



PROJECT REPORT

AFFORDABLE SHELTERS FOR STREET WOMEN AND CHILDREN: A CASE STUDY OF DELHI

BY

CAMPUS LAW CENTRE, FACULTY OF LAW, UNIVERSITY OF DELHI

IN ASSOCIATION WITH

CENTRE FOR ENVIRONMENTAL LAW,
EDUCATION, RESEARCH AND ADVOCACY (CEERA)

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BENGALURU

UNDER THE AEGIS OF

MINISTRY OF HOUSING AND URBAN AFFAIRS, GOVERNMENT OF INDIA



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FOREWORD

This report is based on the research project, comprising of a doctrinal as well as an empirical study, on the topic ‘Affordable Shelters for Street Women and Children: A Case Study of Delhi’. The said project has been undertaken by Campus Law Centre, Faculty of Law, University of Delhi under the aegis of the Ministry of Housing and Urban Affairs, Government of India in collaboration with the National Law School India University, Bengaluru. The idea for the pilot project was formulated in light of the rising cases of homelessness in urban areas, increasing exposure of the poor to risks related to victimisation, stigmatisation, deteriorating health, etc., and a host of other issues.

This document is relevant not only because it sheds light on the age long issue of homelessness, but also brings to the forefront other associated problems of illiteracy, unemployment, mental illnesses, drug abuse, and rising rates of crime. Its core emphasis is on the dependent group, namely women and children, which is the most vulnerable to penury.

For the sake of the reader’s convenience, the report is broken down into a structured format consisting of the general background of the issues involved, the approach adopted by the project team, an overview of the international covenants and domestic legislations relevant to the issue along with their evaluation, and certain constructive recommendations. Thereafter, the report delves into the empirical component of the project.

The report stands apart as it gives a true version of the issues plaguing the homeless. Focussing on the harsh ground reality, it gives an insight on the pitiable living conditions of the residents. The data interpretation is based on first-hand information collected by those involved by interacting with the children, women and other inhabitants of the domestic shelters in Delhi. A comparative analysis of the data so collected, with the domestic legislations, Indian case law, and international covenants helps identifying the lacunae, thus advocating for necessary changes.

It is our hope that the report proves to be instrumental in bringing about the requisite policy changes, thus bettering the lives of those dependent on these shelters.

ABOUT THE PROJECT

Under the aegis of the Ministry of Housing and Urban Affairs, Government of India, and through the collaboration with Centre for Environmental Law, Education, Research and Advocacy (CEERA) of the National Law School of India University, Bengaluru, Campus Law Centre has undertaken this ambitious research project titled “Affordable Shelter for Street Women and Children: A Case study of Delhi”. The project aims to identify the challenges that women and children come across, while hoping to find shelter in Delhi. It further aims to highlight the need for safe, secure, and affordable shelter for women and children, who often find themselves in precarious situations. Through this endeavour, it hopes to sensitise the community towards the special needs of women and children, especially when they find themselves on the streets, or in places that are ill-equipped to cater to their needs.

ABOUT CAMPUS LAW CENTRE

Campus Law Centre (CLC), Faculty of Law, University of Delhi is one of the oldest and the most prestigious law schools in the country. By offering the three-year LL.B. program to graduates and postgraduates from all disciplines, CLC attracts illustrious and bright-minded students each year. Since its inception in 1924, Campus Law Centre has been a leader in producing legal luminaries, Supreme Court and High Court judges, leading advocates, political leaders, policy makers and trend-setters in all walks of life. CLC has maintained its reputation of producing excellent lawyers, academicians, and judges and has added a galaxy of outstanding alumni who have made stellar contributions in the field of law, civil administration, and academics. At Campus Law Centre, through various initiatives and collaborations with like-minded organisations and institutions, various research projects in areas of contemporary importance that have a wide ranging effect on valuable rights of various sections of the society are undertaken with the objective of making CLC a leading light in the field of scholarly legal research. Campus Law Centre strives to instil in its students the spirit of academic enquiry, critical thinking, and crucial research skills. Qualitative teaching, moot-court competitions, campus placements, pro bono legal-aid services, regular discussions, and illustrious alumni are some of the features which have established CLC as a Centre of Excellence. CLC is a deep-rooted legal institution having a glorious past and a bright future ahead.

ABOUT NATIONAL LAW SCHOOL OF INDIA UNIVERSITY

The National Law School of India University, the Nation's premier law university, came into existence through a Notification under the National Law School of India University Act (Karnataka Act 22 of 1986). It signified the culmination of efforts by the Judiciary, the Bar Council of India, the Karnataka Bar Council, the Bangalore University and the Government of Karnataka to reform legal education and to establish a centre of excellence for legal education and research in India. The Law School has undertaken many research projects designed to strengthen research and teaching at the Law School. The National Law School of India University since its inception has taken proactive steps in organising conferences, seminars, workshops, refresher courses and certificate courses to update academicians, law teachers, students, industry personnel in different subject areas.

ABOUT CENTRE FOR ENVIRONMENTAL LAW, EDUCATION, RESEARCH AND ADVOCACY (CEERA)

Centre for Environmental Law, Education, Research and Advocacy (CEERA), established in 1997 is a benefactor of the Ministry of Environment and Forest (MoEF), Government of Karnataka, the Bar and the Bench in India and abroad. Building an environmental law database, effectively networking among all stakeholders, building up an environmental law community and policy research in the area of environment are CEERA's main objectives. To achieve the aforesaid objectives, CEERA has incessantly and successfully been able to build functional and professional linkages with government agencies and non governmental organisations in India, the South Asian Region and at International levels. CEERA annually organises a University Grants Commission recognised, One-week Law Teacher's Refresher Course. CEERA, has been partnering with the Central Pollution Control Board in organising Training Programmes for the officers of various State Pollution Control Boards and other industry professionals for over eight (8) years. CEERA has several publications in the area of environmental law and public policy along with Newsletters, CEERA March of the Environmental Law, NLSIU's first e-Journal – Journal on Environmental Law, Policy and Development. CEERA also manages two websites viz www.nlsenlaw.org, wherein the law and policy on Environment is regularly updated, and www.nlsabs.com, which is a dedicated portal wherein the law and policy on Biodiversity Access and Benefit Sharing is periodically updated.

ABOUT THE PROJECT COORDINATOR

Dr. Anita Yadav is currently working as an Assistant Professor of Law at Senior Scale at Campus Law Centre, University of Delhi. Before Joining Campus Law Centre Dr. Yadav has worked as an Assistant Professor of Law at the National Law School of India University, Bengaluru, Christ University, Bengaluru and Dr. Ambedkar Government Law College, Puducherry University. She has received various awards and scholarships over the course of her academic life. Just to name a few, recently, she received a scholarship to attend and present her paper at the International Law Association Conference at Lisbon, Portugal in 2022. In 2018 she received the United Nations Asia & Pacific Regional Course International Law Fellowship. She had been an Erasmus Mundus visiting research scholar at Georg-August University of Göttingen, Germany from 2015 to 2016, and also a visiting fellow at the United Nations Human Rights Committee, 116th Session, Geneva. She was awarded The Hague Academy of International Law Scholarship, Netherlands in the year 2016 and the Junior Research Fellowship in Human Rights and Duties from University Grants Commission, New Delhi.

OBJECTIVES, SCOPE, AND DESIGN OF THE PROJECT

The primary objective of the project was to identify issues pertaining to street women and children, particularly issues related to affordable and adequate shelters. Supplementing that primary objective was the aim to analyse the legal framework that addresses these issues. Additionally, this project sought to engage with the various stakeholders in creating awareness associated with adequate and affordable housing provisions for street women and children, and in identifying appropriate solutions to overcome the challenges faced by this vulnerable group. Furthermore, this research project was aimed towards:

- identifying the challenges that confront women and children in finding shelter in the national capital;
- creating awareness about the need for safe, secure, and affordable shelter for street women and children, who otherwise have to live under precarious situations in metropolitan cities; and
- sensitizing the community towards the special needs of women and children when they find themselves on the streets, or in places that are ill-equipped to cater to their needs.

These objectives were sought to be achieved by mapping the specific legal provisions to address issues of adequate and affordable shelter, involving myriad stakeholders in undertaking the project, and looking into the overall legal framework in both the national and international jurisdictions that address adequate and affordable housing. Consequently, the following research questions were framed for the project to address:

- Whether there are provisions for shelter homes in and around Delhi-NCR?
- Is there any legal provision or policy related to affordable and adequate shelter homes in urban areas for women and children?
- Are these shelter homes easily accessible for women and children?
- Whether these shelter homes are adequate and affordable for women and children?
- Whether these shelter homes are safe spaces for women and children to stay in?
- Who are the various stakeholders involved in running these shelter homes?
- Does India adhere to international covenants pertaining to safe and adequate shelters for women and children?

- Whether these shelter homes are well equipped with basic sanitary and other amenities necessary to lead a dignified and healthy life?
- Do the children beneficiaries have the opportunity to learn at these shelter homes?

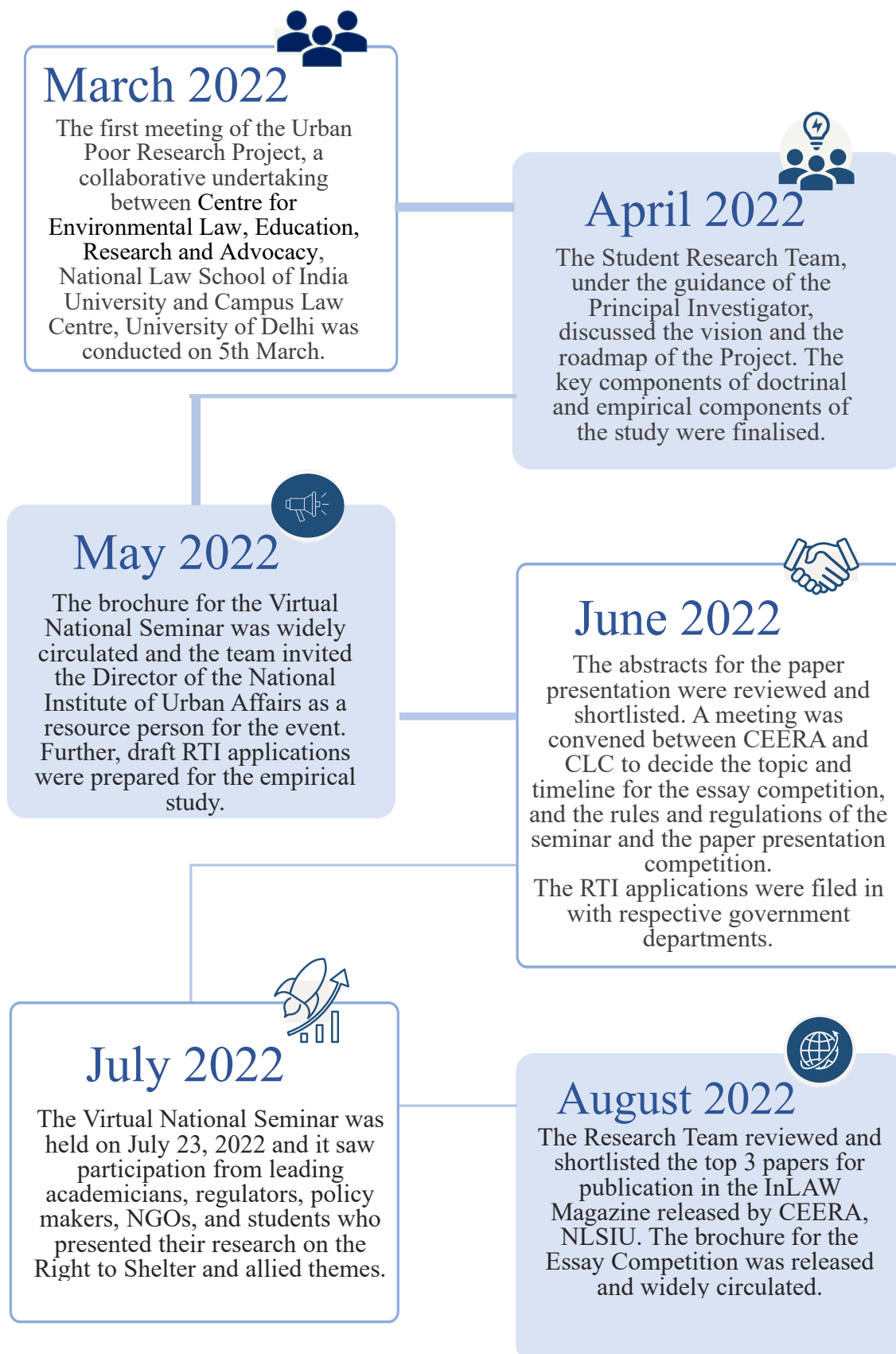
In order to make sure that the research project is focused and hence able to give comprehensive answers, it was decided that its scope shall be focused towards understanding the problem of lack of adequate and affordable shelters for street women and children in the capital city of India, i.e., New Delhi. Being the national capital and an economic powerhouse, people from all around the country migrate in search for better opportunities. Owing to the congestion caused as a result, people coming from outside often face problems related to shelter.

At the same time, the project team was well aware of its limitations. Given that it was undertaken amidst the pandemic, the sample size for the empirical survey had to be kept relatively small so as to avoid transmission of COVID-19. Consequently, the project could not cover the entirety of Delhi-NCR. Furthermore, given that the project was confined to Delhi-NCR, the results from the study cannot be said to be giving a comprehensive picture of the problems underlying shelter homes around the country, which will naturally vary from region to region.

Notwithstanding the foregoing, the project team sought to make the research as comprehensive as possible, thus incorporating both a doctrinal and an empirical component to it. The doctrinal part of the project was designed to look into various primary and secondary sources such as legal provisions, treatises, policies, etc., both domestic and international, that were related to adequate and affordable housing. This part of the project will in understanding the history of policies pertaining to this issue, whilst also providing an insight into how the governments and other stakeholders are endeavouring to ensure the availability of safe and adequate shelters for street women and children within their respective jurisdictions. The empirical part of the research project involved conducting a thorough and in-depth survey of the target group, i.e., street women and children, residing in shelter homes in and around New Delhi. The findings of the empirical study beautifully complement the doctrinal component of the study.

ACTIVITIES WITHIN THE PROJECT

PROJECT TIMELINE





September 2022

The sample questionnaires for the empirical study were prepared by the team. The team undertook the exercise of interpreting the data received from responses to RTI .



October 2022

Essays were received from students across India highlighting the struggles and plight of street women and children.



November 2022

The research team along with volunteers from Legal Aid Society of Campus Law Centre visited two shelter homes in Bangla Sahib Gurudwara and Sarai Kale Khan (Nizamuddin), managed by DUSIB on 24th & 25th November. The team collected data from 170 beneficiaries.



December 2022

The Research Team collated and interpreted the data collected, and thereafter proceeded with preparation of the Project Report .

PART A – RESEARCH AND DOCTRINAL COMPONENT

BACKGROUND

India comprises approximately 1.429 billion people (2021) and its population is the second-highest in the world.¹ The 2021-22 Economic Survey states that India will remain the fastest-growing major economy in the world for the period 2021 to 2024 as per the projections of the World Bank, the Asian Development Bank, and the International Monetary Fund.² On one hand India is a booming economy, whilst on the other, it continues to struggle with the issues of population growth and income and wealth inequality. Despite a Gross Domestic Product (GDP) of US \$3.17 trillion³, many Indians continue to remain sidelined due to overpopulation, and continue to struggle to find a roof over their heads.

According to the UN High Commissioner of Human Rights *‘Homelessness is a profound assault on dignity, social inclusion and the right to life. It is a prima facie violation of the right to housing and violates a number of other human rights in addition to the right to life, including right against non-discrimination, to health, water and sanitation, security of the person and freedom from cruel, degrading and inhumane treatment.’*⁴ Homelessness in India is an issue of growing concern and one that requires a 4C approach for its resolution: coordination, cooperation, communication, and collaboration.

The National Capital Territory of Delhi is the largest metro city in India, and its population stands at the fifth highest level in the world. It has an estimated population of 15,217,000 as of 2023 and it continues to grow rapidly with a population density of 29,259.12 people per square mile, one of the highest in the world.⁵

Such high densities lead to issues of homelessness, with a large part of the population residing on streets, bridges, on highways, or in any place they can seek refuge. Survival on the streets of Delhi is a major challenge. In addition, they often face difficulties due to Delhi’s severe

¹ <<https://www.un.org/development/desa/dpad/publication/un-desa-policy-brief-no-153-india-overtakes-china-as-the-worlds-most-populous-country/>> (Visited on April 28, 2023)

² <<https://pib.gov.in/PressReleasePage.aspx?PRID=1793826>> (Visited on June 8, 2022)

³ <<https://data.worldbank.org/country/IN>> (Visited on December 18, 2022)

⁴ <<https://www.ohchr.org/en/special-procedures/sr-housing/homelessness-and-human-rights>> (Visited on June 8, 2022)

⁵ <<https://worldpopulationreview.com/world-cities/delhi-population>> (Visited on December 18, 2022)

weather conditions, especially during monsoons and winters. Among the homeless, women are more vulnerable to abuse, trafficking and harassment, especially if living on their own or as single mothers.

Women are rendered homeless for a variety of reasons - many have come out of abusive relationships, been victims of sexual violence, or may have been deserted/abandoned by their families due to mental illness or consequent to the death of their husband. Another vulnerable group is children, who because of urbanisation, poverty and many other factors, find themselves on the streets. A conservative assessment by the Kailash Satyarthi Children's Foundation estimated that Delhi is home to 60,431 street children in Delhi⁶. UNICEF provides four categories of street children:

1. High-risk kids who stay with families, but labor on the streets for a living;
2. Children who mainly live on the street, but spend some time with family;
3. Children who spend a substantial amount of time on the streets and therefore do not live with or communicate with family; and
4. Orphaned children without caring adults.⁷

However, it remains the Government's duty to provide shelter support to its citizens under the Constitution of India. Articles 14, 19, and 21 guarantee the right to adequate housing. Through Articles 39(1), 42, and 47, i.e., the Directive Principles of State Policy, the Constitution provides safeguards for homeless people. The judiciary has also expanded the scope of Fundamental Rights and Directive Principles of State Policy to make the right to shelter a right in reality, rather than one just on paper.

Providing affordable shelter to all is fast becoming an issue of national importance in India. With housing recognized as a basic need, Governments at both Central and State levels are discussing possible ways and means of providing access to affordable housing to all. A number of schemes and initiatives have been put into execution to help achieve that aim and consequently overcome associated issues. The most prominent examples are the Pradhan

⁶ <<https://satyarthi.org.in/wp-content/uploads/2021/10/StreetChildreninNCTofDelhi.pdf>> (Visited on December 18, 2022)

⁷ Homelessness in India - The Borgen Project (Editorial, "Homeless in India: Causes and Aid Available", *Rand Lateef*, May 12, 2021)

Mantri Awas Yojana–Urban (PMAY-U), Affordable Rental Housing Complexes (ARHCs), Rajiv Awas Yojana, Deen Dayal Antyodaya Yojana, National Urban Livelihood Mission, etc.

The Government of the National Capital Territory of Delhi has also launched initiatives such as the State Urban Livelihood Mission (SULM, Delhi), Rain Baseras (Night Shelters), Juvenile Shelter Homes, Short Stay Homes for Women and Girls (SSH), etc. The Delhi Urban Shelter Improvement Board Act, 2010 has established the Delhi Urban Shelter Improvement Board (“**DUSIB**”) to improve the quality of life of homeless citizens by ensuring effective implementation of schemes of the Government.⁸

A concerted effort through legislation, policy, and welfare schemes can help solve the problem of homelessness in India. However, India has a long road to travel before it achieves this ideal. These initiatives and schemes are only the first step in the fight against homelessness in order to provide affordable shelter to not only women and children, but to everyone.

OVERVIEW OF THE PROJECT

This research project aims to focus on the issue of homelessness in Delhi from the prism of women and children. It aims to assess the policies and judicial decisions in this domain, and examine the efficacy of the schemes tackling homelessness in Delhi. The main components of the project were:

1. **Virtual National Seminar:** The seminar was designed to identify the challenges that women and children are confronted with during the time they look for affordable shelter support in Delhi. The seminar aimed to create awareness about the need for safe, secure, and affordable shelter for street women and children who often find themselves in risky circumstances. It was an attempt to sensitize the community towards the needs of women and children who have to resort to living on the streets or places that are not adequately equipped to support to them.
2. **Essay Competition:** The essay competition was organized with the objective of comprehending the existing status of street women and children, and to create awareness and empathy in the society towards them. The competition endeavoured to foster interest

⁸ <https://delhishelterboard.in/main/?page_id=3305> (Visited on December 18, 2022)

and promote growth amongst students from a variety of domains to enable them to understand the present day struggles of street women and children. The competition had two topics:

- (a) “Temporary Dwellings - A Problem or a Solution?”
- (b) “Slum-Free Cities - Solutions and Strategies”

3. **Field Visit:** This was the most important component and it was designed to enable a greater understanding about the grassroots level problems faced by homeless women and children in Delhi. The field visit was designed to supplement theoretical knowledge with practical field experience. The field could provide an ‘on the ground ’and a more realistic perspective than any other secondary source could. It was designed to help gain first-hand experience and uncover the possible gaps and loopholes that may exist in the implementation of policies and schemes. The field visit, thus, was a crucial component in achieving the objectives of this research. Questionnaires specific to women and children were prepared to help collect data in an efficient manner. Respondents of the field visit/survey were also asked for feedback and suggestions in order to highlight the issues faced by them, so that the insights drawn from the survey were richer, and so that the issues could be brought to the knowledge of the concerned authorities for necessary action.

The reality is that a policy cannot, by itself, solve the problem of homelessness; much depends on its implementation. In a country as diverse and populated as India, many a times it is unclear how to best ensure effective policy design and its implementation. The foremost step in sound policy making includes identification of the issues. Thereafter, it must focus on designing the right response to address the said issues. This research project endeavours to identify multiple factors that influence identification of policy challenges and their implementation so promote improvements wherever necessary in order to ensure that policies meet their desired objectives.

THE LAW AROUND THE RIGHT TO SHELTER

INTERNATIONAL COVENANTS

The States' obligation to realise the '*right to adequate housing for all*' is laid down in a number of international and legally binding human rights instruments. In order for housing to be adequate, it must provide for legal security of tenure, availability of services, affordability, accessibility, habitability, location, and cultural adequacy, amongst a host of other factors. However, despite international legal provisions, the human right to adequate housing is frequently infringed across the globe, and the steep rise in inequality has only exacerbated this aspect of violation of human dignity.

In recognition of the Sustainable Development Goal 11.1 (Safe and Affordable Housing), as well as its responsibilities towards its citizens, India has assented to some of the following international instruments which obligate, if not necessitate, it to meet its commitments towards the goal.

Article 25 [1] of the Universal Declaration of Human Rights⁹

Every human has the right to a decent standard of living, which is adequate for the health and well being of himself and of his family. This would include nutritious food, season-specific clothing, medical care and the right to security in the event of sickness, unemployment, disability, widowhood, etc.

Article 11 of the Covenant of Social, Economic and Cultural Rights¹⁰

Appropriate steps have to be taken by the States party to the Covenant to realise the right of everyone to an adequate standard of living. Apart from food, clothing and housing, it also includes continuous improvement of living conditions, hence recognizing the importance of international cooperation based on free consent.

⁹ <<https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2025&text=Motherhood%20and%20childhood%20are%20entitled,enjoy%20the%20same%20social%20protection>> (Visited on April 7, 2023)

¹⁰ <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights#:~:text=Article%2011,-1.&text=1.-,The%20States%20Parties%20to%20the%20present%20Covenant%20recognize%20the%20right,continuous%20improvement%20of%20living%20conditions>> (Visited on April 9, 2023)

General Comment No. 4 of the Convention of Social, Economic and Cultural Rights Committee¹¹

The right to housing was defined to include certain essential facets such as the provision of legal security of tenure, availability of services and infrastructure, location, habitability, affordability, accessibility and cultural adequacy. On the issue of forced evictions, the comment strongly condemns the practice, as it is incompatible with the requirements of the Covenant, and can be justified only in the most exceptional circumstances.

Article 27[3] of the International Convention on the Rights of the Child¹²

In accordance with their national conditions, States shall take appropriate measures to assist parents and guardians in providing housing to the children, and shall provide material assistance with regard to nutrition, clothing, etc.

Article 14[2][h] of the International Convention on the Elimination of all Forms of Discrimination Against Women¹³

The parties to the Convention shall take appropriate measures to eliminate discrimination against women and shall ensure the right to enjoy adequate living conditions. This should be in relation to housing, sanitation, electricity and water supply, transport, and communications.

Global Strategy for Shelter for 2000

It states that citizens of all States have a right to expect their government to be concerned about their shelter needs, with an obligation to improve houses and their neighbourhoods. The Governments are also urged to formulate a cost effective and environmentally conscious national shelter strategy by involving the private sector and non-governmental actors.

Habitat I - United Nations Conference on Human Settlements, Vancouver, 1976

The Vancouver Declaration on Human Settlements made history by providing the first definition to the term 'adequate shelter' along with providing recommendations for each country to achieve the same.

¹¹ <<https://www.refworld.org/docid/47a7079a1.html>> (Visited on April 12, 2023)

¹² <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child#:~:text=Article%2027,-1.&text=States%20Parties%20recognize%20the%20right,spiritual%2C%20moral%20and%20social%20development>> (Visited on April 9, 2023)

¹³ <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>> (Visited on April 5, 2023)

Habitat II - United Nations Istanbul Declaration on Human Settlement, 1996

The declaration sought to endorse the universal goals of adequate, equitable and sustainable shelter, combat deterioration of conditions, and expand the supply of affordable housing by enabling markets to perform efficiently and in a socially and environmentally responsible manner.

Habitat III - New Urban Agenda, Ecuador, 2016

Drawing upon the Sustainable Development Goals, it is the UN roadmap for building cities that can serve as engines of prosperity and centres of cultural and social well-being while protecting the environment.

The international community has realized the necessity of basic housing as a fundamental right for dignified human existence. However, this dignity is not just restricted to a roof over the heads, but also includes other essential services, such as clean water and sanitation, nutritious food, and electricity amongst others, thus, providing for a life befitting the common man. In General Comment No. 4 of the Convention of Social, Economic and Cultural Rights Committee, policymakers raised the bar by providing for various other commensurate rights such as legal security of tenure, affordability, and cultural homogeneity. Moreover, in light of climate change, environmentally sustainable housing is being emphasised upon in a productive partnership with communities.

India has prioritised the aforementioned right by recognising that housing for all is a powerful strategy to achieve social and economic development. It has not only provided for it under Article 21 of the Constitution, but has also ratified various corresponding international covenants, albeit with certain restrictions, clearly setting out its domestic requirements.

DOMESTIC LEGISLATION QUA SHELTER FOR URBAN HOMELESS

The Right to Life guaranteed in any civilized society covers within its ambit the right to food, water, decent environment, education, medical care, and shelter. The Right to Shelter includes adequate living space, safe, decent surroundings, sufficient light, pure air and water, electricity, sanitation, and other civic amenities. Want of decent residence, therefore, frustrates the very

object of the constitutional animation of the right to equity, economic justice, fundamental right to residence, dignity of a person, and right to live itself.

SCHEME OF SHELTER FOR URBAN HOMELESS

The Ministry of Housing and Urban Affairs, Government of India has issued operational guidelines for the Scheme of Shelter for Urban Homeless (“SUH”) under the National Urban Livelihoods Mission (“NULM”). The scheme aims to provide permanent all-weather shelters equipped with essential services to the urban homeless in planned stages.

The salient features of the scheme are as follows:

1. **Types of Shelters:** They should cater to the needs of the various vulnerable sections of the society within the targeted beneficiaries. States may also set up separate shelters for special needs viz. for single working women, families living on the streets, etc.
2. **Location, Design and Management of Shelters:** The shelters should be located close to work sites and homeless concentrations, with an area of 50 square feet per person to be taken as the minimum space. Urban Local Bodies or any other authorized agency can manage the operations of the shelters.
3. **User Fees:** A nominal charge can be levied on the urban homeless, up to 1/10th to 1/20th of their income. However total exemption may be granted in case the person has no income capacity.
4. **Funding Pattern:** The Government of India shall provide 75% of the cost of construction of the shelters under this scheme, with the rest to be borne by the State. For operation and management of a shelter catering to 50 beneficiaries, an amount of Rupees Six Lakh per annum is provisioned, with GOI providing for 75% to 90% of the operation and management cost.
5. **Linkages with Entitlements:** Since a significant proportion of the intended beneficiaries do not have access to government services due to lack of documentary proof, therefore, all beneficiaries of this scheme will be given priority under various schemes/entitlements viz. social security, food, education, health care, and free legal aid.
6. **Monitoring and Evaluation:** The Executive Committee is responsible for the review and supervision of working of shelters under this scheme. The Urban Local Bodies/executing agencies have to report to their respective quarterly progress, and prescribe norms and guidelines for grievance redressal.

- 7. Dissemination of Information:** The State/Urban Local Bodies have to undertake adequate publicity measures to ensure that information about the availability of shelters for the urban homeless reaches the maximum number of intended beneficiaries.

The Deendayal Antyodaya Yojana - National Urban Livelihoods Mission (DAY-NULM) aims at providing permanent shelter equipped with essential services to the urban homeless in a phased manner under the SUH. In the case of Delhi, a response to an RTI Application revealed that the Scheme of Shelter for Urban Homeless under the National Urban Livelihood Mission is yet to be implemented.

THE DELHI URBAN SHELTER IMPROVEMENT BOARD ACT, 2016

The Delhi Urban Shelter Improvement Board Act, 2016 provides for the establishment of the Delhi Urban Shelter Improvement Board (“**DUSIB**”), which functions under the control of the Government of NCT of Delhi. The Board’s primary responsibility is to improve the quality of the life of slum dwellers in the capital city. The Act empowers DUSIB to notify certain areas as ‘slums’, and has been assigned the role of looking after the ‘*jhuggie jhoprie*’ squatter settlements by way of resettlement and provision of civic amenities. It has been operating and monitoring the functioning of the shelter homes in Delhi, with 195 being managed in collaboration with various shelter management agencies. These ‘Rain Baseras’ provide adequate lodging to the homeless, as well as, food, water, electric connections, tutoring of basic alphabet and numeracy, and access to subsidized medical facilities. They aim to become inclusive structures with accessibility for the disabled being a major objective. A control room has also been installed in order to monitor the functioning of these shelters and ensure their protection. A live status tracker of the occupancy of shelter homes in Delhi is also available online.¹⁴

To ensure that no one was left out in the cold during the peak winter season, the Government of NCT of Delhi launched a ‘Winter Action Plan’ in December 2022 which established food and lodging facilities for homeless people across 195 shelter homes which have a cumulative capacity to accommodate over 17,000 people.

¹⁴ <<https://www.delhishelterboard.in/occupancy-report/>>

PRADHAN MANTRI AWAS YOJANA

To achieve the objective of “Housing for All” by 2022, the erstwhile rural housing scheme, i.e., the Indira Awaas Yojana (IAY), was restructured to Pradhan Mantri Awaas Yojana-Gramin (PMAY-G) with effect from April 1, 2016, under the aegis of Ministry of Rural Development. It aims to provide a permanent house with basic amenities to all rural families, who are homeless or living in temporary or dilapidated houses.

Recognizing the lack of shelters for the urban homeless in the light of rapid urbanization, the Government has launched the aforementioned far-sighted legislations and schemes to tackle the problem. The schemes are all encompassing, focusing not only on the physical shelter structure, but also on other amenities that make a house, a home. These include water and sanitation, electricity, and security amongst others. One of the prime facie is inclusivity and accessibility for all, with ramps, railings, wheelchairs, and other commensurate facilities for the disabled. The Government is also cognisant of the insufficiency of funds with the State Governments. Therefore, in order to promote these schemes, the Union Government has been mandated to provide partial financing. However, the schemes are yet to reap the desired results, with access to housing still a dream for the poor. To add to this problem, there is an absence of official records enumerating the deaths caused due to homelessness, thus undermining the scale of the problem.

CASE LAW QUA SHELTER FOR URBAN HOMELESS

Right to Shelter is an integral aspect for the overall development of a human being, for the standard of living plays a major role in determining the level of well-being associated with an individual. Consequently, the right to shelter forms one of the most crucial and basic ingredients of assessing an individual’s standard of living. Shelter not only gives protects individuals from various physical vulnerabilities, but also ensures that an individual develops in a healthy manner.

In recognition of this reality, the Universal Declaration of Human Rights¹⁵ declares that *“everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing, medical care and necessary social*

¹⁵ Universal Declaration of Human Rights, 1948

services”¹⁶. Furthermore, the **International Covenant on Economic, Social and Cultural Rights, 1996** lays down that States party to the Covenant recognise “*the right of everyone to an adequate standard of living for himself and his family including food, clothing, housing and to the continuous improvement of living conditions*”¹⁷. Inspired by these International Covenants and the Constitution of India, the Supreme Court of India has also recognised the ‘Right to Shelter’ as one of the basic fundamental rights available to the citizens of India under the ambit of Article 21 of the Indian Constitution.

The evolution of judicial opinion on the right to shelter can be observed in three distinct stages: fortification of the fundamental right to shelter, affixation of the Government’s duty to provide shelter to those deprived of it, and expansion of past construction(s) with the objective of improving the condition of shelter homes.

The first stage, i.e., fortification of the fundamental right to shelter continues to form the basis of the remedy in favour of those without shelter. In the case of ***Chameli Singh v. State of U.P.***,¹⁸ the Appellants were owners of lands which were notified by publication in the State Gazette to be acquired by the Government in accordance with the provisions of the Land Acquisition Act, 1894. Consequently, this would have deprived the Appellants of their lands as their only source of their livelihood and would have lead to violation of Article 21 of the Constitution. The Court held that the ‘right to shelter’ did not merely include the right to have a roof over one’s head¹⁹. A broad construction of the right to live under Article 21 was discussed and envisaged, wherein, it was held that “*the right to live as a human being was secured only when he/she is assured of all facilities to develop himself/herself and is free from restrictions which inhibit his/her growth. It was found that the right to live guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter, and not just a mere protection of his life and limb*”.²⁰

The second stage, i.e., affixation of the State’s duty to provide shelter can be traced through four judgements. First is the case of ***People’s Union for Civil Liberties (Night Shelter Matters)***

¹⁶ *Id.*, Article 25(1)

¹⁷ Article 11(1), International Covenant on Economic, Social and Cultural Rights 1996

¹⁸ (1996) 2 SCC 549

¹⁹ *Id.*, Page 555

²⁰ *Ibid.*

*v. Union of India*²¹, where the Supreme Court relied upon a broad construction of Article 21 of the Constitution, and provided remedy to the homeless people affected. Two night shelters, located at Nehru Place and Kalkaji in Delhi, were erected on vacant land belonging to the Delhi Development Authority (“DDA”), which were then demolished by the DDA. The Court held that “*it was the duty of the Union of India and the State Governments to ensure that no death takes place because of the lack of night shelters or basic facilities*”²². DDA was directed to re-erect two night shelters which were demolished and accommodate homeless people in some other homes or night shelters until then²³. The second pertains to the observations made by the Supreme Court regarding the implementation of the National Urban Livelihood Mission (NULM) in the case of *E.R. Kumar v. Union of India*.²⁴ The Court observed that “*the infrastructure for the shelter homes had not been achieved, steady progress was not being made as per the NALSA report, and destitute in urban areas continued to suffer without shelters*”²⁵. It was also held that providing the requisite infrastructure was only the first step, that thereafter other facilities must be provided and proper maintenance of shelter homes must be ensured”. A committee was constituted with Mr Justice Kailash Gambhir, former Judge, Hon’ble High Court of Delhi, as its Chairman among other members to verify whether the guidelines for the Scheme of Shelters for Urban Homeless under the National Urban Livelihoods Mission (NULM) are being followed or not.²⁶ Thirdly, in a Public Interest Litigation titled *Gulshan Khatun v. Delhi Urban Shelter Improvement Board*²⁷, the Delhi High Court directed the Delhi Government to examine, with the help of experts, whether the food provided in shelter homes was sufficient to meet the minimum nutritional requirements of people, to take adequate measures in accordance with their recommendations, and provide three meals per day when the State’s financial position allows. However, it also held that two meals per day were sufficient considering the financial position and the priorities of the work to be done by the Government of NCT of Delhi²⁸. Fourthly and finally, the Delhi High Court fastened upon the Government the responsibility to provide shelter in the recent case of *Najma v. Govt. (NCT of Delhi)*²⁹.

²¹ (2011) 14 SCC 723

²² *Id.*, Page 724 ¶3

²³ *Id.*, Page 724 ¶4.1

²⁴ (2017) 12 SCC 779

²⁵ *Id.*, ¶82

²⁶ *Id.*, ¶87.1

²⁷ 2020 SCC OnLine Del 876

²⁸ *Gulshan Khatun v. Delhi Urban Shelter Improvement Board*, 2020 SCC OnLine Del 876

²⁹ 2021 SCC OnLine Del 3775

Due to the COVID-19 pandemic, the Chief Minister of Delhi organized a press conference and promised that the Government would pay the rent on behalf of the tenants if they are unable to pay them on account of their poverty. Daily wage labourers claimed the benefit of the same promise. The Court reaffirmed that “*the ‘right to shelter’ was a fundamental right and went on to hold that in the context of upholding fundamental rights, the principles of legitimate expectation have to be accorded a higher pedestal, and the burden on the authority concerned not to honour the same is even higher*³⁰. It was held that *functionaries and authorities, either elected to public positions or who hold positions of power, are answerable to the people, especially once they undertake or agree to do or not to do a particular thing*”. Thus, the Court was of the opinion that the promise/assurance/representation given by the Chief Minister of Delhi amounted to an enforceable promise on the basis of the doctrine of promissory estoppel as well as the doctrine of legitimate expectation³¹. Accordingly, the Government was directed to implement the promise in accordance with the conditions laid down by the Court.

The third stage, i.e., expansion of past construction(s) with the objective of improving the condition of shelter homes, built upon preceding judicial opinion set in the initial stages to broaden the purview of the right to shelter and the role of the Government. In the case of ***Sampurna Behura v. Union of India***³², the Hon’ble Supreme Court took cognizance of the condition of vulnerable groups within shelter homes. The Court received a letter from one Mr. Ranvijay Kumar which voiced concerns regarding alleged rape and abuse of children in the Government funded children’s home run by an NGO³³. It was submitted by the *amicus curiae* that similar incidents had apparently occurred at Deoria in Uttar Pradesh. As per reports, photographs of the children who had allegedly been sexually abused were available on electronic, print and social media. The Apex Court requested the Ministry of Women and Child Development to inform the Court of steps it would take to prevent sexual abuse of children in shelter homes³⁴. It was further held that “*victims of child sexual abuse should not be interviewed by anybody other than the investigating authority, an authorised member of the National Commission for Protection of Child Rights, and an authorised member of the State Commission for Protection of Child Rights, that too in consultation with and in the presence of a trained counsellor or mental health expert*”.

³⁰ Najma v. State (NCT of Delhi), 2021 SCC OnLine Del 3775

³¹ *Id.*, ¶121

³² (2018) 9 SCC 555

³³ *Id.*, ¶2

³⁴ *Id.*, Page 559 ¶22

In the case of *Ajay Maken v. Union of India*³⁵, a two-time Parliament Member filed a petition seeking reliefs in relation to the forced eviction of around 5000 dwellers of a *jhuggi jhopri basti* at *Shakur Basti* (West) near the Madipur Metro Station in Delhi. The Hon'ble High Court of Delhi held that “*the right to housing was to be understood as a bundle of rights and included the right to livelihood, health, education, food, clean drinking water, sewerage, and transport facilities. It was held that if no in situ rehabilitation was feasible, then as and when the Government would be in a position to rehabilitate the eligible dwellers, adequate time will be given to such dwellers to make arrangements to move to the relocation site*”³⁶.

FACT FINDING EXERCISE UNDER THE RIGHT TO INFORMATION ACT, 2005

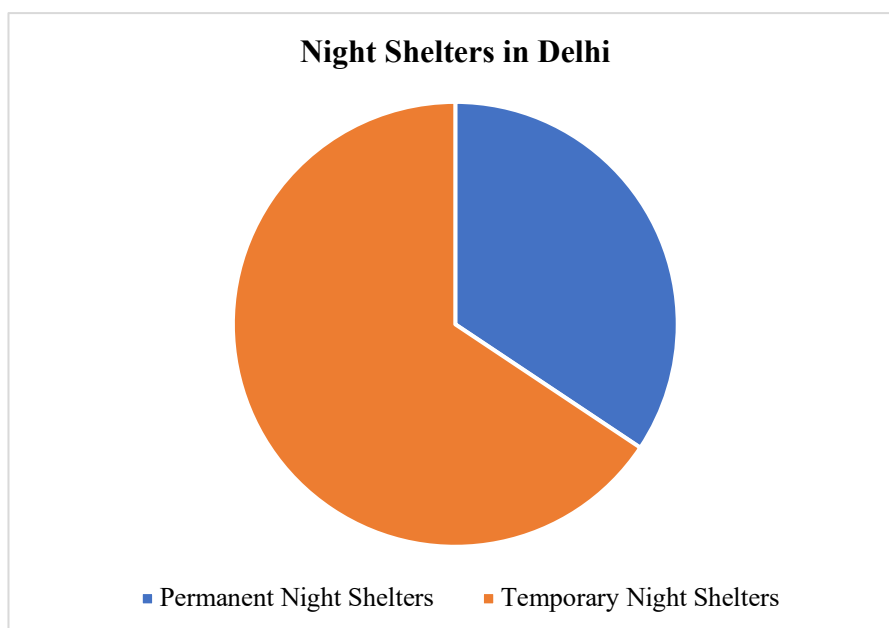
As part of the information gathering for the project, the project team filed RTI applications under the provisions of the Right to Information Act, 2005 with various authorities of the Government of India and the Government of the National Capital Territory of Delhi concerned with providing affordable housing to street women and children.

The responses received from various authorities and departments were then carefully analyzed, and important insights were gained as a consequence. These valuable insights add another layer of nuance to the findings of this research project.

The foregoing analysis revealed that there are 195 night shelters in Delhi, of which 67 are permanent and 128 are temporary. Of these, 11 shelters cater specifically/exclusively to children and 17 cater specifically/exclusively to women. According to the RTI responses received, 221332 people are being provided shelter through these night shelters.

³⁵ 2019 SCC OnLine Del 7618

³⁶ *Id.*



It was further found that these night shelters have been set up, and are being managed by the Delhi Urban Shelter Improvement Board (DUSIB). Interestingly, none of the shelters have been set up by private agencies or non-governmental organisations (NGOs). However, seven private agencies/NGOs are associated with DUSIB in providing night shelter facilities in Delhi, namely, M/s SPYM, M/s Safe Approach, M/s Sadik Masih, M/s Centre for Equity, M/s Rachna Women, M/s AAA, and M/s Prayas.

According to the RTI responses, there is no major difference in the amenities/facilities being provided in the temporary and the permanent night shelters. Basic amenities are being provided to ensure a bare minimum quality of life for the beneficiaries.

Three free meals a day, cooler, ceiling fan, mattress, bed, and drinking water are among the basic amenities provided. In certain shelter homes, skill training, if any, is carried out by the shelter management agencies. CCTV facilities have also been installed to ensure added safety and security of the beneficiaries. However and unfortunately, the responses themselves admit that library, schooling, and sports facilities are not being provided for the children staying in these night shelters.

RTI applications were also filed in order to understanding the sources and quantum of funding for shelter homes run by DUSIB. However, no clear answer was provided to questions regarding the amount of funds allocated by the Government of National Capital Territory of

Delhi, and/or funds available to DUSIB for the financial years 2016-17, 2017-18, 2018-19, 2019-20, 2020-21 and 2021-22.

The responses received claimed that in the last 5 years, 191 permanent shelters and 3 temporary buildings have been added. However, the veracity of this response is suspect, in light of the above mentioned response received stating that there are 195 night shelters, out of which 67 are permanent and the rest are temporary.

The responses also apprised that the Government of India has launched complimentary for urban homeless people in Delhi, providing free meals thrice a day, mattress, *charpai* (cot), cooler, safe drinking water, and a clean and safe environment. In addition, the National Urban Livelihood Mission Scheme of Shelter for Homeless Plan is to be implemented by DUSIB.

RECOMMENDATIONS

After assessing various international covenants and domestic legislations on the issue of shelter for the urban poor, the following measures are recommended to further strengthen housing for the urban homeless:

1. Emphasis should be laid on adequate space, privacy, and creation of an environment conducive for the growth for all beneficiaries in order to prevent animal-like existence. This adequacy should be gauged after consulting the beneficiaries of the particular scheme;
2. The Government should strive to decentralise its housing policies and their administration all the way till the local level, wherever possible;
3. There should be proper and sustainable solid waste disposal system;
4. Public, private, and other innovative financial should be mobilised for housing and community development;
5. Incentives for the private sector to invest in affordable rental and owner occupied housing should be developed;
6. Spatial development and transportation should be promoted in order to improve access to housing services;

7. Systems should be developed in order to ensure effective delivery of different components needed to provide shelter - land, finance, infrastructure, services, building materials, etc.;
8. Special attention must be paid to dependant groups such as orphans, widows, the aged, and the disabled, given that they lack security of tenure and are inhibited from participating in the shelter market; and
9. Systems to constantly monitor and periodically evaluate the impact of macroeconomic policies on shelter delivery systems should be developed.

PART B – EMPIRICAL STUDY

RESEARCH METHODOLOGY

In order to make this research project comprehensive, both the doctrinal and the empirical methodologies of research were applied to explore the nuances related to the problem. The doctrinal component of the project, covered above, analysed various provisions of both national and international statutes and instruments related to adequate and affordable housing. This exercise helped in mapping the history of policies pertaining to the issue, and also provided an insight into how governments and other stakeholders are endeavouring to ensure the availability of safe and adequate shelters for street women and children. The doctrinal component also included review of various other primary and secondary sources such as Court judgments, articles, research reports, etc.

The empirical part of the project was done by surveying the target group, i.e., women and children residing in shelter homes in New Delhi in order to explore the conditions of and issues present in various shelter homes in Delhi. Data was collected from two random shelter homes run by DUSIB, one situated in Connaught Place, and the other in Sarai Kale Khan. Data was collected by way of a detailed questionnaire. Questions were designed in a way so as to gather data from the respondents about their attitudes, experiences, and opinions regarding the adequacy, affordability, and safety of the shelter homes of which they were beneficiaries. The questionnaire was designed in a manner so as to include non-leading, neutral questions that addressed the objective of the research project, and collected both quantitative as well as qualitative data from the respondents. The survey involved defining the sample the project was aiming to seek responses from, which was done through the random sampling method. This approach was followed by administering the questionnaires and collecting data, cleaning the data, and thereafter analysing and interpreting the same.

FORMULATION OF THE QUESTIONNAIRE

The development of the questionnaire commenced by finding and evaluating the state of present facilities available to street women and children, and the same was undertaken by referring to appropriate legislations, schemes, and Court judgements. In this regard, the

Juvenile Justice Act was important, as it clearly elucidated the extent to which children have been empowered to exercise their rights over basic needs of life.

As the project focused on both women and children, the same warranted separate and a dedicated questionnaire for each category which would suit the peculiar needs and understanding of each category of beneficiaries. The questionnaires were also developed keeping in the mind the sensitivity attached to each.

Due to the fact that children are prone being tutored at various shelter homes in order to present a rosy picture, it potentially created a challenge in elucidating a genuine response from them. As a consequence, as far as children were concerned, there was a deliberate attempt on part of the team to add questions which warranted a bit of explanation. For example, in case a child states that he has been attending school, he/she would be asked to recite numbers/letters in order to verify the genuineness of the response, thereby reducing chances of doctored answers.

The success of a research project of this nature is dependent upon the extent to which it can elicit genuine feedback from the respondents. Keeping this in mind, questions asking for feedback as regards improvement of shelter homes were duly incorporated in the questionnaire.

In order to ensure a successful empirical study, it was important that the surveyors are sensitive to the needs of the respondents and had an in-depth understanding of the questionnaire. Consequently, there were numerous training sessions of surveyors conducted, wherein they were told about the reasons and objectives for which a particular question was added to the questionnaire, and were sensitised about the nature of the survey, thus helping ensure appropriate responses to the same.

CHALLENGES FACED

1. The prime challenged faced in conducting the empirical research was to identify the shelter homes to visit for the study. Compounding this issue, identifying the current resource person for each shelter home proved to be difficult too, since the team/agency assigned to run and manage the shelter home is not permanent and changes each year. To further compound the problem, the website of the Delhi Urban Shelter Improvement Board (DUSIB) was also not up to date. The consolidated list of the shelter homes

available on the DUSIB website³⁷ was not updated, inasmuch as multiple contact numbers provided were invalid. Furthermore, in multiple cases, when the people who were listed as the person-in-charge/point of contact for a particular shelter home were contacted by the project team, it was learnt that they were not running the said shelter home anymore. Therefore, it was a challenge to identify which shelter homes exist in reality in comparison to the list provided on the website. The team overcame this challenge by getting in touch with the Chairman of DUSIB, who connected the team with the concerned organisations running shelter homes across Delhi.

2. Another challenge faced was with regards to the availability of the residents/beneficiaries of the shelter homes - the main target group of the empirical study. Most residents/beneficiaries would go for their respective jobs/work during the day, and return late in the evening. Additionally, in a substantial number of cases, their children would accompany their parents to work. Consequently, the surveys had to be conducted largely during late evening sessions.
3. Another challenge was with respect to ensuring the safety of the members of the empirical research team. Residents/beneficiaries were available only during the evening, and given the high number of female team members involved, their safety had to be ensured on a priority basis.
4. As far as child respondents were concerned, it was difficult to elicit relevant and accurate information/answers, both about themselves as well as about the quality and the facilities at the respective shelter homes. In fact, parental intervention was involved/necessary to gather information on a number of different occasions.
5. Owing to the lack of up-to-date information about shelter homes and their respective locations, as well as resource constraints, the team was able to visit only two shelter homes³⁸ for the empirical survey. These sites were selected based on the availability of both women and children residents/beneficiaries (the target group of the project) in each shelter home, and due to the large number of residents/beneficiaries these shelter homes catered to. Given that the aim of the research project was to study the availability of affordable shelter homes in Delhi, it would have been ideal if all shelter homes in Delhi could have been covered by the research team.

³⁷ <https://delhishelterboard.in/main/?page_id=483>

³⁸ The Bangla Sahib Shelter Home and the Sarai Kale Khan Shelter Home for Women and Children.

6. Another major challenge the team faced was with respect to visiting the children shelter homes that are administered under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Act prohibits disclosure of the identity of and various other information of the beneficiary children. Consequently, permission to visit these homes and conduct the survey was not granted.

KEY FINDINGS

WOMEN'S SURVEY

1. The maximum percentage³⁹ of women respondents residing in the shelter homes were in the age band of 18-40 years. The maximum percentage⁴⁰ of women respondents residing in the shelter homes had no formal education.
2. A substantial percentage of women were employed in the unorganised sector and engaged in wage work like household cleaning, cooking, rag picking, etc., or were employed as daily wage labourers.
3. Women respondents were largely from Delhi or nearby states such as Uttar Pradesh and Madhya Pradesh.
4. While the shelter homes were affordable inasmuch as 98% of the women respondents answered that they were not asked to pay any money to reside in these shelter homes, the shelter homes did not appear to be accessible. Women respondents did not seem to have learnt about the shelter homes from official sources such as a government notification(s) or the police, but rather through informal sources such as relatives and friends.
5. Overcrowding and lack of space had led to denial of shelter home or shifting of women respondents to a different shelter home in multiple cases.
6. In terms of the facilities available at shelter homes, it appears that there is still a long way to go, as a considerable proportion of women respondents expressed concerns regarding:
 - a. Non-availability of adequate infrastructure to tackle extreme weather conditions of Delhi;
 - b. Quality of food;
 - c. Hygienic sanitation facilities;

³⁹ 67%

⁴⁰ 69%

- d. Non-availability of on-site emergency doctor;
 - e. Non-availability of free legal aid services; and
 - f. Lack of processes to help the beneficiaries procure important documentation such as Aadhar Card, Voter ID Card, etc.
7. Existing shelter homes do not appear to be equipped to accommodate differently abled persons. However, women respondents stated that even though these shelter homes were not adequately equipped for this purpose, there were separate homes for differently abled women.
 8. In terms of safety, women respondents expressed concerns regarding consumption of alcohol by male respondents within shelter homes and quarrels that take place as a consequence.
 9. The administration appears to be apathetic to the concerns generally raised by women respondents of the shelter home. Unfortunately, this has led to women respondents silently accepting the state of affairs within the shelter homes as they currently exist, thus having to deal with the lack of facilities.

CHILDREN'S SURVEY

1. The maximum percentage of child respondents residing in the shelter homes were in the age band of 8-12 years, followed by 13-18 years, and 2-7 years. 61% were female, while 31 % were male.
2. 85% of the child respondents were enrolled in school, and 15% were undergoing informal modes of education.
3. Child respondents were largely from Delhi or nearby states such as Uttar Pradesh and Madhya Pradesh.
4. The shelter homes were affordable inasmuch as 100% of the respondents answered that they were not asked to pay any money to reside in these shelter homes. However, since both shelter homes where the survey was conducted accommodated families, the children knew this fact through their parents.
5. In terms of the facilities available at shelter homes, it appears that there is still a long way to go, as a considerable proportion of the respondents expressed concerns regarding:
 - a. Non-availability of adequate infrastructure to tackle extreme weather conditions of Delhi;
 - b. Quality of food;
 - c. Hygienic sanitation facilities;

- d. Non-availability of on-site emergency doctor;
 - e. Non-availability of free legal aid services; and
 - f. Lack of processes to help the beneficiaries procure important documentation such as Aadhar Card, Voter ID Card, etc.
6. As far as safety is concerned, these shelter homes are safe spaces for children. They had never been forced to work, and there were no cases of children facing harassment. However, some of the respondents reported being manhandled by residents after consumption of alcohol.

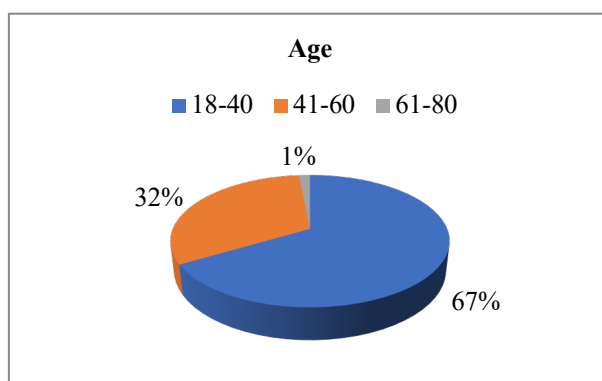
FINDINGS IN DETAIL

WOMEN'S SURVEY

A. DEMOGRAPHICS OF WOMEN RESPONDENTS⁴¹

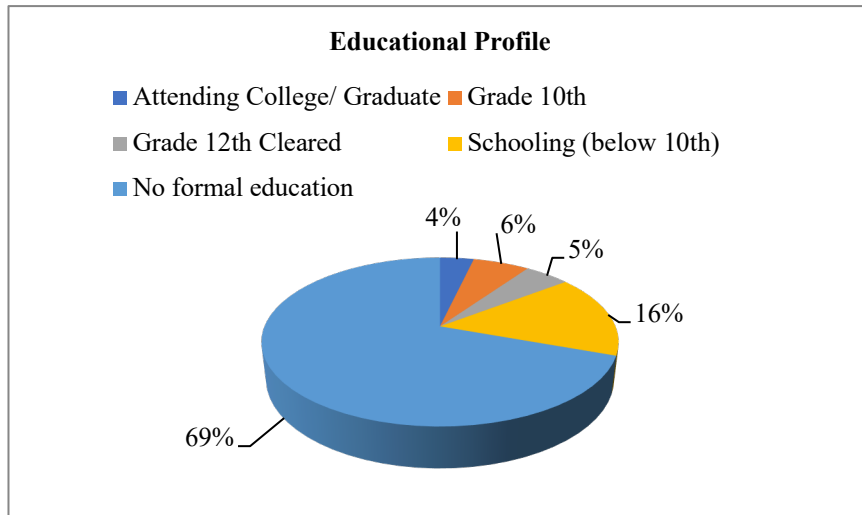
A total of 82 women were surveyed at the two shelter homes in New Delhi – the Bangla Sahib Shelter Home and the Sarai Kale Khan Shelter Home for Women and Children. The following is the demographic profile of the women respondents:

1. Age:

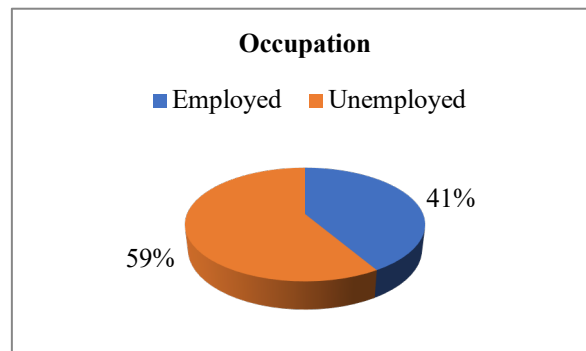


2. Education Profile:

⁴¹ To maintain confidentiality of all women respondents, no names have been referred to in the present study.



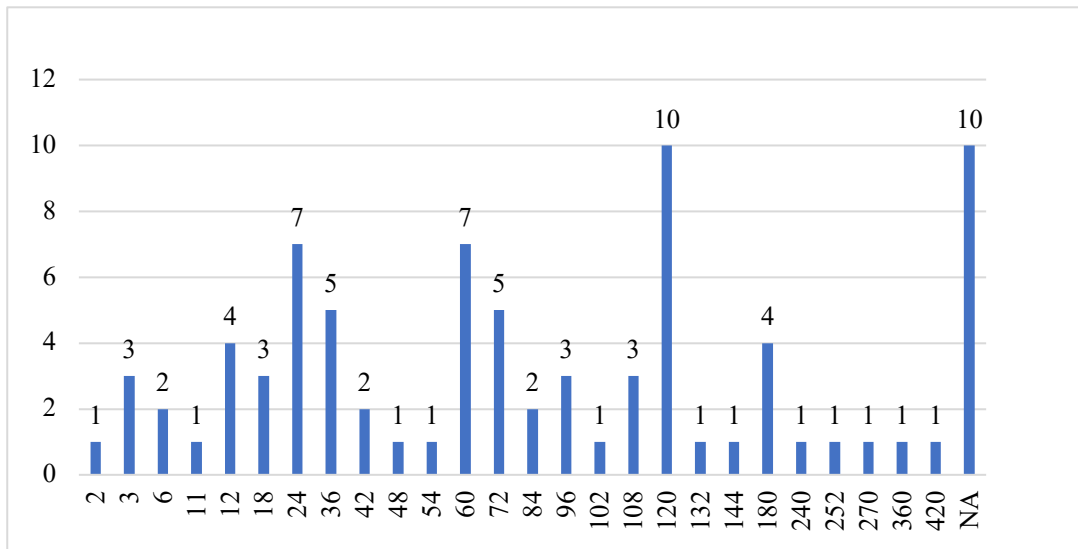
3. Occupation:



A substantial percentage of women was employed in the unorganized sector and engaged in work like household cleaning, cooking, rag picking, or as daily wage labourers. For the sake of clarity, all those who were engaged in domestic work of their own households only, are considered as unemployed.

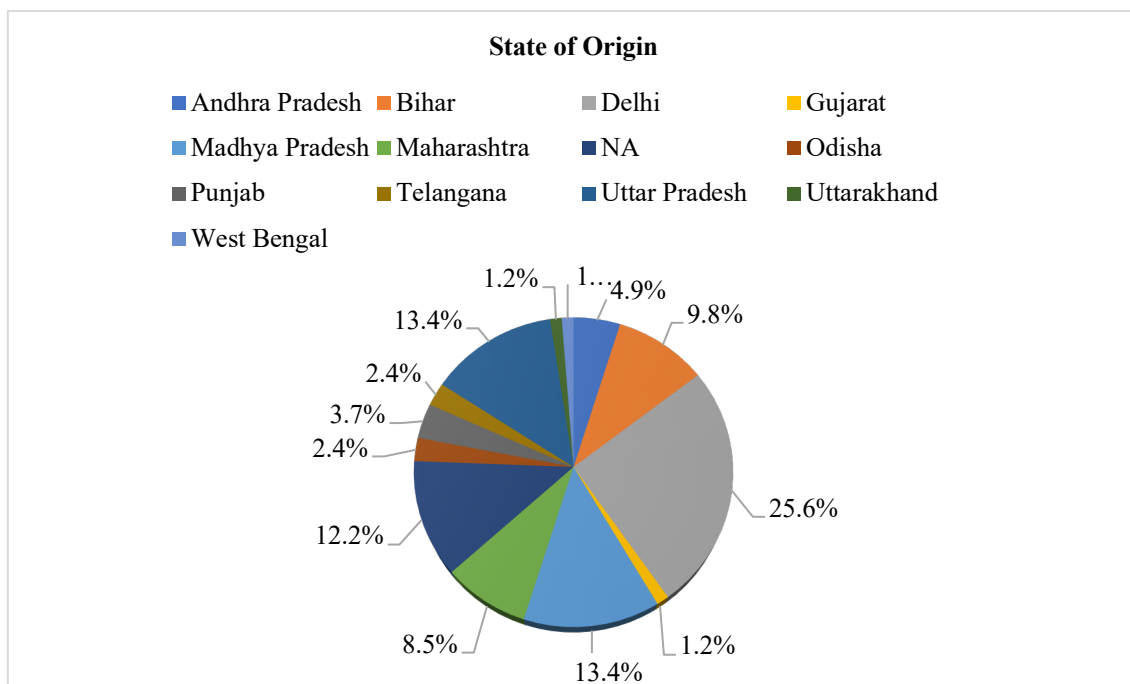
The questionnaires for the purpose of the empirical study were designed to record responses of those women who are living in the shelter home, and not the administration. However, in the course of the survey, it was found that two respondents had been living as well as working as caretakers of the women's shelter home. Therefore, they were also interviewed in the course of this research. In addition to this, it was observed that some women were self-employed making bags, toys and other such decorative items for the crafts industry.

4. Length of Stay (in months):



In the bar graph above, the X-axis shows the length of stay (in months) of the women respondents and the Y-axis shows their commensurate number. The average length of stay of a women respondent was 84 months (7 years). Most of them stayed for 120 months (10 years). The maximum length of stay was approximately 420 months (35 years).

5. State of Origin:



It was observed that the majority of the women respondents is from Delhi or neighbouring states.

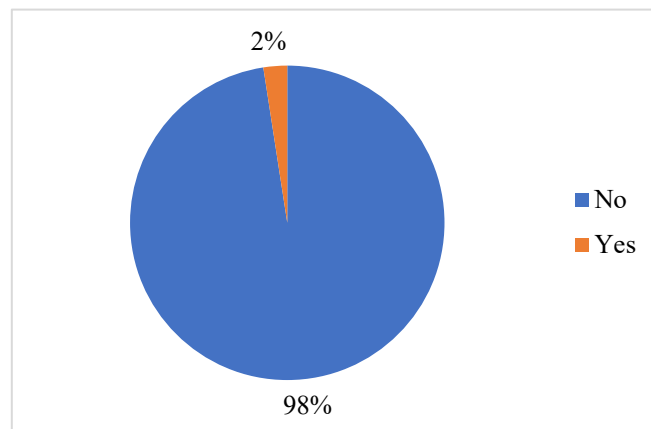
B. ACCESS TO AND AFFORDABILITY OF SHELTER HOMES FOR WOMEN RESPONDENTS

An essential aspect of the present empirical research was to analyse the access to and the affordability of the shelter homes for women respondents.

1. Affordability of Shelter Homes:

To assess the affordability of the said shelter homes, the women respondents were asked if they were being charged for their stay at the structures.

Were you asked to pay any money to stay in these shelter homes?



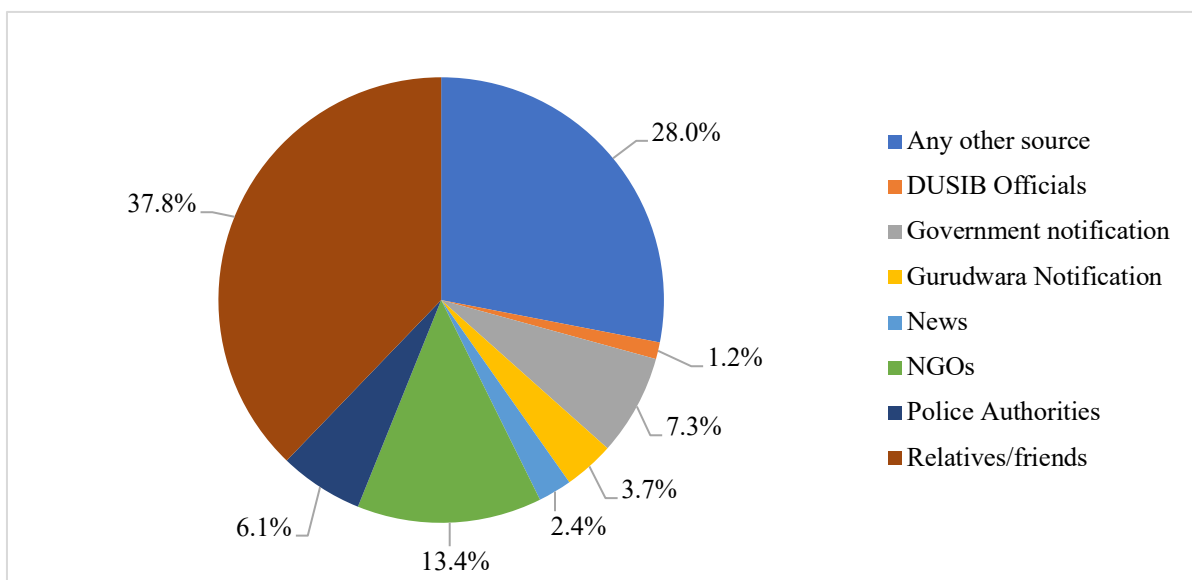
2. Access to Shelter Homes:

Similarly, to assess the access to shelter homes for women, it was essential to understand the source of information of the existence of such shelter homes for the women respondents, requirement of any legal documentation for entering there, as well as, any hurdles in procuring them.

Therefore, the women respondents were asked to provide the details of source of the said information. For this purpose, certain existing parameters such as information through DUSIB Officials, NGOs, and news portals were self-identified by the surveyors and provided as alternatives to choose from to the women respondents. They were also given the option of providing any other source of information from where they had gained knowledge of existence of the said shelter home.

Further, it was enquired if the women respondents were asked for any legal documentation including, but not limited to, identification proofs such as Aadhar Card or Voter ID Card to be allowed to live in the shelter homes.

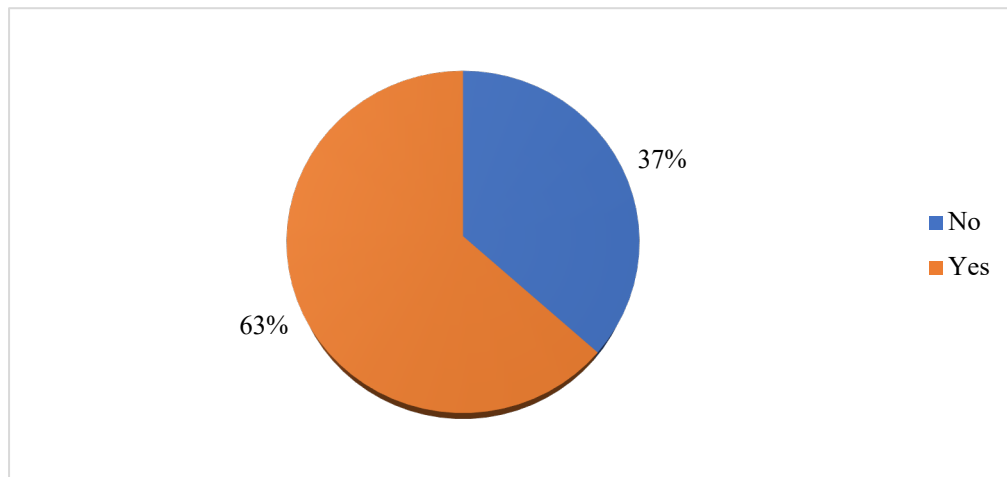
How did you get to know about the shelter home?



The other sources of information from where the women respondents had gained knowledge of the existence of the said shelter home, largely include police authorities and notification of the gurudwara (for Bangla Sahib Shelter Home only). Two women respondents answered that they did not know how they gained knowledge of the existence of the shelter home while three other answered that they had gained the knowledge on her own. One woman respondent answered that a stranger had told her about shelter homes based on which she had come there. Similarly, one answered that she had come to know about the shelter home through her employer. Interestingly, in one of the cases, the women respondent had come

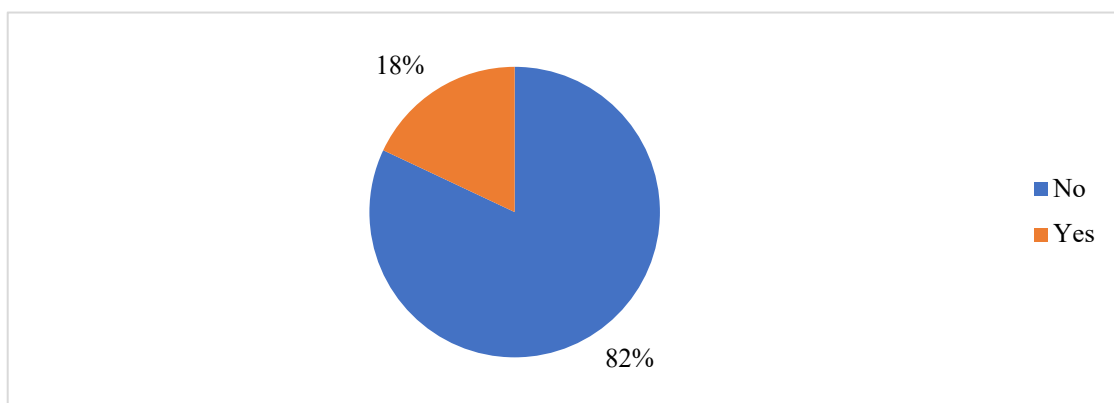
to the shelter home upon directions from the High Court of Delhi on account of an on-going litigation in court.

Were you asked for any documents to be allowed to live in these shelter homes?



37% of the women respondents were not asked for any documents to be allowed to live in the shelter home. Therefore, it appears that absence of legal documentation is not a hurdle to access shelter homes. For the remaining 63% of the women respondents who were asked to provide documents to be allowed to live in the shelter homes, a large number answered that they were asked for their Aadhar Card and a photograph. A minority of these respondents who answered in the affirmative were asked to provide their Voter ID or PAN card or Educational Certificate or Ration Card.

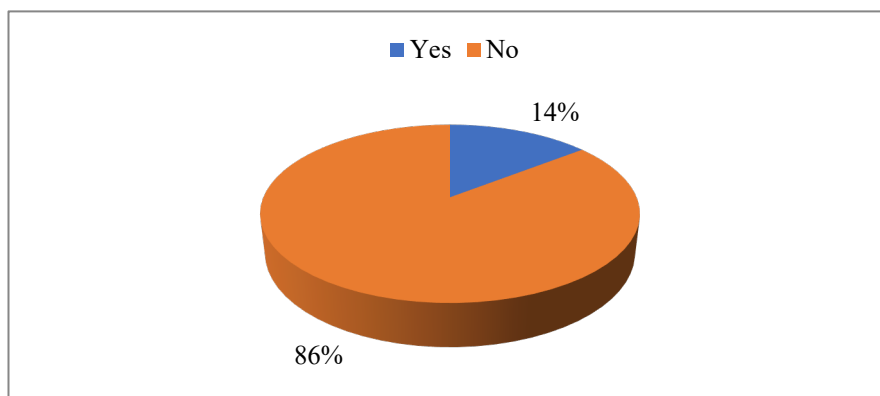
Did you face any difficulty while procuring any/all of the documents asked?



As a corollary to the question on legal documentation for access to shelter homes, the women respondents were asked if they had faced any difficulty in procuring these documents.

A majority of the women respondents who were asked to provide documents did not face any difficulty in procuring them.

Have there been instances where the shelter home has denied you shelter?

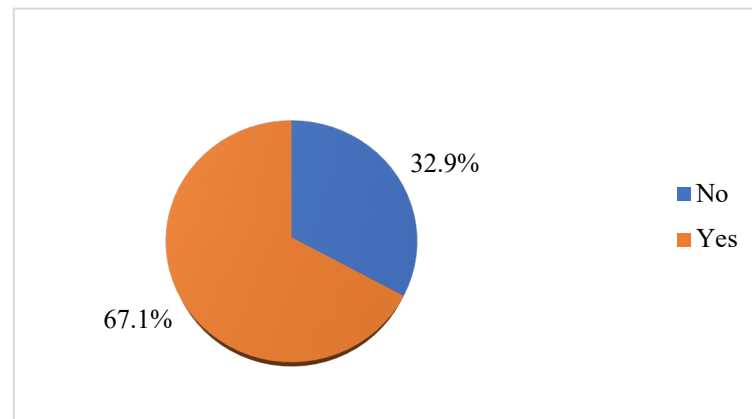


Three women respondents mentioned that they were denied from entering the shelter home because of lack of space. One of the said three respondents also commented that when there exists lack of space in a permanent shelter home, women are given the alternative of residing in tents that are put up on a temporary basis, while beds are made available in the open spaces inside the complex. One of the women respondents mentioned that they were shifted to the present shelter home as the previous one was destroyed. From this, it appears that the previous shelter home was a temporary facility. One woman respondent was refused from staying at the shelter home as she had been staying there for too long. However, she was provided with the option of a different shelter home.

It is noticed that although all women respondents have provided the reason for denial of accommodation, but they have not named the shelter that denied them entry. Out of the 12 women respondents who commented on this, only one named the said shelter home as Bishram Sadan near AIIMS, Delhi.

Were you living in these shelter homes during COVID-19?

The COVID-19 pandemic led to various restrictions being imposed on the movement of people in public places. It is a matter of record that the pandemic disproportionately impacted the marginalized communities including those living in a state of homelessness. In this background, the survey assesses the availability of or access to shelter homes during the Covid-19 pandemic. The women respondents were therefore asked if they were living in the shelter homes during that period.

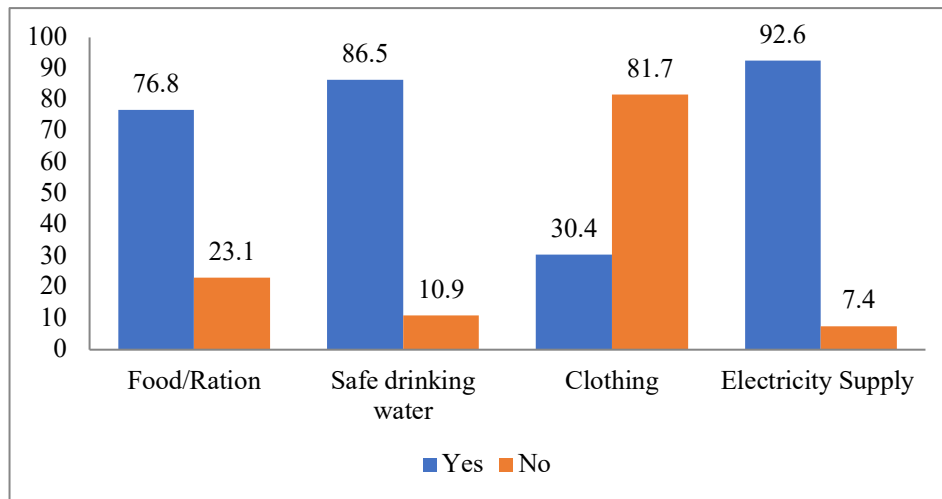


More than half of the women respondents answered that they were living in the shelter homes even during the Covid-19 pandemic. The remaining women respondents, stated that they stayed in their hometowns, on rent with their friends or at public places such as temple (Hanuman Mandir) and bus stops (Shivaji Stadium Bus Adda). One woman respondent answered that she was working as a house help at her employer's home and used to live there. Two others answered that prior to the pandemic they were living on rent. One them stated that post the first lockdown in India after the Covid-19 pandemic, she shifted to the shelter home as she had lost her job and could not afford to the pay rent.

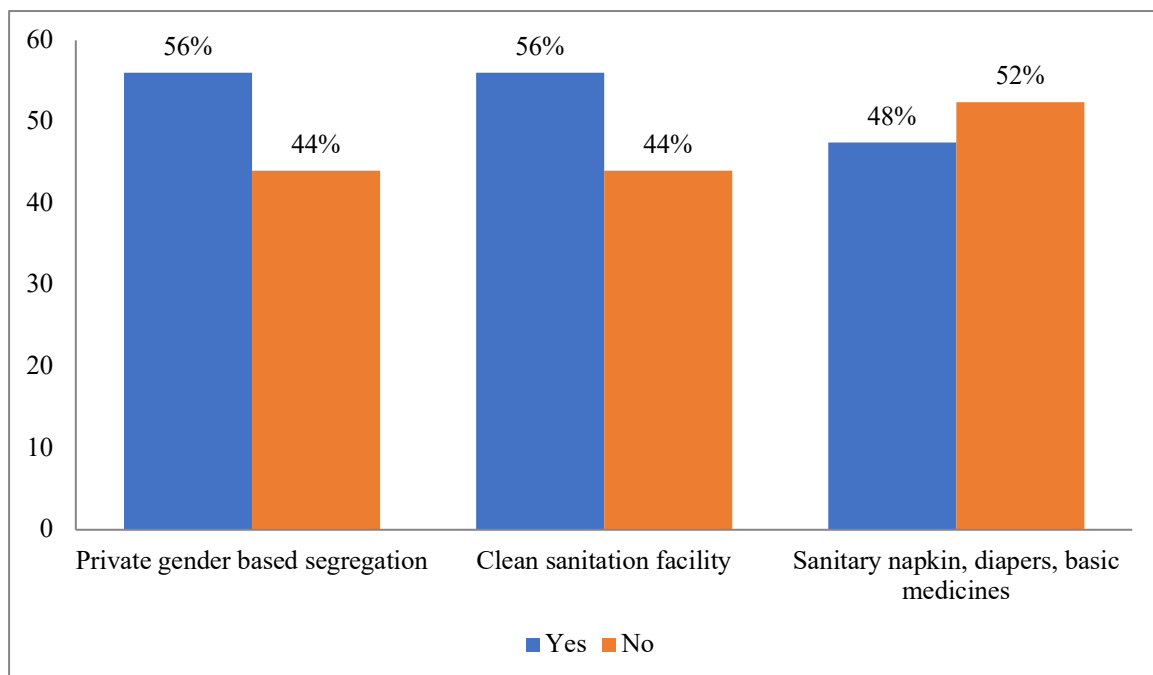
C. FACILITIES AVAILABLE AT THE SHELTER HOMES

The respondents in Bangla Sahib and Sarai Kale Khan Night Shelter Homes, numbering 82, were assessed to ascertain the present status on availability of basic facilities. The detailed analysis is as follows:

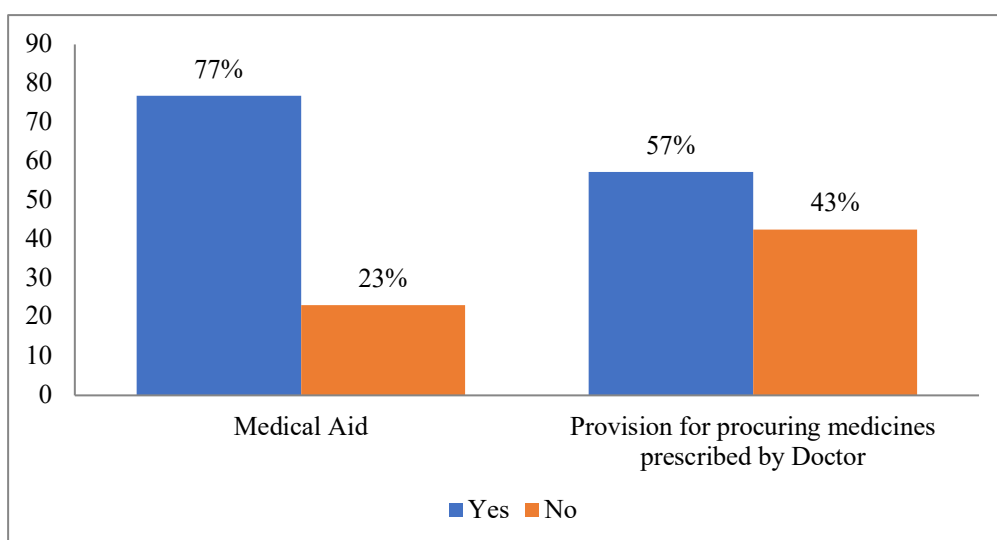
1. Basic Essential Facilities:



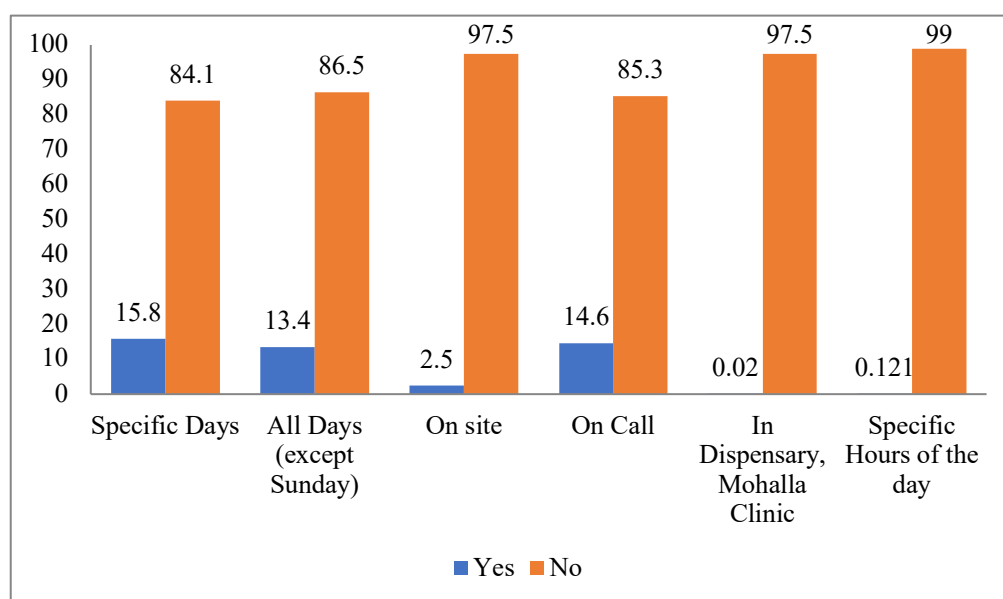
2. Sanitation Facilities:



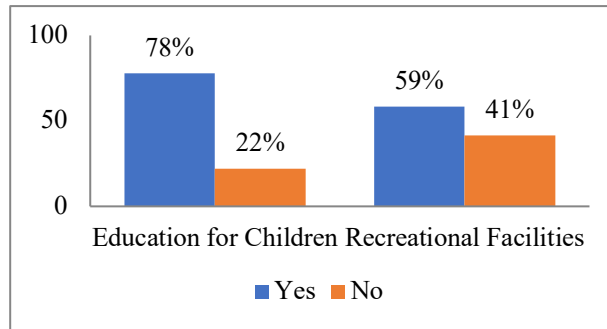
3. Medical Facilities:



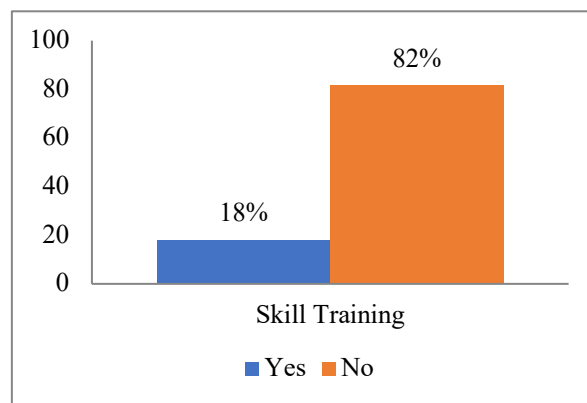
Further detailed questions on availability of doctors were asked to better understand availability of medical facilities:



4. Facilities for Children:



5. Skill Training:



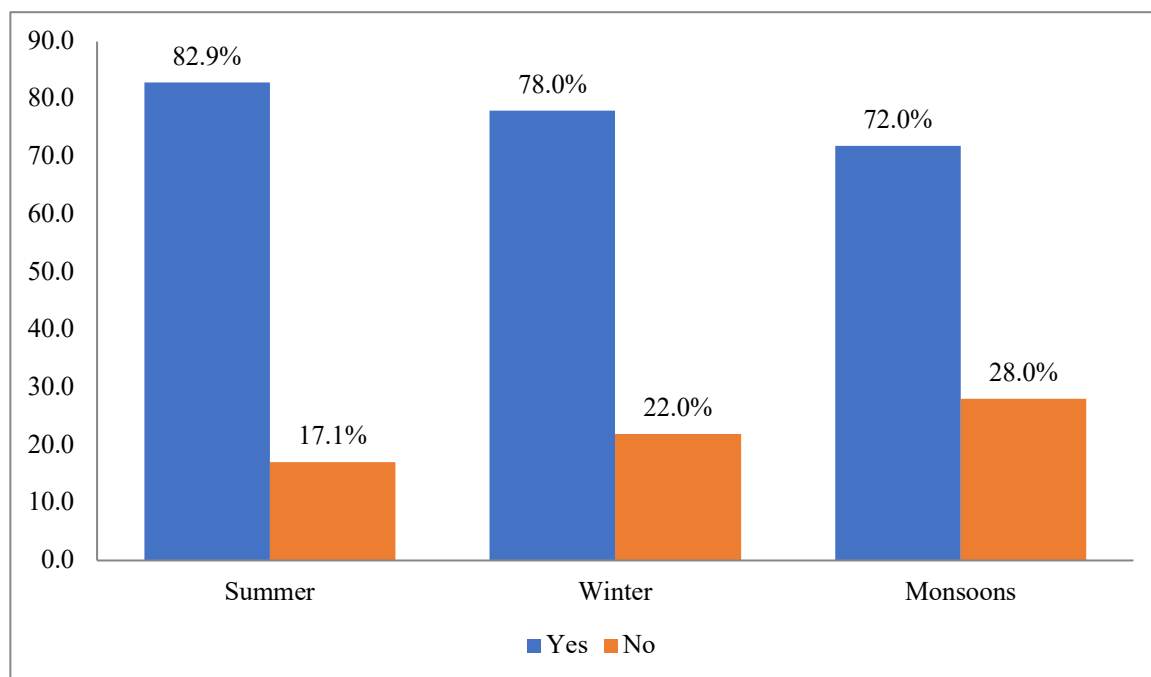
The surveyors observed the callous attitude of the management (from the responses) as they failed to take care of the basic needs of the inhabitants and their misdemeanour of issuing threats to the inhabitants.

A large number of women respondents were however not satisfied with the facilities available. The following improvements were suggested:

- A system of checks and balances on the behaviour of the management;
- Change in management staff on priority basis to include personnel who were more sensitive and empathic to the needs of the people;
- Skill learning and employment opportunities for women;
- TV for entertainment; and
- Clean washrooms by resolving the issue of waterlogging and clogged drains.

6. Infrastructure:

Further, questions were asked to understand whether the existing infrastructure at the shelter homes was adequate to tackle all seasons (summer, winter and monsoons). The women respondents provided the following answers:

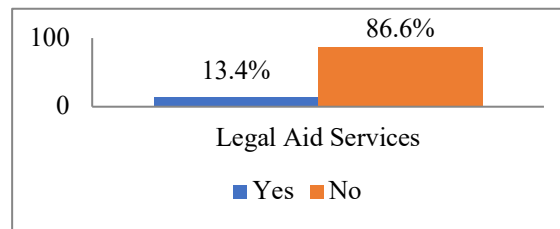


57% of the women respondents found that the infrastructure was adequate to handle all weather conditions. The remaining suggested that the following improvements must be made in the existing infrastructure to tackle the weather conditions:

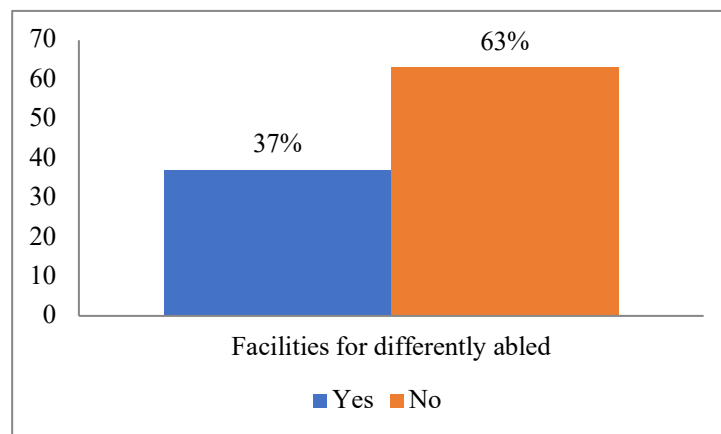
- Summer: Women respondents stated that they had installed their own fans to tackle the heat during summers while installation of coolers and necessary units of water coolers as an alternative was also desired.
- Winters: Women respondents were largely unsatisfied with the quality of the blankets provided.
- Monsoons: Most women respondents found that there existed an issue of water logging during monsoons which in turn led to breeding of mosquitoes. They also cited the problem of leaky ceilings.

7. Legal Aid Services:

The women respondents answered that legal aid services were available through the Delhi State Legal Services Authority and lawyers who visited on a *pro bono* basis.



8. Facilities for Differently Abled:

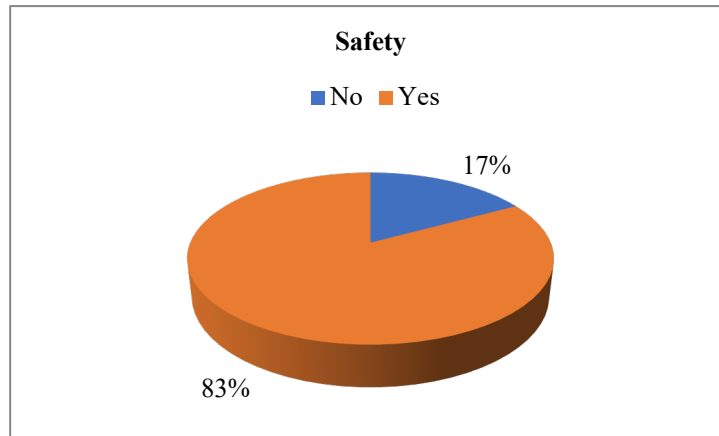


The last question in this section assessed whether the facilities within the shelter home were inclusive and adequate to cover the differently abled by providing for ramps, wheel-chairs, prosthetic devices, hearing aids and braille kits.

D. SAFETY WITHIN THE SHELTER HOMES

The next few questions analyze the existence of a safe space for women respondents and their children within the shelter home.

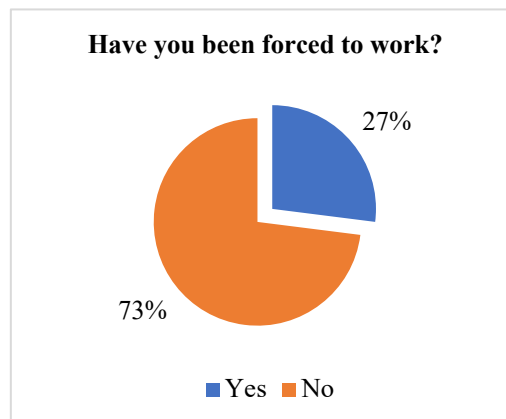
1. Safety:

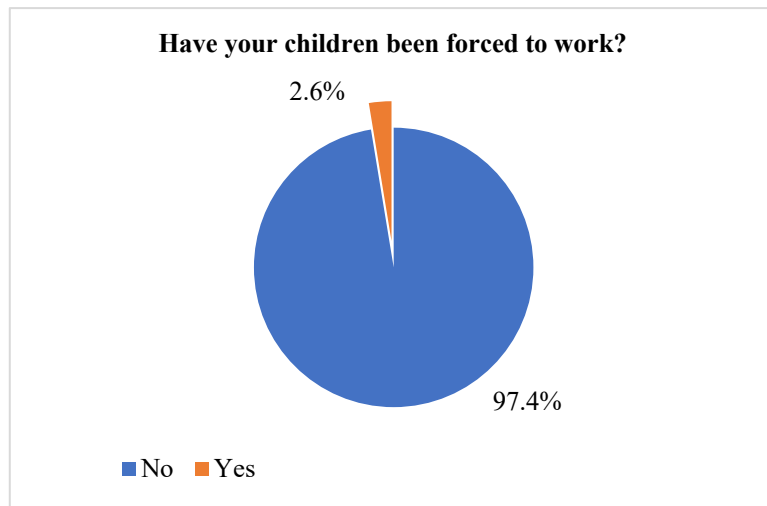


Some women respondents cited consumption of alcohol by their male counterparts as a cause of safety concern. It was stated that post alcohol consumption, fights took place between the residents of the shelter home, making the respondents feel unsafe.

2. Forced Labour:

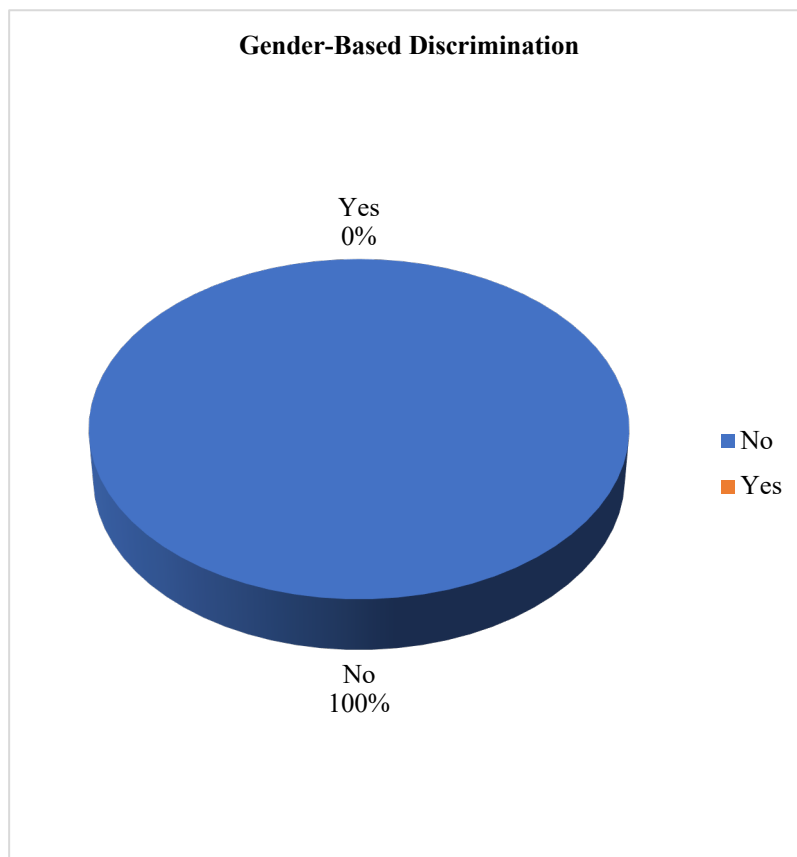
For this purpose, the women respondents were asked if they were forced to work, if there was prevalence of child labour within the shelter home, and if they had reported the same to the administration:



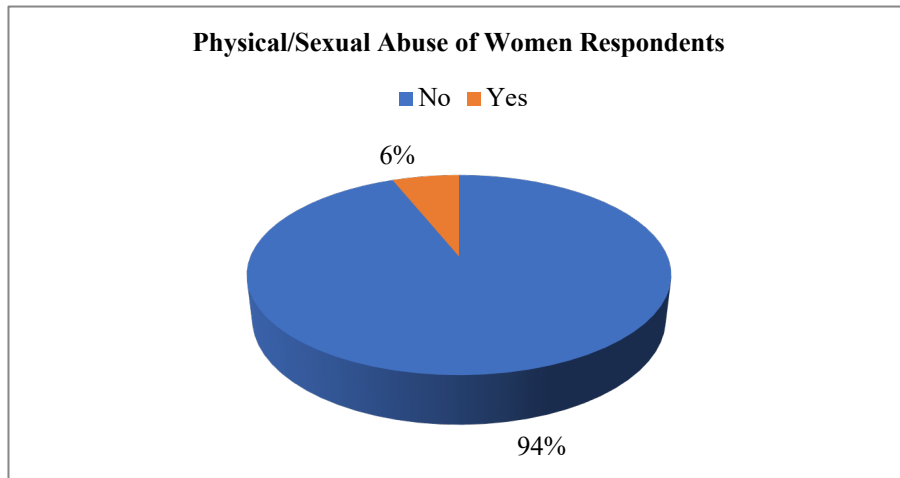


There was an overwhelmingly negative response to this question by the women respondents. Of those who had children, 97.4% women responded that their children had not been forced to work at the shelter home by authorities therein.

3. Gender-Based Discrimination:

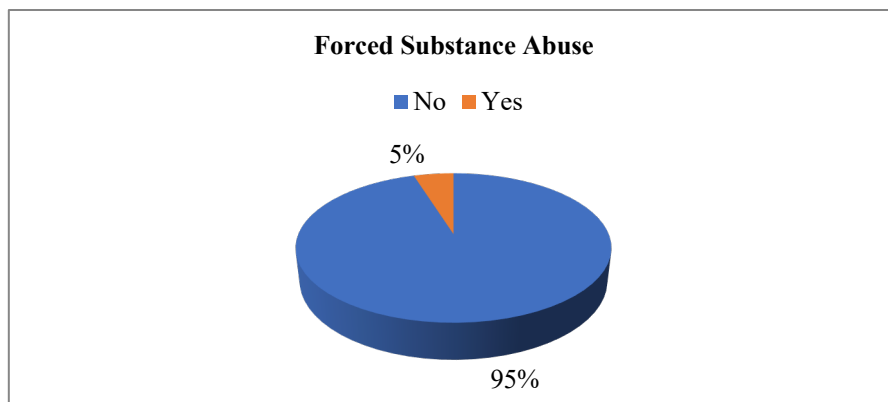


4. Physical/Sexual Abuse:

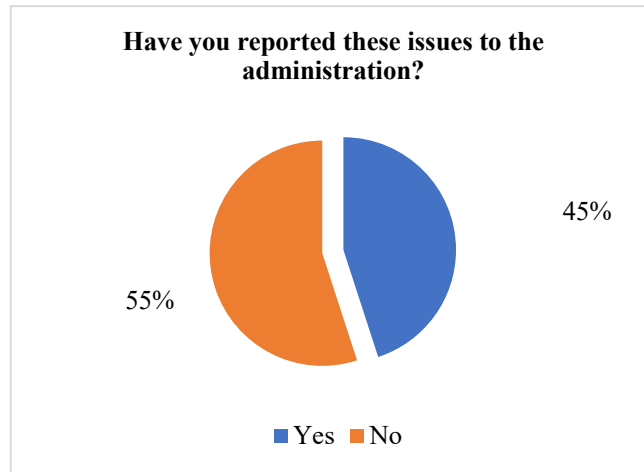


Some of the women respondents answered that they were physically abused when they were at fault or made a mistake. One women respondent answered that she was being abused by her husband. There were no reasons provided when it came to abuse amongst children.

5. Forced Substance Abuse:



The women respondents were also asked if they had reported any issue of safety to the administration. Their response to the same was as follows:



A substantial percentage (55%) of the women respondents had not reported to the administration/management the various issues faced by them at the shelter home. The causes for this general reluctance are unknown. However, possible reasons could be the lack of perceived sensitivity and/or lack of an appropriate response on part of the administration/management of the shelter home. Only 27% of the women respondents felt that the administration/management of the shelter home would respond with appropriate sensitivity and help address the concerns raised by them, whereas the rest, i.e., 73% felt that they did not get any/adequate/appropriate response. Some respondents also responded that the management staff at the shelter home abused their position by indulging in discriminatory and exploitative practices.

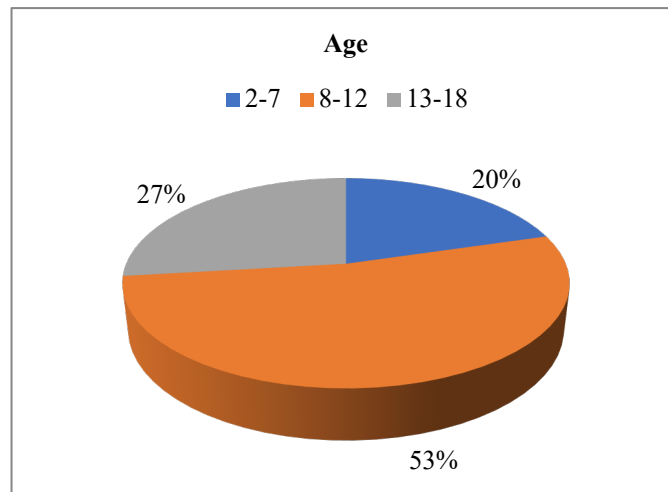
CHILDREN’S SURVEY

A. DEMOGRAPHICS OF CHILDEN RESPONDENTS⁴²

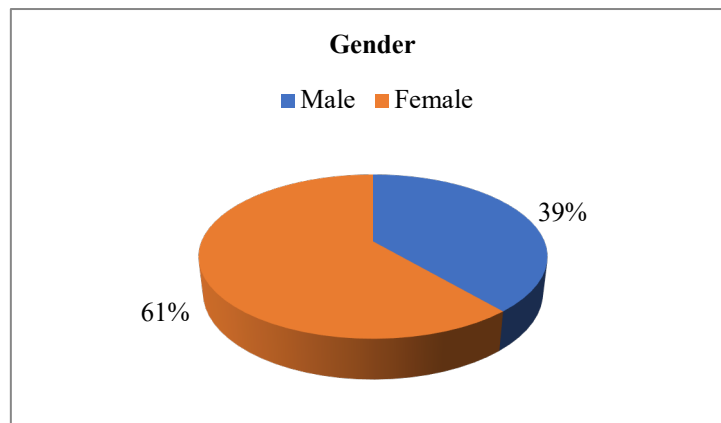
A total of 93 children were surveyed at the two shelter homes in New Delhi – the Bangla Sahib Shelter Home and the Sarai Kale Khan Shelter Home for Women and Children. The following is the demographic profile of respondents:

1. Age:

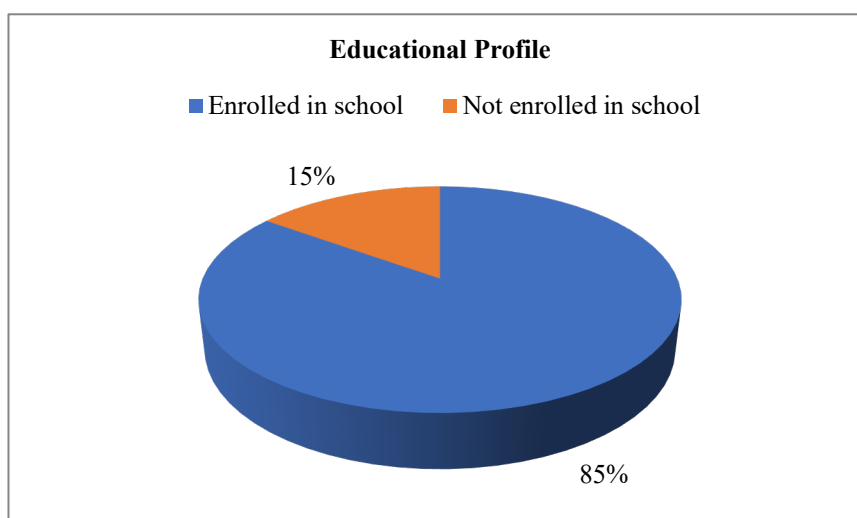
⁴² To maintain confidentiality of all children respondents, no names have been mentioned in the present study.



2. Gender:

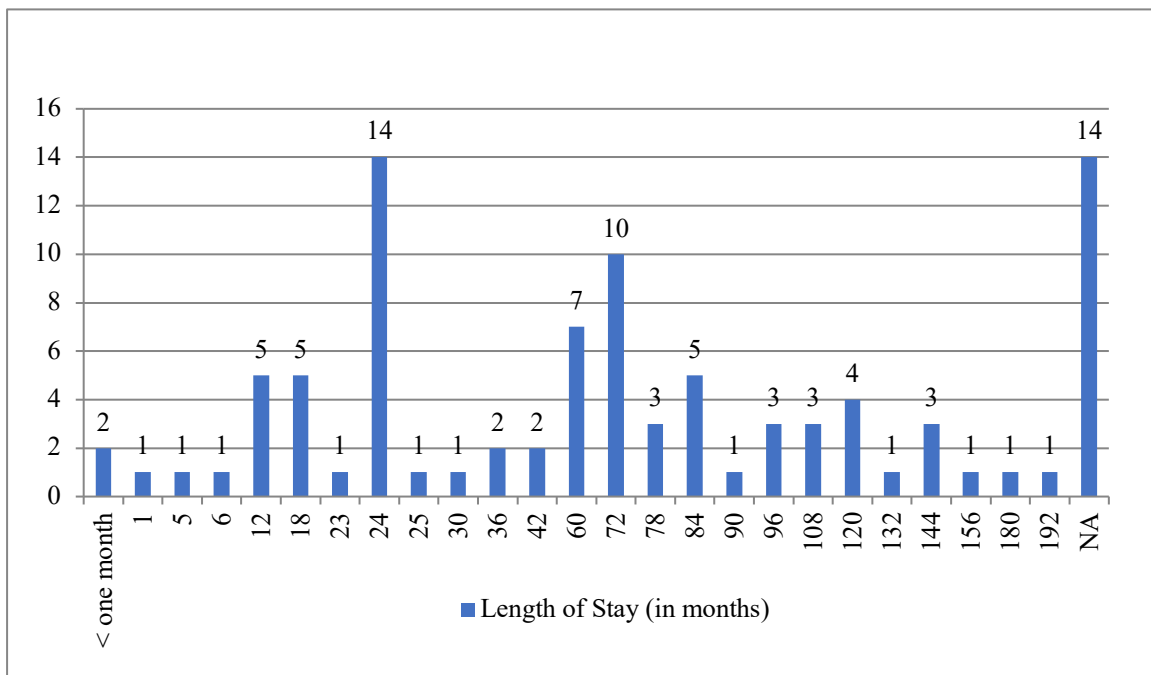


3. Education Profile:



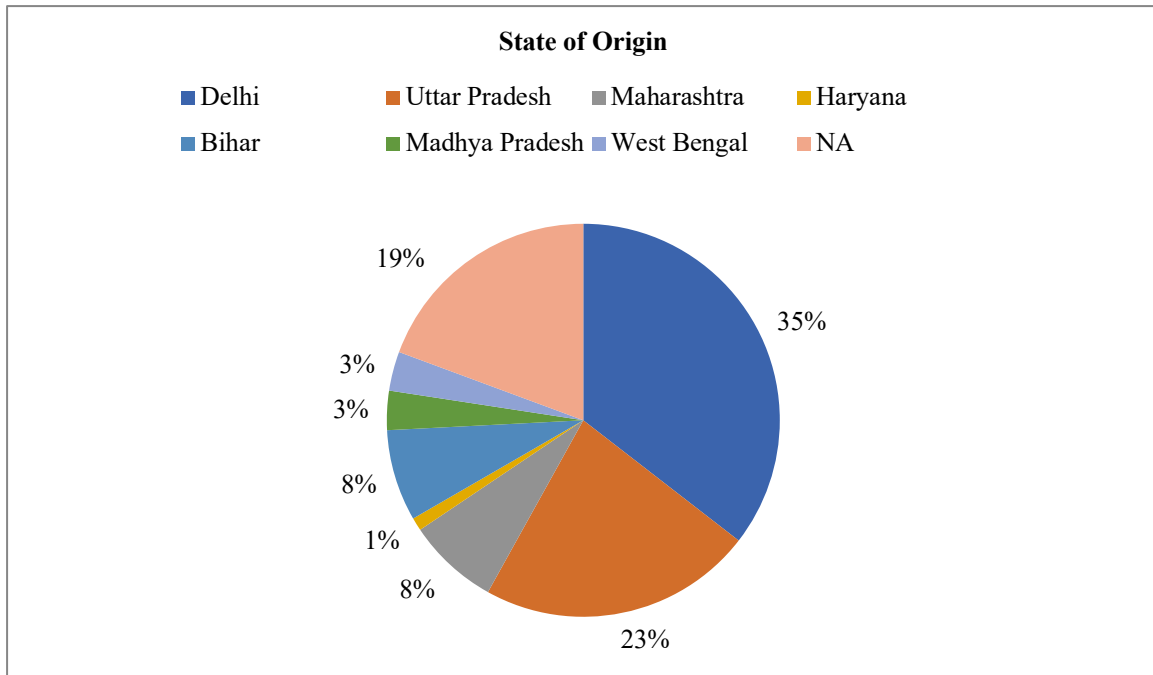
A substantial percentage of children was obtaining education through tuition classes, instead of being enrolled in schools. For the purposes of this research, the aforementioned category has been added to the section ‘Not enrolled in school’.

4. Length of Stay (in months):



In the bar graph given above, the X-axis represents the length of stay (in months) of the children respondents while the Y-axis shows their commensurate number. The average length of stay of women respondents was 73 months (about 6 years) while the children stayed for 24 months (2 years). The maximum length of stay was approximately 192 months (about 16 years).

5. State of Origin:



It was observed that the majority of the respondents were from Delhi or neighboring states, such as Uttar Pradesh.

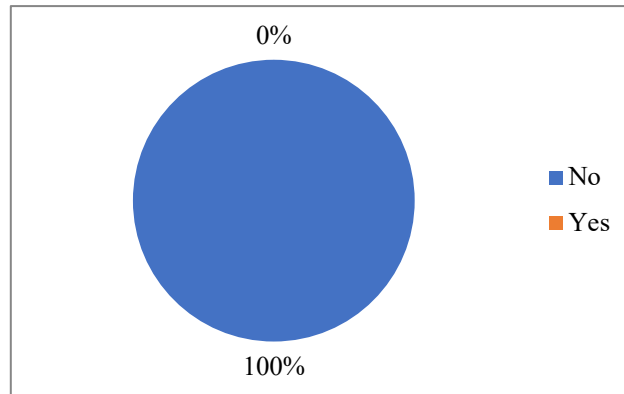
B. ACCESS TO AND AFFORDABILITY OF SHELTER HOMES FOR CHILDREN RESPONDENTS

An essential aspect of the present empirical research was to analyse the access to and the affordability of the shelter homes for the respondents.

1. Affordability of Shelter Homes:

To assess the affordability of the said shelter homes, the children respondents were asked if they were being charged for their stay at the shelter homes.

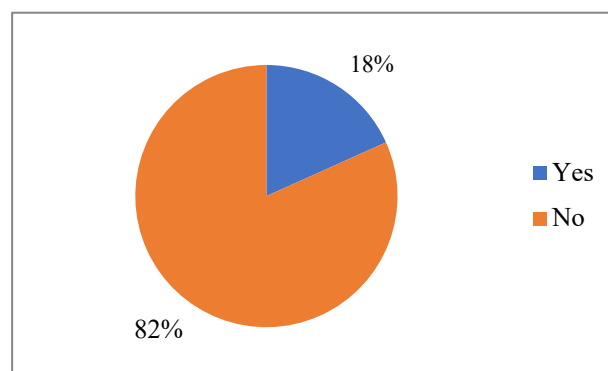
Were you asked to pay any money to stay in these shelter homes?



2. Access to Shelter Homes:

To assess the access to shelter homes by the children respondents, it was essential to understand if they had come there on their own accord on the basis of prior information on the existence of such structures or if they were brought there by someone else. For this purpose, parameters such as information dispensation through DUSIB Officials, NGOs, and news portals among other sources, were self-identified by the surveyors and provided as alternatives to choose from. They were also given the option of providing other relevant information. Further, those respondents who has been brought there were specifically enquired for the details of the accompanying persons.

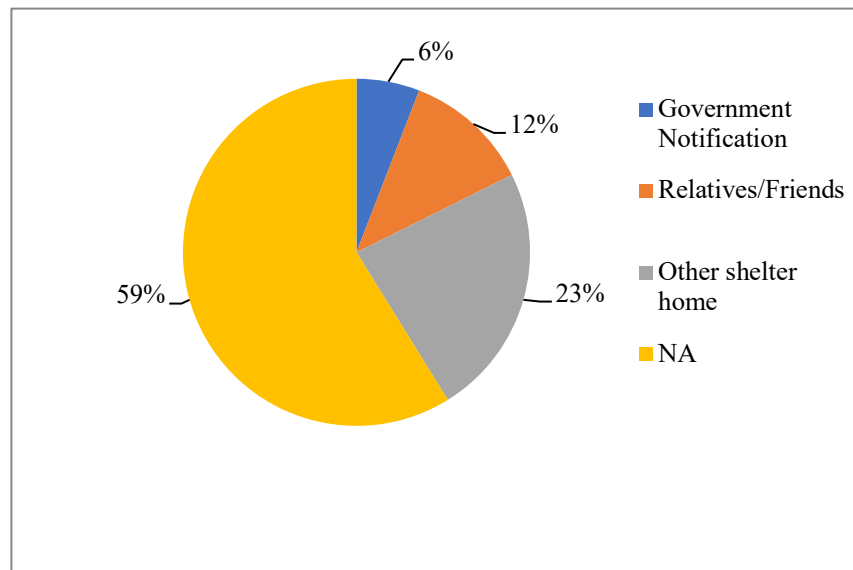
Did you come on your own to the shelter home?



Out of a total of 93 children respondents, 27 stated that they had come to the shelter homes on their own. However, on being asked the source of information about the existence of the shelter homes, it was observed that in reality, they has arrived with their parents. Therefore, the answer to the question “Did you come to the shelter home on your own?” to these

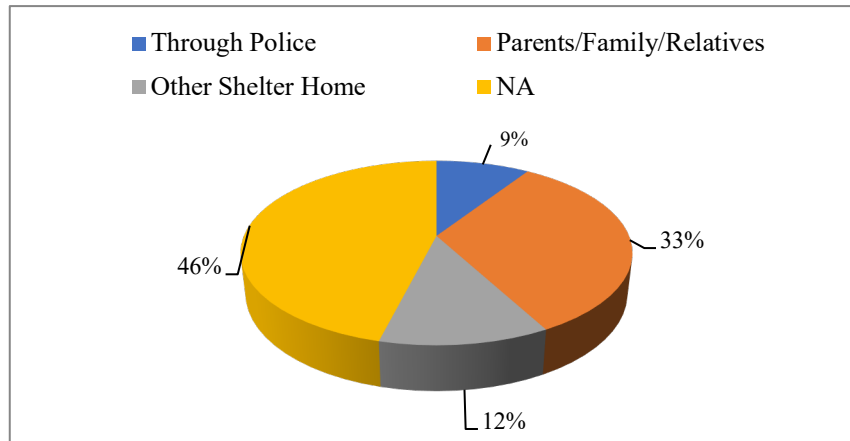
specific children is being treated as negative despite the answer being in the affirmative in the questionnaire. On the basis of the above, it is seen that an overwhelming majority i.e., 82% of the children respondents did not come to the shelter home on their own. The actual percentage stands at 18%.

If yes, how did you get to know about the shelter home?



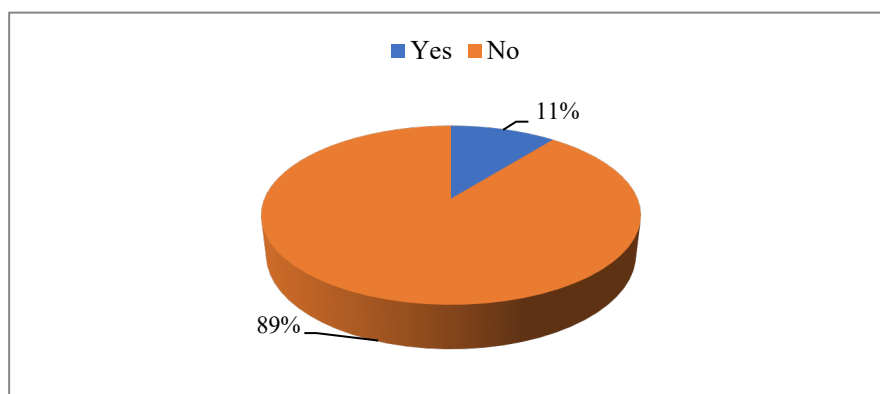
For those children respondents who stated that they had come to the shelter home on their own, it could not be deduced from where they gained the relevant knowledge about the existence of these structure, as they could not provide a satisfactory answer. For the remaining, it appears that most of such children respondents had been shifted from other existing shelter homes.

If not, who brought you to the shelter home?



For those who had stated that they had not come to the shelter home on their own, it could not be deduced who had actually brought them. For the remaining, it appears that most of such children respondents had come to the shelter home through other shelter homes, police or their families.

Have there been any instances where the homes have denied you shelter?

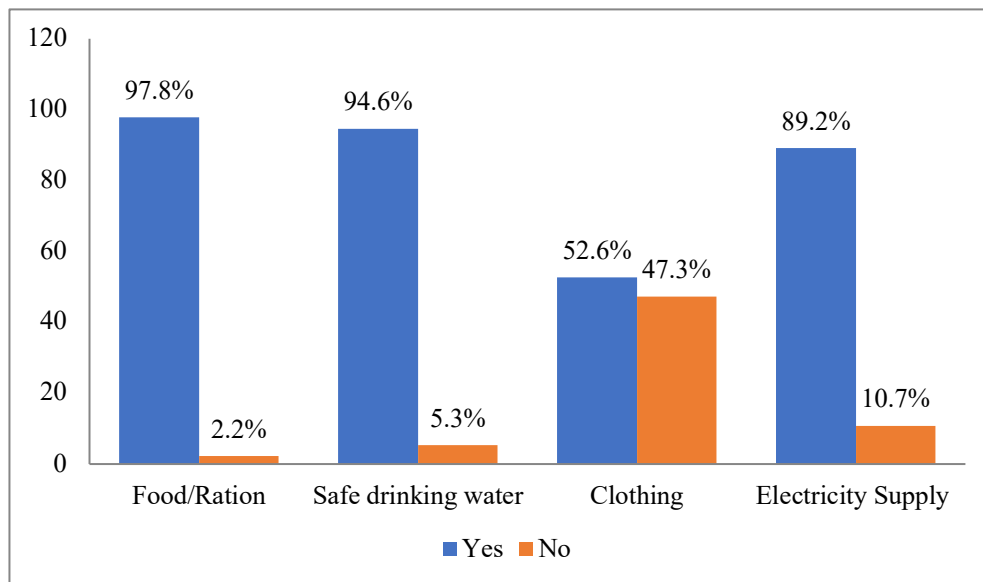


Three children respondents mentioned that they were denied from entering the facility because of lack of space. Another child mentioned that the inhabitants were directed to vacate the area whenever they complained of lack of hygiene and cleanliness. Also, inhabitants from Delhi were usually not allowed to reside there.

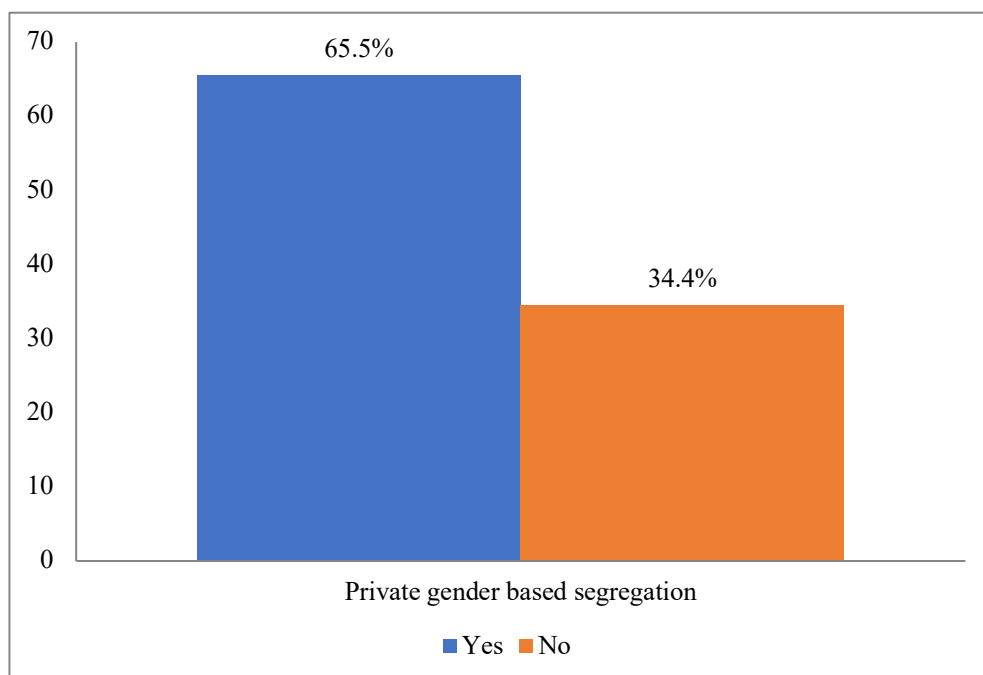
C. FACILITIES AVAILABLE AT THE SHELTER HOMES

The children respondents in Bangla Sahib and Sarai Kale Khan Night Shelter Homes, numbering 93 were assessed to ascertain the present status on availability of basic facilities. The detailed analysis is as follows:

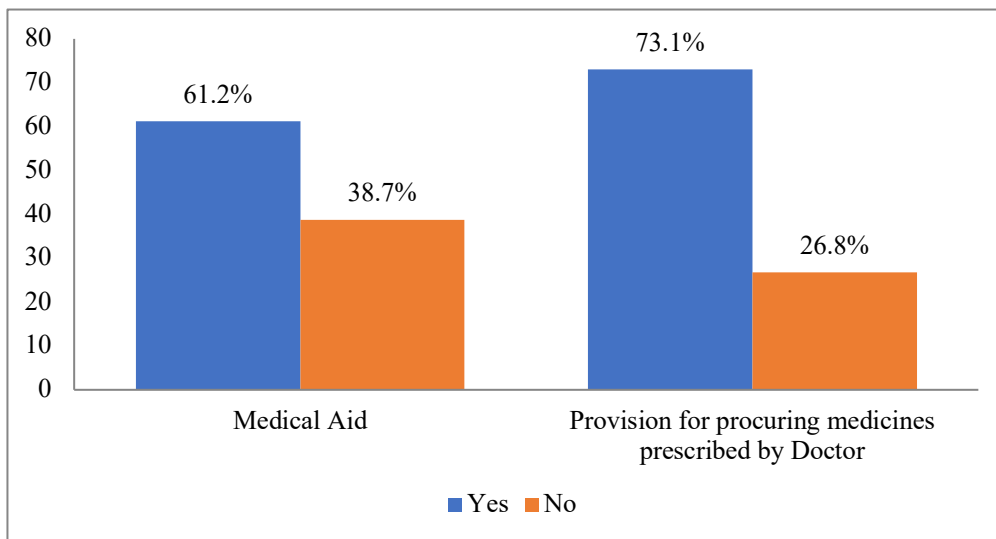
1. Basic Essential Facilities:



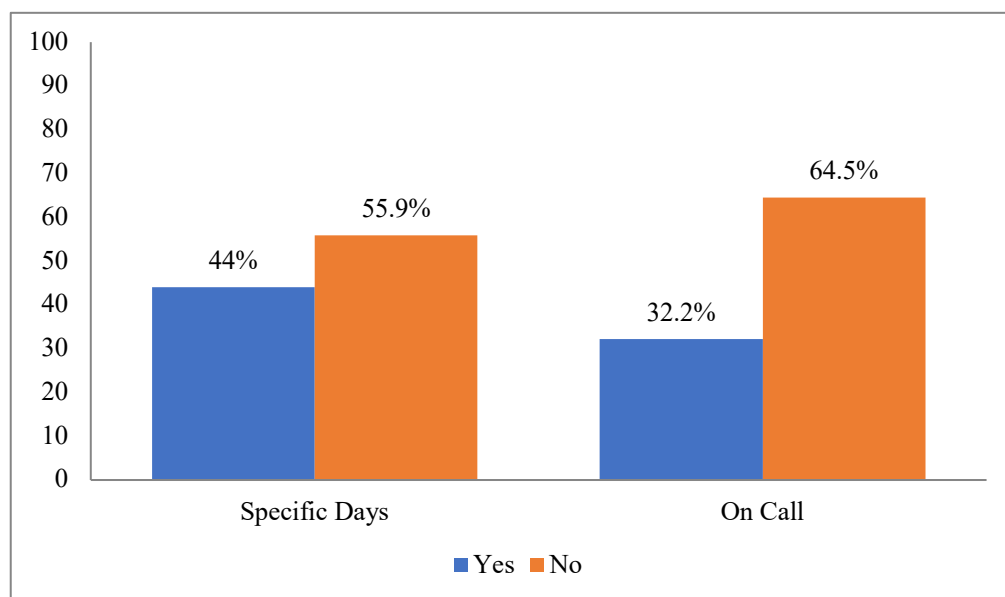
2. Sanitation Facilities:



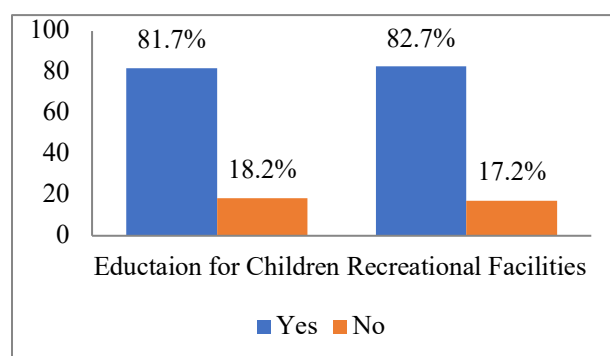
3. Medical Facilities:



Another question on availability of doctors was asked to better understand the scenario:



4. Facilities for Children:



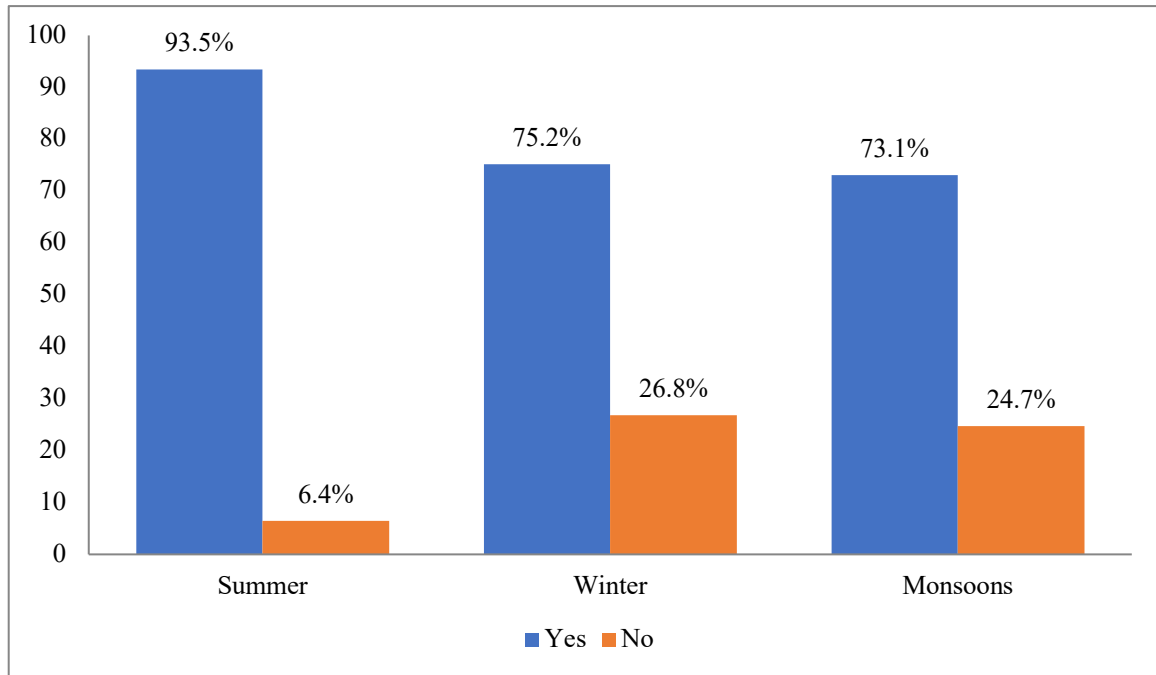
The children respondents emphasized on the following improvements to be made in terms of the existing facilities at the shelter home:

- Repair and cleaning of unclean and waterlogged washrooms;
- Improvement in poor quality of food;
- Availability of milk for children and adults alike;
- Increase in space since many inhabitants were living in temporary tent houses;
- Provision for non-vegetarian food;
- Installation of permanent fans and coolers;
- A system of checks and balances on the behaviour of the management;
- Necessary units of water coolers to be installed for tackling extreme summer conditions;
- TV for entertainment;
- Availability of toys, bicycles and installation of swings for the children; and
- Education to be made a right for both school-goers and non-school goers.

Appreciation was extended towards the two tutors who came for an hour in the evening to teach the students basic alphabet and numeracy. Dance classes being organized at the shelter home were also recognized, though they did not take place regularly. The children were extremely satisfied with the clothes that were being donated by the Salaam Balak Trust.

5. Infrastructure:

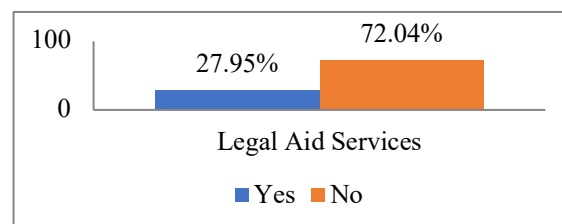
Further, questions were asked to understand whether the existing infrastructure at the shelter homes was adequate to tackle the seasons (summer, winter and monsoons). The children respondents provided the following answers:



61% of the children respondents found that the infrastructure was adequate to handle all types of weather conditions. The remaining suggested that the following improvements must be made in the existing infrastructure to tackle the weather conditions:

- Summer: There must be permanent fans, coolers and water machines installed to tackle extreme summer conditions.
- Winters: Warm, woolen, quality blankets were demanded for the biting cold season.
- Monsoons: Due to the issues of leaky ceiling and water logging during monsoons which in turn led to breeding of mosquitoes, proper construction of the roofs should be done while resilient water lines should be laid. Also, proper dengue fogging should be undertaken at regular intervals.

6. Legal Aid Services:

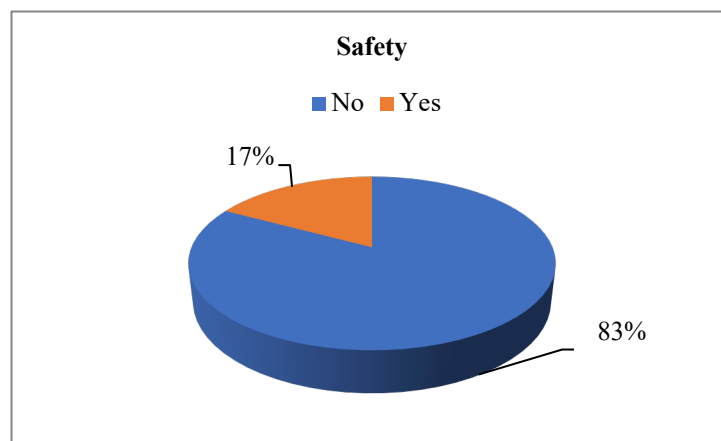


The children respondents answered that such legal aid services were available through the lawyers who visited on a *pro bono* basis and through legal camps that were organized at the Shelter Home.

D. SAFETY WITHIN THE SHELTER HOMES

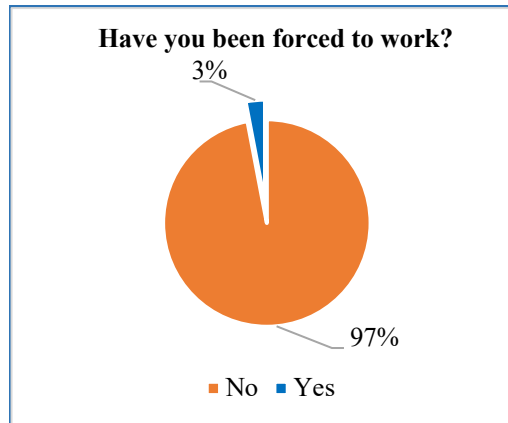
The next few questions analyze the existence of a safe space for women respondents and their children within the shelter home.

1. Safety:



Some of the children respondents cited consumption of alcohol by older male inhabitants of the shelter as a cause of safety concern. It was stated that post alcohol consumption, brawls took place making the place unsafe. They also cited non-availability of emergency doctors at the shelter home as another cause of concern. Two respondents mentioned that theft and pickpocketing were prevalent within the shelter home.

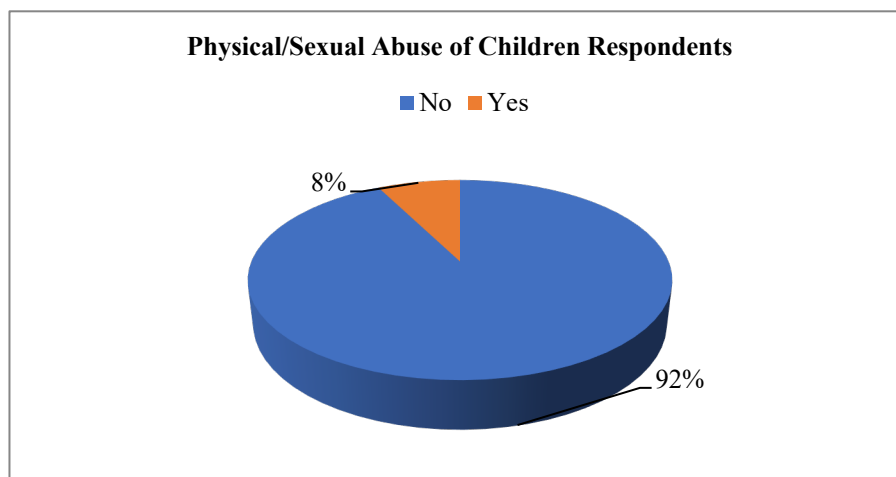
2. Forced Labour:



The children respondents were explicitly asked if they were forced to work, whether there was prevalence of child labor within the shelter home, and if they had reported the same to the administration.

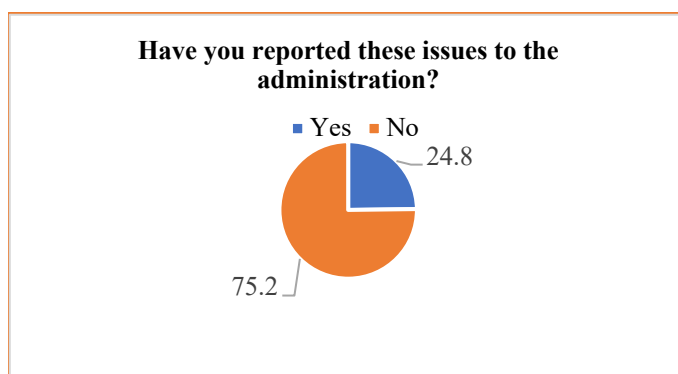
There was an overwhelmingly negative response to this question by the children respondents of the survey. Those who answered in the affirmative did not provide the details of the work they were forced to do. It was mentioned that children were rather encouraged to study.

3. Physical/Sexual Abuse:



One of the respondents answered that the children were often physically abused whenever there an altercation with the workers of the shelter home, or if any resident had consumed excessive alcohol. Pertinently, even though the children were not asked any direct question on substance abuse, three children respondents answered that they were often forced to

indulge in substance abuse. It was also enquired whether the safety issues were flagged to the concerned authorities. The response to the same was as follows:



In the case of children, the reluctance in reporting issues to the management was significantly higher than what was there for the women. 75.2% of the respondents did not report to the administration/management the various issues faced by them at the shelter home. The causes for this general reluctance are unknown.

CONCLUSION AND WAY FORWARD

There exists an urgent need to undertake a holistic survey of each shelter home and upgrade the infrastructure within, in order to enable these homes to provide comfortable living spaces during the extreme weather conditions of Delhi. In addition, the infrastructure also needs upgradation in order to ensure that basic amenities such as those pertaining to children's recreation, education, and health are adequately provided for. The lack of basic facilities such as proper food and nutrition, and sanitation shows that there is an urgent need to assess the reasons behind such a state of affairs and address the same.

Even though there exist funds to address these above-mentioned concerns, the administration seems to be taking little to no steps to address them. There appears to be no accountability on part of the administration managing the shelter homes in cases where the facilities provided are not up to the standard mandated by the law. Therefore, there exists an urgent need to create an appropriate mechanism to hold the administration of each individual shelter home responsible for its proper functioning. Furthermore, there is a need to assess the requirement of the number

of shelter homes in Delhi, and basis the findings, create more such safe spaces given that the existing shelter homes are facing the problem of overcrowding/lack of space.



VIRTUAL NATIONAL SEMINAR

ON

AFFORDABLE SHELTERS FOR WOMEN AND CHILDREN IN DELHI

JULY 23, 2022

ORGANISED BY

CAMPUS LAW CENTRE, FACULTY OF LAW, UNIVERSITY OF DELHI

IN ASSOCIATION WITH

**CENTRE FOR ENVIRONMENTAL LAW, EDUCATION, RESEARCH AND
ADVOCACY (CEERA) NATIONAL LAW SCHOOL OF INDIA UNIVERSITY,
BENGALURU**

UNDER THE AEGIS OF

**MINISTRY OF HOUSING AND URBAN AFFAIRS, GOVERNMENT OF
INDIA**

FINAL REPORT



VIRTUAL NATIONAL SEMINAR ON AFFORDABLE SHELTERS FOR WOMEN AND CHILDREN IN DELHI



Campus Law Centre, University of Delhi INAUGURAL CEREMONY - 23rd July, 2022



**Guest of Honour
Sh. Hitesh Vaidya**

Director
National Institute of Urban Affairs
(NIUA), Delhi



**Chief Guest
Sh. Bharat Parashar**

District Judge/ Member Secretary
Delhi State Legal Service Authority
(DSLISA)



**Special Guest
Prof. (Dr.) Sairam Bhat**

Professor of Law, Coordinator-Centre for
Environmental Law, Education, Research and
Advocacy [CEERA] at National Law School of India
University, Bengaluru



**Patron-in- Chief
Prof. (Dr.) Alka Chawla**

Professor-In-Charge,
Campus Law Centre (CLC), University of Delhi



**Programme Director
Dr. Anita Yadav**

Assistant Professor (Sr. Scale)
Campus Law Centre, University of Delhi



National Virtual Seminar on
Affordable Shelters for Women and Children in Delhi
Campus Law Centre, University of Delhi
INAUGURAL CEREMONY - 23rd July 2022

SCHEDULE

10:00 am - 10:10 am	Welcome Address - Dr. Anita Yadav Assistant Professor (Sr. Scale) Campus Law Centre, University of Delhi
10:10 am - 10:25 am	Address by Professor-In-Charge, Campus Law Centre - Prof. (Dr.) Alka Chawla Professor of Law, Campus Law Centre, University of Delhi
10:25 am - 10:50 am	Address by Chief Guest - Sh. Bharat Parashar District Judge/ Member Secretary, Delhi State Legal Services Authority (DSLISA)
10:50 am - 11:15 am	Address by Guest of Honour - Sh. Hitesh Vaidya Director, National Institute of Urban Affairs (NIUA), Delhi
11:15 am - 11:40 am	Address by Prof. (Dr.) Sairam Bhat Professor of Law, Coordinator-Centre for Environmental Law, Education, Research and Advocacy [CEERA] at National Law School of India University, Bengaluru
11:40 am - 11:50 am	Vote of thanks by Dr. Anita Yadav
	Master of Ceremony – Madhav Goel 3rd year Student of Campus Law Centre, University of Delhi

INAUGURAL CEREMONY

Chief Guest:

Sh. Bharat Parashar, District Judge/Member Secretary, Delhi State Legal Services Authority (DSLISA), New Delhi.

Guest of Honour:

Sh. Hitesh Vaidya, Director, National Institute of Urban Affairs (NIUA), New Delhi.

Special Guest:

Prof. (Dr.) Sairam Bhat, Professor of Law, Coordinator, Centre for Environmental Law, Education, Research and Advocacy (CEERA) at NLSIU, Bengaluru.

Patron-in-Chief:

Prof. (Dr.) Alka Chawla, Professor-incharge, Campus Law Centre (CLC), University of Delhi.

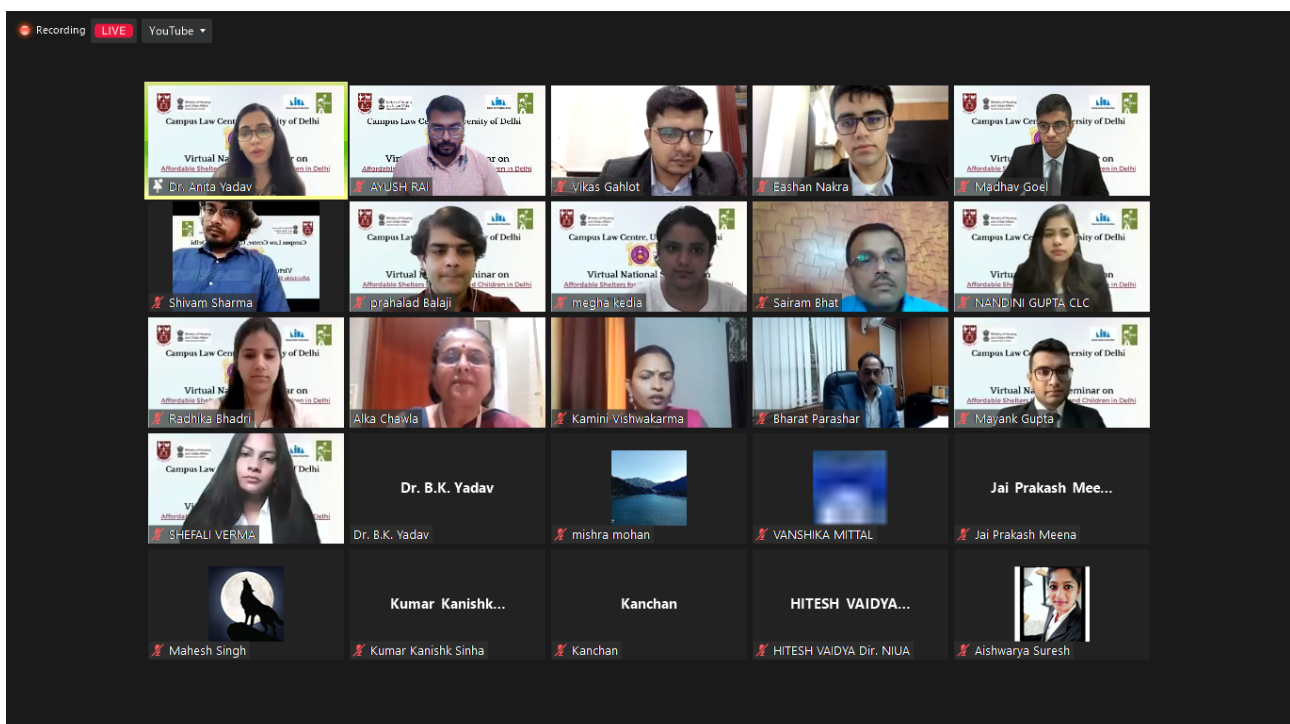
Program Director:

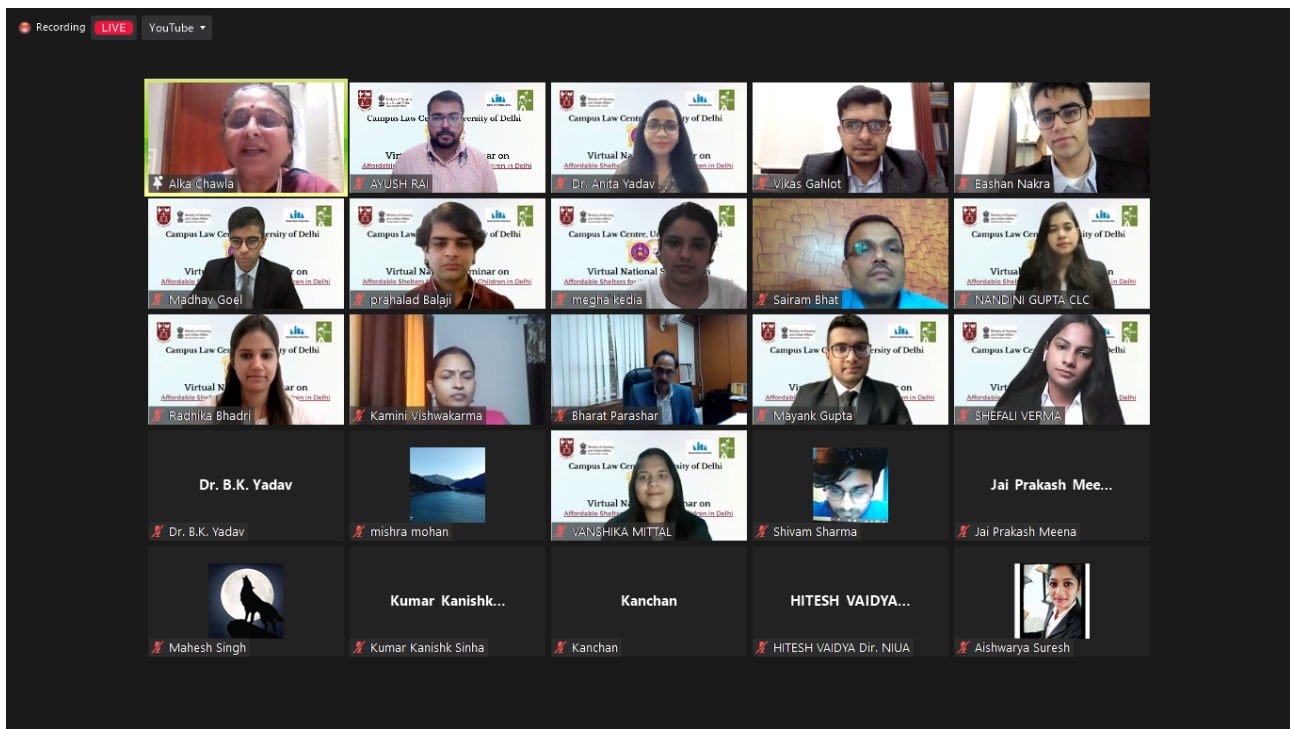
Dr. Anita Yadav, Assistant Professor (Sr. Scale), Campus Law Centre (CLC), University of Delhi.

The Seminar opened with Dr. Anita Yadav's welcome address wherein she welcomed all the dignitaries as well as the audience present in the online seminar. She introduced all the guests to the audience. She then went on to speak about the research project on the topic "Affordable Shelter for Street Women and Children: A Case study of Delhi" of which this seminar is a part of, and which has been undertaken by Campus Law Centre in collaboration with CEERA, NLSIU, and the Ministry of Urban Affairs, Government of India. She went on to add that the seminar is being organised as a part of the research project in order to make all the stakeholders aware about the various problems faced by the urban poor and at the same time it would help in creating a narrative and starting a conversation around the issues pertaining to affordable shelter. Stakeholders were invited from a wide arena of fields, such as academicians, law students, NGOs, lawyers, etc. She concluded her welcome speech with the number of abstracts that were received for the paper presentation as a part of the seminar.

Dr. Yadav then introduced the Patron-in-Chief of the Seminar, Prof. (Dr.) Alka Chawla, Professor-in-Charge of Campus Law Centre.

Prof. (Dr.) Alka Chawla began her address by greeting everyone present in the seminar, and thanking the guests for joining the seminar. She then welcomed and greeted all the participants who were to present papers in the Seminar. She spoke about how pertinent the topic of the Seminar is which as it concerns issues plaguing women and children in the National Capital. She talked about Campus Law Centre being a leader in producing judges, legal luminaries, renowned lawyers, etc. She added that the characteristic mark of any legal institution is evidenced by its ability to undertake research projects in areas of contemporary importance wide ranging impact on valuable rights of various sections of society. She discussed how millions of people around the country lack a roof over their head and are therefore left vulnerable to crime, violence, etc. This impacts not only their livelihood, but is also detrimental to their dignity and well being. The brunt is borne by the most vulnerable section of the society, that is, the women and children. She emphasised on the importance of affordable and adequate shelters being the most basic need of people, and how the Indian welfare state has also been mandated by the Constitution to achieve that objective. She noted that India is a signatory to various covenants which talk about shelter as a fundamental need of everyone. She concluded her address discussing the research project which she hoped would prove to be seminal in creating a narrative around the topic.





Prof. (Dr.) Alka Chawla introduced the Chief Guest Mr. Bharat Parashar, District Judge/Member Secretary, Delhi State Legal Services Authority (DSLISA).

Mr. Parashar started his address by thanking the organisers for inviting him to the seminar on a “very important topic” and showed his gratitude for the same. He talked about how homelessness has been a problem throughout the world for centuries and how the problem of homelessness continues to grow every year. He called the problem of homelessness a “proverbial elephant in the room” which has been left unaddressed for a long time. He further laid emphasis on the problems faced by the homeless. He described life on the streets as usually involving surviving in a physically brutal and challenging environment with denial of even elementary public services, coupled with the criminalisation by a hostile state of all self-help efforts for shelter and livelihood by urban poor residents. Homelessness constitutes the worst violation of the human right to adequate housing, and women and children are among the worst affected. He highlighted that homeless women and children are more vulnerable to abuse, sexual violence, disease, and mental illness. Another reason for women and children being homeless is that they have escaped from situations of violence. Homelessness is a policy area which is in need of an explicitly gendered as well as child centric approach. Gendered housing interventions and policy responses need to be developed so as to tackle

the larger social economic and political inequalities that relegate the issues affecting women and children to the margins. Realising that women and children face these serious existential problems, different organs of the state are now trying to formulate policies and oversee their effective implementation so that the right to affordable, secure housing does not remain a mirage for destitute women and children. He talked about round the clock special shelter homes and family shelter homes which are being made under the National Urban Livelihood Mission launched in 2014 to cater to the needs of women and children. He talked about the one-stop sakhi centres that are made available to victims of domestic abuse. He concluded his address with the hope that various stakeholders would, in collaboration, undertake to address the problem of adequate and affordable shelter for destitute women and children. He hoped that everyone present in the seminar would brainstorm various ways to secure affordable shelter for women and children.

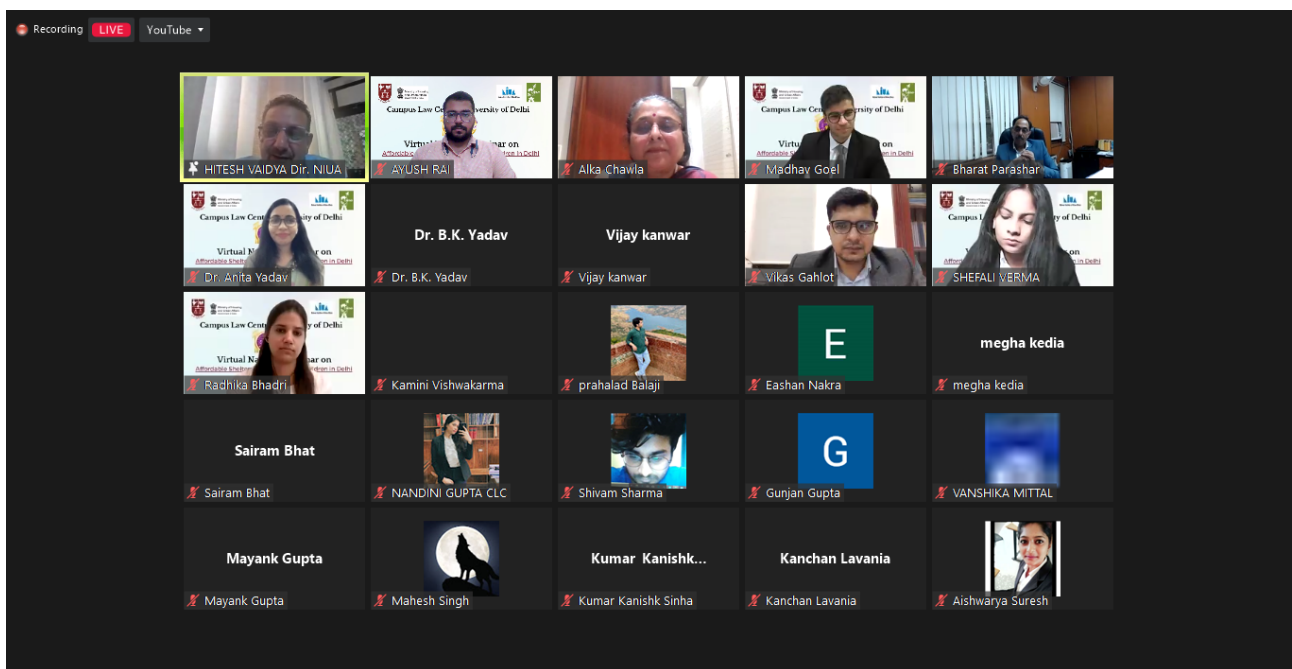
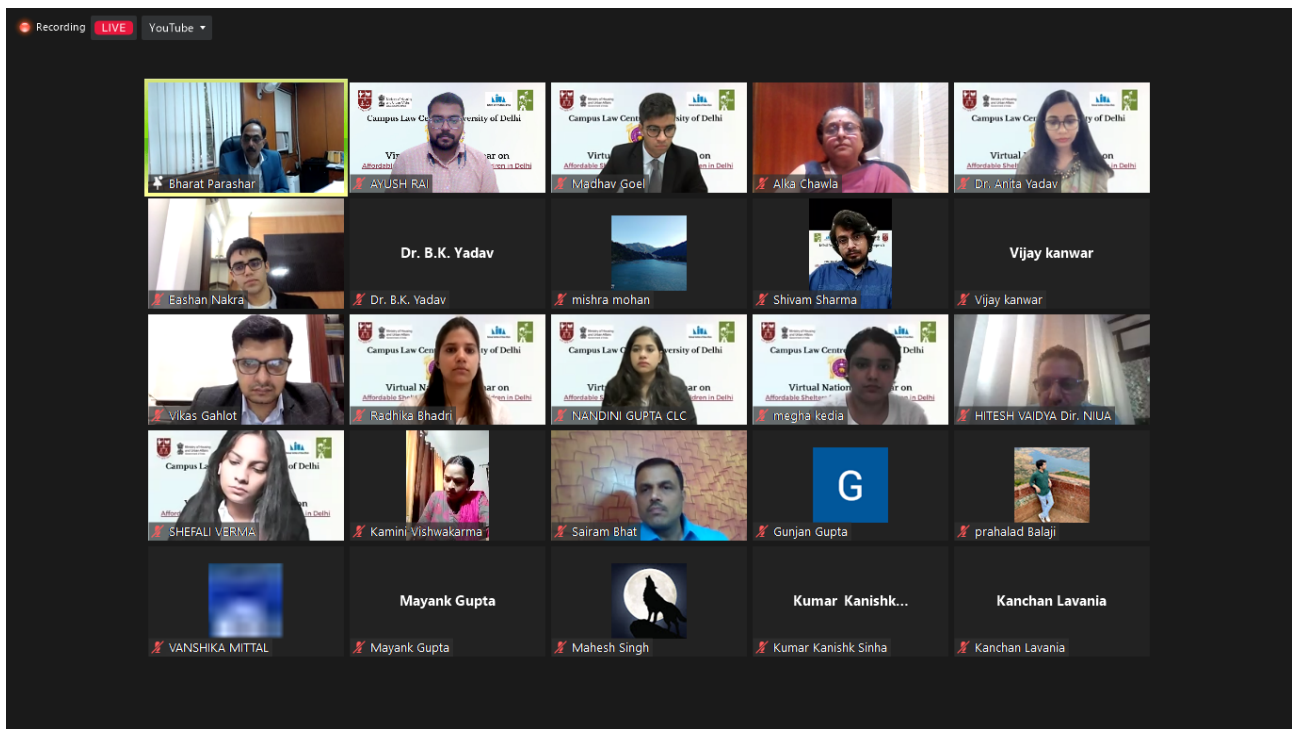
Prof. (Dr.) Alka Chawla then introduced the Guest of Honour Mr. Hitesh Vaidya, Director, National Institute of Urban Affairs (NIUA), New Delhi.

Mr. Vaidya began by greeting everyone in attendance. He pointed out how this seminar has brought practitioners and academicians together, and how this collaboration is important. He talked about how the two premier institutions, CLC and NIUA, can work together and address the issue of homelessness. He talked about the contextual research that NIUA conducts in collaboration with other institutions in the area of smart cities. The second topic he discussed was training of practitioners who would then work according to the models designed by researchers. The third topic that he spoke about was knowledge building. He also discussed the Master Plan for Delhi 2041. He emphasised that these plans should be strategic and flexible. He talked about the Pradhan Mantri Aawas Yojana and how it was a game changer in that it gave women a right to ownership of the house. He concluded by congratulating CLC and the organising committee for organising a seminar on the topic, and starting a conversation around homelessness.

Dr. Anita Yadav then introduced the Special Guest for the session Prof. (Dr.) Sairam Bhat, Professor of Law, Coordinator, Centre for Environmental Law, Education, Research and Advocacy (CEERA) at NLSIU, Bengaluru.

Prof. (Dr.) Bhat began his address acknowledging that it was enthralling listening to the other speakers. He spoke about the need for research and contribution to public policy on the issue of affordable housing. He then talked about the Chair on Urban Poor at NLSIU which is administered by CEERA. He emphasised about how when affordable housing is seen as a challenge, then there are many other challenges which come to light and require intervention, debate and discussion. He talked about the need to look into India's international commitments to improve the standard of living of its citizens, viz. UDHR, ICCPR, Child Rights Convention, etc. He then talked about the role of various organs in securing the rights of the homeless and added that this issue has three dimensions. The first one is Judicial intervention. The Judiciary has already declared the right to shelter an inherent right under Article 21. This, he adds, is important not only from a jurisprudential point of view but also in terms of establishing the right to shelter. However, when we see the legislative and executive aspects of affordable shelter, we would find that challenges lie there. He added that the reason for collaborating with CLC, with a special emphasis on women and children, was that empirical data that research could gather if focussed on Delhi would not be possible if the project's focus was on another city. He thanked Dr. Anita Yadav and Prof. (Dr.) Chawla for the collaboration between the two institutions on the research project. He spoke about how when we talk about affordable housing, the principle of non-discrimination becomes very important. He talked about cooperative federalism being an important key in ensuring affordable housing. He added that the declaration of rights should not only be on paper but should also be justiciable. The problem of affordable housing is not faced only by migrants and displaced people, but also refugees, being equally vulnerable if not more. He hoped that when policy would be framed for providing affordable housing, women and children as the most vulnerable group would be treated preferably. He added that administrative and legislative action is required in order to come up with adequate support for affordable housing. The Constitution should be amended to include the right to shelter as a specific fundamental right. He concluded his address by thanking the team and wishing the presenters. He hoped that the collaboration between CEERA and CLC continues for other such projects.

The Inaugural session of the National Seminar ended with a Vote of Thanks tendered by Dr. Anita Yadav. She thanked all the dignitaries for kindly accepting the invitation to be a part of the seminar and wished luck to all the participants for the paper presentation.





Ministry of Housing
and Urban Affairs
Government of India

Virtual National Seminar on

Affordable Shelters for Women and Children in Delhi



Campus Law Centre, University of Delhi

DATE - 23rd July, 2022

JUDGES FOR PAPER PRESENTATION



Dr. Asha Rani Rawat

Assistant Professor
Banasthali Vidyapith, Rajasthan



Mr. Arjun Philip George

Assistant Professor
CHRIST (Deemed to be University), Lavasa Pune Campus.



Mr. Amit Yadav

Assistant Professor (Sr. Scale)
Manipal University, Jaipur



Mr. Aditya Mishra

Advocate, Supreme Court of India
& Founder & Managing Trustee
Law Mantra Trust



Dr. Niteesh Kumar Upadhyay

Associate Professor of Law
Galgotias University
Research Advisor, South Ural State University, Russia



Dr. Harish Kumar Tiwari

Academic Coordinator and Assistant Professor
School of Law, Christ Deemed to be University
Delhi NCR Campus

PANEL A

Judges: Dr. Asha Rawat and Mr. Amit Yadav

Participants:

1. Vijay Kanwar - “Protecting homelessness of women and children in India by Intervention and Prevention”

Her paper revolved around how no shelter for women and children causes the problem of their security and how they suffer from various kinds of violence and abuse. Lack of access to government schemes and policies has increased the vulnerability of women and children. Her paper attempted to highlight the problem, causes, and prevention of this issue at various levels, and the need to urge all three important organs of the government to make a special framework to deal with this situation of homelessness. At the end of her presentation, Mr. Amit Yadav posed the question as to why her topic is gender specific and why it does not look at homelessness as a ‘human’ problem? She answered the same by highlighting the vulnerabilities faced were gender specific.

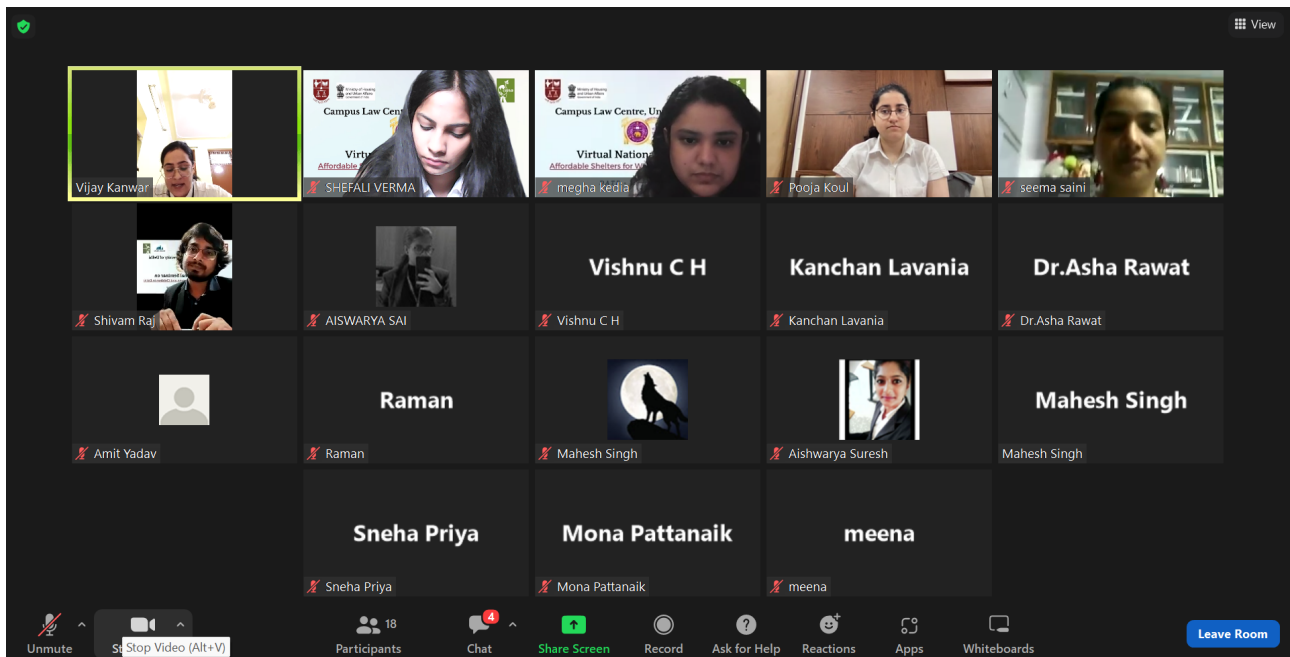
2. Aishwarya Suresh and Mahesh Singh - “A Study on Exploitation of Helpless Migrant Workers & Their Rights”

They started their presentation by pointing out how the global pandemic called for a nationwide lockdown in the interest of public safety, but ultimately triggered a huge crisis to which the helpless migrant workers and children succumbed. Their paper focused on the difficulties faced by migrant workers, especially by women and children, the rights and protections available to them, and the responsibility of the government to protect them. Thus, by suggesting various effective measures, they emphasised the need for the government’s attention towards the necessity of bringing forward regulations to rectify the defects and ensure the protection of migrant women and children.

3. Dr. Meena Kumary S. and Vishnu C. H. - “Advancing Right to Adequate Housing Through Social Intervention: A Critical Analysis of Life Mission Scheme of Government of Kerala”

They presented a critical analysis of the LIFE Mission project to evolve the National Level Policy Framework to achieve the right to adequate housing. The Kerala LIFE (Livelihood Inclusion and Financial Empowerment) is a comprehensive housing scheme started by the Kerala government for all the landless and homeless people. The prime beneficiaries of the Mission are those families with

incomplete/dilapidated houses, families having semi-legal/semi-permanent houses on government land or in coastal regions families, and families who are landless and houseless. In conclusion, the team suggested central legislations that recognised the right to adequate housing and effective monitoring and transparency of the same.



4. Kanchan Lavania - “Notions of Justice, Development and the Role of Judiciary: The Issue of Affordable Shelters in India.”

She began her presentation by asking a simple yet effective question, ‘*Who has the responsibility?*’, individual merit or the State. She then looked at the issue at hand through the philosophical prism, legislative lens, executive efforts, and judicial intervention.

5. Raman - “Impact of COVID-19 on the Women Migrant Workers under the Unorganised Sector”

Her presentation focused on the various hardships which were faced by women employed in the unorganised sector during the COVID-19 pandemic. She highlighted that homeless women migrant workers became more vulnerable to crimes and have had to face different forms of violence which include physical, mental, and sexual violence.

6. Aishwarya Sai and Sneha Priya - “Role of NGOs and Their Need”

Their presentation focused on the need for NGOs over government policies, and their roles in the upliftment of society.

7. Pooja Koul - “Violence, Homelessness and Gender - A Socio-Legal Issue in India”

Her paper addressed all the primary concerns and causes of homelessness, as well as the types of violence and abuse homeless women and children are subjected to. She then discussed the government’s efforts towards eradicating these concerns/issues and protecting people’s fundamental human rights.

8. Neha Kumari - “Homeless Children and their Right to Education in India”

Her presentation was centred around the Right to Education under Article 21A of the Constitution of India, and the unfortunate plight of homeless children attached to it. The presentation highlighted the barriers which are responsible for the improper implementation of the right to education for street children in India. Lastly, she navigated around some feasible suggestions for the protection of the right.

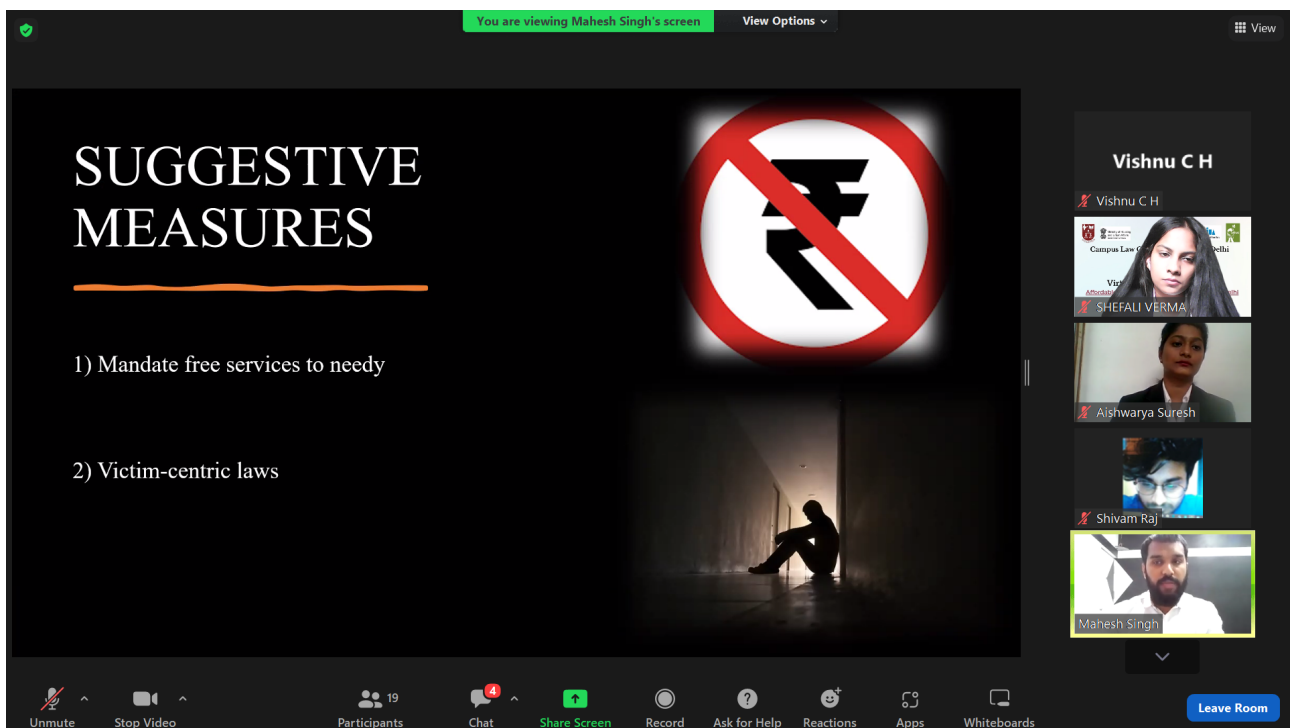
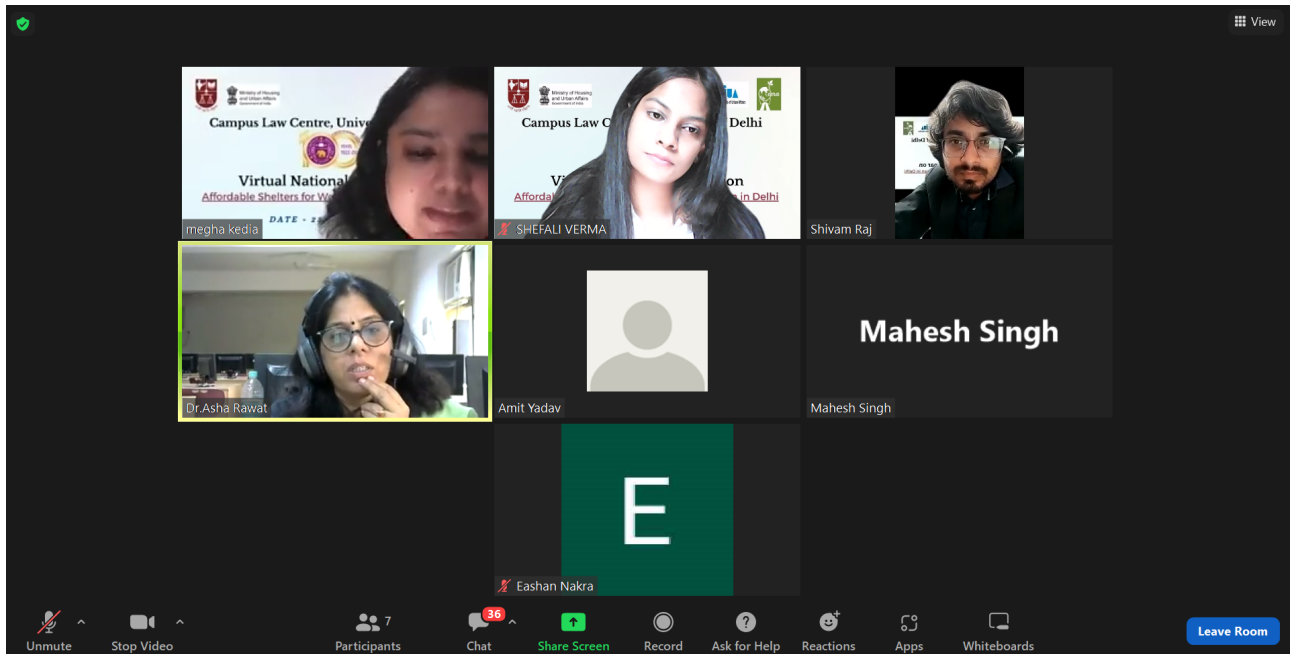
9. Mona Pattanaik - “Protection of Homeless Women in India: A Comparative Study of India and United States”

Through this presentation, she navigated through the State’s legal duty toward the homeless, and specific provisions for the protection of women in particular as per domestic laws as well as international legal standards. The presenter then highlighted the laws and national statistics of developed nations like the United States to analyse the difference in approaches toward the problem. In conclusion, she laid out some suggestive policy as well as implementational measures for the Indian legal system for better protection of homeless women.

10. Seema Saini - “Notions of Justice, Development and the Role of Judiciary: The Issue of Affordable Shelters in India”

The presenter began by talking about the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. She then led us through international provisions on the right

to shelter and various government schemes covering the same. At the end, she took the panel through the data and information of a survey conducted by her on the outskirts of Delhi.



PANEL B

Judges: Mr. Arjun Philip George and Dr. Niteesh Kumar Upadhyay

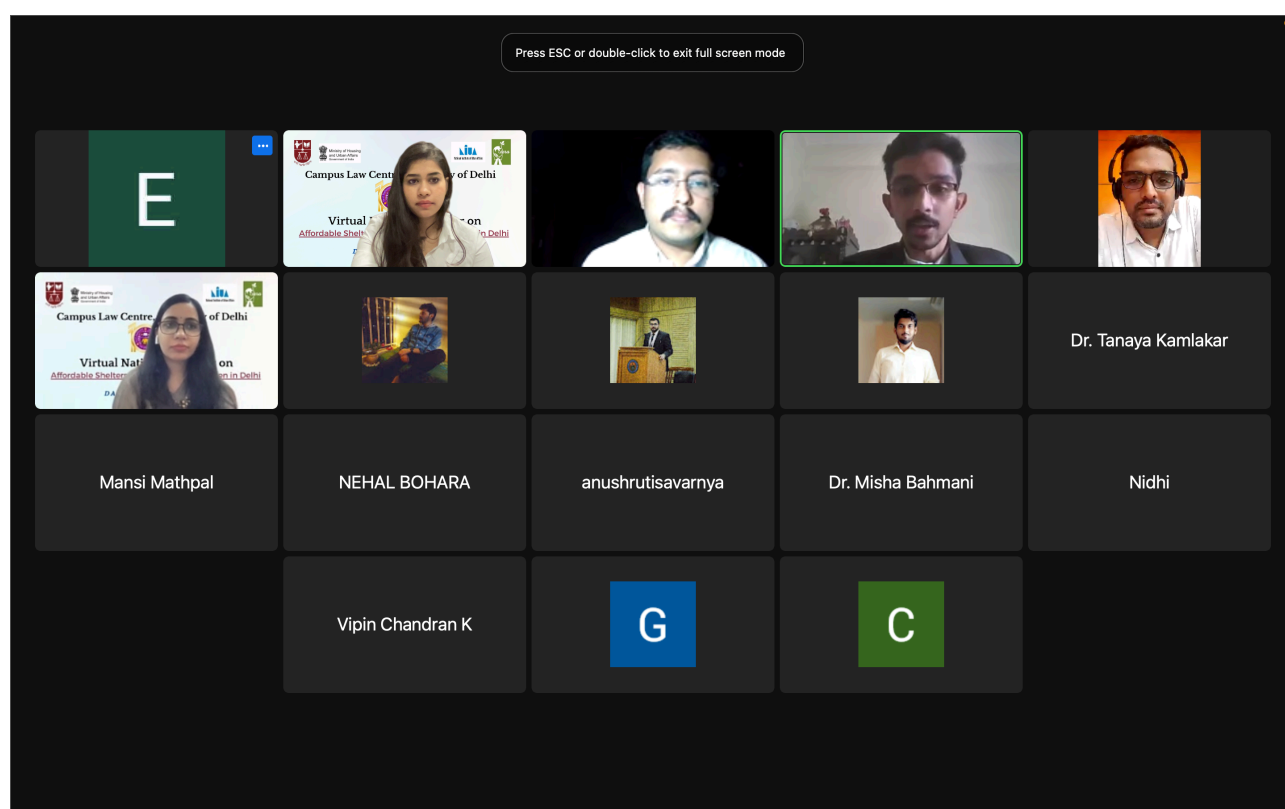
Participants:

1. Shivam Verma and Subramanyan H. - “Affordable Shelters for Women and Children in Delhi : A Right of Matter”

This team kept focused on issues like mental health and homelessness, and various mechanisms of dispensing justice, policies and schemes, and noteworthy judgements. They subsequently referred to international agreements and covenants, and concluded by suggesting that the Delhi Government should implement the Kerala model for shelter for the homeless.

2. Dr. Gaurav Kashinath Jadhav and Dr. Tanaya P. Kamlakar - “Safeguarding the Housing of Homeless Women Through Legal Alleviation - A Constitutional Approach”

This team started by explaining the deplorable relegation of women. They then discussed the constitutional safeguards pertaining to adequate shelter for women and children by referring to various articles of Indian Constitution such as Article 21 and the Directive Principles of State Policy. The team also discussed various schemes launched by the Government, and concluded by bringing to light topics such as gender sensitisation, employability, livelihood, and housing.



3. Shishta Pareek - “An Analysis of Solutions for Homelessness Among Indian Women”

She commenced her presentation by discussing various housing schemes of other countries, and juxtaposed them alongside government policies in India. She then presented data regarding shelter homes and concluded by suggesting measures to tackle homelessness.

4. Dr Misha Bahmani - “Impact of COVID-19 on the Street Women and Children”

She started by discussing the situation of as it existed before the COVID-19, and then went on to discuss the concerns and challenges brought forth by the pandemic. She then talked about the nature of support provided by the Delhi Government to homeless women and children. She also discussed the urgent need to secure the livelihood of street women and children, and concluded by suggesting measures to be taken in the future to tackle this problem.

5. Vipin Chandran K. - “International Human Rights Laws for Women and Children”

He started by introducing the concept of homelessness and the challenges faced by women and children. He also addressed mental health issues faced by street women, and the consequent extreme depression. Thereafter, he presented data about the conditions in USA, and concluded by discussing various aspects of international human rights.

6. Mansi Mathpal - “Violence Against Homeless Women in India: A Life Without a ‘Roof’ of Rights and Shelter”

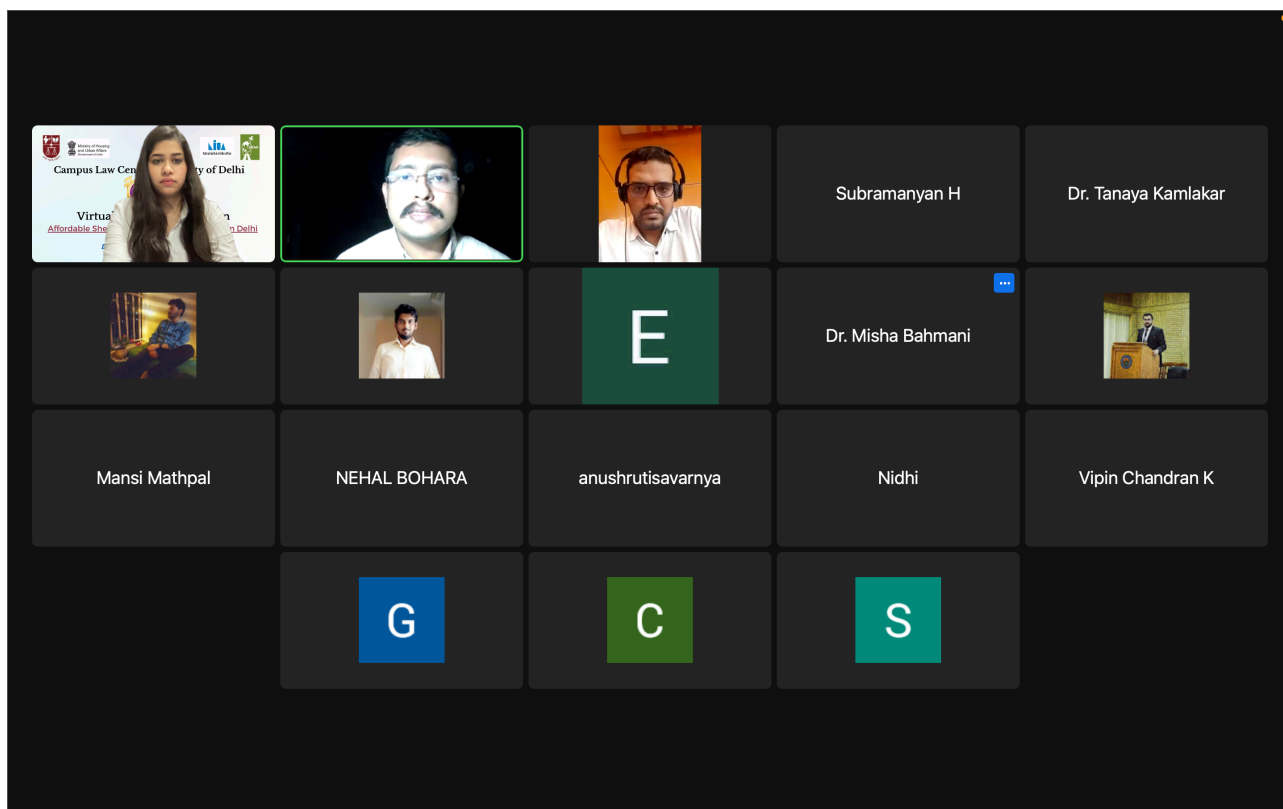
In her introduction, she took the panel through a variety of data around the situation of homelessness in India. She talked about the condition of homeless women in India, and presented two case studies from Delhi. She then presented causes for homelessness of women and the violence faced by them. She discussed various international laws protecting the rights of homeless women, and concluded by giving recommendation to tackle this problem.

7. Nidhi - “Drug Abuse Among Homeless Children in Delhi - Analyzing the Role of the Government and Its Policies”

Her presentation’s main focus was on four categories - homelessness, its impact on children, substance abuse, and the role of the State. She also talked about various policies of the government.

8. Nehal Bohara - “Right to Housing - A Case Survey”

In her introduction, she defined what is the ‘Right to Housing’ and discussed various landmark judgements pertaining it. She also discussed latest judgements around this right, and pointed out how Courts have taken contradictory views regarding the Right to Shelter.



9. Anushruti Savarnya - “Affordable Shelters for Women and Children in Delhi”

She talked about the urgency of providing shelter to migrant workers, and presented data relating to their employment. She then discussed the impact of COVID-19 on migrant workers. She referred to various international guidelines focusing on human rights, and concluded by discussing various international covenants and treaties.

10. Jayadevan S. Nair - “Fighting Homelessness in India: Need for a Constitutional Impetus - A Long-Term Proactive Policy and a Conducive Regulatory Regime”

He started by highlighting the statistics captured in United Nations Special Report. He then went on to discuss the current situation of homeless people and their fundamental rights. He also discussed the ‘Right to Security’ as a human right, and talked about the ‘Right to Privacy’. He pointed out

instances and issues of corruption in housing schemes, and concluded by discussing views of political parties about shelter for the homeless.

The screenshot shows a Zoom meeting interface. The main window displays a PowerPoint presentation titled "INTERNATIONAL HUMAN RIGHTS LAWS FOR WOMEN AND CHILDREN". The presentation is in the "Slide Show" view, showing slide 1 of 13. The slide content includes the title and a list of bullet points: "Gender inequality and discrimination", "Lack of access to justice", "Lack of access to housing", "Lack of access to education", "Lack of access to healthcare", "Lack of access to employment", "Lack of access to social services", "Lack of access to political participation", "Lack of access to cultural participation", "Lack of access to leisure and recreation", "Lack of access to information and communication", "Lack of access to transport", "Lack of access to energy", "Lack of access to water and sanitation", "Lack of access to food and nutrition", "Lack of access to clothing and shelter", "Lack of access to housing", "Lack of access to land", "Lack of access to natural resources", "Lack of access to genetic resources", "Lack of access to traditional knowledge", "Lack of access to traditional medicine", "Lack of access to traditional culture", "Lack of access to traditional arts and crafts", "Lack of access to traditional sports and games", "Lack of access to traditional music and dance", "Lack of access to traditional literature", "Lack of access to traditional architecture", "Lack of access to traditional engineering", "Lack of access to traditional technology", "Lack of access to traditional science", "Lack of access to traditional mathematics", "Lack of access to traditional astronomy", "Lack of access to traditional geography", "Lack of access to traditional history", "Lack of access to traditional philosophy", "Lack of access to traditional religion", "Lack of access to traditional spirituality", "Lack of access to traditional ethics", "Lack of access to traditional law", "Lack of access to traditional politics", "Lack of access to traditional economics", "Lack of access to traditional sociology", "Lack of access to traditional psychology", "Lack of access to traditional anthropology", "Lack of access to traditional linguistics", "Lack of access to traditional literature", "Lack of access to traditional arts and crafts", "Lack of access to traditional sports and games", "Lack of access to traditional music and dance", "Lack of access to traditional literature", "Lack of access to traditional architecture", "Lack of access to traditional engineering", "Lack of access to traditional technology", "Lack of access to traditional science", "Lack of access to traditional mathematics", "Lack of access to traditional astronomy", "Lack of access to traditional geography", "Lack of access to traditional history", "Lack of access to traditional philosophy", "Lack of access to traditional religion", "Lack of access to traditional spirituality", "Lack of access to traditional ethics", "Lack of access to traditional law", "Lack of access to traditional politics", "Lack of access to traditional economics", "Lack of access to traditional sociology", "Lack of access to traditional psychology", "Lack of access to traditional anthropology", "Lack of access to traditional linguistics". The right side of the screen shows a vertical stack of participant video feeds. The bottom of the screen shows the Zoom toolbar with options like "Unmute", "Stop Video", "Participants", "Chat", "Share Screen", "Record", "Ask for Help", "Reactions", "Apps", "Whiteboards", and a "Leave Room" button.

The screenshot shows a Zoom meeting grid with 17 participants. The participants are arranged in a grid of 4 rows and 4 columns, with the last row containing only 3 participants. The participants are: Row 1: Nandini Gupta CLC, Arjun Philip George, Vipin Chandran K, Eashan Nakra, Dr. Tanaya Kamalakar. Row 2: Shivam Verma, Dr. Gaurav Jadhav, Jayadevan S. Nair dean School of Law, Dr. Nitesh Kumar Upadhyay, Subramanyan H. Row 3: Nidhi, Dr. Anita Yadav, Shishita Pareek, AYUSH RAI, Dr. B.K. Yadav. Row 4: Mansi Mathpal, VANSHIKA MITTAL. The bottom of the screen shows the Zoom toolbar with options like "Unmute", "Stop Video", "Participants", "Chat", "Share Screen", "Record", "Ask for Help", "Reactions", "Apps", "Whiteboards", and a "Leave Room" button.

PANEL C

Judges: Dr. Harish Kumar Tiwari and Dr. Aditya Mishra

Participants:

1. Abhilash Sapre and Surbhi Meshram - “Rhetorical Analysis of Women Migrant Workers in India: Encompassing an Obscure Vision and Identity”

Their discussion revolved around the rights and struggles of migrant women workers. Dr. Tiwari recommended the team to include the role of civil societies and NGOS in rights of migrant women workers in order to make the paper more wholesome and well-rounded.

2. Ashutosh Tripathi and Navya Jain - “Right to Adequate Shelter Under Indian Legal Framework - A Critical Analysis”

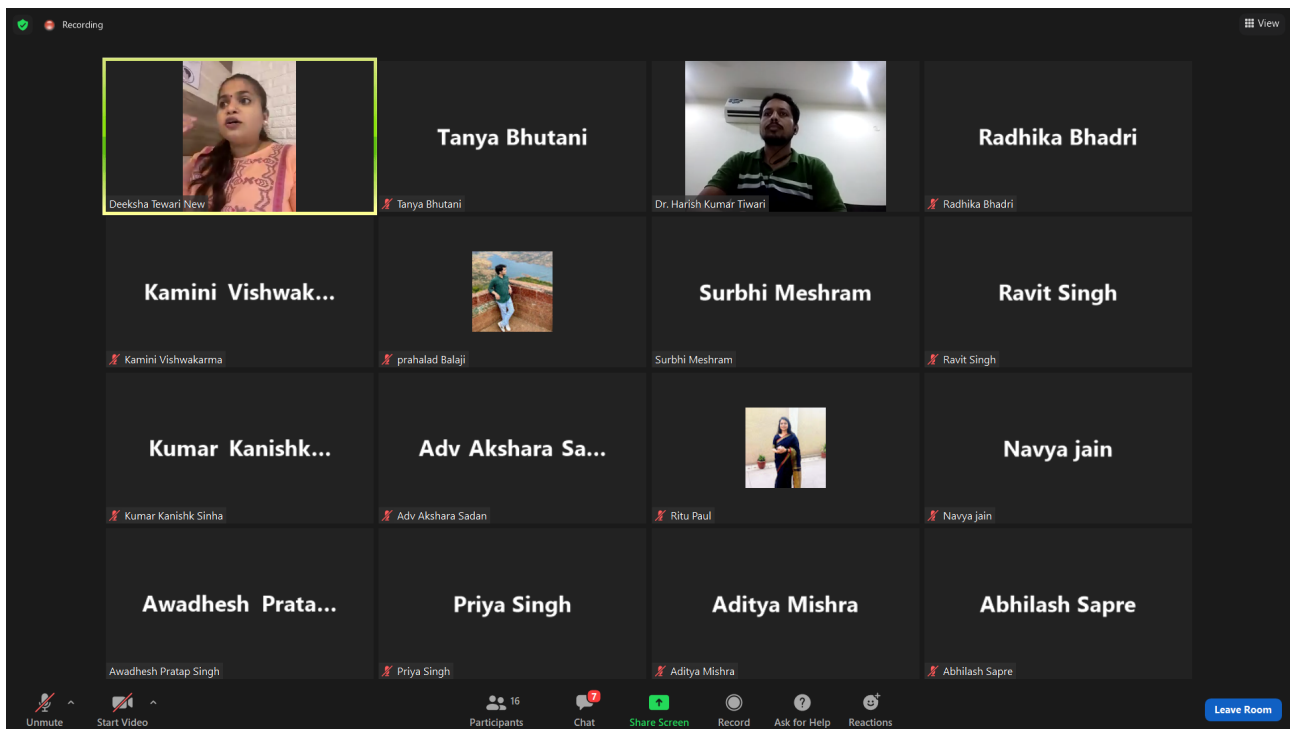
The team discussed the scope of difference in providing shelter and providing adequate shelter. Dr. Tiwari suggested that policy discussions in the paper should be followed up and supplemented with more data in order to make the paper more contemporary.

3. Akshara Sadan - “Rights and Challenges of Homeless Women and Children with Reference to Indian Perspective”

She discussed the rights of the homeless and the challenges faced by them. Furthermore, she pondered upon various reasons for homelessness and followed it with suggestions for improvement. She mentioned that October 10 is being celebrated as World Homelessness Day. While concluding, she stated that the homeless are on the verge of becoming poorest of the poor. Dr. Tiwari suggested that the presenter reflect upon the connection between the right to work and the right to shelter (which should come first so that other is fulfilled), and consideration of the aspect of population on homelessness in her paper.

4. Deeksha Teewari - “Constitutional Rights of Homeless Women and Children”

She discussed how homelessness is an acute form of social deprivation. Judges remarked that the topic is unique in nature and is the foundation to many other rights. They further suggested that the presenter examine constitutional provisions and recommend additional provisions or necessary amendments.



5. Ritu Paul - “Right to Adequate Shelter For Homeless And Destitute: A Human Right Perspective”

Her presentation was centred on the human rights perspective of the problem, and covered international and not just Indian jurisprudence. Dr. Tiwari asked the presenter about specific provisions implemented in other countries that can be brought in force in India to achieve the objective of providing right to adequate housing and reducing homelessness.

6. Kamini Vidhwakarma - “Role of Judiciary & Right to Adequate and Affordable Shelter in India”

She highlighted many cases where the Right to Shelter has been highlighted and recognised. She emphasised that the role of the judiciary cannot be ignored, as such rights have been brought into existence due to judicial intervention.

7. Ravit Singh and Kumar Kanishk Sinha - “Creating A ‘Shelter’- Condition of Orphaned Children and Their Need For Inclusion”

They started their presentation with a quote by Nelson Mandela - “Safety and security don’t just exist. They are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free from violence and fear.” They further stated that

the Juvenile Justice Act talks about the ‘Right to Shelter’ but doesn’t define it, leading to confusion. They thus emphasised the need for a concrete definition to decrease ambiguity. They stated that the ‘Right to Shelter’ varies on a case-to-case basis, but the definition should not be too restrictive such that it excludes the masses from the definition.


You are viewing Kumar Kanishk Sinha's screen View Options View

CONDITIONS OF CHILD CARE INSTITUTIONS - COMPARATIVE ANALYSIS OF DELHI WITH OTHER STATES

Large numbers of children fall outside the protective shield of their families and are subject to adverse situations like destitution, trafficking, and abuse. The **Child Care Institutions defined under Section 2 (21) of Juvenile Justice (Care and Protection of Children) Act 2015**, act as a last resort for them, designed to provide a safe environment where the children can recover from the trauma but most of these are a compromise with living space, sanitation, hygiene, privacy, etc.

Yet, there is a series of unaddressed challenges that this system is facing.

- Less Number of CCIs home
- Overcrowded
- Less Number of Care Givers and Supervisors
- Few CCIs have written child protection policy
- Lacking Infrastructure for proper Nutritional Plans



Tanya Bhutani

Ravik Singh

Kumar Kanishk...

Kumar Kanishk Sinha

prahalad Balaji

Kamini Vishwak...

Unmute Start Video Participants Chat Share Screen Record Ask for Help Reactions Leave Room

8. Priya Singh - “A Safe Place for Homeless Women: A Critical Analysis”

She discussed the various difficulties faced by homeless women and the need for a safe hospitable shelter. Dr. Tiwari suggested that the presenter include some more legal provisions, references and citations along with specific suggestions for such a “safe shelter”.



VIRTUAL NATIONAL SEMINAR ON AFFORDABLE SHELTERS FOR WOMEN AND CHILDREN IN DELHI

Campus Law Centre, University of Delhi

VALEDICTORY CEREMONY - 23rd July, 2022

TIMINGS: 4:30 pm - 6:10 pm



Guest of Honour

Prof. (Dr.) Vijaylaxmi Sharma

Director and Professor of Law
Faculty of Law, Manipal University,
Jaipur



Chief Guest

Prof. (Dr.) Srikrishna Deva Rao

Vice Chancellor and Professor of Law
National Law University, Delhi



Special Guest

Prof. (Dr.) Sairam Bhat

Professor of Law, Coordinator-Centre for
Environmental Law, Education, Research and
Advocacy [CEERA] at National Law School of India
University, Bengaluru



Patron-in-Chief

Prof. (Dr.) Alka Chawla

Professor-In-Charge,
Campus Law Centre (CLC), University of Delhi



Programme Director

Dr. Anita Yadav

Assistant Professor (Sr. Scale)
Campus Law Centre, University of Delhi



National Virtual Seminar on

Affordable Shelters for Women and Children in Delhi

Campus Law Centre, University of Delhi

VALEDICTORY CEREMONY - 23rd July 2022

TIMINGS: 4:30 pm - 6:10 pm

SCHEDULE

4:30 pm - 4:40 pm	Welcome Address by Dr. Anita Yadav Assistant Professor (Sr. Scale) Campus Law Centre, University of Delhi
4:40 pm - 4:55 pm	Address by Prof. (Dr.) Alka Chawla Professor-In-Charge Campus Law Centre, University of Delhi
4:55 pm - 5:20 pm	Address by Chief Guest Prof. (Dr.) Srikrishna Deva Rao Vice Chancellor and Professor of Law National Law University, Delhi
5:20 pm - 5:45 pm	Address by Guest of Honour Prof. (Dr.) Vijaylaxmi Sharma Director and Professor of Law Faculty of Law, Manipal University, Jaipur
5:45 pm - 6:00 pm	Address by Prof. (Dr.) Sairam Bhat Professor of Law, Coordinator-Centre for Environmental Law, Education, Research and Advocacy [CEERA] at National Law School of India University, Bengaluru
6:00 pm - 6:10 pm	Vote of Thanks by Dr. Anita Yadav
	Master of Ceremony - Mayank Gupta 3rd year Student of Campus Law Centre, University of Delhi

VALEDICTORY CEREMONY

Chief Guest:

Prof. (Dr.) Srikrishna Deva Rao, Vice Chancellor and Professor of Law National Law University, Delhi.

Guest of Honour:

Prof. (Dr.) Vijaylaxmi Sharma, Director and Professor of Law Faculty of Law, Manipal University, Jaipur.

Special Guest:

Prof. (Dr.) Sairam Bhat, Professor of Law, Coordinator, Centre for Environmental Law, Education, Research and Advocacy (CEERA) at NLSIU, Bengaluru.

Patron-in-Chief:

Prof. (Dr.) Alka Chawla, Professor-incharge, Campus Law Centre (CLC), University of Delhi.

Program Director:

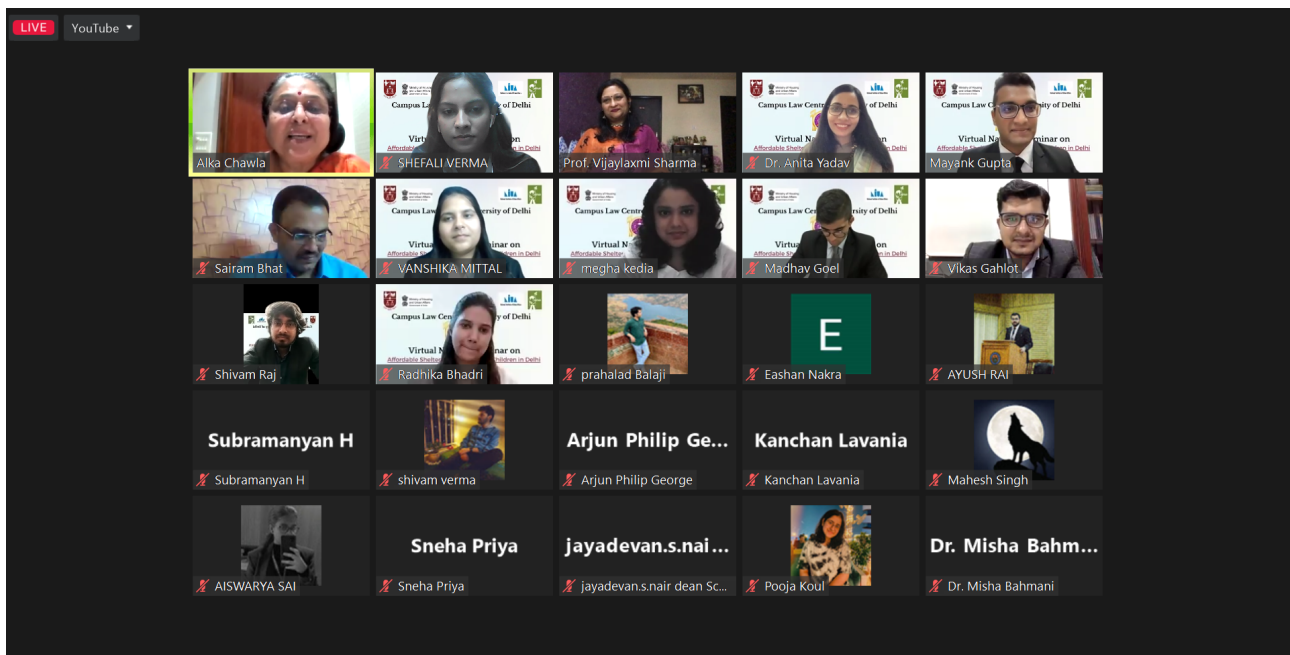
Dr. Anita Yadav, Assistant Professor (Sr. Scale), Campus Law Centre (CLC), University of Delhi.

The Valedictory Ceremony began with opening remarks from Dr. Anita Yadav. Dr. Yada threw light on the issue of affordable shelter for women and children in Delhi. She laid emphasis on the importance of the seminar in bringing forth the above said problem through the medium of various research papers being presented by the participants, which would not only would bring awareness around various verticals related to the said topic, but would also help in adding substantial value to the research project that is being undertaken for the said purpose.

Dr. Yadav then introduced the Patron-in-Chief of the Seminar, Prof. (Dr.) Alka Chawla, Professor-in-Charge of Campus Law Centre.

Prof. (Dr.) Alka Chawla began her address by acknowledging the importance of the topic of shelterless women and children in Delhi, and stated vehemently that despite Delhi being the capital of India and having resources for the shelterless like '*Rehn Baseras*', there were many instances where people still lived on roads without any protection of their dignity or lives. Prof. (Dr.) Chawla laid emphasis on the need for stakeholders to take initiatives in order to press this sensitive issue to the necessary authorities for the purpose of effective action. She extended her sincere appreciation

to all the participants for presenting their respective views. She also praised Dr. Yadav for bringing together all stakeholders together for this paper presentation session.

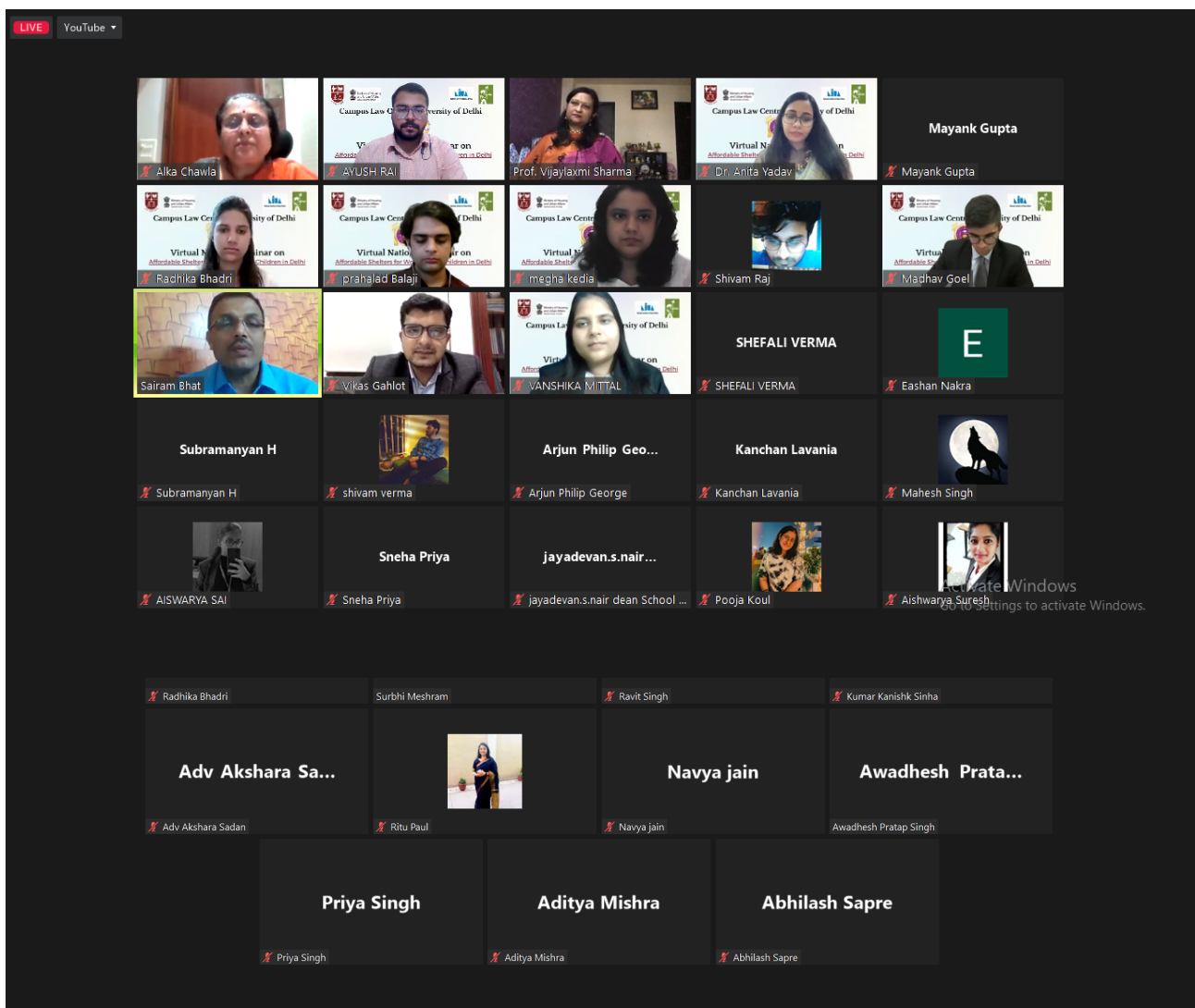


Prof. (Dr.) Alka Chawla introduced the Guest of Honour Prof. (Dr.) Vijaylaxmi Sharma, Director and Professor of Law Faculty of Law, Manipal University, Jaipur.

Prof. (Dr.) Vijaylaxmi Sharma cited the event as being remarkable, and cited Maslow's theory for justifying the basic needs of the society, i.e., food, clothing and shelter. She thus laid emphasis on the need for shelter as being one of the very basic needs of a human being. She cited the problem of homelessness of women and children as a social evil which leads to women being treated as second class citizens, and that people often neglect such people even though they have genuine problems. She encouraged that the issues raised here and the results of the seminar be raised with the proper authorities. She also laid emphasis on the importance of the present generation of youngsters in raising their voice regarding the social evil of homelessness which is prevalent throughout India. She closed her address by congratulating Dr. Yadav, Prof. (Dr.) Chawla, and Prof. (Dr.) Bhat for conducting this seminar.



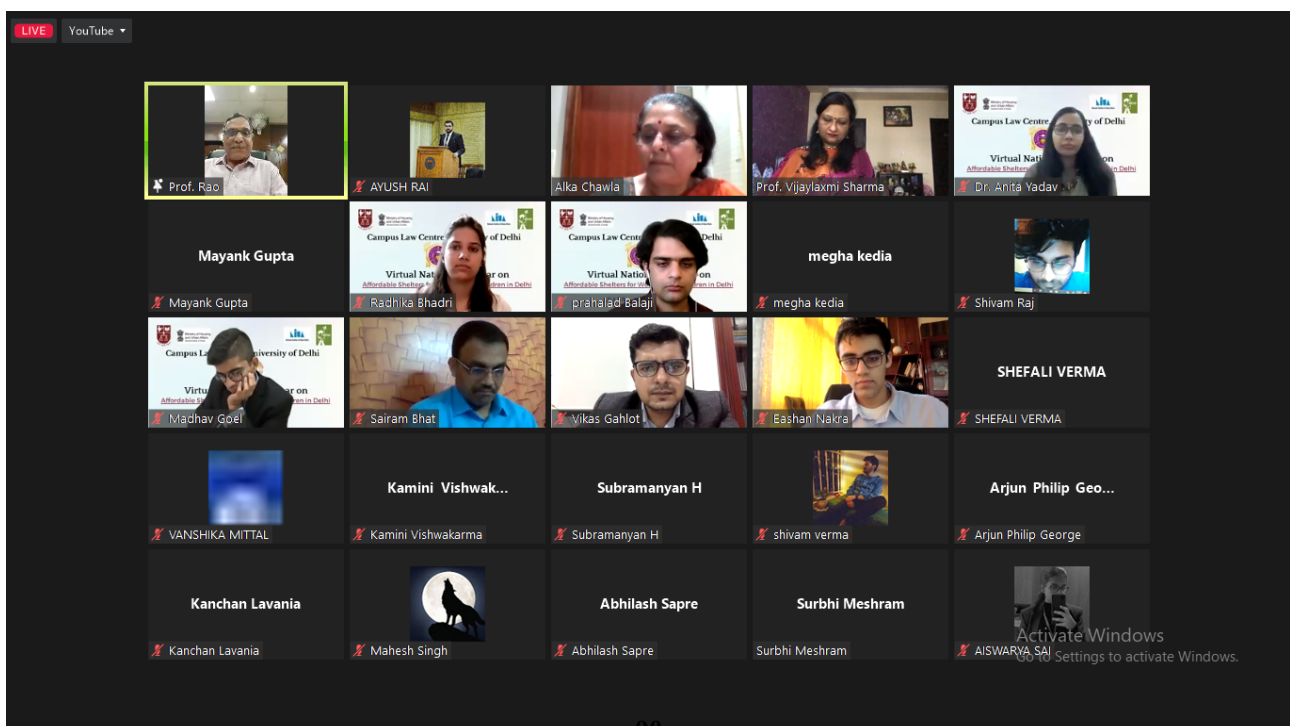
Dr. Anita Yadav then introduced the Special Guest for the session Prof. (Dr.) Sairam Bhat, Professor of Law, Coordinator, Centre for Environmental Law, Education, Research and Advocacy (CEERA) at NLSIU, Bengaluru.



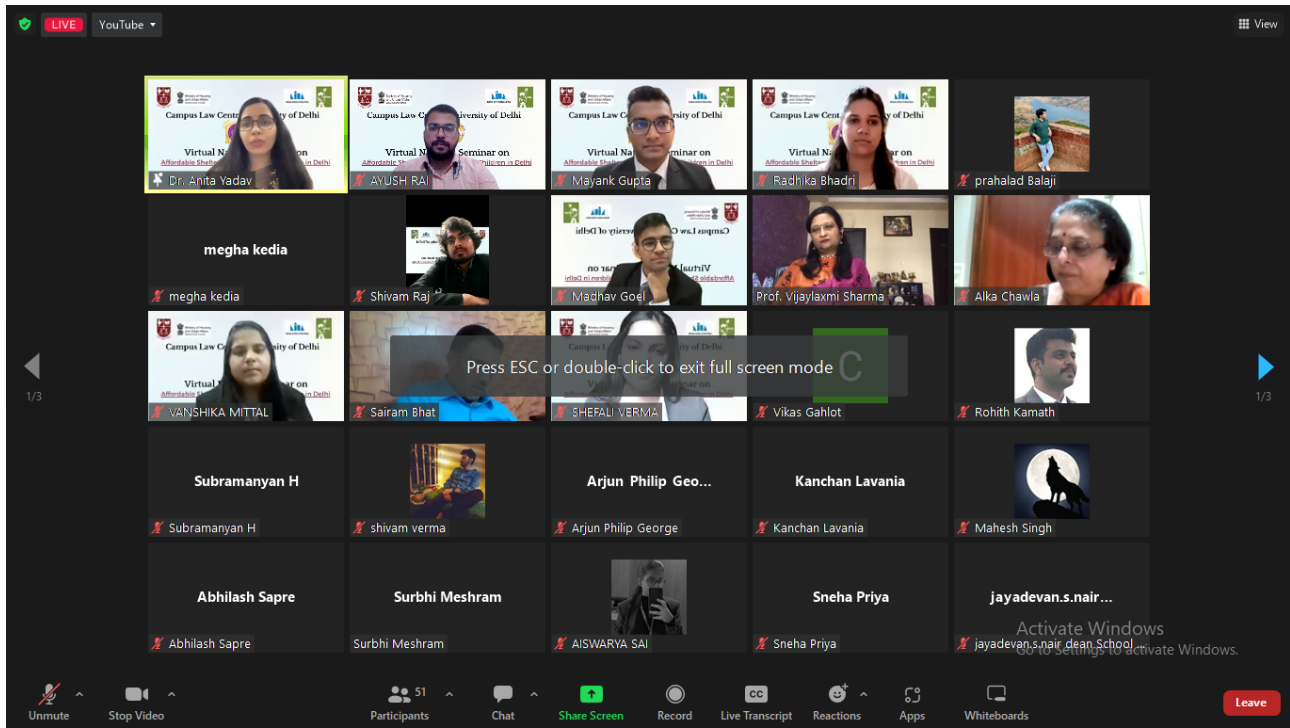
various stakeholders (including students) to put forward recommendations before the appropriate authorities for ensuring appropriate steps are taken to improve the living conditions of those without shelter. He narrated his personal experiences wherein he along with his team provided legal aid to people living under flyovers on the streets of Delhi, and also observed that every citizen must get the basic right of shelter, as the same is a critical component of privacy - which is an integral part of the right to life and personal liberty encapsulated in Article 21 of the Constitution of India. Prof. (Dr.) Bhat also added that while law enforcement agencies such as the police have the right to ask those living on roads about the reasons for the same and have to ensure that they don't live on roads, but are also clothed with an obligation to treat such people with the required sensitivity keeping in mind their vulnerable conditions.

Prof. (Dr.) Alka Chawla introduced the Chief Guest Prof. (Dr.) Srikrishna Deva Rao, Vice Chancellor and Professor of Law National Law University, Delhi.

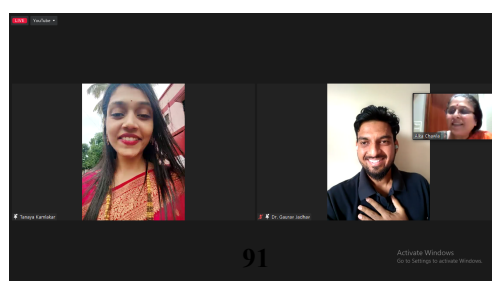
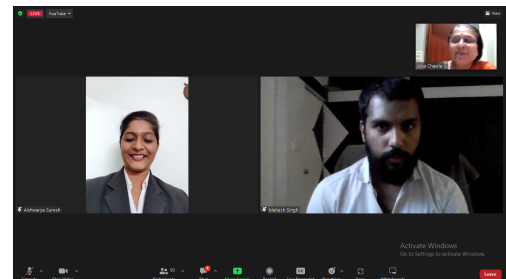
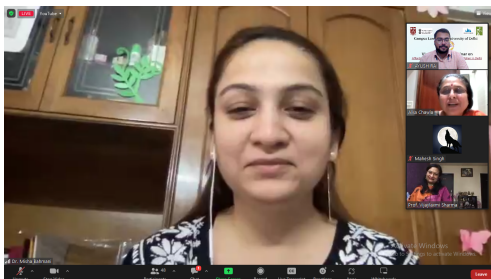
Prof. (Dr.) Srikrishna Deva Rao spoke on the reconstruction of the life of a traumatised child, special rights of children, and the impact of COVID-19 and natural calamities on children. He underscored the dangers of the “culture of silence” surrounding incidents of psychological, sexual, and physical abuse of children. He shed light on the relevant constitutional provisions and the various statutes that emerged thereafter, highlighting the need for a multidisciplinary approach towards the protection of children. Prof. (Dr.) Deva Rao also delved into the impact of calamities on the primary education of children, several of whom are orphaned and still awaiting financial relief from the government.

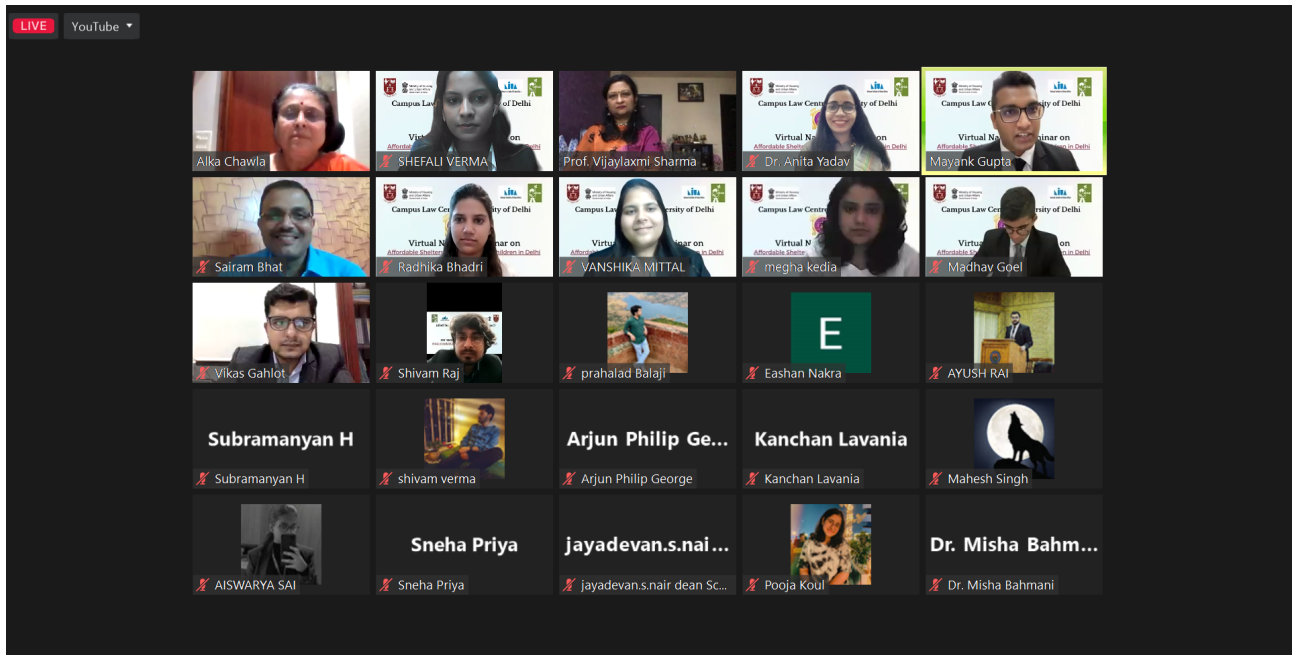


This was followed by the Vote of Thanks, proposed by Dr. Anita Yadav. She expressed her gratitude to all the speakers, teachers, participants, and the organising team members for an enriching dialogue and their respective contributions to the seminar and the cause.



The final part of the valedictory ceremony was the announcement of the results of the paper presentation, which was done by Prof. (Dr.) Alka Chawla. First place was awarded to the paper authored by Dr. Misha Bahmani titled “Impact of COVID-19 on the Street Women and Children”. Second place was awarded to the paper authored by Aishwarya Suresh and Mahesh Singh titled “A Study on Exploitation of Helpless Migrant Workers & Their Rights”. Third place was awarded to the paper authored by Dr. Gaurav Jadhav and Dr. Tanaya Kamalakar titled “Safeguarding the Housing of Homeless Women Through Legal Alleviation - A Constitutional Approach”. The aforesaid prize winners were awarded cash prizes of INR 3000/-, 2500/- and 1500/- respectively.





PUBLICATIONS REPORT

VIRTUAL NATIONAL SEMINAR

Campus Law Centre, Faculty of Law, University of Delhi in association with the Centre for Environmental Law, Education, Research and Advocacy, National Law School of India University, Bengaluru, and under the aegis of the Chair on Urban Poor and the Law, Ministry of Housing and Urban Affairs, Government of India organised the Virtual National Seminar on “Affordable Shelter for Street Women and Children: A Case study of Delhi” on July 23, 2022.

Research papers were invited from academicians, regulators, policy-makers, research scholars, NGOs, and students. 27 submissions were received and were reviewed by the panel based on a uniform review criterion comprising the following:

- A. Originality
- B. Research
- C. Understanding and presentation of literature
- D. Treatment of relevant theory(ies);
- E. Engagement with alternative arguments; and
- F. Style

3 submissions were selected for publication in CEERA’s In Law Magazine, Volume VIII, 2022-23 Edition. The magazine is a joint publication by CEERA in collaboration with the Ministry of Housing and Urban Affairs and the Department of Justice, Ministry of Law and Justice, Government of India. The magazine’s theme for this edition focused on issues pertaining to urban slum dwellers and poverty alleviation. The 3 papers selected were:

1. ***Notions of Justice, Development and the Role of the Judiciary: The Issue of Affordable Shelters in India*** by Kanchan Lavania. The paper dealt with the issue of unavailability of affordable shelter for some specific sections of society and the myriad connotations attached to it, such as discrimination on the basis of race, religion, gender, or region, and issues like abuse and violence directed against some specific sections of society like women, children, specially abled persons, old and infirm people, migrants, etc.

2. ***Impact of Covid-19 on Street Women and Children*** by Dr. Misha Bahmani. The paper focused on the 2021 Housing and Land Rights Network Survey to understand the impact of the COVID-19 pandemic on street women and children in Delhi.
3. ***Substance Abuse Among Homeless Children in Delhi - Analyzing the Role of the Government and its Policies*** by Ms. Nidhi. The paper focused on the concept of homelessness, and described it as a phenomenon where a person has no shelter over his head, no fixed space where he can return to, no identity, and no belongingness, and is not just living without a roof but living without roots.

ESSAY WRITING COMPETITION

With the aim of understanding and getting diverse perspectives on the plight of street women and children as well as creating awareness and empathy in the society, an Essay Writing Competition was conducted as part of the project. Additionally, the competition was designed to stimulate interest in and foster improved, more nuanced understanding of, amongst students from all domains, the contemporary struggles of street women and children. There were two themes:

- A. Temporary Dwellings: A Problem or a Solution?
- B. Slum-Free Cities - Solutions and Strategies

The objective of the competition was to stimulate interest and foster growth amongst students from all walks of life so that they may understand the contemporary struggles of street women and children. The competition was open to undergraduate and postgraduate students from all disciplines.

The Competition saw overwhelmingly positive response and participation, and a total of 18 essays were shortlisted for the final round. A panel comprising Dr. Mirza Juned Beg (Assistant Professor, Faculty of Law, Integral University, Lucknow), Ms. Arti Sharma (Assistant Professor, Department of Law, University of Rajasthan, Jaipur), and Ms. Preeti Sanger, Assistant Professor (Faculty of Law, Jamnala Bajaj School of Legal Studies, Banasthali Vidyapith) assessed and adjudicated these 18 essays in the final round of the competition. Each submission was put through a rigorous analysis basis six parameters - Interpretation and Justification of Topic, Extent and Use of Research, Creativity/Originality, Clarity and Logical Flow, Analysis, Discussions and Conclusions, and Adherence to Norms of Grammar and

Citation. Eventually, a total of 7 submissions were accepted for publication after the second round of review, and awards were given to the Top 3 submissions. The details of the winners of the Essay Competition were:

1. First Prize - Pratishtha
2. Second Prize - Anand
3. Third Prize - Gowri R. Nair

ESSAY COMPETITION

on

1. **Temporary Dwellings: A problem or a Solution?**
2. **Slum-free cities - Solutions and Strategies**

organised by

**CAMPUS LAW CENTRE
UNIVERSITY OF DELHI**

in collaboration with

**Centre for Environmental Law, Education, Research & Advocacy
NLSIU, Bangalore**

under the aegis of

Ministry of Housing and Urban Affairs





ABOUT THE COMPETITION

With the aim of understanding the plight of street women and children and creating awareness and empathy in the society, we present the Essay Writing Competition. This competition endeavours to stimulate interest and foster growth amongst students from all domains to understand the contemporary struggles of street women and children.



RULES AND REGULATIONS

1. This competition is open to undergraduate and postgraduate students from all disciplines. Submissions from Academicians, Regulators, Policy Makers, Research Scholars, NGOs are also accepted.
2. Every participant can submit **ONLY ONE** essay on **any one of the given themes**. Co-authorship is not permitted.
3. Each entry should be an original and unpublished essay, either in English or Hindi.
4. The **word limit** is between 1500-3000 words, including footnotes.
5. Entries must be formatted in Times New Roman, font size 12 with 1.5 spacing. Footnotes should be in Times New Roman, font size 10 with 1.0 line spacing. Endnotes are not allowed.
6. The writings must conform to the "Indian Law Institute, Rules of Footnoting". Authors may visit the freely accessible website of the Indian Law Institute: <http://www.ili.ac.in/footnoting12.pdf>
7. Every essay must clear anti-plagiarism checks and be supported by a bona fide certificate, duly signed by the Registrar / Vice-Chancellor or other Appropriate Authority.



SUBMISSION GUIDELINES

The essay must be submitted in doc./docx. format along with bona fide certificate and screenshot of successful fees payment via google form before **4th September 2022**.

Template for Bona fide Certificate: <https://bit.ly/3NmsxMA>

Registration form link: <https://forms.gle/b8SeWGvzuQrf9Cz36>



REGISTRATION FEES

The Participants are required to submit a fee of **Rs. 500**. Details of Payment are mentioned below-

NAME OF ACCOUNT HOLDER

DIRECTOR NLSIU SCHEMES AND PROJECTS

BANK NAME

UNION BANK OF INDIA

IFSC/NEFT/RTGS/BRANCH CODE

UBIN0921441

TYPE OF BANK ACCOUNT

SAVINGS BANK

BANK ACCOUNT NUMBER

520101045115075

MICR CODE OF BANK

560026119



PRIZES

The participants shall be awarded an **E-Certificate** and the top three entries would be given **Cash Prizes**:



First Prize: Rs. 2500



Second Prize: Rs. 2000



Third Prize: Rs. 1500

ORGANISING COMMITTEE



Patron-in-Chief
Prof. (Dr.) Alka Chawla
Professor-in-Charge
Campus Law Centre



Programme Director
Dr. Anita Yadav
Assistant Professor (Sr. Scale)
Campus Law Centre

Centre for Environmental Law Education, Research and Advocacy (CEERA), NLSIU



Prof. (Dr.) Sairam Bhat
Coordinator and Professor of Law



Ms. Madhubanti Sadhya
Assistant Professor of Law (Visiting)



Mr. Rohith Kamath
Legal Consultant



Ms. Gayathri Geerish
Advocate, Karnataka High Court



Mr. Vikas Gahlot
Teaching Associate



Ms. Anuja Shah
Research Fellow



Ms. Lianne D'Souza
Research Fellow

Student Members

Shivam Raj, Bhuwan Raj Seth, Mayank Gupta, Bhavna Yadav, Shweta Kushe, Tanya Bhutani, Ayush Rai, Shefali Verma, Vanshika Mittal, Eashan Nakra, Megha Kedia, Radhika Bhadri, Nandini Gupta, Madhav Goel

For any further queries,

E-mail us at: <sheltersforpoor@gmail.com>; or

Contact us; Dr. Anita Yadav (+91-7905644026)

Megha Kedia (+91- 8617248458)

Vanshika Mittal (+91- 9650666505)

GALLERY

VISIT TO SARAI KALE KHAN NIGHT SHELTER



Project team member asking questions from children respondents



Project team member interacting with the beneficiaries



Team members talking to children respondents



The Project Coordinator interacting with children respondents



Project team member asking questions from a female respondent



Project team member interacting with female respondents



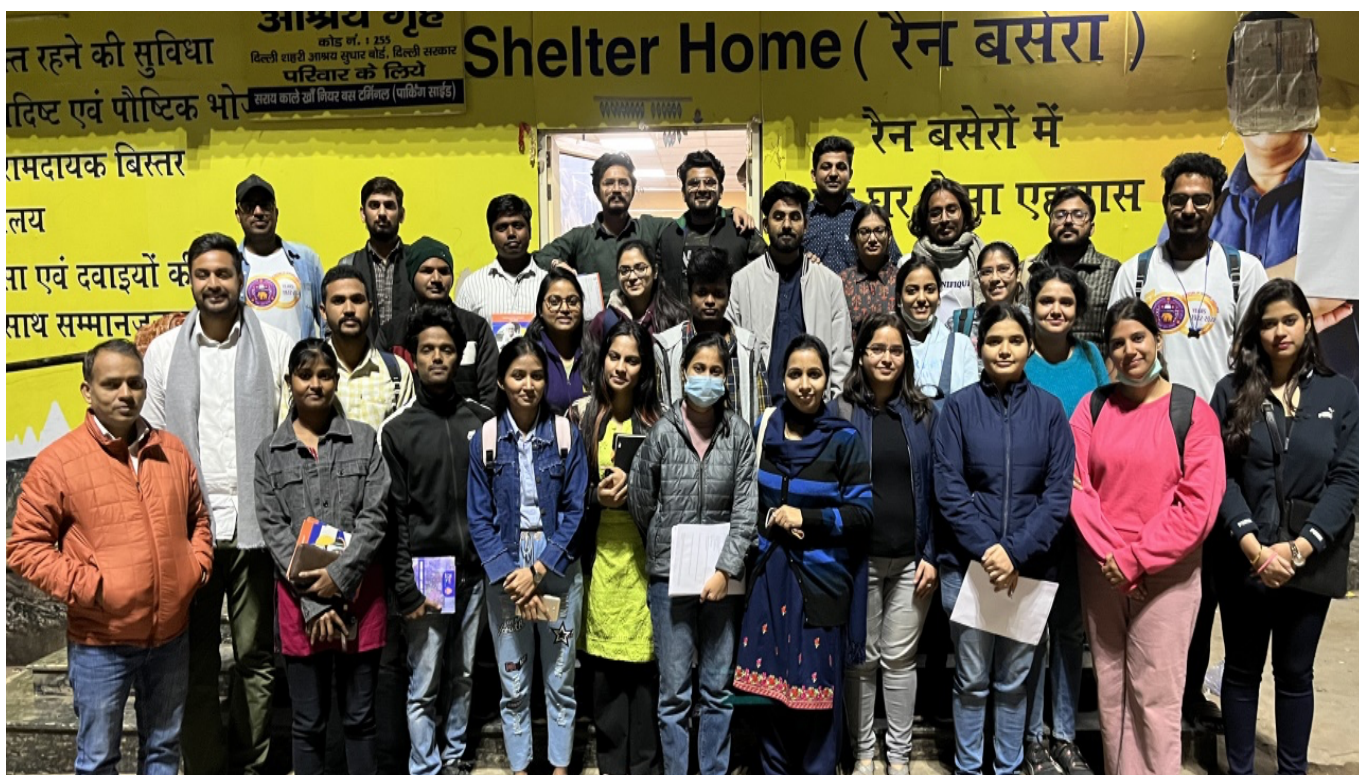
Team members interacting with the beneficiaries



Project team members surveying the respondents



Health facilities available at the shelter home (Aadmi Mohalla Clinic)



Project team members with the Project Coordinator



Toll free number available at the shelter



A poster enlisting the duties of the supervisor



Poster highlighting the toll-free contact numbers of the shelter



Team members observing the food quality at the shelter home



The Project Coordinator taking feedback from the respondents



Team members taking feedback from the respondents

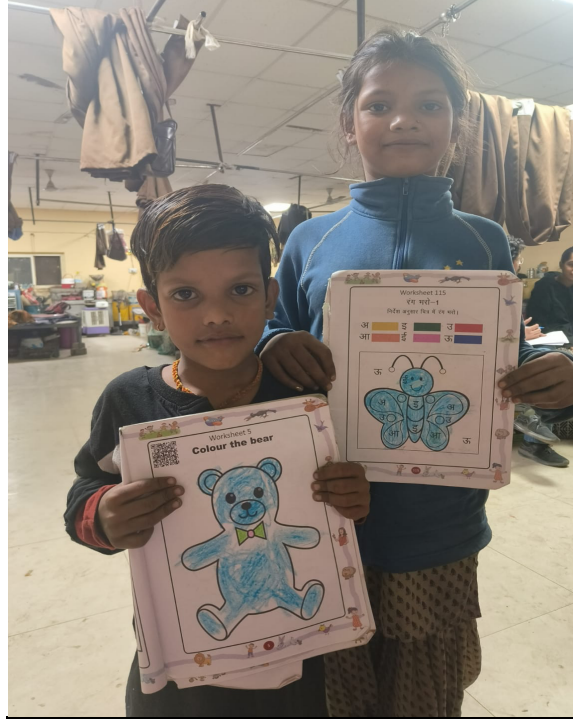
VISIT TO BANGLA SAHIB SHELTER HOME



Project team members with the beneficiaries and the Project Coordinator



Team Members at the entry gate of the shelter home



Children eagerly showing their class notebooks



A child showing his homework received from the school



The Project Coordinator interacting with the women and children residing at the shelter home



The Project Coordinator interacting with children



Team member interacting with children at the shelter home



Project team member interacting by asking questions from a child at the shelter home



Team members taking feedback from a woman at the shelter home



Team member taking feedback from the women beneficiaries at the shelter home



Project team members asking questions from female beneficiaries



Team member taking feedback from the beneficiaries



Project team member having a conversation with a child respondent



Poster displaying the complete address of the shelter home



Locker facility available at the shelter home



Security cameras at the shelter home

ACKNOWLEDGEMENTS

The successful completion of any project requires immense effort from many the individuals involved, supported by a framework that enables precise team coordination, efficient usage of team effort, and provides a beacon of guidance which permeates throughout the entire project. These words ring truest for this project, and thus warrants the mentioning of certain people, without whose guidance, cooperation and efforts, this project would not have seen its completion.

Firstly, on behalf of the entire project team, I would like to thank the Chair on Urban Poor and Law, Ministry of Housing and Urban Affairs, Government of India at the National Law School of India University (NLSIU), Bengaluru, under whose aegis the said project had commenced.

I would also like to profusely thank Prof. (Dr.) Alka Chawla, Professor-in-Charge, Campus Law Centre, Faculty of Law, University of Delhi, for her immense support and guidance. Her role has been extremely crucial in the successful completion of this project, and her support has formed the backbone of this project.

I would like to extend my heartfelt gratitude to Prof. (Dr.) Sairam Bhat, Professor of Law and the Coordinator of the Centre for Environmental Law, Education, Research and Advocacy (CEERA), National Law School of India University, without whose support the project would have been direction-less. His knowledge and guidance, owing to his expertise in the field to which this project pertains, made it possible for our team to effortlessly execute the project. We are very grateful to him for his continued association with Campus Law Centre, Faculty of Law, University of Delhi, for the purposes of this project.

It would not be out of place to express my appreciation and gratitude towards the team from CEERA, NLSIU comprising Mr. Rohith Kamath (Legal Consultant), Mr. Vikas Gahlot (Teaching Associate), Ms. Anuja Shah (Research Fellow), Ms. Gayathri Geerish (Advocate, Karnataka High Court), Ms. Aparna S. (Research Fellow, CEERA, NLSIU), and Mr. Jaibatraka Mohanta (Research Fellow, CEERA, NLSIU) for their valuable and continued collaboration, which provided the project with much needed insights to ensure that the quality of the project is exemplary. It would not be out of place to mention Dr. Madhubanti Sadhya (Assistant Professor of Law (Visiting), NLSIU) and Ms. Lianne D'Souza, whose valuable

contributions during the initial stages of project were crucial in providing it the necessary direction and framework for its execution.

This project would not been possible without the contributions and assistance provided by the team at the Centre for Holistic Development, New Delhi, comprising Sunil Kumar Aledia (Executive Director), Jyoti Tiwari (Team Member), Amit Kumar Gautam (Team Member), and Khushi Chand (Team Member), which allowed us to visit various shelter homes in Delhi-NCR, thus paving the way for us to conduct the field survey component of the project.

Finally, I would like to thank the team of students from Campus Law Centre, Faculty of Law, University of Delhi comprising of Madhav Goel, Shivam Raj, Bhuwan Raj Seth, Mayank Gupta, Bhavna Yadav, Shweta Kushe, Tanya Bhutani, Ayush Rai, Shefali Verma, Vanshika Mittal, Eashan Nakra, Prahalad Balaji, Radhika Bhadri, Nandini Gupta, Gaurav Kumar, Sarvagya Yadav, Parika Gupta, and Harshita Singhal, who have put in immense effort and given their tireless dedication and time throughout this project.