompany proposals. The project should also clearly state the process to

be adopted for sustaining the shelter after five years of operation with indicative source of funding support for operation and management of the shelter. In this proposal, the mechanism for handing over assets created should be clearly delineated before submission by the ULB.

8. The administration and running of the shelters should be the responsibility of the state governments or ULBs, as decided by respective state governments.

Setting up City Level Management Systems

In every city, the state government should constitute a City Level Empowered Committee (CLEC), or Executive Committee (EC) for this programme. Under the National/State Urban Livelihoods Mission, this committee should look after the planning and overseeing of facilities. It should be run with the participation of municipal authorities, elected representatives, line departments, and non-officials such as experts from local institutions of social work, social sciences, planning and architecture where they exist, homeless collectives, collectives of unorganised workers such as head-loaders and construction workers, youth and women's organisations and NGOs with expertise of working with homeless populations.

Such CLECs would be crucial in overall planning, co-ordination and advance of the programme for urban shelters in any city. They would ensure that the efforts of responding to the shelter needs of urban homeless are not piecemeal and fragmented. Such committees will also be responsible for overall leadership of the city's shelter efforts with respect to the urban homeless.

CLECs would plan, implement and monitor the city shelter scheme. In cities having a population of over a million, the Municipal Commissioner may lead such committees. In other cities, with populations of less than a million,

the District Collector may be given the lead for ensuring the convergence of all relevant departments.

The terms of reference of the CLEC/EC with reference to the programme/scheme of shelters for urban homeless are as follows:

1. Overseeing the planning, coordination and implementation of the programme for homeless shelters and allied services for the urban homeless
2. Approving the locations and buildings in which the shelters will be constructed, the numbers and kind of shelters, and the building and refurbishment of buildings for the homeless shelters
3. Leading on convergence of government services and city efforts for the cause of urban homeless
4. Identifying the agencies for operating the shelters
7. Building the capacities of shelter operators and ensuring regular financial support for running the shelters
8. Establishing effective transparency and grievance redress systems
10. Monitoring and evaluating, including effective MIS systems, and periodic financial, social and quality audits
12. Ensuring individual entitlements to homeless residents of shelters and other homeless persons, including affordable housing and separate shelters for working men and working women.

Chapter 3

Planning for Shelters in the City I

Rapid Mapping of Homeless Clusters and Available Resources

In order to plan systematically the locations, numbers and nature of permanent shelters to be established for homeless populations in any city, the first step is to conduct a rapid mapping of concentration of homeless populations of the city.

Such a mapping is distinct from the detailed head-count survey, which may be undertaken separately later to ensure individual entitlements to each homeless person and household.

Prioritization of cities for building homeless shelters

Shelters for the urban homeless should be permanent all-weather shelters. For every one lakh urban population, provisions should be made for a permanent community shelter. Each shelter should provide for a minimum of 100 persons. Depending upon local conditions two shelters with the capacity of 50 persons each could be constructed. This scheme is planned for all district headquarter towns and other towns with a population of one lakh or more as per the Census of 2011.

However, priority may be given to cities with populations of above ten lakhs and cities/towns of special social,

historical or tourist importance identified by the Government of India/State Governments. In addition, taking into account the requirement of shelters, other towns may be allowed in exceptional cases, on the request of the State.

Rapid Mapping for Planning Shelters and Allied Services

Rapid mapping for the purpose of planning location of shelters is a first step. It is to be undertaken with the following objectives:

1. to provide planners a detailed mapping of concentration areas of homeless populations in each city/town
2. to establish the demographic profile of homeless populations in each city/town
3. to establish the location of shelters, and also the type of shelters needed in each city/town
4. to identify official resources such as land and vacant buildings that can be deployed to provide the required infrastructure for shelters in appropriate locations in each city/town.

The exercise of rapid mapping is an essential first step, and if done well can serve as a sound foundation for all planning and implementation to cater to the needs of homeless persons. However, the experience of the implementation of Supreme Court's directives in different states and cities reveals that so far no such mapping has been undertaken in most cities. As a result, shelters are frequently not located in or near areas of concentration where homeless persons live and work. Instead, they are often established at places far away, where homeless persons find it difficult to go to stay. The programme therefore involves wasteful expenditure of land, buildings and public money, with no real benefits to the urban homeless people.

A rigorously undertaken rapid mapping exercise would yield the following invaluable information:

1. Identification of areas with concentrations of homeless population and their categorisation in terms of high, medium and small
2. Profiling the populations in these concentrations in terms of gender, age, earning vs. dependent, occupational categories and special needs
3. Resource mapping of the identified needs with the current resources (mainly buildings, relevant services and land which are being or can be redeployed for this purpose) available with government or to be provided in the respective locations
4. Identifying the deterrents preventing specific sub-groups of homeless people from using the shelters if available in their location, as well as identifying the aspirations of the homeless for a shelter by various specific sub-groups

Undertaking Rapid Mapping

The Rapid Mapping phase is divided into three steps

a. Planning Phase

The City Level Empowered Committee (CLEC) should lead the process of rapid mapping. The CLEC may be constituted by a dedicated group, coordinated possibly by a senior official with interest and aptitude, local schools of social work, leading NGOs with direct experience of working with homeless people, the Nehru Yuvak Kendra, or any other institutions or persons identified by the CLEC.

The city may be divided into smaller, more compact regions, in line within the administrative set-up of the city, to facilitate coordination with the government at later stages. Survey teams should be constituted for each segment. There may be five teams in a smaller city to fifteen teams or more in a metropolis. Each teams may comprise of around four persons for the field survey. These persons should be a combination of state and local government officials, NGO

representatives, homeless youth volunteers, and student and youth volunteers (such as from the National Service Scheme-NSS and Nehru Yuvak Kendra-NYK). In addition, a team of two data entry and analysis specialists should be attached to each team, totalling up to six people per team. Additional student volunteers can be added to each team to assist and learn from the process. Each survey team should be given a city map.

The CLEC would need to take decisions about the following:

1. Project timelines
2. Methodology for identifying areas of concentration and capacity
3. List of partners assisting in the qualitative as well as quantitative surveys
4. Content and format of report to be submitted
5. List of interview questions for guiding the focus group discussions
6. List of homeless concentration areas based on the qualitative surveys

Prior to the survey, the teams should be trained and oriented on:

- a) the profiles and problems of the homeless;
- b) participatory research techniques;
- c) purpose of the rapid survey;
- d) expected outcomes;
- e) ethical responsibilities.

The orientation should take place in a two-day workshop, based on this manual as well as other Supreme Court guidelines. Orientation material like the current document can be provided a couple of days prior to starting the survey, as material to be read before the training sessions. The training should include the data entry and analysis team, plus volunteers if any.

b. Field Survey: Rapid Mapping and Resource Mapping

Once the city sub-units and trained survey teams are in place, then rapid mapping and surveys may be undertaken using the following steps:

1. Identifying the areas with high concentration of homeless population along with a categorisation of the homeless concentrations in terms of very large, large, medium, and scattered
2. Profiling the populations in these concentrations areas in terms of gender, earning vs. dependent, occupational categories and special needs
3. Broadly identifying the possible buildings and locations that might be used as is, or upgraded to be used as shelters and in some cases be built afresh.
4. Identifying the deterrents preventing the specific sub-groups from using the shelters as well as identifying the aspirations of the homeless for a shelter and allied services as articulated by specific sub-groups

Each survey team should be given one vehicle, and the rapid survey conducted over two weeks to a month. The time of the survey should begin from 8 pm onwards, because homeless people can usually only be identified and contacted at this time. In addition, to cover homeless persons who work during the night, surveys should also be planned for a couple of days during the daytime, i.e. 10 am to 4 pm.

The team will identify groups of homeless persons in numbers of:

- a) 100 or more persons, designated as very large clusters;
- b) 25 to 100 persons, designated as a large clusters;
- c) between 10 to 25 persons, designated as medium clusters; and
- d) clusters of persons numbering less than 10, including scattered individual homeless persons or families.

They will hold focus group discussions with very large and large clusters of homeless persons in order to document

profile and other emergent issues. As far as possible, medium and scattered homeless persons should also be spoken to, and the map should also indicate the locations of all these collections and clusters of homeless people.

The survey may be undertaken over a period of two weeks to one month. The survey should be conducted using focus group discussion methodology as an effective method to obtain the best possible responses from the homeless persons. In the focus group discussions, the questions should be asked based on an indicative list/format focused on the following core areas:

- What is roughly the total population of the homeless cluster including women and children?
- What is the predominant age and gender profile of the homeless population in that cluster?
- What are the predominant occupations undertaken by this homeless cluster?
- Do they have any special needs and challenges, such as disability, leprosy, TB, high drug use etc? Please give details.
- Have the majority of homeless residents been at this location for more than one year, or less? Please specify.
- Do they have access to any shelter? If so, please provide details, and evaluation of that shelter.
- If the government sets up a shelter for them, would they welcome it; oppose it; or be indifferent? Ask for reasons.
- If they were to have a shelter, what would they seek from it in terms of location; facilities; and management?
- Are there any resources available in the vicinity where these shelters could be built? The resources could be in the form of land or building.

This information should be recorded and collated by each team. As a next step, the overall figures for the city or town should be collated. To ensure a faster turnaround, data entry and analysis should happen in parallel with the survey.

The following deliverables are expected out of this process:

1. Conclusion of rapid surveys including focus group discussions
2. Conclusion of quantitative surveys
3. Collated survey results
4. Finalised resource mapping questionnaire for the next stage of resource mapping
5. Determination of shelter locations, types, number of shelters required in an area, plus available resources in terms of land and building

c. Resource Mapping

The next step is to conduct a resource mapping exercise. This process needs around one or two weeks to complete. The resources that this phase of the survey seeks to identify are a) existing shelters; b) unutilised or underutilised government buildings that can be possibly redeployed as shelters after suitable refurbishing; and c) vacant lands that are suitable potential sites for new shelter buildings.

Based on results from the field survey of the mapping process, the local government and municipal officials should be contacted and requested to collaborate with the team. They should be asked to visit the proposed buildings and locations found suitable by homeless respondents as shelter sites. Typically, executive engineers or other officials designated by the municipal commissioner/officer will accompany the survey teams to qualify the available land/buildings at each of the identified locations, as feasible or not feasible, based on government considerations. If such buildings are not available, the teams would need to jointly identify appropriate sites on which the permanent shelters can be built. Preference should be given to shelters with good ventilation, open spaces and a healthy environment. The shelter building designs should be low cost and environmentally appropriate, including (where considered appropriate) the use of prefabricated structures.

In parallel to the process of rapid mapping and resource mapping, data entry and analysis is simultaneously done and updated. At the end of this process, the following deliverables are expected:

1. Field resource mapping survey of all the identified potential buildings and shelter locations
2. Determination of the feasibility of the identified buildings and locations for building/upgrading shelters, along with government agencies
3. Collating results and submitting to concerned urban bodies at the city level
4. Discussions on recommendations to be put forth in the report

d. Reporting and Sharing

Once the results of locations are established, the next step is development and finalisation of a comprehensive city plan. This should include sites for homeless shelters and services, converging on homeless concentration areas and aspirations with available resources, buildings and land. This should be done in a participatory manner, with the involvement of municipal authorities, homeless communities and collectives, schools of social work and architecture, CSOs, NSS and college students etc.

Broad trends emerging from the surveys and focus groups will be identified during step 2 of the above given process (determination of the feasibility of the identified buildings and locations for building/upgrading shelters, along with government agencies) itself. Detailed analysis and report writing will be done in step 3 (collating results and submitting to concerned urban bodies at the city level). There will be regular status update meetings to track the progress.

A time of three weeks should be kept aside for document collation, discussions and report finalisation. This report should then be shared with the local government body as the basis for funding and approval of proposals for each

shelter (women, aged, disabled, mentally challenged and recovery shelters for homeless patients etc.).

The state government, local bodies and other organisations assisting them, should use the report of rapid mapping for the homeless to plan the locations, types and numbers of shelters in each location. The decision on where the men's and women's shelters, and the specialized shelters (such as for aged, disabled and mentally challenged) would be located, and the numbers and mix of types of shelters in each location, would be based on the findings of the rapid survey. The rapid survey feedback should also guide the planning of the services and management systems of the shelters.

At the end of this stage, the following deliverables are expected:

1. Analysis and inferences including homeless concentration areas, profiles, needs and aspirations of homeless populations in each concentration area
2. Report submission with the following minimum arenas:
 - a. Location of shelters
 - b. Types of shelters (working single men; single women and their dependents; special needs shelters such as for drug users, those recovering from grave illnesses, the aged, disabled and infirm)
 - c. Capacity of each shelter
 - d. Facilities and Services to be provided at the shelters
 - e. Resource mapping of needs against existing resources
3. Signed off final report
4. Submission of the data set for the project

Chapter 4

Planning for Shelters in the City II

Post Mapping Implementation Planning

The rapid mapping exercise offers the planners vital information, which is invaluable for detailed planning while creating and running homeless shelters in the city. The information recorded after such an exercise should include the following:

1. How many homeless clusters exist in the city? How many of these are very large (more than 100 persons), large (25 to 100), medium (10 to 25) and scattered (below 10 persons)?
2. What are the locations, gender, age and livelihood profiles of these clusters?
3. Do the homeless access shelters which exist, and if not why not? What are their shelter aspirations?
4. What are the potential buildings and lands where shelters may be built or buildings refurbished?

Based on this information, the City Level Empowered Committee/Executive Committee would be in a position to develop a detailed implementation plan for homeless shelters and allied services for each city and town.

The main features of these plans should include decisions for the following questions:

1. How many shelters will the city have?
2. What will be the locations of these shelters?
3. What will be the mix of working men shelters and

special shelters for single women, families, recovery shelters etc? What services will be provided in each of these shelters?

4. What would be the designs of shelters, both refurbished existing buildings and new buildings?
5. What is the ideal staffing of shelters?
6. Who will run the shelters?
7. Will user costs be imposed on the users of shelters?
8. How should participatory systems of shelter management be developed?
9. What systems of financial, quality and social audits should be introduced?
10. What complementary services such as community kitchens and health services should the shelters offer?
11. What individual entitlements and access to permanent housing arrangements should be organised in the shelters?

This chapter will deal with the questions one to six, and the next chapter will consider the last two questions in some detail.

Numbers of Shelters:

The decision on numbers of shelters to be constructed in any city would depend firstly on estimates of the homeless populations in the city. Many State Governments are relying on census estimates of the homeless populations, or on head counts specially undertaken by state governments or local bodies. However, such estimates are likely to be gross under-estimations, because urban homeless populations are extremely difficult to identify, reach and count for many reasons.

The homeless population is extremely heterogeneous in terms of age group, gender, livelihoods, place of origin and their reasons for living on the streets. It is a group that we can meet only in the evenings or late at night, because what serves after dark as their dwelling becomes with sunrise,

pavements, streets, road-dividers and shopping corridors. The homeless are wary both of government and middle class residents of the city, particularly because both perceive homeless people of any age and gender to be dangerous and on the wrong side of the law. Therefore, to develop with them bonds of trust and communication, the enumerators have to persevere in visiting them over long periods. The homeless are also sometimes of unstable location and may move from day to day to different parts of the city, or even to other cities. They lack a formal address and are rendered anonymous because they usually do not have even the elementary markers of citizenship of poor people in India, like ration cards and voters' identity cards.

These factors lead to low official estimations of homeless people in any city. These head counts are usually conducted over a short period (the census is over in one day and night). They are conducted by enumerators who are usually under-trained and not suitably equipped to persevere and build relations of trust with the homeless people and seek them out in hidden and unexpected locations. Our alternate head-counts by committed and trained researchers working over several nights has revealed that the numbers of homeless persons in a city is not likely to be less than one per cent of the total population of the city.

Therefore, planners should obtain the latest estimates of the city population, and estimate the population of homeless persons to be one per cent of this figure.

Shelters may have the capacity of 50 or 100 residents each. However, because of space constraints in cities, usually the maximum capacity of each shelter is 50. Divide the population of homeless persons to be covered with shelters by the average capacity of each shelter, and we arrive at the minimum numbers of shelters required in the first phase for that city. For example, if the population of a city is one million (or 10 lakhs), the estimated homeless population at one per cent is 10,000. Even if only 15 per cent of this population is covered by shelters, the coverage should be for 1500 homeless persons. If the capacity of each shelter is 50, the numbers

of shelters in that city would need to be 30, or which at least 10 would be special shelters. Cities are free to plan *above* this norm, if there is a perceived need, but these estimations provide a base number of shelters, which each city is legally bound to provide. It is to be noted that if in the first phase, at least 15 to 20 per cent of the urban homeless populations are covered, that will address the most urgent need in the first stage itself. It will also provide the experience further to administrators for evolving the programme of shelters.

Locations of Shelters

The Executive Committee (EC)/City Level Empowered Committee (CLEC) will take the decision on locations of shelters. This decision should be based primarily on the information collected from the rapid mapping process.

As far as possible, and with every effort to make it thus, the location of shelters should be in areas, which are close to their livelihood opportunities/work sites and where there is a concentration of homeless persons, as revealed by the rapid mapping exercise. Experience of work with homeless people countrywide, indeed worldwide, shows that urban homeless persons will access shelters only if these are located in the concentration areas of where they ordinarily reside and work. This is essential, as homeless people choose to live in areas where livelihood opportunities are available for them. It is futile to locate homeless shelters at the periphery of cities, because homeless persons cannot viably reside in locations distant from where they can find work. They are the most vulnerable occupationally; many are casual workers, and must be present every morning at labour *addas* where potential employers can pick them up. Location is critical for street vendors, domestic workers, rag pickers, rickshaw pullers, construction workers, casual sex workers and persons dependent on begging. Hence, shelters should preferably be located close to the areas such as railway stations, bus depots, terminals, markets, wholesale *mandis* (market yards), labour *addas* etc.

However, the final locations of shelters in any city should only be decided after mapping the concentration areas where homeless persons reside and work.

Other considerations for deciding the location of shelters are hygiene, sanitation, ventilation, open spaces and the possibilities of ensuring sufficient water and electricity connections. Certain livelihoods may have special space requirements. Homeless rickshaw pullers may only access a shelter where they can safely park their rickshaws, and rag pickers require a place where they can safely store their bags filled with waste (and where no one objects to the smell of their waste collections). Their acceptance by host communities may also have to be negotiated. Residents of gated communities are unlikely to permit the creation of homeless shelters within their boundaries.

These considerations will have to be converged with the availability of potential public buildings or lands for the shelters, as revealed by the mapping exercise. The mapping exercise should reveal unused public buildings, old shelter homes, infrastructure, as well as land in the areas of concentration of homeless persons. The matching of homeless concentration locations with available buildings and land is the crucial step, which would enable development of a city-wide plan for community shelters and services for homeless populations.

Thus, location of urban homeless shelters should be permitted in residential, commercial, industrial, public, and semi-public use zones. It should be allowed in other use zones also, on special permission by the planning authority/urban local body. If need be, the master plans may be suitably amended to permit construction of such shelters or special permission may be sought from the competent authority.

To whatever extent possible, the issue of land-use for shelters would need to be negotiated by the CLECs in favour of the requirements of homeless residents. At the town planning level, the need for homeless shelters have been identified both by the Urban Development Projects Formulation and Implementation (UDPFI) guidelines, and several

Table 5.1 Land uses wherein construction of homeless shelters is permitted (As per UDPFI Guidelines)

Land use zone	Whether shelters permitted/ prohibited
Residential	Permitted
Commercial	Permitted
Transportation and Communication	Permitted
Public and Semi – Public Use zone	May be permitted with due permission from the ULBs/ Planning Authorities
Industrial	Prohibited
Recreational	Prohibited
Agriculture and Water Body	Prohibited

master-plans (such as in the Delhi master-plan). The UDPFI guidelines mention the land-uses where homeless shelters are permitted or prohibited. (See Table 5.1)

While there is a basic provision for shelters in the planning norms, there needs to be more detail and clarity brought to the issue, so that the urban local bodies can build shelters within their master-plan frameworks.¹ The following actions are required in this context, and the City Level Empowered Committee should take a lead on this:

1. Shelters should be permitted in residential, commercial, industrial, public, and semi-public use zones. They should also be allowed in other use zones, through special permission granted by the planning authority/urban local body.
2. Clear population and space norms should be formulated for shelters at the national level, taking into account different city sizes. These norms should be circulated to all states for incorporation within the master-plans/development plans.

¹ These recommendations are based on suggestions by RK Safaya, Chief Town Planner, HUDCO

3. Based on the above norms and use zone permissions, space for shelters should be reserved in zonal plans/layout plans.
4. Homeless shelters should be permitted near all places that attract large numbers of floating populations, such as transport terminals, wholesale markets, hospitals etc.
5. Incorporating the above suggestions, the UDPFI guidelines should be revised accordingly.

New city level master plans, which are currently being developed or will be developed in the future, should also include provisions for shelter spaces and shelters, spaces for working peoples' hostels and social housing for poor, as part of their design and development.

One major category of homeless persons in many cities is construction workers. The city level plan and CLEC should ensure that the Labour Department enforces labour laws for the construction of decent labour transit colonies as a pre-condition before issuance of work orders in all major constructions. It is estimated that anything between a fifth and a quarter of homeless people in many cities could be accommodated in building companies if contractors built such well-equipped decent labour colonies for their workers. This should be an essential part of any city level shelter plan.

Similarly, in every hundred-bed hospital, railway station and transport department bus terminals, it should be mandatory for shelters to be built for the temporarily homeless populations who may cluster in these locations.

Existing beggars' homes, old age centres run by NGOs, public trusts, or by the ministry of social welfare departments, shall not count as shelters for homeless persons, unless they are fully restructured in conformity with this programme.

Planning the type of shelter and services in shelters

There should be a suitable mix of shelters for men, women and families, and special shelters based on the local homeless population profile, which is revealed by the rapid mapping exercise. The following are the types of shelters that should be constructed:

1. *General*, These are all weather, day-and-night, permanent shelters. Since the maximum population among the homeless is of men, general shelters would primarily cater to single working men, with special facilities available for special groups within, such as recovery rooms for male persons recovering from grave ailments and spaces for the male aged and disabled
2. *Special shelters*. These are also permanent, all weather, day-and-night shelters. At least a third of all shelters in the city should be devoted to homeless people with special needs and build at their location, with design and services catering to their special needs. These will serve urban homeless populations that fall among the following categories: (a) single women and their dependent minor children, (b) the aged, (c) the infirm, (d) the disabled, (e) the mentally challenged etc. Separate shelters need to be set up. Actual break-up would depend on local particularities, and size of the city and total numbers of shelters.
 - a) *Women shelters*: Shelters for the exclusive use of women in terms of location, design, services and support systems, should be designed to cater to the needs of women and their dependent children. In every ULB, no matter how small the populace, at least one such shelter for women should be constructed.
 - b) *Family shelters*: For families living on the streets; family shelters should be provided, with a special design for privacy, with shared common spaces.
 - c) *Other special shelters*: Taking into account special needs for segments of homeless persons, such as old

persons without care, mentally ill, recovering patients and their families etc., special shelters may be provided.

In addition, while planning shelters, we need to keep the following considerations in mind:

1. At least thirty per cent of the shelters in any town should cater to homeless women and their dependents. In every city or town, no matter how small the populace, at least one such shelter for women must be constructed, even if this is not in the population norms.
2. All shelters should be inclusive, in that they should not turn away residents who are disabled, aged, ailing and infirm.
3. For these most vulnerable segments of homeless persons, such as old persons without care and mentally ill and challenged persons, there is need also for long term social protection institutions, but these should be open, dignified and voluntary and be equipped with appropriate services. In all million plus cities of the country, and as many other cities as possible based on the specific population profile, the state government may, in addition to the mandated homeless shelters, build specialised long-stay shelters for groups with specialised needs. These could be old persons without caregivers, the mentally ill who need specialized care and stay arrangements and for drug users and addicts who are in need of de-addiction care and counselling.
4. All major public hospitals should create sufficient and appropriately designed shelters, both recovery shelters for recovering homeless persons, as well as services to house families of poor resident patients. Community health departments of all these hospitals should also be organised to provide both outreach and in-patient services to homeless populations. All

shelters should also accommodate recovering patients and segregate them within the shelters only if they suffer from infectious ailments such as TB. Patients should not be turned away from any shelter.

5. For families living on the streets, in addition to shelter spaces, the state governments are encouraged to provide coverage under social housing programmes such as the Rajiv Awaas Yojana and housing programmes run by state governments. Therefore, shelter spaces for families should be treated as transition spaces in the form of family shelters, until the social housing access fructifies. In such shelters, there should be separate rooms, or segregated spaces for family units, with shared common spaces like toilets and kitchens.

Facilities/ amenities at Shelters

Each shelter should have proper display of legible name boards with their text in Hindi, English and the local language. The address of the shelter should also be written on the board. There should be proper hoardings across the locations so that the homeless are aware of the existing shelter facility. In addition, before the start of any shelter, a full communication campaign should be launched. For this campaign, in addition to newspapers and TV announcements, students and volunteers from amongst homeless persons should be recruited to reach out to homeless persons to communicate the availability and details of the homeless shelters.

Shelters should provide all appropriate facilities for dignified human living. The following facilities must be provided in each shelter:

1. A space of minimum of 50 square feet per person
2. Bed and bedding (blanket, mattress, pillow, bed-sheets) on a use basis, with arrangements to launder these periodically
3. Personal lockers for personal storage space

For each shelter, it will be mandatory to provide the following common facilities:

1. Water arrangements (potable drinking water and other needs) and sanitation with regular running water supply
2. Adequate toilet facilities with a minimum norm of one toilet and bathing space for 12 persons
3. Bathing and washing area with running water, to cater to the needs to all residents
4. Adequate bathing facilities, including running water, water storage cans, buckets and mugs
5. Cooling, ventilation and heating, as per need of the local area
6. Standard lighting for shelters, including emergency lights
7. Adequate fire protection measures, as under guidelines for enclosed public places, with clear and functional fire exits
8. Common recreation space with television, reading space, and so on
9. First aid supplies to cover the total population at the shelter
10. Pest and vector (mosquito) control, with regular fumigation
11. Regular cleaning of blankets, mattresses and sheets, and maintenance of other services
12. Suitable waste management arrangements
13. 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
14. Kitchen/cooking space and necessary equipment such as cooking gas connections
15. Adequate utensils for cooking and serving
16. Child-care facilities, for dependent minor children with linkage to the urban ICDS centres; in case of

more than 10 children, a separate mini anganwadi to be opened at the shelter with attendant facilities

17. Psychosocial counselling, treatment linkages and health services including de-addiction services
18. Referral services and transport facilities in case of health emergency. The shelter should be well linked with the emergency services of the ULBs such as ambulance, police station and fire services. The contact numbers should be well displayed in the shelter
19. Facilitation for convergence with other services such postal address and banking services to serve as transaction address, livelihood and vocational skills and other programmes. The aspects of rehabilitation, which the shelters are expected to facilitate, range from social rehabilitation to employability
20. Linkages with entitlements. Shelters should be a space for convergence and provisions of various entitlements of social security, food and education and healthcare schemes of the government, most of which still elude the homeless, due to their perceived illegal existence. This is dealt with in more detail in the next chapter

Special facilities for women's shelters

In addition to the above facilities, the special shelters for women and children also need to have certain special provisions, which are categorised below:

- a. Protection, security and privacy for women must be ensured. Special care needs to be taken to ensure the security of residents of women's shelters in view of the violence, abuse and exploitation they face on the streets. Such shelters must be separate from men's shelters, with security services where the ratio of women staff to male staff must be high, and women staff must be available to assist residents round the clock.
- b. Psycho-social counselling arrangements must be made available at the women's shelter since most

among the homeless women are victims of domestic violence, sexual abuse and are in need of special care and support. There should also be counselling facilities for dependent children.

- c. Special recreation facilities and activities must be made available, to counter the climate in which badly broken women with low morale and self-esteem enter the shelter. In addition to television, special facilities for recreation, such as some games etc., should be provided.
- d. Training and livelihood support should be provided at all women's shelters. Livelihood counselling could be arranged so that they become self-dependent in the course of time. Training and short-term courses can be started for women. For these, they should also receive a stipend from the government. For example, shelters can be used as food production units, where homeless women within and outside the shelter can form SHGs to supply cooked food to ICDS centres and for school meals. Women can also start small-scale food services that might be used for the specific shelter or for other shelters as well. This can be a means of gaining reasonable employment and esteem.
- e. Linkage with de-addiction centres should be provided. In every city, there should be one de-addiction centre/link for every 10 shelters, with a minimum of one de-addiction centre linkage for women shelters. The de-addiction services will have to be provided free of cost as most people who will be using them will either not want to pay for these services or will not be in a position to pay for them.
- f. Dependent children below the school going age and up to ten years can stay at women's shelters. Crèche facilities should be provided at all women's shelters. For pre-school children, in case the numbers of children at the shelter is ten and above, a separate mini-anganwadi should be set up. Where the number of

children of preschool age is less than ten, there should be linkages with chaperone services to the nearest an-ganwadi centre. Such services will prepare children to enter regular mainstream schooling. School going children must be linked to residential schools with board and lodging facilities.

- g. Legal aid and emergency services should be provided. For the women's shelters in particular, legal support through linkage with CSOs working on legal aid and an active linkage with State legal Aid agency for referral of cases should be provided. For speedy follow up and immediate relief, linkages with the existing Protection Officer of PWDVA, should also be facilitated at the shelter.

Design of shelters (both existing and new buildings) and construction planning

The CLEC should review the homeless mapping results and develop a phased shelter plan for the city based on the following criterion:

1. In Phase 1, shelters will be constructed in those areas for homeless communities where resources in the form of government buildings are available, which can be easily converted to shelters.
2. In Phase 2, priority will be given to establishing new buildings for sufficient numbers of men, women , and special shelters in every city.

In case land or buildings are not directly under the control of the municipal authority of the city, the CLEC will work with various departments to obtain NOCs. The Committee will also work with the government to release earmarked funds for refurbishment and construction of the shelters, and for running costs.

Where existing infrastructure/public buildings are being used, suitable refurbishment and augmentation plans

will need to be developed to meet the requisite service and space requirements. Required Building Fitness Certificate shall need to be obtained from competent authorities, namely:

- The building must be certified structurally safe for human habitation by a competent technical authority. The certificate should be suitably updated periodically.
- The building must have adequate ventilation.
- Windows must be protected with grills, mosquito net and unbroken windowpane.
- The staircases, if any, must have safe railings and stairs in place. The building should be thoroughly cleaned and whitewashed before handing over.
- Every effort must be made to make the shelter accessible for senior citizens and persons with disability.
- The doors have to be broad to enable easy access for the disabled.

Permanent shelters should be designed in an environmentally friendly manner, with a flexibility in design, to cater to local systems and needs. Permanent shelters may be built of concrete or durable and weatherproof alternate structures, with environmental designs and rainwater harvesting, solar heating and lighting facilities. In developing shelter design, state governments are encouraged to promote innovative designs and low cost and energy efficient buildings.

The homeless shelter structure should be safe and secure with a sense of belonging for the inmates. The architectural design of the shelter home should take into consideration the region's weather conditions, so that it provides protection against extreme climate. The infrastructure should have sufficient minimum numbers of toilets, sanitation and waste disposal infrastructure, with adequate supply of water, electricity and safe storages spaces like cupboards and lockers. The building should be bright and well ventilated with adequate windows, doors and grills.

There should be a minimum of one lavatory unit (Indian style) and one bathing unit for 12 persons, with at least one

western style lavatory especially for injured, sick, disabled and senior citizens. All the lavatories and bathrooms should have sturdy flushing system and a temper resistant tap for washing, with assured 24 hours water flow and provision of adequate backup by building overhead tanks. The ventilators and windows should be suitably covered to ensure protection from mosquitoes and protect privacy, without compromising adequate airflow, and the doors should be intact, painted and waterproofed.

The homes must have provision for minimum of 75 litres of water per resident, with specially marked taps for clean drinking water. The shelter homes should be well maintained with all electrical wiring and fitting covered, protected and approved by a trained technical team. There should be adequate number of fans evenly spaced to cover every spot of the shelter with flow of air and, if resources permit, desert coolers. For recreational purposes, there should be a TV (with cable connection) fitted at a common place. The shelters should have clear fire fighting plans and equipment, emergency exit plans etc.

Once the city plan is developed and architectural plans outlined, tenders for construction may be floated, giving priority to labour collectives from slum and street based populations. The CLEC will monitor the construction of the shelters in accordance with defined quality standards.

Staffing of Shelters

Each shelter will have the following minimum staffing:

- *One full time manager.* The responsibility of the shelter manager is overseeing the smooth functioning of the shelter, interfacing with the government, insuring convergence with government and community services, managing reintegration services etc., at the shelter level. Shelters for women will have women managers.

- *Three caregivers, each caregiver in a shift for eight hours.* Caregivers will provide support to the residents and to the manager in mobilising homeless persons, dispute resolution, kitchen management and record maintenance etc. Shelters for women shall have women caregivers.

These staff members will be engaged by the Urban Local Body (ULB) or be resourced through the Shelter Implementation Agency (SIA). Salaries of the staff will be a part of the operations and management cost of the shelter.

While the minimum staffing requirements are outlined above, it is desirable to have additional staff to ensure smooth programming beyond the level of individual shelters. Where more staff is required, or their salary is higher, the urban local body or the state government would have to arrange funds from other sources for the following staffing

- One Coordinator, preferably a trained social worker (overseeing the smooth functioning of the shelter, government interface, convergence with government and community services, reintegration services etc.) who could be responsible for overseeing more than one shelter (maximum three)
- One Social Mobiliser (mobilising homeless as well as community and civil society partnerships) who could be a shared resource between two or three shelters
- Two sanitation staff

Depending on who is responsible for running the shelter, shelter staff may or may not be Government employees. However, budgets for the salaries and functioning of such personnel shall be budgeted and provided by the Government.

Shelter staff must be thoroughly oriented regarding shelter implementation standards, protocols, operational plans and monitoring systems (including the MIS and quality audits). In addition, shelter staff must be oriented with respect to catering to the homeless brought in via the emergency rescue plan. Shelter staff must also be oriented about

how to facilitate referral systems and the linkage of homeless persons with government schemes

Management Agencies for Running Shelters

Operations and management of the shelter/s can be undertaken directly by a ULB or an agency identified by the ULB. Agencies that may be designated as Shelter Management Agency to run the shelters are given below:

1. Homeless persons' collectives
2. Youth and women's community based groups
3. Universities and Institutions.
4. Nehru Yuvak Kendras
5. Unorganised workers' trade unions
6. NGOs and CSOs registered under the Societies, 1860 and Trust Acts or other similar laws of the State Governments
7. Self Help Groups and Committees recognised by the state government/urban local body
8. Resident Welfare Associations
9. Public or private sector companies or associations

It would be advisable to link each shelter with a specific college or high school, so that the students can regularly engage with the residents of the shelters, ensuring quality of the shelters and learning community service.

The management of shelters should be allocated through an open and transparent process. As stated earlier, regardless of the agency that runs the shelters, basic resources for construction, refurbishing, maintenance and staffing, should be provided from public funds as outlined above and can only be supplemented by other sources.

The agency, that is chosen to run the shelter or the ULB (in case it chooses to run the shelter directly), is expected to carry out orientation and identification, training, as well as be responsible for operational management of the shelter. It

is expected that this agency will have the requisite skills and capability to run the shelters.

This exercise should be the responsibility of the CLEC. The CLEC should identify necessary resources for developing capacities of line departments and civil society organisations for running, managing and implementing shelter services. Apart from the shelter staff, capacity development and training programmes should be planned for the following groups separately or in batches, depending upon the size of groups involved, with plans for interface meetings among them.

- *Government representatives:* Concerned state government representatives must be oriented and sensitised to the need for shelters for the homeless, the needs of various homeless groups, implementation and monitoring strategy, budgetary aspects and grievance redressal mechanisms.
- *Urban local body representatives:* ULB representatives must be oriented and sensitised to the requirements of various homeless groups, their need for shelters, the implementation and monitoring strategy, as well as budgetary aspects and grievance redress mechanisms. In addition, they must be familiarised with homeless and shelter identification processes in detail, reporting systems (quality audits And MIS), detailed shelter operational plans including implementation protocols, how to facilitate linkage of homeless persons with government schemes etc.
- *Shelter implementation agencies:* Shelter implementation agencies or youth groups also require to have similar skill sets as ULB representatives.
- *Public health officials, trained health workers associated with the shelters:* Public health officials overseeing the running of hospitals and health centres, as well as health workers assigned duty at the homeless shelters must be oriented with respect to their role in this service.

- *Police and Railway Police:* The local police forces must be sensitised to the needs and rights of the homeless.

User Costs

Homeless persons, as defined under this programme, irrespective of the duration of their stay in city, and without requirement of any identity proof or any other qualification and employment, should be eligible to reside in a homeless shelter created under this programme. They should not be denied access to shelters under any circumstances.

The CLEC would need to take the decision about whether or not to levy user costs on residents of homeless shelters. Our own recommendation is to not charge user costs, because charges for admitting the homeless to shelters should not become a barrier to their entry. However, even if the Committee decides to impose user costs from the perspective of generating ownership of the residents, these should be nominal, and user costs should not be a replacement for welfare (operational and running) costs of the shelters, which must be provided for fully by the government.

The following principles should determine the imposition of user costs by any implementing authority:

1. Only nominal user fee, with the objective of improving the participation of residents should be charged. Full exemptions should apply for the old and infirm/vulnerable (non-working), disabled homeless persons, and single women and their dependents and others with no capacity to pay.
2. Charges collected also should be modest at rates ranging from one tenth to one twentieth of the income of a homeless person. The fund so collected could be used for maintenance of facilities.
3. Meals provided at the centre should be fully subsidised for the old and infirm/vulnerable (non-working),

single women and disabled, and all children. For other shelter residents, meals may be provided at subsidised costs as decided by the state/ULB.

4. Residents should be encouraged to offer services for maintenance of shelter homes including mess facilities, cleaning etc., on a rotation basis (for example, half day service per person per week, based on times adjusted). The shelter manager together with the shelter management committee could evolve norms for these.

Promoting Participatory Management of Shelters

In each shelter, a Shelter Management Committee should be constituted comprising of three permanent shelter staff and four members elected by the residents of the shelter. Given the possibility of shifting populations in the shelters, elections should be held every six months (or earlier if three or four of the elected shelter residents cease to live in the shelter). This Committee will oversee the daily management, upkeep, and cleanliness of the shelter, as well as develop programmes and guidelines for re-integration, discipline and improvement.

In order to promote participation of the people living in the homes and a sense of ownership and control over their place of residence, the Shelter Management Committee should constitute from among the regular residents of the shelter, sub-committees for the following:

1. Health and hygiene
2. Food
3. Infrastructure and maintenance
4. Inductions of new residents
5. Discipline

All residents should be encouraged to offer voluntary services for maintenance of shelter homes including mess facilities, cleanliness etc., on rotation basis (i.e. half day service

per person/week). The shelter Manager should evolve these norms together with caregivers and along with shelter residents and the Shelter Management Committee.

The Shelter Management Agency responsible for running the shelter, in collaboration with the educational institution that is attached to each shelter, should constitute a Shelter Advisory/Support Committee. This committee should comprise of student and college staff volunteers, volunteers from the local community, members of homeless collectives, civil society members or persons who make donations for the shelter. The committee should provide advice and support for improvement of services in the shelter and assist residents to access individual entitlements including permanent housing and eventual re-integration.

Monitoring, Grievance Redressal and Audit Systems

The success of the programme rests on putting in place a robust MIS system, with the monitoring, evaluation and assessment that involve the homeless persons as the key stakeholders. These systems should ensure timely redressal of grievances, timely feedback and corrective action, as well as feedback for mid-course reviews.

The National Urban Livelihoods Mission (NULM) currently finances the scheme of shelters for the urban homeless. Under this mission, an Executive Committee (also called the Empowered Committee for the purposes of convergence/ leadership to this programme) under the chairpersonship of the Municipal Commissioner is required to be constituted to manage the affairs of NULM. At the city level, this EC will be responsible for the review and supervision of the working of shelters. This review and supervision will be done with the participation of community representatives, civil society organizations, line departments and elected representatives etc.

The state level Urban Livelihoods Mission/Urban Local Body and executing agencies are required to report quarterly progress of their respective projects in prescribed form,

indicating the cumulative achievement up to the end of the quarter to report key issues in implementation. These bodies at the state/ULB level shall closely monitor progress of activities/targets under this component, undertake reporting and evaluation on a timely basis, indicating the cumulative achievements and key issues in implementation monthly until the end of the quarter.

In addition, under NULM, a comprehensive and robust IT-enabled NULM MIS will be established for tracking targets and achievements. States and ULBs will be required to submit their progress reports online and may use this tool to monitor progress on the ground. In the spirit of proactive disclosure of information and ensuring transparency under NULM, key progress reports under this scheme of shelters for urban homeless will also be made available in the public domain in a timely manner. In addition, States/ULBs will undertake independent quality evaluation for quality checks on projects being implemented. Apart from these measures, the state government should organise a social audit of each shelter *at least* once a year.

The State/ULB shall prescribe norms and guidelines about the grievance redressal mechanism. In order to make grievance redress a live mechanism, each shelter should maintain the following records:

1. Shelter Asset Inventory Book
2. Attendance Register
3. SMC Meeting Register
4. Personnel Register with Salary Payment Details
5. Guest Register
6. House Keeping Register
7. Health Register
8. Maintenance Register
9. RHA Audit and Accident Record
10. Complaint and Suggestion Register
11. Monitoring and Audit Register
12. Monthly and Annual Report Record

Grievance Redress Systems

All shelters need to maintain a complaint register at the shelter itself where residents can record complaints. There will also be a locked box for those who choose to use it for complaints. The Shelter Manager will be responsible for ensuring that complaints are redressed within a maximum of 15 days of being recorded. However, for complaints which require immediate redress, such as clogged toilets, inadequate bedding and no drinking water, these should be addressed within 24 hours. Details of the number of complaints lodged and the number of complaints redressed must be recorded in the monthly MIS. Registers must be examined at periodic intervals. The Shelter Management Committee will ensure the timely redressal of complaints, and the Shelter Advisory/Support Committee will oversee this activity.

Every City Empowered Committee or Executive Committee (under the chairpersonship of the Municipal Commissioner in million plus towns or District Magistrate in other towns) should designate a Grievance Redressal Officer (GRO) at the city level who can directly be accessed by shelter residents. Her/his role will be to hear the grievances and petitions of the homeless people and dispose of these within 15 days of their being lodged. These grievances could be forwarded in the form of complaints to the Shelter Manager for immediate action. The GRO's office will maintain a complaint register, with details of complaints made and action taken recorded. Residents who record complaints must be provided with an acknowledgement receipt. The Commissioner or head of the municipal body/or district Collector, as the case may be, will act as the first appellate authority. In case their grievances are still not addressed, homeless citizen can approach the Principal Secretary Urban with their complaints.

City police will be oriented to ensure that no homeless person, regardless of whether or not she or he chooses to live in the shelter, is harassed on the street.

Transparency Systems

1. At each shelter, there will be a board that will display the rights and responsibilities of the residents.
2. Information on all funds for the shelter should be presented transparently and displayed prominently.
3. Each shelter shall have a three monthly quality audit by a designated third-party agency, preferably a college. The outcomes and action on the quality audit shall be shared with the concerned line department and ULB.
4. At the city level, all funds, details of shelters, MIS etc., should be placed in the public domain.
5. Help lines and rescue services should be created at the state level and widely publicised at railway stations, bus depots, religious places, schools and colleges. Nodal officers of each department must be named and contact phone numbers should be made available in the public domain.

Quality Audits and Social Audits

Quality Audits: The quality-rating audit will be conducted at the shelter level on a quarterly basis, and at least once annually. Annual social audits have limited use as a feedback mechanism to address quality and other issues. Thus, at the shelter level quarterly audits should be encouraged as "live" feedback and development tools. The audits are expected to be conducted by third party external reviewers, such as universities, independent institutes, civil society organisations appointed for this purpose. These audits should be conducted unannounced. They should be qualitative in nature, adopting methods of observation and interview. Interviews will be held with staff and residents present in the shelter at the time of the audit, separately. Interviews with residents must be closed-door in nature.

The outcomes of the quality audits and actions taken should be shared with the residents, the shelter management and advisory committees, the concerned line department and

the ULB. Audit reports must be made available for public viewing not more than one month after their completion. Items marked for follow-up must be reviewed during the next audit. Action must be taken in case of lapses in follow up.

The quality audits will investigate:

1. Stakeholder satisfaction
2. Utilisation of the shelter
3. Quality of services
4. Financial management and probity
5. Documentation
6. Standard procedures and protocols

After the social and quality audits, there shall be a maximum of two notices for poor quality ratings or failure to comply to the fixed guidelines. If there is a third poor quality finding in the quality audits, the agreement with the Shelter Management Agency responsible for running the shelter will be automatically cancelled and a new agency put in place. In the interim, the ULB will directly run the shelter.

Social audits: State governments should organise a social audit of each shelter at least once a year. This audit should be carried out by users of the services, with large and active participation, supported by schools of social work, reputed organizations and homeless collectives. The outcomes of the social audits should be communicated to the agency responsible for quality audits.

Every shelter should be linked with a high school or college, so that the students can engage with the residents of the shelters, ensuring quality and learning community service.

Chapter 5

Complementary Services, Entitlements and Housing Continuum

Due to their perceived illegal existence, many of the rights that they are entitled to, still elude the homeless. Hence, shelters should be spaces for convergence and provision of various entitlements of social security, food, education and healthcare schemes of the government for the urban homeless. This convergence and provision of entitlements should be available not only to homeless persons who are residents of the shelters, but also to those who sleep outside the shelters but are in their vicinity.

Complementary Services in Shelters

Some of the services, which can be provided to homeless persons from the shelter, include:

Community Kitchens: Each shelter can also be organised as a community kitchen for homeless people. There are different options for community kitchens. One is to assist the residents of the shelters themselves to form a self-help group, and run a contributory kitchen, with some subsidisation by the government to ensure that the prices of meals are affordable. A second option is for the state or urban local government to run a community kitchen from the shelter, which is open not just to the residents, but to all homeless persons who seek to access its services. Food should be wholesome, hygienic, affordable and served with dignity, possibly on the lines of the

Gurudwara *langars*, where people are seated on mats on the floor and served as much food as they want.

Health Centres: Each shelter could also be developed as a sub-health centre, with a multi-purpose health worker providing primary health services to the residents as well as other homeless persons. By linking with community health departments of various public and private hospitals in the city, there could be weekly visits by doctors to each shelter.

Given the acute healthcare needs among this highly vulnerable populace, such a linkage to healthcare facilities is of vital importance. Apart from fully equipped first aid kits that need to be made available at every shelter, active linkages with the nearest hospital would be useful. A trained health worker attached to the nearest government health institution should attend to the health centre in the shelter on a daily basis for fixed periods in the evening. In addition, each shelter should be linked to a local hospital with adequate travel support provided to take sick persons to the hospital. Administration should ensure health care and counselling, with regular periodic visits of doctors, nurses, paramedics, counsellors, psychologists and specialists, as required.

All major public hospitals should create sufficient and appropriately designed shelters, both recovery shelters for recovering homeless persons, and services to house families of poor resident patients. Community health departments of all such hospitals should also be organised to provide both outreach and in-patient services to homeless populations.

Another major linked service for the homeless is the rescue and care service. Such a service provides for city mobile vans with first aid, paramedics, and a widely publicised city helpline to rescue critically ill and abandoned people. Rescue work is critical to ensure the right to life, as critically ill people on the streets if rescued in time, and ensured medical attention and care, have much higher chances of living.

The Rescue and Care Service should run under the overall coordination of the CLEC. A mechanism should be set up for each city drawing from links with existing support

mechanisms run by hospitals, the health department and dedicated social work organisations.

Clothes Bank: Each shelter could also be a place where people can donate second hand clothes, which could be stored, laundered and made available free of charge to destitute homeless persons who require them.

Linkages to Individual Entitlements

Shelters for the homeless should also serve as hubs or locations for various welfare and social security schemes of the government. Such convergence platforms would act as sites of the following:

Convergence spaces of financing for schemes in the future: District Planning Committees shall be encouraged to consider proposals from city level committees for developing these sites and services through various sources like Members of Parliament Local Area Development Scheme (MPLADS), Members of Legislative Assembly (MLA) and local development funds, Jawaharlal Nehru National Urban Renewal Mission (JnNURM) and Rajiv Awas Yojana (RAY).

Convergence sites of pensions, cards, accounts and services: Each shelter should act as a convergence point for all residents to access various services and government programmes such as those listed below. The sole fact that a person is a resident of shelter will be the basis of an identity document, and be eligible for availing any of the schemes and benefits of suitable government programmes. All homeless persons, in shelters or outside them, should be automatically entitled to various individual entitlements listed below, without requirements of additional documents such as address and birth proof:

1. Old age, widows, and disability pensions
2. BPL identification
3. PDS ration cards

4. Electoral cards
5. Bank or post office accounts
6. ICDS services
7. Admission to government schools
8. Rashthriya Swasthya Bima Yojana
9. Admission to all public hospitals with free medicines and treatment
10. Admission against free beds in all private hospitals with free medicines and treatment
11. Linkage to Rajiv Awas Yojana (RAY)
12. Free legal aid

At the level of the programme for the homeless, it should be the endeavour of all concerned, spearheaded by the CLEC, to link and extend the benefits of social security and other entitlements to all homeless persons residing in the shelters and outside them. In particular, the CLEC and EC, led by the Municipal Commissioner or District Magistrate respectively, should facilitate the following linkages:

Entitlements to Identity: All homeless people will be eligible for BPL (Antyodaya Anna Yojana - AAY or Priority) with no other qualifying criteria. The absence of a permanent address should not disqualify homeless persons for Ration Cards, Election Identity Cards, and other citizen entitlements. For these entitlements, the residential address could include the place where they reside, i.e. the pavement, park or the lamp post, indicating the address of the building, place of worship or shop that is located closest to it, or the address of the nearest PDS shop. Responsibility for making these entitlements possible must lie with concerned officials of these departments as these are rights of all citizens enshrined in the Constitution.

Financial Inclusion: Every homeless person should be assisted in opening a savings bank account, or an account in a post office close to her or his place of residence/shelter. The concerned bank and post office staff should not only be sensitized about homeless people and their issues, they should

also be made aware about the Reserve Bank of India's direction on opening a 'no frills account' with just a request letter mentioning their present place of residence, without needing any identity or address proof .

Entitlements to Social Security: All homeless persons above 60 years should be automatically entitled to National Old Age Pensions, with no other eligibility or document requirements. This should also apply to pensions prevailing at any point of time for women headed households (widows/deserted women) and persons with disability. Once again, all homeless persons in these categories should be automatically entitled to these pensions and other social security benefits, with no other eligibility or document requirements.

Entitlements to Health: Health cards and medical insurance schemes should be made available for all the homeless people to avail of free medical check-ups, treatment and medicines. State governments should also issue directions to ensure that the homeless are able to access the free bed quota that is available in private hospitals. Monitoring of these beds and their usage must be done at the state government level and action taken where there is a denial. The Urban Health Missions of state governments can raise a cadre of barefoot doctors and nurses to work on health education of the homeless and identify and bring those who are ill, to hospitals.

Education Entitlements: The concerned departments should conduct enrolment drives to ensure that all children of homeless parents are able to access their right to education by enrolling them in the nearest ICDS Centres and government schools. For those children who are either orphans or without adult protection, residential schools should be initiated under SSA.

Entitlements to Legal Aid: All homeless people by virtue of their vulnerability, loss of entitlements and suffering, are entitled to legal aid. In this regard, whenever the concerned organisations identify the need for such aid, that particular homeless person should be linked to the District Legal Aid Cell under District Legal Services Authority. Homeless women, children and men may be provided with counselling

services. Women who are victims of domestic violence must be given legal aid. Visits by DLSA officials to shelters on a monthly basis can help identify those in need of urgent rehabilitation.

The CLEC will also serve as a nodal body for facilitating partnership with key institutions and facilities. Under the leadership of the city level empowered committee, every shelter will look to enter into partnerships with nearby institutions to make it a nodal centre for facilitating various entitlements for the homeless. Instances of such partnerships will be with institutions like banks for financial inclusion, with hospitals for health interventions, with vocational training and educational institutes etc.

Deaths of Homeless People

There are a number of deaths on the streets in cities across the country that are unaccounted for, and where the cause of death is not investigated. While some of these are caused by accidents or disease, many are also because the poor living on the streets are malnourished and do not have access to sufficient nutritious food. Any death occurring on the streets and any unclaimed body must have a mandatory inquest by an executive magistrate as per Criminal Procedure Code, 1973. All state governments should issue detailed guidelines in this regard.

From Homeless Shelters Towards a Housing Continuum

All shelters must be of a 'revolving door' nature. This means that the shelters will not serve as final destinations, but instead as places of healing and livelihood preparation, to enable the homeless to move out into independent housing, working men's or women's hostels, or old people's homes, in accordance with their aspirations and needs.

As stated earlier, homeless shelters are the necessary first step for homeless persons to escape the disaster-like situation in which they find themselves, but homeless shelters are not their final destination. The homeless people should be made eligible for decent and affordable social housing schemes. The following are some of the possible steps in this housing continuum beginning with homeless shelters:

1. Permanent homeless shelters with amenities and facilities as outlined in this dedicated scheme
2. Working women's and men's hostels for single working poor women and men
3. Labour transit camps for construction workers
4. For the most vulnerable segments of homeless persons, such as old persons without care and mentally ill and challenged persons, there may be need for long term social protection institutions, but these should be open and voluntary, and with appropriate services
5. Rental accommodation of dwelling units
6. Ownership of affordable dwelling units in programmes such as Rajiv Awas Yojana.

Annexure

Summary of orders issued by the Supreme Court in WP 196/2001 on the urban homelessness and shelters issue

1. Supreme Court Order dated 20 January 2010

The Supreme Court order dated 20 January 2010 issued the following directions to Government of Delhi, the Municipal Corporation of Delhi, the New Delhi Municipal Corporation and the Cantonment Board:

1. to set up at least 100 temporary shelters for people living in the streets within one week;
2. to build at least 140 permanent shelters for people living in the streets by December 2010;
3. to set up at least 500 community kitchens across the city and provide nutritious and cheap cooked food;
4. to issue AAY ration cards to all homeless people in Delhi with a validity of at least two months and renewable if they remain homeless in the city by March 31, 2010 and;
5. to file an affidavit to the Supreme Court on steps undertaken to protect the food and shelter rights of homeless people in the City by 15 February 2010.

2. Supreme Court Order dated 5 May, 2010

The Supreme Court order dated 05 May 2010 transmits responses of states to the petition of the OSCC dated 25

January 2010. It demands that the same directions (issued on 20 January 2010 to the Delhi Government Municipal Corporation of Delhi, the New Delhi Municipal Corporation and the Cantonment Board) should be issued to all states and state's agencies working for the homeless. States' and Union Territories' affidavits and responses were positive and some important actions they agreed to undertake are:

1. take a detailed survey on the homeless and respond to their entitlements accordingly;
2. build a shelter per lakh of population in all urban centres and provide basic facilities and amenities such as clean drinking water, light, toilet and provisions for their security;
3. formulate comprehensive policies protecting the rights of the homeless.

3. Supreme Court Order dated 19 April, 2011

After a series of affidavits filed by the states on compliance and progress made on shelter building, the Supreme Court on the hearing of 19 April 2011, ordered that all states have to put in place permanent shelters by 31 October 2011 with all the arrangements on basic amenities in place.

4. Supreme Court Order dated 9 May, 2011

All states were directed to put up night shelters by 15 November 2011. States like Odisha and Jharkhand, which failed to file affidavits by the date of the hearing, were asked to file one before the next hearing. The Supreme Court issued orders to all states that had not yet set up night shelters according to the settled norms to set up night shelters without further loss of time, because even during the summer and monsoon seasons, it was imperative to have night shelters for the homeless people. All the night shelters were to have the basic facilities of drinking water, toilets, bathing, electricity, security and emergency medical check-up.

5. Supreme Court Order dated 18 July, 2011

The status reports of shelters for some selected states such as Maharashtra, Assam, Punjab, Haryana, Uttarakhand, Chattisgarh, Gujarat, Nagaland, Goa, Tripura, Sikkim, Jammu & Kashmir and Kerala were heard. The Bench asked these states to speed up the process of shelter building with all the basic amenities.

6. Supreme Court order dated 20 September, 2011

The Supreme Court directed all state government and Union Territories to inform the public about the availability of the night shelters through print media and electronic media, so that the poor and needy people may avail their benefit.

7. Supreme Court Order dated 12 December, 2011

On the hearing of 12 December 2011, most of the states were seriously lagging behind in setting up of the prescribed number of permanent shelters. Some states like West Bengal, Karnataka and Maharashtra were far behind the required number of shelters. Delhi and Rajasthan were also reported to be lagging behind and in their case, given the severe winter conditions in the northern states, it was a matter of serious concern. All states were asked to put up permanent shelters at the earliest and in their absence, to at least put up temporary shelters only for the winters, to ensure that no homeless persons die due to severe cold.