



National Policy Response to Urban Homelessness: Institute on Global Homelessness Conference, June 1-2, 2015, Ashwin Parulkar, Centre for Equity Studies

# Catalyst for Public Action and State Response to Homelessness

- Media reports of homeless deaths in Delhi led to led to public action in January 2010
  - Delhi High Court takes case suo moto on January 6, 2010
  - Supreme Court Commissioners on the Right to Food file petition with Supreme Court in late January 2010 to include rights of homeless in .
  - Supreme Court Orders cities with populations above 500,000 nationwide to construct 1 night shelter for 100 homeless people per jurisdictions with 100,000 population.
  - Shelters to enable habitable conditions that promote dignified living: mattresses, blankets, water, sanitation, primary health care, drug de-addiction facilities
  - 30% of shelters marked for vulnerable populations (women, aged, infirm)

# Continued expansion of Constitutional Right to Life (Article 21)

‘Article 21 of the Constitution states that no person should be deprived of his life or personal liberty except according to the procedure established by the law. Over the years this court’s jurisprudence has added significant meaning and depth to the right to life. A large number of judgements interpreting Article 21 have laid down right to shelter is included in the right to life. ‘ – Supreme Court Order I.A. Nos. 94 & 96 in WRIT PETITION (CIVIL) No. 196 of 200, January 23, 2012

# Public Interest Litigations expand socio-economic rights of the poor as a means of expanding and deepening democracy

- 'The right to life includes the right to live with human dignity and all that goes with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings. The magnitude and components of this right would depend upon the extent of economic development of the country, but it must...include the bare necessities of life and also the right to carry on ...activities as constitute the bare minimum expression of the human self.' – Francis Coralie Mullin vs. The Administrator, 1981

# PILs enable interpretation of Right to Shelter as inherent to Right to Life over time

- Not explicitly guaranteed in Constitution but several PILs in Courts on behalf of the poor from 1980s onward expanded ambit of right to life to right to humane living conditions, such as in cases of bonded laborers and slum dwellers.
- 2010 Orders first time that acknowledgement of right to shelter as right to life led to positive obligation on the State to provide shelter for the homeless.
- For other key Court decisions please see:
  - ▣ Olga Tellis vs. Bombay Municipal Corporation (right to livelihood as right to life)
  - ▣ Bandhua Mukti Morcha v. Union of India (non-implementation of law banning bonded labour)
  - ▣ Municipal Corporation of Delhi v. Gurnam Kaur (limitations on rights of homeless people to rehabilitation)

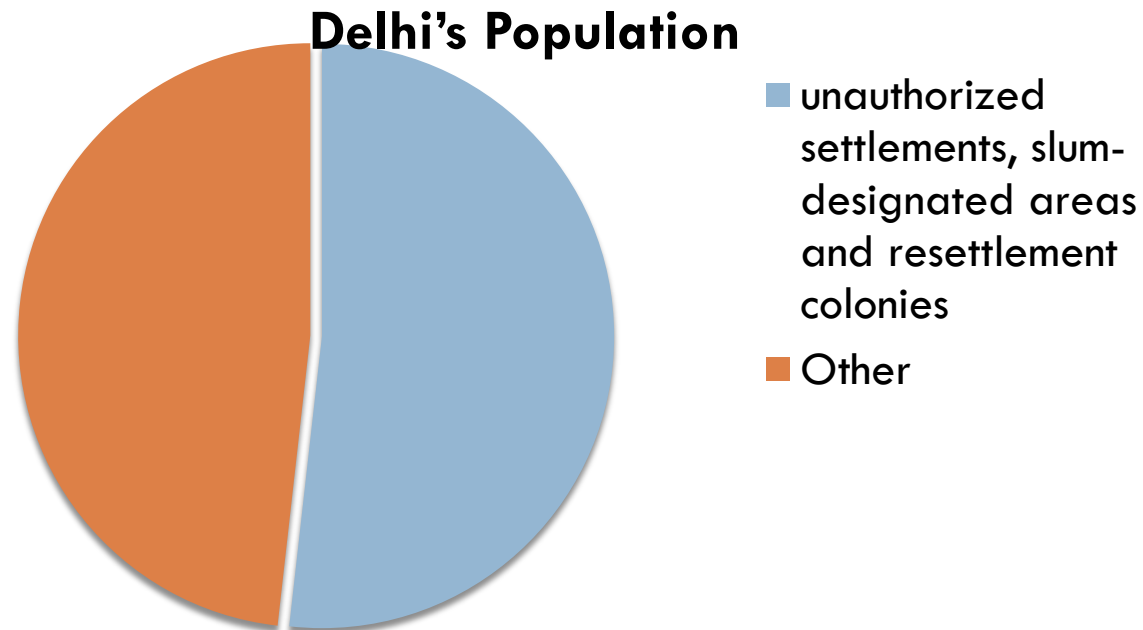
# Translation of Constitutional guarantee into practical policy response

- How many shelters are required?
- How many people comprise homeless population?
  - ▣ Various Estimates:

Delhi Surveys	Estimates
Census (2011)	46,724
UNDP (2010)	67,151
Delhi Development Authority	150,000
Supreme Court Commissioners Office (2012)	131,191

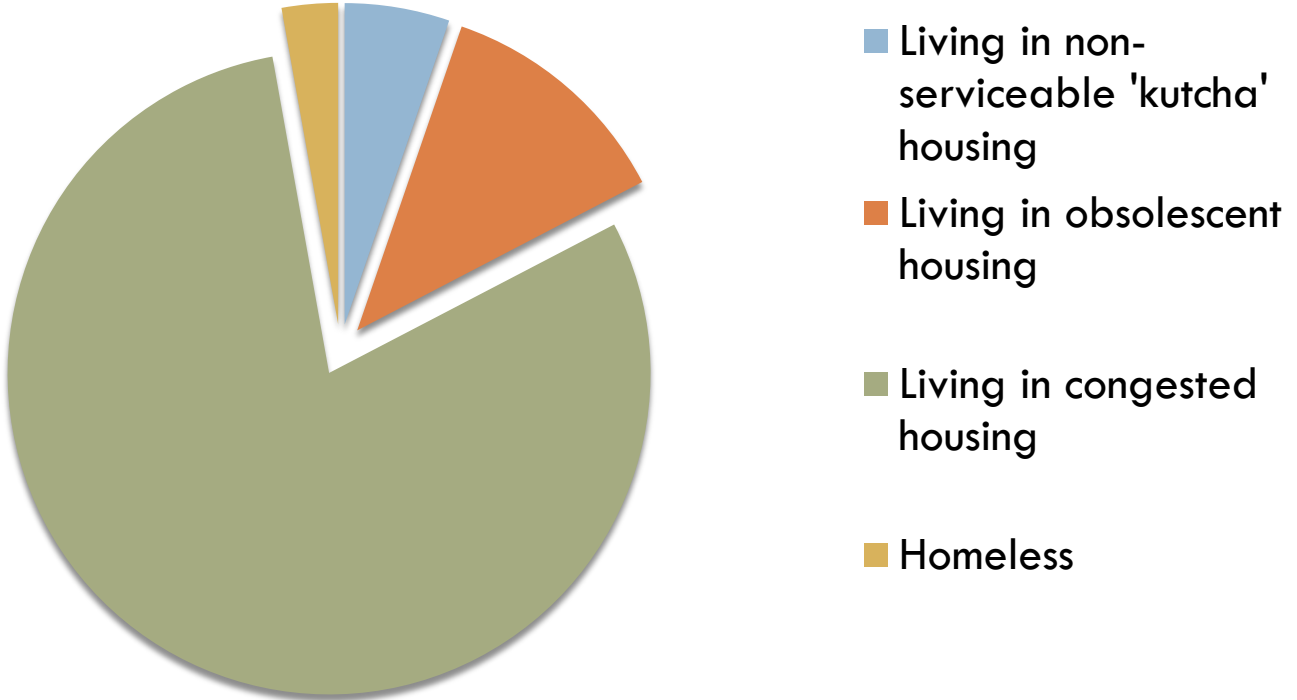
# Translation (continued...)

- What definition should be applied to measure the homeless population? Relying on census definition would lead to underestimation.



Source:, Report of the Technical Group on Urban Housing Shortage, New Delhi: Ministry of Housing and Poverty Alleviation; cited in India Exclusion Report (2014), Centre for Equity Studies

### Composition of Housing Shortage in India (in millions)





# Previous Gov't Responses:

- Positive Responses:
  - ▣ Jayanti Shahri Rozgar Yojana – Fair wages and safe work
  - ▣ Jawaharlal Nehru Urban Renewal Mission – water, sanitation, infrastructure
  - ▣ Rajiv Awas Yojana – access to housing, nutrition, food security programs
  - ▣ Corollary with RTF – several public programs in existence before Court Case. Evidence of non-implementation and death raises debates on socio-economic and Constitutional rights.
  - ▣ Delhi Urban Shelter Improvement Board operationalized through state law in 2010

# Previous Gov't Responses (cont...)

- Negative Gov't Responses:
  - ▣ Bombay Prevention of Begging Act (1959)
  - ▣ Delhi Prevention of Begging Act (1960)
  - ▣ Laws define begging as 'soliciting alms in a public place.'
  - ▣ Urban homeless face possibilities of detention in sewa kutirs (beggar's homes) on random, though regular basis

# Task Ahead: Identifying discrete vulnerabilities and deprivations of diverse, understudied population

Hasim Committee (2012): “In order to be able to plan and design appropriate interventions, and to ensure their targeted delivery, it is not enough only to know who the poor are and where they live. It is also important to know the precise nature of the vulnerability and deprivation that they face, as also the extent of such deprivation, both absolute and relative.”

# Hashim Committee's Vulnerable Groups

<b>Residential/Environmental</b>	<b>Social</b>	<b>Occupational</b>
Individuals or families who are houseless, living in kutcha or temporary homes, facing insecurity of tenure, lack of access to public services like water and sanitation	Gender-based vulnerabilities such as female headed households, age-based vulnerabilities such as minor-headed households	Unsafe, insecure, irregular labour characterized by low wages often dictated by networks of contractors and sub-contractors that determine conditions of informal labour markets

# National Urban Livelihood Mission (2013)

## □ Objective:

- . Ensure access to permanent shelters located in areas nearby work sites equipped with basic services such as water, sanitation
- Specialized shelters in areas of mental health care, old age, and youth care to cater to special needs
- Link to state entitlements, i.e. social security pensions, food distribution, nutrition services, education, affordable housing.

Intended Coverage: \$171, 11, 111 for shelter construction in 790 cities for 900,000 homeless people.

# Research to engage with policy

- CES Livelihood Mapping of Homeless Men
  - Assess skills and capacities: 90% employed in unorganized sectors; despite 79% having an employable skill such as carpentry, plumbing, cooking, tailoring, 83% employed as casual day laborers
  - Barriers to work: 83% did not have identification; 63% of which reported not having information or means to obtain one.

# Health Vulnerabilities of Urban Poor in Perspective (Siddharth Agarwal)

- Large disparities in maternal and child health within sections of urban poor (poorest quartile compared to rest of population):
  - Child immunization: 40 percent of children in poorest quintile completely immunized compared to rest of population (Delhi's poorest: 40 percent)
  - Under-five mortality: 73 deaths per 1,000 live births in poorest quintile compared to 42 for rest of population. (Delhi's poorest: 73 deaths).

# Health Vulnerabilities of Urban Poor (Agarwal) (cont...)

- Stunted children: 54 percent of children in poorest quintile stunted and 47 percent underweight compared to 33 and 36 percent of rest of urban population (Delhi's poorest: 56 percent)
- Prenatal care for pregnant women: half of poorest quintile's pregnant women assisted by health personal compared to 86 percent of rest of population. (Delhi's poorest: 24 percent)



State	No of Shelters Required per Guideline (1)	No of Permanent Shelters (2)	No of Shelters Operational (3)	Total Shelter Capacity (4)	Difference in required and current capacity of shelters (1) – (4)	Cities Surveyed
UP	163	121	46	5442	10,858	11
Bihar	40	65	0	475	3,525	8
Karnataka	352	68	32	2147	33,053	8
West Bengal	62	37	19	1480	4720	3
Jharkhand	43	33	5	543	3757	5
Andhra Pradesh	108	17	17	875	9925	4
Gujarat	109	91	91	3735	7165	5
Rajasthan	91	49	34	1765	7335	11

# Current Status of Judicial Monitoring of Policies for Homeless

- Non-implementation of NULM scheme: On April 25, 2015, Supreme Court mandates central government to retrieve expenditure reports from states allotted funds from program that did not result in construction of shelters.
- April 29, 2015: Delhi High Court closes case. Monitoring of Delhi homeless policies will effectively be included under ambit of future Supreme Court Orders.

# Questions going forward

- What other countries are recognizing deprivations homeless people face in contexts of human rights and dignity? What democratic processes are currently underway to address these problems?
- As we think about measurement and definitions of homelessness, what kinds of region-wide typologies can we think of that consider similar social and economic contexts that may serve as drivers for urbanization, economic insecurity and migration?
- What can countries who remain hesitant about recognizing and ensuring social and economic rights learn from those who have taken steps to combat homelessness and urban poverty through such means?



**THANK YOU!**