

## CAPSTONE PROJECT

# The State of Homelessness in India: families, women and children

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# Policy Memorandum

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**Subject:** The scope of homelessness in India, with particular focus on women and children.

## Executive Summary

The Government of India first acknowledged homeless in the Census of India 2001; ‘houseless people’ were defined as those living “in the open or roadside, in hume-pipes, under flyovers and staircases, or in open spaces of worship, mandaps, railway platforms, etc.”<sup>i</sup> Given this definition, those living in ‘informal settlements’ and unauthorized housing, such as slums, in cars, carts and in informal or illegal rentals were not counted in the Census; 17% of those living in urban settings were reported living in slums according to the last Census alone.

The 2011 Census reported 1.77 million homeless people nationwide: 938,348 urban homeless and 830,000 rural homeless. However, the homeless population is believed to be purposefully underreported and deceptive by the government; with over 632 million living in multidimensional poverty, non-governmental estimates believe homelessness nationwide to exist between two to six million people.<sup>ii</sup>

Women and children are two of the most vulnerable groups with regard to homelessness and inadequate housing; women are estimated to make up 10% of the homeless population, while children are estimated to be nearly 50% of India’s homeless.<sup>iii</sup> While both groups face discrimination, abuse and sexual and labor exploitation while living on the street, many find the street to be the only available option as adequate shelter and affordable housing become growing problems the state cannot meet.

Development-related forced evictions (over 200,000 documented cases), conflict displacement (estimated 600,000), natural disaster relocation (estimated 30 million people) and multidimensional discrimination (age, sex, caste, religion, sexual orientation, disability) are further compounding demands for housing, adequate or not, and the state has overwhelmingly left men, women and children in poverty and other marginalized groups outside of relocation schemes after displacement.<sup>iv</sup>

A lack of temporary or permanent shelters provided by the state and national government further exacerbate the problem. Despite a 2010 Supreme Court mandate for the state to build 1 shelter for every 100,000 people in an area, few states comply.<sup>v</sup>

On the surface, the government has many programs in place attempting to address poverty, homelessness, affordable and adequate housing (Housing for All, Scheme of Shelters for Urban Homeless, Smart Cities Mission), with some specifically for women and children (Swadar Greh Scheme, Ujjawalla Scheme, Integrated Child Protection Scheme). However, all lack accountability and enforcement mechanisms; while the schemes and missions are commendable, they should not supplant laws and policies that would effectively regulate, monitor and hold accountable the government and subsequent public and private partners in achieving “housing for all.”

## Recommendations

### **1. Demand the government re-define ‘Homelessness’ and define ‘Affordable Housing.’**

The present definition of ‘homelessness’ by the Census of India is inadequate to fully enumerate and address the scope of the issue in the country. For its part, ‘affordable

housing' is presently undefined leading to discordant policies and programs due to different definitions.

2. **Prior to the finalization of the 2021 Census questionnaire and subsequent roll out strategy, advocates should inquire on questions that will pertain to homeless women, children and families and demand improved and reliable disaggregated data on the subject.**
3. **The Government of India has focused their development efforts on cities, depriving and marginalizing those of development in rural areas of the country. As such, advocates should demand greater attention be paid to those outside urbanized centers, particularly with regard to adequate housing.** As noted, while only 31% of the Indian population is urban, most programs with regard to adequate housing, homelessness and poverty are targeting to those living in urban areas.<sup>vi</sup> As such, the rural dwellers that comprise 69% of the population, continue to be deprived of access to programs and missions that could raise their standards of living.
4. **Address inadequacy and inconsistency of government programs, missions and schemes by developing nations laws that address adequate housing and homelessness in urban and rural centers.**<sup>vii</sup> Although the Government of India has various programs and missions addressing homelessness, adequate housing, and with a focus on women and children, many of these schemes are altered, phased out, renamed before they are fully implemented, preventing successful application of these schemes to provide substantive change and benefit to society. This creates an information gap and accountability vacuum both inside and outside the country for organizations who want to do their part in advocating for sustainable development.
5. **The Government of India must oversee the creation of homeless shelters specifically targeted towards homeless women and children, in order to address the particular needs of these demographic groups.** The only solution to ensure accountability in this area is continued legislation and increased oversight.

### Limitations and Barriers

The Government of India and organizations related to homelessness and adequate housing, both fail to collect sufficient data, much less disaggregated data, to understand the scope of the problem of homelessness, adequate housing and solutions. As such, most research used estimates in research, lending to possibly significant margins of error.

### Conclusion

The lack of available data on homeless women and children contributes to their conditions; their invisibility to the state is the most important issue to address to best advocate on their behalf.

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<sup>i</sup> Housing and Land Rights Network (HLRN). *Response to Questionnaire of the Special Rapporteur*. United Nations Special Rapporteur on Adequate Housing. Geneva, November 2015.

<sup>ii</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*. (New Delhi: Housing and Land Rights Network, 2016), 4.

<sup>iii</sup> Rina Chandran. "Too Afraid to Sleep': India's Homeless Women Suffer as Cities Expand." Asia. Thomson Reuters, August 14, 2018. <https://www.reuters.com/article/us-india-housing-women/too-afraid-to-sleep-indias-homeless-women-suffer-as-cities-expand-idUSKBN1KZ00S>.

<sup>iv</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*. New Delhi: Housing and Land Rights Network, 2016.

<sup>v</sup> Rina Chandran. "Indian State Vows to End Homelessness with Free Flats." Asia. Thomson Reuters, April 25, 2019.

<sup>vi</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 4.

<sup>vii</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 33.

Capstone Project: UNANIMA International in Collaboration With Sophia Housing on  
Family Homelessness in India

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## **I. Abstract**

The 2011 Indian Census claimed that 1.77 million individuals are homeless, though most assessments assume this number to be significantly higher. Of the homeless population, it is estimated that about 10% are women, and that 50% are children. There are numerous causes for homelessness in these demographic groups, including evictions, housing discrimination, forced displacement, as well as cultural factors. The fact that no universal definition of homelessness exists, and Indian legislation is inadequate in gathering information on those affected by homelessness, or providing appropriate services to ameliorate their situation, compounds the problem.

Despite a lack of available data, this paper serves to provide a comprehensive overview of homelessness for women and children in India. Through examination of United Nations documents, Indian legislation & policies, and programs, this paper describes how homelessness is addressed on a national and international level, and identifies the root causes of homelessness. Most importantly, however, this paper concludes that serious and immediate steps need to be implemented in order to address the critical issue of homelessness in India.

## II. Introduction

The Republic of India (hereby, India) has an estimated population of over 1.3 billion people spread over twenty-nine states and six territories—the second largest country by population in the world. Despite India’s fast growth, culturally and ethnically diverse society, and rising living standards, it faces numerous socio-economic challenges throughout society. Intersecting with India’s need to adequately mitigate poverty levels and its increasing development, homelessness is an issue gaining particular relevance in India today.

As the country continues to rapidly modernize and urbanize, those living most marginalized and in precarious financial situations are increasingly lacking the ability to find adequate housing, and even more, housing at all. Those marginalized with regard to housing, struggle against multiple forms of discrimination: caste, age, gender, religion, marital status, physical ability and income. *Women and children* in particular, are vulnerable to multiple forms of prejudice and injustice, including lack of shelter or housing, especially when living in poverty. The realities that homeless women and children face become even more difficult to address as the Government of India has struggled to accurately quantify the problem and collect sufficient disaggregated data to understand the multiple levels at which these groups are affected. While the focus of UNANIMA’s advocacy is on family homelessness, particularly women and children as a family unit, given the voids of data on these groups and the unit specifically, their presence in certain discussions will be lacking.

To note, the lack of available data on homeless women and children contributes to their conditions; their invisibility to the state is the most important issue to address to best advocate on their behalf.

### III. India: Defining and Measuring Homelessness

Homelessness in India is measured according to the Census definition and the Census is carried out decennially.

The 2001 Census of India defines '*houseless people*' as persons who are not living in buildings or 'census houses' whereby a 'census house' refers to 'a structure with roof.' As such, for measuring the extent of homelessness and eligibility for social welfare programmes or services, the government counts homeless as those living 'in the open', noting roadsides, pavements, hume pipes, under flyovers and staircases, railway platforms, porches and open in places of worships in their definition.<sup>1 2</sup>

The Census defines a *household* as 'a group of persons who commonly live together and would take their meals from a common kitchen unless the exigencies of work prevented any of them from doing so.' 'Family homelessness,' is not a term that appears in Indian Census data, presently.<sup>3</sup> While an important concept to understand levels of homelessness, available data on homelessness is largely aggregate, of men, women and boys and girls.

The 2011 Census noted 1.77 million homeless nationwide, reporting 938,348 urban homeless and 830,000 rural homeless. There is much debate over the actual numbers of homeless in India. NGOs working in the field, housing rights activists and government officials working on the issue have spoken out on the enumeration tactics used in the 2011 Census stating it failed to provide adequate data. The Census Data contradicts with other available data from NGOs and government agencies, and incorrectly shows a decline in homelessness from 1.9 million a decade earlier.<sup>4</sup>

Civil society organizations estimate at least one percent of the population of urban India is homeless, with estimates anywhere from 2.3 million to over 3 million nationwide. These estimates have been made based on reports that the five largest cities in India have between

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<sup>1</sup> Housing and Land Rights Network (HLRN). *Response to Questionnaire of the Special Rapporteur*. United Nations Special Rapporteur on Adequate Housing. Geneva, November 2015.

<sup>2</sup> Goel and Chowdhary. *Faces of Homelessness in the Asia Pacific*, 50.

<sup>3</sup> [http://censusindia.gov.in/Data\\_Products/Library/Indian\\_perceptive\\_link/Census\\_Terms\\_link/censusterm.html](http://censusindia.gov.in/Data_Products/Library/Indian_perceptive_link/Census_Terms_link/censusterm.html)

<sup>4</sup> Rina Chandran, "Too Afraid to Sleep': India's Homeless Women Suffer as Cities Expand," Reuters, August 14, 2018, <https://www.reuters.com/article/us-india-housing-women/too-afraid-to-sleep-indias-homeless-women-suffer-as-cities-expand-idUSKBN1KZ00S>.



580,000-650,000 homeless (Mumbai, 200,000; Delhi, 150,000-200,000; Chennai, 40,000-50,000; Kolkata, 150,000; Bangalore, 40,000-50,000).<sup>5</sup>

To note: prior to 2001, the Government of India did not include the homeless in Census enumeration.<sup>6</sup>

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<sup>5</sup> “Homelessness in India.” Homelessness. Housing and Land Rights Network, 2019. <https://www.hlrn.org.in/homelessness>.

<sup>6</sup> Housing and Land Rights Network (HLRN). *Response to Questionnaire of the Special Rapporteur*.

## IV. Other Definitions of Homelessness

A global definition of homelessness has historically been contested on the grounds of cultural concepts that relate to the issue. Moreover, there is little consensus on whether it applies to a person or family living without shelter, adequate shelter, and/or a loss of 'home' life, including shelter, family connections and relationships.<sup>7</sup> While a universal consensus has not been reached, various statutes and stipulations created by the United Nations provide a framework for addressing and defining this controversial topic.

### 4. 1 United Nations Definitions

**Universal Declaration of Human Rights (UDHR)** created in 1948, with India voting in its favor, recognized adequate housing as part of international human rights law, with Article 25.1 stating "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 services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."<sup>8</sup>

**UN Human Settlements Programme (UN-Habitat)** has defined homeless households as, "households without a shelter that would fall within the scope of living quarters. They carry their possessions with them, sleeping in the streets, doorways or on piers, or in any other spaces on a more or less random basis."<sup>9</sup>

**United Nations Development Program** conducted a homelessness survey in Delhi in 2010, broadening the Census definition to include men, women, eunuchs, and children *who do not have a home or settled place*, thus including in their count those living in informal housing situations: night shelters, transit homes, short-term children homes, temporary structures at construction sites, those sleeping at work or in hand/pushcarts. Extending the definition to the informal sector

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<sup>7</sup> Goel and Chowdhary. *Faces of Homelessness in the Asia Pacific*, 51.

<sup>8</sup> United Nations General Assembly resolution 217 A, *Universal Declaration of Human Rights* (10 December 1948), [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/217\(III\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/217(III)).

<sup>9</sup> UN Habitat. *Homelessness and the Right to Adequate Housing: Questionnaire*. UN Habitat, November 12, 2015. [https://www.ohchr.org/Documents/Issues/Housing/Homelessness/UNagencies\\_regionalbodies/13112015-UN\\_Habitat.docx](https://www.ohchr.org/Documents/Issues/Housing/Homelessness/UNagencies_regionalbodies/13112015-UN_Habitat.docx).

added 60,000 homeless people to the National Population Register, “and hundreds were issued smart cards to access entitlements through this identification.”<sup>10 11</sup>

#### 4. 2 UNANIMA Definition of Homelessness

The working definition of family homelessness as used by UNANIMA International is, “Families who do not have consistent residency or the support needed to maintain a residency of their own who live episodically, temporarily or chronically in temporary housing, including shelters and locations not intended for human habitat or settlement.”<sup>12</sup>

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<sup>10</sup> Goel and Chowdhary. *Faces of Homelessness in the Asia Pacific*, 50.

<sup>11</sup> UNDP India. “Safety Nets for the Poor.” *UNDP in India, Results from 2010: Empowered Lives. Resilient Nations*. (United Nations Development Programme India, 2011), 12.

<sup>12</sup> Quinn, Jean. “UNANIMA International & NYU Capstone Project: Summer 2019 Briefing Document.” UNANIMA International. 2019.

## V. Statistics: Homelessness

In a country of over 1.2 billion people, nearly half—632 million people—live in multidimensional poverty.<sup>13</sup> Moreover, India's 2011 Census claimed 1.77 million homeless nationwide which is believed to be a gross under-estimation given widespread poverty in the country. Given these socio-economic conditions, independent estimates believe 2.3 million homeless to being a more realistic-- if not conservative--number, while others believe the scope of the problem to be three times the amount reported in the Census, should it include various informal housing situations.<sup>14</sup>

Homelessness is generally regarded as a failure of a society to provide basic services. The Indian government has been accused of both purposefully under-reporting data, and is believed to have struggled in past censuses to adequately enumerate the homeless and those lacking adequate housing, thus creating a knowledge-gap on the subject. The magnitude of the issue of homelessness is likely much larger than government projections; as Goel and Kalpana note in *Faces of Homelessness in the Asia Pacific*, the intention to count fewer homeless people in a population is directly linked to what governments seek to recognize as a social issue in order to allocate funds for services that would address it.<sup>15</sup> However, without sufficient and reliable disaggregated data and statistics on the scope of the problem, federal and local governments may never be able to provide and implement best practices and solutions to address growing homelessness and increasing lack of adequate housing. What is known is that poverty, public health, adequate housing and homelessness are closely intertwined within India.

Based on grassroots reporting by various organizations, publications, and scholars on the subject, those living destitute in the streets of India are diverse; they are mentally ill, aged, poor, abused, abandoned, suffering from addictions, divorced, runaways, formerly trafficked, victims of eviction and natural disasters, and cut across age and sex. Particular to India, however, is the marginalization of these groups by the local and federal government.

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<sup>13</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*. (New Delhi: Housing and Land Rights Network, 2016), 5.

<sup>14</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*. 5.

<sup>15</sup> Kalpana Goel and Richa Chowdhary. "4. Living Homeless in Urban India: State and Societal Responses." In *Faces of Homelessness in the Asia Pacific* (New York, NY: Routledge, 2018), 51.

Numerous laws exist in India that are used to incarcerate beggars and those living on the street, criminalizing vagrancy while there are few options otherwise. The increasing use of forced evictions nationwide overwhelmingly targeting those living in slums or make-shift housing have left the affected to choose between renting, rebuilding or homelessness. A widespread lack of temporary shelter for women, children and men, as well as reports of abuse within shelters by employees leave few options aside from the street or slums for housing, community and protection. India's homeless are not easily afforded voter identity and ration cards, which are required to open a bank account, vote, access health services, report to the police or access food and goods from the government's welfare programs given their lack of permanent shelter, leaving them nameless to officials and the social security system.<sup>16</sup> When all such factors taken into account, the state and federal governments across India are exacerbating the issue of homelessness, not improving it.

As India continues to develop and urbanize at its fast pace, it is important that it develop systems that are ingrained in human rights. Despite pledging to many of the Sustainable Development Goals laid out in the 2030 Agenda, unfortunately, India is presently lacking with regard to homelessness and developing inclusive, safe, communities for the future. Under-researched and under-investigated in India, homelessness issue remains largely *unaddressed*.

## 5. 1 Testimonials

The below testimonials depict the reality faced by hundreds of homeless women in India and their children.

### **Kaur**

*After being kicked out by her husband's family in the northern city of Ludhiana, Kaur had "nowhere to go," as "the house, the land - nothing was in [her] name." Kaur took her two young sons to New Delhi by bus, settling on a sidewalk in close proximity to a Sikh gurudwara (place of worship). Kaur and her sons are able to occasionally obtain free food from the*

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<sup>16</sup> Goel and Chowdhary. *Faces of Homelessness in the Asia Pacific*, 51.

*gurudwara, but have almost no protection against extreme weather conditions, covering themselves with plastic sheets in the rain, and enduring harsh temperatures in both summer and winter. In addition, Kaur and her sons face the threat of violence and physical abuse. As Kaur states: “Here, the police harass us, and the locals curse us, and I’m sometimes too afraid to sleep. But we cannot afford to pay rent and the shelters are not good, so what option do we have?”<sup>17</sup>*

### **Poonam Das**

*In 2002, Poonam Das, a homeless woman, was found at a train station by human rights activists around 1:00am, in a “disheveled condition” with a fractured arm and a dog bite. Activists accompanied Poonam to Sucheta Kriplani Hospital, where she was referred to an outside psychiatric medical facility by a doctor on call at 5:15am, despite her dire need of medical attention. After the activists traveled with Poonam to the psychiatric facility, they were told at 8:30am that Poonam couldn’t be admitted because she needed to be treated for her dog bite and broken arm. She was then transported back to the Sucheta Kriplani Hospital, where she once again faced delays, as doctors refused to admit Poonam without a medical legal case (MLC). With the perseverance of the activists, an MLC was obtained, first by the police and then by the psychiatry department. Despite these obstacles, Poonam finally had a thorough medical examination, and was admitted at 11:20pm, almost 24 hours after she was first taken to the hospital.<sup>18</sup>*

### **Laxmi**

*In 2010, Laxmi had been rendered homeless after leaving an abusive marriage. She had endured severe domestic violence from both her husband and his family, who had tried to kill her by setting her on fire. After escaping, she resided in the Shankar Market area of Delhi, and became pregnant after being sexually abused by an auto-rickshaw driver. She survived on discarded food for the duration of her pregnancy, and delivered a baby girl with only the help of*

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<sup>17</sup> Chandran, “Too Afraid to Sleep.”

<sup>18</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 21-24.

*a homeless couple. After laying with her new baby on a footpath with no food or medical assistance, Laxmi died of septicemia on the street four days after giving birth.*<sup>19</sup>

## 5.2 Focus: Homeless Women

Women comprise nearly 10% of India's homeless population, but are arguably the most affected by India's homeless crisis. Women have fewer claims over property and limited access to shelters than men, which further increases their risk of becoming homeless.<sup>20</sup> While homelessness is a country-wide problem, homeless women tend to be concentrated in urban areas. For example, it is estimated that 10,000 homeless women reside in New Delhi alone. Like other urban areas, the capital city faces a steady influx of people from small towns, either looking for better opportunities or who have no other options of where to go.<sup>21</sup>

There are two categories of homeless women: ones who stay with their families, and ones without any family, the latter of which are the most susceptible to violence and abuse.<sup>22</sup> While some women will settle in slums or informal settlements, for many these are too expensive or unavailable, and thus many must resort to homelessness.<sup>23 24</sup> Among homeless women, the most vulnerable include homeless single mothers, women affected by substance abuse, pregnant women, and women living with HIV/AIDS.<sup>25</sup>

Homeless women often will attempt to make a livelihood through roadside vending or other activities, but many will have no other option than to resort to begging.<sup>26</sup>

Homeless women are also particularly susceptible to increased health hazards, including lack of access to clean water, malnourishment, and lack of healthcare.<sup>27</sup> Further, malnourishment is common, as police will regularly confiscate food items from women who attempt to prepare meals during the day.<sup>28</sup> Finally, accessing healthcare is another hurdle of

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<sup>19</sup> Sara Pilot and Lora Prabhu, "The Fear that Stalks: Gender Based Violence in Public Spaces," *Zubaan*, New Delhi, 2012.

<sup>20</sup> Chandran, "Too Afraid to Sleep."

<sup>21</sup> Chandran, "Too Afraid to Sleep."

<sup>22</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 8.

<sup>23</sup> Chandran, "Too Afraid to Sleep."

<sup>24</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 8.

<sup>25</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 16.

<sup>26</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 8.

<sup>27</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 10-12.

<sup>28</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 14.

disproportionate difficulty for homeless women, with countless incidents of homeless women being denied treatment in hospitals.<sup>29</sup>

### 5.3 Focus: Homeless Children

Where there is no definitively accurate or authentic data on homeless children, also referred to “Street Children,”<sup>30</sup> some key statistical information can be used to help understand the scope of the issue. In the last Census, children constituted 39% of the country’s population, totaling around<sup>31</sup> 430<sup>32</sup>-440 million.<sup>33</sup> Of this population, it is estimated that around 40%-- 170 million--are destitute children while 12% are orphans.<sup>34</sup> Further, it is estimated that about half of the homeless population of India are children. Reports suggest that homeless children are concentrated in urban areas, with over 314,000 children living in Mumbai, Kolkata, Chennai, Bengaluru, Kanpur and Hyderabad, and another 100,000 in New Delhi as of 2014.<sup>35</sup> Further, the last Census reported eight million children under six living in 49,000 informal settlements and slums across India.<sup>36</sup>

The Indian Integrated Child Protection Scheme (ICPS) defines vulnerable children as “children of potentially vulnerable families and families at risk, children of socially excluded groups like migrant families, families living in extreme poverty, scheduled castes, scheduled tribes and other backward classes, families subjected to or affected by discrimination, minorities, children infected and/or affected by HIV/AIDS, orphans, child drug abusers, children of substance abusers, child beggars, trafficked or sexually exploited children, children of prisoner, and street and working children.” While Street Children are already considered part of

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<sup>29</sup> Shivani Chaudry, *Shelters for Homeless Women: Working Paper with a Focus on Delhi*, Housing and Land Rights Network, 2019, 1.

<sup>30</sup> Ministry of Women and Child Development, *National Report on a ‘World Fit for Children,’* 2007, 19, [https://www.unicef.org/worldfitforchildren/files/India\\_WFFC5\\_Report.pdf](https://www.unicef.org/worldfitforchildren/files/India_WFFC5_Report.pdf).

<sup>31</sup> Ministry of Women and Child Development, Government of India, National Plan of Action for Children, 2016: Safe Children, Happy Childhood, December 2016, 1, [https://wcd.nic.in/sites/default/files/National\\_Plan\\_of\\_Action\\_2016.pdf](https://wcd.nic.in/sites/default/files/National_Plan_of_Action_2016.pdf).

<sup>32</sup> Seema Naaz and Meenai Zubair, “Alternative Care in India: Issues and Prospects,” *Rajagiri Journal of Social Development*, 11, no. 1 (June 2019): 4.

<sup>33</sup> Vinod Kumar Tikoo, Anju Dhawan, Raman Deep Pattanayak, and Anita Chopra, Assessment of Pattern and Profile of Substance Use among Children in India, National Commission for Protection of Child Rights, iii, [https://www.ncpcr.gov.in/view\\_file.php?fid=17](https://www.ncpcr.gov.in/view_file.php?fid=17).

<sup>34</sup> Naaz and Zubair, “Alternative Care in India,” 4.

<sup>35</sup> Shivani, Chaudry, Amita Joseph, and Indu Prakash Singh, *Violence and Violations: The Reality of Homeless Women in India*, Housing and Land Rights Network, March 2014, 16, [https://www.hlrn.org.in/documents/Violence\\_and\\_Violations\\_Homeless\\_Women\\_in\\_India\\_2014.pdf](https://www.hlrn.org.in/documents/Violence_and_Violations_Homeless_Women_in_India_2014.pdf).

<sup>36</sup> Ibid.



this group, many of the other groups of vulnerable children are at high risk of becoming Street Children, further highlighting the need to address many of the social and economic factors which place children in vulnerable situations.<sup>37</sup>

Street Children can be categorized as either “Of The Street” or “On The Street.” The majority of Street Children are reportedly male, however, this is likely inaccurate as female Street Children are less likely live less publically out of fear, and thus harder to track. It is believed that about 33% of Street Children are between 6-10 years old, while 40% are between 11-15.<sup>38</sup>

According to UNICEF, Children ‘Of The Street’ either live with or have contact with their families. The 2007 MWCD Report on Child Abuse found 65.9% of the Street Children lived with their families. Troublingly, 66.8% of these children report being physically abused by family members and others. 51.84% ‘Of the Street’ children slept on the side-walks, 17.48% slept in shelters and 30.67% slept in other outdoor areas.<sup>39</sup>

Alternatively, Children ‘On The Street’ do not have received any parental supervision or care. These children can be found sleeping in railway stations, markets, under bridges, and near bus depots and stops. ‘On the Street’ children are also more vulnerable to abuse and inhumane treatment, with one third reporting persecution by municipal authorities and police. This group is also more susceptible to drug abuse, gambling and drinking.<sup>40</sup> In fact, drug dealers will often get male Street Children addicted to drugs and therefore into debt, forcing them to beg and bring income before supplying them with more drugs, commonly using violence as a coercion method.

<sup>41</sup> In addition to the persecutory risks for Children on the Street, they are exposed to unsanitary living conditions which carry high health hazards, along with facing exposure to environmental conditions such as heat, cold and rain. Further, this group of children lack the psychological support of a family.<sup>42</sup>

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<sup>37</sup> Ibid.

<sup>38</sup> “Street Children,” Child Protection and Child Rights, Childline, <https://childlineindia.org.in/street-children-india.htm>.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Emily Delap, *Begging for Change: Research Findings and Recommendations on Forced Child Begging in Albania/Greece, India and Senegal*, Anti-Slavery International, 2009,10.

<https://www.antislavery.org/wp-content/uploads/2017/01/beggingforchange09.pdf>

<sup>42</sup> “Street Children,” Childline.

## VI. Root Causes of Homelessness

There are many cultural causes that contribute to homelessness: stigmatization and inequality on the urban-rural divide and on the basis of sex, caste, age, ethnicity, sexual orientation, disability and socioeconomics, as well as erosion of family and social support, abandonment, disability, domestic violence, and substance abuse.

### **Inequality in Adequate, Affordable Urban Housing**

India's urban population accounts for close to 11% of the world's urban population, 380 million, with projections expecting it to rise to 13% by 2030 to 600 million.<sup>43 44</sup> The cost of buying in urban settings has become so high, that 27% of urban residents live in informal rental accommodations, with forecasts predict that by 2030, 38 million households will not be able to afford a home at all.<sup>45 46</sup>

The problem is exacerbated when there are fewer homes to rent or own; already in 2012, the national urban housing shortage was estimated at 18.78 million houses, and expected to grow to 34 million by 2022. Even more, 95% of urban housing shortages (17.95 million units) were among lower socioeconomic groups, effectively demonstrating that urban housing shortage is most relevant to those in financially weak positions and thus need adequate, affordable housing most.<sup>47 48</sup>

While there is an urban housing problem, the 2011 Census notes contradictory statistics by reporting an urban housing shortage while simultaneously reporting 11.09 million vacant units.<sup>49</sup> The need to address the issues of adequate housing are dire, compounded by the fact that statistically by 2030, India will have seven megacities with populations over 10 million.<sup>50</sup>

### **Inequality in Rural Housing**

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<sup>43</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 30.

<sup>44</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*. 4.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 9.

<sup>50</sup> "SDG 11: Sustainable Cities and Communities." Sustainable Development Goals. United Nations, 2019. <https://in.one.un.org/page/sustainable-development-goals/sdg-11/>.

Even outside the urban sphere, homelessness and adequate housing problems remain. The last Census reported that 69% of India's population is rural, standing at 745.5 million people. In 2012, the estimated rural housing shortage was 40 million households, of which 90% were below the poverty line, and 830,000 recorded homeless.<sup>51 52</sup> With regard to 'informal settlements,' two-thirds of towns in India report having slums, with 13.75 million households reporting living in slums.<sup>53</sup> Within the bracket of 'informal settlements' in urban and rural areas, 36% of households reported having unreliable access to electricity, tap water, and sanitation on premises, further demonstrating a lack in basic services within.<sup>54</sup>

### **Inequality in Tenure Rights**

Whether urban or rural, available land in India to rent or own is already scarce, and inequitably distributed; 10% of the population controls 55% of lands, while 60% percent of the population controls near 5%.<sup>55</sup> India has the highest number of landless households in the world, standing at 101 million.<sup>56</sup>

### **Lack of enfranchisement**

Lacking shelter, homeless and those living in various forms of informal situations have often been denied voter identification cards, keeping those affected without recognition by the state. In 2010, the United Nations Development Programme conducted a survey that noted at the time that only 3% of homeless had a voter ID, while the rest has no other forms of identity proof.

<sup>57</sup>

This being said, later in 2010, the government began the Aadhaar welfare initiative that has granted enfranchisement and provided benefits to the homeless and poor; after fingerprinting, photographing and scanning the irises, biometric cards arrive in the mail or or the post office to be used for welfare services. While the initiative establishes identity, it was created

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<sup>51</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 12.

<sup>52</sup> Ibid.

<sup>53</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 4.

<sup>54</sup> Ibid.

<sup>55</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 12.

<sup>56</sup> Ibid.

<sup>57</sup> Goel and Chowdhary. *Faces of Homelessness in the Asia Pacific*, 51.

as an alternative to voter registration cards for those lacking permanent housing. The biometric cards function on electricity; in cases of power outages, those affected are not guaranteed access to these services. The initiative has not been thoroughly implemented to the rural poor, rendering those without papers continually ineligible for government services.<sup>58 59</sup>

## 6.1 Focus: Cultural Causes of Homelessness for Women

### **Domestic Violence**

Domestic violence is rampant in India; women often escaping violent and unstable homes have few viable alternative living situations. It is estimated that 29% of women between the ages of 15-49 have experienced lifetime physical and/or sexual intimate partner violence as of 2016, and 22% of women have experienced such violence in the last 12 months as of 2017.<sup>60</sup> Often, these women do not have any property or other assets in their names, leaving them destitute.

### **Breakdown of Family Units**

There are a myriad of reasons for which a family unit may break down, and women are the most vulnerable in these situations. It is still common practice for women upon marriage to be viewed as property in their husbands families due to dowries, always marginalized for not being blood relations. As such, women may be cast out of their homes due to illness such as HIV or mental illness, may be abandoned by their husbands, may be evicted from their homes after the death of their husbands, or be abandoned after their husbands or fathers remarry. Women are almost always abandoned with no money, property, or means of livelihood, like Kaur's testimonial given above, often forcing them into homelessness.<sup>61</sup>

### **Housing Discrimination**

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<sup>58</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 5.

<sup>59</sup> Lauren Frayer, and Furkan Latif Khan. "India's Biometric ID System Has Led To Starvation For Some Poor, Advocates Say." NPR, October 1, 2018.

<sup>60</sup> UN Women, "Prevalence Data on Different Forms of Violence Against Women," Global Database on Violence Against Women, 2018, <http://evaw-global-database.unwomen.org/fr/countries/asia/india#1>.

<sup>61</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 6.

Housing discrimination is rampant in India. The *Housing and Land Rights in India: Status Report for Habitat III* notes Scheduled Castes, Scheduled Tribes, Muslims, persons with disabilities, sexual minorities, women and children are all groups that face discrimination in the face of adequate housing.

Single women, constituting 8.6% of the country, often reported facing obstacles in accessing land and housing, often needing third party assistance in such matters. Moreover, India's three million commercial sex-workers face discrimination with regard to housing, generally living in their places of work with their children which are notoriously lacking space, ventilation, social amenities and physical infrastructure. Likewise, 'witch hunting' is a commonly gender-based violent practice widows, single women and elderly women from tribal communities face by men in an effort to confiscate lands.<sup>62</sup>

### **Other Factors**

In addition to the above structural causes of homelessness, there are several other, less common reasons for homelessness in women, including lack of information regarding women's rights, lack of access to social services, inadequacy of the law protecting homeless women, and lack of access to credit and housing subsidies.<sup>63</sup>

## **6.2 Focus: Cultural Causes of Homelessness for Children**

### **Resistance to Alternative Care Solutions**

The idea of alternative care, including foster care and adoption, is a fairly new concept in India. However, despite changing family dynamics and urbanization there continues to be cultural resistance to the implementation of alternative care solutions for children without family or care at all. As childcare had previously been administered informally by extended family members, no government intervention was previously required; therefore, many families

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<sup>62</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 26.

<sup>63</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 5-7.

question why intervention is now necessary for what was previously considered a family matter.

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Religious beliefs also play a role in alternative care solutions/ Under Hindu law, the dominant religion in India, fostering holds no rights or obligations for children, and therefore holds no religious significance, whereas adoption does. The ideal situation is for foster parents to respect religious beliefs of the birth parents of the foster child in question, which can prove challenging for some families, especially for children of religious minorities.<sup>65</sup> Nonetheless, steps have been taken to promote alternative care solutions. In 2016, the Ministry of Women and Child Development created “Model Guidelines for Foster Care,” identifying more than 70 agencies for in-country adoptions, as well as several for inter-country adoptions.<sup>66</sup>

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<sup>64</sup> Naaz and Zubair, “Alternative Care in India,” 11-12.

<sup>65</sup> Ibid.

<sup>66</sup> Vageshwari Deswal, “Every Child Deserves a Family – Need to Develop Foster Care in India,” Times of India Blog, April 19, 2019, <https://timesofindia.indiatimes.com/blogs/legally-speaking/every-child-deserves-a-family-need-to-develop-foster-care-in-india/>.

## VII. Trauma Associated with Homelessness

### **Violence Against Homeless Women**

Homeless women are 10 times more vulnerable to verbal and physical abuse than homeless men, and at greater risk for sexual exploitation. Women often face abuse from police, passersby and even other homeless men. One of the biggest vulnerabilities for homeless women is lack of access to private and secure toilets, as they are often forced to bath and relieve themselves in open areas, leaving themselves at risk for abuse when they are most susceptible. Further, young women are particularly vulnerable to sexual exploitation, trafficking and drug abuse, with instances of rape, molestation and “women spending sleepless nights guarding their young adolescent girls.”<sup>67</sup> Homeless women often face the threat of their possessions being destroyed, especially with police confiscating wares for sale on the street by homeless women. Women who resist also face the threat of abuse, with a common threat of having their tents set on fire if they do not succumb to demands.<sup>68</sup>

### **Trafficking**

Another risk factor faced by homeless women and children is human trafficking. Women and children are most affected by trafficking, particularly those from socially disadvantaged communities, and those displaced or otherwise affected by either natural disaster or armed conflict. There are several different classifications of human trafficking groups, including: for commercial sexual exploitation, for exploitative labour, and for other forms of exploitation like organ sale, begging, camel jockeying, etc.

Often, traffickers will lure victims with the prospect of jobs, marriage, adoption and money, leaving destitute, impoverished and homeless individuals are particularly vulnerable to trafficking. In addition, traffickers will often use force. Particularly, young girls are most susceptible to trafficking, as trafficking for female minors increased 14 times over the last

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<sup>67</sup> Chaudry, Joseph, and Singh, Violence and Violations, 10-12.

<sup>68</sup> Ibid.

decade, notably seeing an almost 53% increase in the trafficking of minor girls in 2015 as compared to 2014.<sup>69</sup>

### **Access to Education for Street Children**

One element of trauma specifically associated with Street Children is the added obstacle of accessing education, which is especially true for children abruptly resettled due to natural disaster, armed conflict or forced eviction. Often, the educational facilities in shelters or other temporary housing sites are grossly inadequate, infringing not only on the child's fundamental right to education, but also induces trauma creating another element of instability in a child's life.

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<sup>69</sup> Ministry of Women and Child Development, National Plan of Action for Children, 2016, 31.



## VIII. Structural Causes of Homelessness

There are a few specific structural causes with regard to homelessness and inadequate housing that are specific to Indian governance: criminalization of the homeless, forced eviction and displacement, lack of temporary and permanent shelters.<sup>70</sup>

### **Criminalization of the Homeless**

The homeless are often stigmatized as criminals or face criminal prosecution in varying degrees. Both public and private forces pursue legal action against the visible presence of homeless people in public settings, be it out of fear of insecurity, danger or theft, concerns of sanitation, or gentrification purposes. In the urban sector specifically, ‘gentrification’ and ‘beautification’ programs force homeless and those living in informal settlements into displacement, either by force or criminalization from government and private forces, often in collusion.<sup>71 72</sup>

With regard to human rights, the Housing and Land Rights Network notes in various publications there are several federal and state laws that specifically target the homeless population, and no law exists preventing discrimination against the homeless.

- *Criminal Procedure Code (1973)*: Under sections 109 and 151, the police routinely gather the homeless under the pretense of maintaining ‘peace.’
- *Bombay Prevention of Begging Act (1959)*: This Act defines beggars as anyone soliciting alms and who have “no visible means of subsistence,” which includes individuals selling small articles in public places.<sup>73</sup> Disproportionately affecting women, this law separates women from their children after arrest.<sup>74</sup> Those punished under the Begging Act are sent to Beggars’ Homes, which are notoriously unhygienic and do not meet standards for adequate housing.<sup>75</sup>

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<sup>70</sup> Housing and Land Rights Network (HLRN). *Response to Questionnaire of the Special Rapporteur*.

<sup>71</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 6.

<sup>72</sup> Miloon Kothari, and Shivani Chaudhry. “Unequal Cities Means Unequal Lives.” *Urban World*, (December 2009), 14.

<sup>73</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 15.

<sup>74</sup> Chaudry, Joseph, and Singh, *Violence and Violations*, 15.

<sup>75</sup> Delap, *Begging for Change*, 21.

- *Slum Areas [Improvement and Clearance] Act (1956)* is the only national law governing informal settlements with a purpose to, “provide for the improvement and clearance of slum areas...and for the protection of tenants in such areas from eviction.” The law’s duality has enabled it to be used in eviction cases.

## Forced Eviction and Displacement

As India aims to build resilient and sustainable infrastructure, pledging \$390 billion for infrastructure development between 2016-2019 to create roads, highways, railways, waterways, dams, and housing, the country has resorted to measures that have led to an increase in forced evictions.<sup>76</sup>

In their comprehensive report on *Forced Evictions in India In 2018*, the HLRN notes that federal and state governments demolished more than 41,700 homes in 2018, forcibly evicting at least 202,000 people across urban and rural India. To understand the scope, *forcible evictions in 2018 resulted in an average demolition of 114 homes everyday, or 554 people daily or 23 people every hour.*<sup>77</sup> The issue is further compounded when 2017 is taken into account, where over 260,000 people were evicted, the majority of whom were not resettled. At least 11.3 million are living under the threat of eviction and displacement across India.<sup>78</sup>

Evictions in 2018 were recorded in at least 19 states, and two territories and carried out for various reasons that largely target the poor: “slum clearance”, “anti-encroachment,” “city beautification,” “removal of illegal construction,” “infrastructural projects,” “smart city projects,” and even in the name of “conservation,” “forest protection,” and “disaster management.” The report notes: 46% of affected persons, over 94,000, reported eviction under a slum-free city project; 26% of affected persons, over 52,200, reported eviction on account of smart-city projects, or projects related to infrastructure; 20% of affected persons, over 40,600, reported evictions for environmental projects; and 8% of affected persons reported evictions for disaster-management related projects.<sup>79</sup>

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<sup>76</sup> Panagariya, Arvind. Voluntary National Review Report, India: On the Implementation of Sustainable Development Goals. (United Nations High Political Forum, July 2017), 22.

<sup>77</sup> Chaudry, Kumar, Jaipal, Ayushmaan. *Forced Evictions in India in 2018: An Unabating National Crisis*, 3.

<sup>78</sup> Chaudry, Kumar, Jaipal, Ayushmaan. *Forced Evictions in India in 2018: An Unabating National Crisis*, 1.

<sup>79</sup> Chaudry, Kumar, Jaipal, Ayushmaan. *Forced Evictions in India in 2018: An Unabating National Crisis*, 3.

Information on resettlement for forced evictions in 2018 was only available for 173 of the 218 reported cases; of the 173, the HLRN found that the state had provided resettlement to only 53 of the affected sites. However, government resettlement was largely found to be dire, with relocation to remote sites and into housing lacking basic services such as water, sanitation, space or privacy.<sup>80</sup> In the cases where the government did not resettle, those affected were left either homeless, to rebuild their homes at their own cost, or seek rental housing further compromising already precarious financial situations.<sup>81</sup> In over 98% of cases of forced eviction documented by the HLRN in 2018, affected persons were not provided monetary compensation.<sup>82</sup> In most cases, the demolitions occurred without notice, and without time to gather belongings.<sup>83</sup> Nearly all reported evictions to the HLRN did not follow due process established by national and international law.<sup>84</sup>

### **Lack of Shelters**

In 2010, the Supreme Court of India in *PUCL v. Union of India and Others* ordered one homeless shelter to be built for every 100,000 people living in the area, with estimates being that .1% of the population of each city being homeless. The ruling stipulated that shelters must function for 24 hours a day, and operate on a year-round basis, not merely as a seasonal facility. However, no directives were given on how those shelters should be equipped, leaving most uninhabitable, lacking basic services such as clean drinking water, electricity, toilet and bathing facilities, kitchens, and storage space. Despite this ruling, few states have complied with these stipulations, blaming the high cost of land.

Additionally, under the National Urban Livelihood Mission's Scheme of Shelters for Urban Homeless, there is a proposed standard of 50 square feet per person, yet, in reality the most a person is provided is 15 square feet only.<sup>85</sup>

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<sup>80</sup> Chaudry, Kumar, Jaipal, Ayushmaan. *Forced Evictions in India in 2018: An Unabating National Crisis*, 18.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Chaudry, Kumar, Jaipal, Ayushmaan. *Forced Evictions in India in 2018: An Unabating National Crisis*, 7.

<sup>84</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 32-33.

<sup>85</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 5-7.

## **Disaster and Conflict Displacement**

Between 2008 and 2014, the Internal Displacement Monitoring Centre (IDMC) reported that India had seen nearly 30 million people displaced as a result of natural disasters.<sup>86</sup> India is particularly vulnerable to natural disasters such as cyclones, floods and earthquakes, given its geographical location. In 2017 alone, floods and droughts impacted one-third of Indian States, with flooding damaging 12.2 million houses, 443 Anganwadi Centres (early childhood development/nutrition) and 24,782 schools.<sup>87</sup> Those worse affected by natural disasters are those already vulnerable to marginalization, especially women and children, and often have less access to preparedness, relief, rehabilitation, and recovery processes. Further exacerbating the problem is the fact that no specific legislation at the national level addresses the plight of internally displaced, unaccompanied children, or women.<sup>88</sup>

The IDMC further notes, as of 2015 at least 600,000 people have been displaced due to armed conflict and religious violence in India.<sup>89</sup> According to the Ministry of Home Affairs, in 2008, 16 out of the 29 states in India were conflict-ridden. These conflicts, most often resulting from ethnic, political or economic tension, often result in transfer of populations on a massive scale, either voluntary or forced.<sup>90</sup>

Alternative housing is rarely provided to those affected by disaster and conflict displacement, as is compensation. When housing is offered, it is most commonly in the form of temporary relief camps. These camps often do not meet the requirements for adequate housing. Shortcomings include lack of space, unhygienic conditions, and far distances from schools and healthcare facilities. The lack of privacy associated to inadequate housing solutions leave women and children, especially young girls, at risk of physical and sexual abuse. Finally, due to camps being a form of temporary relief post-disaster, and they do not typically provide support for long-term rehabilitation and housing solutions needed after displacement.<sup>91</sup>

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<sup>86</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 18.

<sup>87</sup> UNICEF, *UNICEF Annual Report: 2017 - India*, 2017, 2, [https://www.unicef.org/about/annualreport/files/India\\_2017\\_COAR.pdf](https://www.unicef.org/about/annualreport/files/India_2017_COAR.pdf).

<sup>88</sup> HAQ: Centre for Child Rights. "Handbook on Children's Rights to Adequate Housing." 17.

<sup>89</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 22.

<sup>90</sup> HAQ: Centre for Child Rights. "Handbook on Children's Rights to Adequate Housing." 50.

<sup>91</sup> HAQ: Centre for Child Rights. "Handbook on Children's Rights to Adequate Housing." 54-56.

Those who survive natural disasters and conflict are often rendered homeless, and as such, are equally seeking adequate and affordable shelter alongside those forcibly evicted from their homes, and as such continually stress with every disaster the current shelter scheme, which to date cannot accommodate those already seeking refuge. Those who cannot find such housing, are equally rendered homeless or to build or find informal housing situations for shelter.

## 8.1 Focus on: Women's Shelters

Homeless women are estimated to account for 10% of the homeless population but lack access to shelters exclusively for women, particularly when they have children.<sup>92</sup> Moreover, national news media has recently reported multiple women shelters being used not for their aid but exploitation.<sup>93</sup> Women face various kinds of violence and discrimination in shelters shared with men, including by police, shelter managers, and government officials.

Despite a lack of shelters, existing shelters are reportedly not at capacity due to their unsanitary and largely uninhabitable space. Lacking adequate space for sleeping and hygienic shelter conditions, reports noted shelters are rife with rodents, have no source of security, do not have any source of protection against harsh weather conditions, and are located in inconvenient or inaccessible locations. In addition, lack of space to store personal belongings, lack of space in which to cook, lack of secure bathing areas, and inadequate protection against violence, disproportionately affects women, who are most vulnerable to the ensuing risks associated with these uninhabitable spaces.<sup>94</sup>

Most shelters do not provide healthcare to residents, including no care specifically for women. Shelter residents thus often face the same health hazards as those living on the streets, including those caused by unsanitary conditions and extreme weather conditions. Pregnant and lactating women are often most vulnerable, as their unique medical needs are largely unaddressed in shelters, compounded with the added difficulty of often being denied treatment and turned away from medical facilities, putting both their lives and that of their children at risk.

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<sup>92</sup> Chandran, "Too Afraid to Sleep."

<sup>93</sup> [https://www.telegraphindia.com/india/horrible-and-scary-sc-on-cbi-s-details-in-muzzafarpur-shelter-home-case/cid/1672562?ref=also-read\\_story-page](https://www.telegraphindia.com/india/horrible-and-scary-sc-on-cbi-s-details-in-muzzafarpur-shelter-home-case/cid/1672562?ref=also-read_story-page)

<sup>94</sup> Chaudry. *Shelters for Homeless Women*, 3.

Following the tragedy of Laxmi, the woman who died after giving birth in Shankar Market (see *Testimonials* section above), a ruling was issued by the Delhi High Court in October 2010, noting that the Government of Delhi was to “demarcate five secured shelter homes exclusively meant for destitute women, pregnant and lactating women,” and called for these shelters to provide food, medical facilities, and helplines “handled by professionally trained people.” In reality, however, shelters are still lacking in these crucial facilities.<sup>95</sup>

Despite these shortcomings, steps are being taken to ameliorate the dire shelter situation, particularly in Delhi. Delhi noted 201 shelters in 2014, 20 of which were exclusively for women and their children. While Delhi has the highest number of shelters in any city in the country, it is woefully insufficient for Delhi’s homeless population, which stands upwards of 150,000, at least 10,000 of whom are women.<sup>96</sup>

## 8. 2 Focus: Children’s Shelters

According to the National Commission for Protection of Child Rights, 232, 936 children are sheltered in 7,189 child care institutions across India. However, while 5850 of those institutions are registered with the government 1339 are unregistered, despite the 2015 Juvenile Justice Act which mandates all children’s shelters must be registered with the state.<sup>97</sup>

Unsanitary conditions in homeless shelters disproportionately affect children, who are more prone to disease than the general population. This, coupled with inadequate healthcare facilities for Street Children as well as children in temporary resettlement facilities, can threaten the survival of children.<sup>98</sup>

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<sup>95</sup> Pilot and Lora, “The Fear that Stalks: Gender Based Violence in Public Spaces.”

<sup>96</sup> Chandran, “Too Afraid to Sleep.”

<sup>97</sup> Priya Kapoor. “When Shelter Homes Turn into Horror Homes.”

<sup>98</sup> HAQ: Centre for Child Rights. “Handbook on Children’s Rights to Adequate Housing.” 62.

## IX. India's Sustainable Development Goals: Where are pledges to Adequate Housing?

In 2015, all United Nations member states adopted the 2030 Sustainable Development Agenda which set seventeen global goals (SDGs) with regard to sustainable development. *Sustainable Development* as defined in the Brundtland Report is, “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” Urging states, businesses and organizations, the seventeen SDGs are a blueprint for ways different societal actors can tackle modern issues in an effort to extend basic human rights well into the future.

Although all the SDGs are important for sustainable development, with regard to homeless and adequate housing Goals 11 and 16 are crucial:

Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable

Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Acutely relevant to the issues of adequate housing, displacement and homelessness, India's lack of commitment to SDGs 11 and 16 demonstrate India's struggle in addressing these phenomena. This was reflected in their 2017 *Voluntary National Review Report: On the Implementation of Sustainable Development Goals*, where India notes progress they have made towards seven specific goals (SDG 1: No Poverty; SDG 2: Zero Hunger; SDG 3: Good Health and Wellbeing; SDG 9: Industry, Innovation and Infrastructure; SDG 14: Life Below Water; SDG 17: Global Partnerships for Sustainable Development), and yet leave out Goals 11 and 16. Despite multiple missions and programs with relation to housing and sustainable cities, it is important that India place greater value on Goals 11 and 16. As the country expands into

formerly rural spaces to integrate populations, and as urbanization becomes a core feature of a developed India, there are many opportunities for the government to not only develop, but to do so sustainably with socioeconomic access, diversity and inclusion in mind.

### **Obligations of States**

United Nations has also outlined the obligations of states in regards to addressing homelessness through various statutes that overlap with the 2030 Sustainable Agenda:

***The International Covenant on Economic, Social and Cultural Rights (ICESCR)***, entered into force in 1976 under the UN High Commissioner on Human Rights, and Ratified by India in 1979, stated in Article 11(1): “State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions.”<sup>99</sup>

In addition to the universal definitions established by the UN in regard to homelessness, several statutes have been created to address the specific needs of women and children:

***The UN Convention on the Rights of the Child (UNCRC)***, created in 1989, and ratified by India in 1992, “provides an inclusive structure for policy and programme development to promote and protect the rights of children.” This document contains several stipulations that specifically address the right to housing for children, including Article 16(1), which stipulates that “No child shall be subject to arbitrary or unlawful interference with his or her privacy, family, home or correspondence,” Article 19(1), which protects children against all forms of “physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse,” and Article 27(3), which states that State Parties must take “appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of

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<sup>99</sup> General Assembly resolution 200A (XXI), *International Covenant on Economic, Social and Cultural Rights*. (3 January 1976), available from <https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>



need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.”<sup>100</sup>

***The Istanbul Declaration and the Habitat Agenda***, the result of the United Nations Conference on Human Settlements (Habitat II), adopted by India in 1996, set the following stipulation regarding women in Paragraph 40(b), committing to: “Providing legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies.

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<sup>100</sup> General Assembly resolution 44/25, *Convention on the Rights of the Child*. (2 September 1990), available from <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

## X. Government Policies and Programs Addressing Homelessness

### 10.1 Policies Addressing Homelessness

Legislation specifically regarding homelessness is woefully lacking within India, as no specific constitutional provision or national and state laws address homelessness or inadequate housing in the country.<sup>101</sup>

#### The Constitution of India

Despite there being no specific laws regarding homelessness, The Indian Constitution does contain several provisions related to homelessness, including Article 21, which states that *“No person shall be deprived of his life or personal liberty except according to procedure established by law.”*<sup>102</sup> Further, while there are no articles which protect the housing rights of women and children, several provisions do acknowledge special protections necessary for these groups. For example, Article 15, prohibits discrimination, specifically against women and children, explicitly stating that *“nothing in this Article shall prevent the State from making any special provisions for women and children.”*<sup>103</sup> Further, Article 39(f) stipulates that *“children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”*<sup>104</sup>

#### Mental Health Act (1987)

The Mental Health Act of 1987 defines a mentally ill person as someone who “is in need of treatment by person of any mental disorder other than mental retardation.”<sup>105</sup> It continues by stipulating conditions for adequate psychiatric facilities, as well as legal procedures for the care

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<sup>101</sup> Chaudry, *Shelters for Homeless Women*, 6.

<sup>102</sup> *The Constitution of India*, Art. 21, National Portal of India, [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf).

<sup>103</sup> *The Constitution of India*, Art. 15, National Portal of India, [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf).

<sup>104</sup> *The Constitution of India*, Art. 39(f), National Portal of India, [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf).

<sup>105</sup> Parliament of India, *The Mental Health Act, 1987 (No. 14 of 1987)*, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Government of India, May 22, 1987, 1, [http://www.swavalamban.info/tifac/mental\\_health\\_act\\_1987.pdf](http://www.swavalamban.info/tifac/mental_health_act_1987.pdf)

of mentally ill persons.<sup>106</sup> This document, while comprehensive, does not specifically address the unique needs of mentally ill homeless persons, women or children, nor the association between homelessness, trauma and mental health.

### **Juvenile Justice (Care & Protection) of Children Act (2000, Amended 2006, 2015)**

The Juvenile Justice (Care & Protection) of Children Act establishes the child's right to survival, protection, and family development, while also recommending institutional and non-institutional services for the care of children.<sup>107</sup> While this Act is by no means a holistic solution to addressing the plight of Street Children, it nonetheless provides unprecedented protections for Street Children, including by creating a distinction between Juveniles in Conflict with the Law and Children in need of Care and Protection.<sup>108</sup> For example, it defines Children in Need of Care and Protection with some of the following guidelines, most of which apply to Street Children: As children who are without any settled place of abode; children who are working in contravention of labour laws, including forced begging; children residing with a person who has abused, neglected, tortured or exploited them; exploited and runaway children; children vulnerable to drug abuse or trafficking; and child victims of armed conflicts or natural calamities<sup>109</sup>

The Act also addresses the need for adequate mental health intervention and facilities for children. For example, criminalizes the abuse of children, including through physical, mental or verbal abuse, or neglect, indicating that if a child develops a mental illness from the abuse, the individual responsible will be punished with rigorous imprisonment.<sup>110</sup> However, this Act stops short of addressing the trauma and subsequent mental illness associated with Street Children.

### **The National Plan of Action for Children (2016)**

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<sup>106</sup> Ibid.

<sup>107</sup> The College of Social Work, Nirmala Niketan, "India Country Report."

<sup>108</sup> "National Plan of Action for Children, 2016: Safe Children, Happy Childhood," 3-4.

<sup>109</sup> Ministry of Law and Justice, "The Juvenile Justice (Care and Protection of Children) Act, 2015", *The Gazette of India Extraordinary*, No. 2 of 2016, 3-4, <http://cara.nic.in/PDF/IJ%20act%202015.pdf>.

<sup>110</sup> Ibid.

The National Plan of Action for Children is an “expression of constitutional and policy commitments made for the children of India,” and is based on the principles stipulated in the National Policy for Children, 2013.<sup>111</sup> It identifies Four Key Priority Areas, which include: survival health and nutrition, education and development, protection and participation.<sup>112</sup> This Plan of Action thoroughly outlines the key concerns in each of these priority areas, and includes several stipulations specifically addressing Street Children. For example, Key Priority 4.6(v) ensures that all out of school children, including Street Children, are “tracked, rescued, rehabilitated and have access to their right to education.”<sup>113</sup> Further, under the Key Priority of Survival, Health and Nutrition, the NPAC 2016 pledged to focus efforts on providing “adequate mental health care services to all children,” including the mental health issues triggered by trauma.<sup>114</sup> Like the Juvenile Justice Act, however, this legislation falls short of addressing the specific needs associated with trauma and mental health of Street Children.

## 10.2 Programs Addressing Homelessness

### **Swadhar Greh Scheme**

One of only two programs targeting women and girls, the Swadhar Greh Scheme is a combination of the Short Term Stay scheme (1969) and the Swadhar scheme (2001) monitored by the Ministry of Women and Child Development. Its aim is to provide shelter, food, clothing, healthcare, legal aid, security and rehabilitation who: have been victims of natural disasters and rendered homeless, women with HIV/AIDS and formerly incarcerated women, women of domestic violence and formerly trafficked, abused and sexually exploited, and women who have been deserted of social and economic support.

With regards to rehabilitation, the program offers free counseling and legal aid, vocational training and is intended to be a transitional accommodation; women can remain between one and three years, while those above the age of 55 are able to be sheltered for a maximum of five years. After reaching age 60, they should be transferred to old age homes.

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<sup>111</sup> “National Plan of Action for Children, 2016: Safe Children, Happy Childhood,” v.

<sup>112</sup> “National Plan of Action for Children, 2016: Safe Children, Happy Childhood,” 122.

<sup>113</sup> “National Plan of Action for Children, 2016: Safe Children, Happy Childhood,” 124.

<sup>114</sup> “National Plan of Action for Children, 2016: Safe Children, Happy Childhood,” 11.

India currently has a total of 551 shelter homes under the scheme, each housing a maximum of 30 women and girls, and their dependents until the age of 18 for girls and age of 8 for boys. There is no further data available on those currently taking part in Swadhar Greh.

This being said, for advocacy purposes to women and children specifically, this may be the first program to demand an expansion of, and demand disaggregated data from to analyze best practices to support women and children in need.

For available information on Swadhar Greh:

<https://wcd.nic.in/schemes/swadhar-greh-scheme-women-difficult-circumstances>

### **UJJAWALLA Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Reintegration of Victims of Trafficking**

Under the Ministry of Women and Child Development, the UJJAWALLA is intended to be a rehabilitation program solely for women who have been rescued from trafficking and commercial sexual exploitation, and those at risk or being so. Under its guidelines, it is intended to provide temporary shelter homes, counseling and access to half way homes as part of their reintegration into society.

There is currently no further information or data on the program, despite the fact that program became effective in April of 2016. This being said, for advocacy purposes to women specifically, this may be another program to demand an expansion of, and demand disaggregated data from to analyze best practices to support women and children in need.

For available information on the UJJAWALLA Scheme:

<https://wcd.nic.in/schemes/ujjawala-comprehensive-scheme-prevention-trafficking-and-rescue-rehabilitation-and-re>

### **Housing For All (Pradhan Mantri Awas Yojana, PMAY)<sup>115</sup>**

Since 2015, the Indian government has pledged to provide ‘Housing For All’ under the Pradhan Mantri Awas Yojana (PMAY) initiative; PMAY is aiming to provide adequate housing to the urban and rural poor by March 2022, and has merged with other government initiatives to ensure clean drinking water, toilets, electricity and gas connection and access to banking services. Under housing for all, the government has aimed to build 20 million units in 500 cities, and 30 million permanent houses in rural areas. The project consists of four components: (1) slum redevelopment, (2) credit linked interest subsidies, (3) affordable housing partnerships with the private sector, (4) sponsored housing construction or renovation.

As of 2015, 423,415 houses across 243 cities and 11 states had been approved for construction under PMAY. Recent reports by the Ministry of Housing and Urban Affairs that out of 7,900,000 planned housing units under PMAY, only 39% have been completed or occupied.<sup>116</sup>

While residences are being built, and greater access is being granted to those lacking adequate housing and basic necessities in India, there remains gaps in social services and social policy to address the issue successfully. As the report notes, “Instead of ensuring adequate housing is a human right, the scheme continues to treat housing a marketable commodity”, as it allows states to determine ‘cut offs’ on who can benefit and enables private developers to discriminate land usage on the grounds of socio-economics creating housing for different income brackets wherever they please.<sup>117</sup> PMAY neither defines ‘affordable housing’ nor include provisions on benefits, and has failed to effectively determine the rights ‘homeless’ have within the initiative.

### **National Livelihoods Mission—Scheme of Shelters for Urban Homeless (NLM-SUH)**

Currently the only government program that focuses solely on the homeless, the Scheme of Shelters for Urban Homeless has set norms and standards for permanent and temporary shelters for the urban homeless. It recognizes the need for separate shelters for men, women,

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<sup>115</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 33-38.

<sup>116</sup> Business Standard. "Only 39% of 79 Lakh PMAY Homes Built so Far: Report." Business Standard. March 24, 2019. Accessed August 17, 2019.

[https://www.business-standard.com/article/news-ians/only-39-of-79-lakh-pmay-homes-built-so-far-report-119032400612\\_1.html](https://www.business-standard.com/article/news-ians/only-39-of-79-lakh-pmay-homes-built-so-far-report-119032400612_1.html)

<sup>117</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 36.

children and families, as well as specialized shelters for ageing persons, persons with mental illness, and those with substance abuse related needs. The scheme has already incorporated aspects of multidimensional care, equipped to provide access to food, healthcare education, as well as identity cards, ration cards and free legal aid among other provisions.

In 2018, the Ministry of Housing and Urban affairs released the guidelines for urban shelters in the *National Urban Livelihoods Mission: Scheme of Shelters for Urban Homeless (SUH)*. However, as the Housing and Land Rights Network (HLRN) *Housing and Land Rights in India: Status Report for Habitat III* notes, the implementation of these guidelines with regard to urban shelters have been weak and lacking monitoring.

As previously noted, the Supreme Court ruled for every 100,000 persons in an urban area, one shelter must be constructed. The guidelines further note that shelters should be built for a minimum of 100 persons, and depending on local conditions should at least accommodate 50 persons or more. However, few states have complied. Delhi, which has the most shelters of any Indian city, have 200 shelters catering to 16,000 homeless. Of these, there are only 20 that cater to women.<sup>118 119</sup>

The guidelines note, all shelters must meet a minimum space requirement of 50 square feet per person. However, the HLRN in their report report that each person is provided about 15 square feet only, already compounding overcrowding within shelters.<sup>120 121</sup>

The guidelines also make other problematic references. For example, shelter construction will be prioritized in cities with populations over 1 million, continuing to leave those homeless outside of megacities with few options.<sup>122</sup> The guidelines likewise note that any urban local body, effectively, any group recognized by someone in the city, state, and government.<sup>123</sup> This is potentially very dangerous; beyond the fact that different groups need different needs, news media in India often report child and women shelters used as brothels.<sup>124</sup>

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<sup>118</sup> Sanjay Kumar. *National Urban Livelihoods Mission: Scheme of Shelters for Urban Homeless*. Report. (New Delhi: Ministry of Housing and Urban Affairs, 2018), 2.

<sup>119</sup> Chandran, Rina. "Indian State Vows to End Homelessness with Free Flats." Asia. Thomson Reuters, April 25, 2019.

<sup>120</sup> Kumar. *National Urban Livelihoods Mission: Scheme of Shelters for Urban Homeless* 2.

<sup>121</sup> Kumar. *National Urban Livelihoods Mission: Scheme of Shelters for Urban Homeless*, 6.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> Kapoor, Priya. "When Shelter Homes Turn into Horror Homes." The Times of India. August 10, 2018. Accessed August 17, 2019.

### **Smart Cities Mission (SCM)**

The Smart Cities Initiative is a government initiative to develop 100 ‘smart cities’--undefined, but to include clean water supplies, electricity, sanitation and sewage systems, public transport, affordable housing, WIFI connectivity, good governance, environmentalism, health, safety and education-- across the country by 2020. The government asked the 100 chosen cities to generate half the funding for these improvements through public-private partnerships, how state and local municipalities have struggled with finding available capital for such a project; of 2,900 projects, only 50 were public-private partnerships. As the report notes, “When India’s cities are marked by inadequate housing, homelessness, poverty, unemployment, violence against women, and acute shortages of water, sanitation, public transport, and energy, the focus should be on first improving living conditions for the majority, making cities safe for women and marginalized groups, and ensuring that urbanization is equitable and sustainable. SCM [Smart Cities Mission], instead, promotes a strong anti-poor model that could convert Indian cities into more exclusionary and discriminatory spaces.”<sup>125</sup>

### **The Integrated Child Protection Scheme (ICPS)**

Launched in 2009, the Integrated Child Protection Scheme aims to improve the wellbeing of children in difficult circumstances, as well as to help prevent abuse, neglect, exploitation, abandonment and separation of children from their families. The program’s guidelines explain children of difficult circumstances to be: of Scheduled Castes (SCs), of Scheduled Tribes (STs), and Other Backwards Classes (OBCs), those living with HIV/AIDS, orphans, children with substance abuse issues, children of families with substance abuse issues, child beggars, trafficked children, children of prisoners, and working children.

Additionally, the Integrated Programme for Street Children, merged under ICPS, aims to provide care for solely to Street Children in the form of shelter, health care and education, as well as aims

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<sup>125</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 37.



to build awareness for children's rights under the UN Convention on the Rights of the Child (CRC) and the Juvenile Justice Act.<sup>126</sup>

There is currently no further information or data on the program, despite the fact that program became effective in 2009. This being said, for child advocacy specifically, this may be another program to demand an expansion of, and demand disaggregated data from to analyze best practices to support children in need.

For available information on the Integrated Child Protection Scheme:

<http://cara.nic.in/PDF/revised%20ICPS%20scheme.pdf>

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<sup>126</sup> "Street Children," Childline.

## XI. Potential Partnerships

### **Housing and Land Rights Network (HLRN)**

*The Housing and Land Rights Network, India overwhelmingly provided the majority of the first-hand research and data used for this paper. As noted on their website:*

Housing and Land Rights Network (HLRN), India, works for the recognition, defence, promotion, and realisation of the human rights to adequate housing and land, which involves securing a safe and secure place for all individuals and communities, especially marginalized communities, to live in peace and dignity.

For more information of the Housing and Land Rights Network: <https://www.hlrn.org.in/>

### **Tata Institute of Social Sciences (TISS)**

The Tata Institute of Social Sciences is a research university focusing on social work in Mumbai, India. Beginning in 2006, TISS launched their Koshish project, initially aiming repeal beggary laws in the country. It has now become a student-run program focusing on policy research, advocacy and field research on poverty, destitution and homelessness among India's most marginalized groups.

While we were not granted access to TISS research for this project, the Koshish Project Program consistently came up in scholarly research and national media reports on the subject of homelessness.

For more information on the Tata Institute of Social Sciences:

<https://www.tiss.edu/view/11/projects/koshish/>

## Udayan Care

Udayan Care, an NGO based in Delhi, has created small group homes designed with the vision of “regenerating the rhythm of life of the disadvantaged [children].”<sup>127</sup> Through various forms of therapies and in compliance with India and the UN’s stipulations for children’s shelters, Udayan Care specializes in rehabilitating Street Children after trauma.

There are currently 17 homes in four Indian states, as well as 2 aftercare facilities.<sup>128</sup>

For more information on Udayan Care:

<https://www.udayancare.org/>

## SOS Children’s Villages of India

SOS Children’s Villages is an international organization which aims to provide children with a substitute to a real family in “villages.” There are 32 SOS children’s villages in India, which provides direct care to 25,000 children and indirect care to almost 2,000,000 children.<sup>129</sup>

For more information on SOS Children’s Villages of India:

<https://www.soschildrensvillages.in/>

Note: Other NGOs specializing in the care of Street Children include:

Children’s Aid Society (CAS),<sup>130</sup> Quality Institutional Care & Alternatives for Children (QIC & AC)<sup>131</sup> and Prayas (New Delhi).<sup>132</sup>

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<sup>127</sup> Kiran Modi & Kakul Hai, “Trauma Informed Care for Adverse Childhood Experiences among Out-of-Home-Care Children – Developing an understanding through Case Studies from India,” *Scottish Journal of Residential Care* 2018, Vol. 17, No. 4, 57.

<sup>128</sup> Ibid., 59.

<sup>129</sup> Ministry of Women and Child Development, *National Plan of Action for Children*, 2016, 96.

<sup>130</sup> Ibid., 96.

<sup>131</sup> Ibid., 96.

<sup>132</sup> The College of Social Work, Nirmala Niketan, “India Country Report,” Better Care Network, 96, [https://bettercarenetwork.org/sites/default/files/attachments/India Country Report.pdf](https://bettercarenetwork.org/sites/default/files/attachments/India%20Country%20Report.pdf).

## XII. Recommendations

### **1. Demand the government re-define ‘Homelessness’ and define ‘Affordable Housing’**

The present definition of ‘homelessness’ by the Census of India is inadequate to fully enumerate and address the scope of the issue in the country. For its part, defining ‘affordable housing’ will ensure future mechanisms, policies and schemes put in place use the same definitions to meet the social and economic needs of all Indians, and particularly, those most marginalized and discriminated against in the housing process.

### **2. Prior to the finalization of the 2021 Census questionnaire and subsequent roll out strategy, advocates should inquire on questions that will pertain to homeless women, children and families and demand improved and reliable disaggregated data on the subject.**

As noted, the census is key to policy formulation and resource allocation; India’s next census is scheduled for March 2021. The upcoming census will be conducted in three phases between April 2020-March 2021.<sup>133 134</sup> For the first time, the Indian government is proposing collecting and recording census data via survey conducted on government-sanctioned smartphones by over 330,000 enumerators. The expectation is sans paperwork, enumerators will be able to reach a greater number of people and better record socio-economic conditions in the country. Reports have surfaced that the government has consulted with representatives from various central and state government ministries, academic institutions and international organisations to amend the questionnaire to maximise data from the exercise, such as a proposed survey question on whether households count a member that has mental health or disability issues.<sup>135</sup>

### **3. The Government of India has focused their development efforts on cities, depriving and marginalizing those of development in rural areas of the country. As such, advocates should demand greater attention be paid to those outside urbanized**

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<sup>133</sup>Jain, Bharti. “Census 2021 Will Be Powered by Mobile Phone App” *Census 2021*. The Times of India, April 9, 2019. <https://timesofindia.indiatimes.com/india/mobiles-may-be-used-to-collect-data-for-census-2021/articleshow/68798561.cms>.

<sup>134</sup>Sudhi Ranjan Sen. “New Data Points Set to Delay Census Process.” *Hindustan Times*, April 22, 2019.

<https://www.hindustantimes.com/india-news/new-data-points-set-to-delay-census-process/story-TpIwpD84Q36VjVcLIQYYAK.html>

<sup>135</sup> *Ibid.*

**centers, particularly with regard to adequate housing.** As noted, while only 31% of the Indian population is urban, most programs with regard to adequate housing, homelessness and poverty are targeting to those living in urban areas. As such, the rural dwellers that comprise 69% of the population, continue to be deprived of access to programs and missions that could raise their standards of living. It is also important to note, that the cost of land is significantly higher in urban areas; should the government better allocate development funds within rural areas, the success rates of the various schemes in place could drastically rise and at a fraction of the cost.

**4. Address inadequacy and inconsistency of government programs, missions and schemes by developing nations laws that address adequate housing and**

**homelessness in urban and rural centers.**<sup>136</sup> Although the Government of India has various programs and missions at the national and state level, addressing the right to homelessness, adequate housing and focusing on women and children, the *Housing and Land Rights in India: Status Report for Habitat III* reports that many of these schemes are altered, phased out, renamed before they are fully implemented, preventing successful application of these schemes to provide substantive change and benefit to society. Particular attention should be paid to the purpose of renaming programs while never improving upon substantive elements. For example, the Ministry of Women and Child Development notes numerous schemes for the benefit of women and children. However, no there is no further available data on their website on the number of dependents taking part in the scheme, nor on the scheme's effectiveness. This creates an information gap and accountability vacuum both inside and outside the country for organizations who want to do their part in advocating for sustainable development. As the *Habitat III* report notes, while the schemes and missions are commendable, they should not be an alternative to laws and policies that would effectively regulate, monitor and hold accountable the government and subsequent public and private partners in achieving "housing for all." As such, the *Habitat III* report recommends proposing a National Right

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<sup>136</sup> Housing and Land Rights Network. *Housing and Land Rights in India: Status Report for Habitat III*, 33.

to Adequate Housing Acts to enshrine access to adequate and affordable housing in the constitutions.

5. **The Indian Government must oversee the creation of homeless shelters specifically targeted towards homeless women and children, in order to address the particular needs of these demographic groups.** For women, changes in Indian legislation are necessary to acknowledge their unique concerns, including legislation regarding domestic violence, which must provide legal and housing protection for women seeking to leave abusive relationships, and should provide women with specific options for redress for violations of their adequate housing rights. Legislation must be urgently implemented to criminalize brutality against the homeless, including specific stipulations against the verbal, physical and sexual violence faced by homeless women. Further, shelters must be developed that incorporate gender-sensitive policies. For example, permanent, 24-hour female-only shelters must be established, in addition to a 24-hour hotline and response system for homeless women in distress. Further, career opportunities should be provided for homeless women, including ways for women to obtain loans and subsidies for entrepreneurial endeavors. Children shelters require the same standards for adequate housing as all shelters, including clean water, a hygienic environment, and adequate space, but also require some more nuanced features such as access to education, separate shelters for boys and girls, as well as adequate caretakers and supervisors for children who are unable to care for themselves. Importantly, there should be enough caretakers that children are given the opportunity to form bonds. Finally, shelters are required for women and children to live together as family units when applicable.

### XIII. Research Shortfalls and Future Research

This research focused on the scope and drivers of homelessness within India, attempting to highlight the plights of women and children with available data when possible.

The Government of India and prior censuses have lacked collecting reliable, consistent, disaggregated data on many components of this research: homelessness, women and children with regard to homelessness, and women and children within the realm of adequate housing. As such, to knowing specialists on the subject, there are likely gaps within this research. Being used for advocacy purposes, we recommend those knowledgeable on the subject to approach UNANIMA and update sections and data where needed.

When the results of the Census of India 2021 come due, it would be advised to update relevant statistics noted in this paper in order to continue advocacy efforts, hopefully, with more specific data to women and children.

We were unable to conduct interviews with India's homeless or organizations working with homelessness. Many organizations were unavailable or unwilling to discuss specifics; while the majority simply did not respond to E-interview or Skype interview requests, those who did, often questioned student research. In the future, UNANIMA should either be advised to be carbon copied ('cc-ed') of such requests or students should be provided a UNANIMA email for research purposes.

With regard to future scholarship, particularly should UNANIMA continue university-research partnerships, we encourage students:

1. To begin research on the topic of homelessness at the media level. National and International publications will point you to key organizations and government initiatives on the topic, as well as existing issues that may not appear or be explained in scholarly journals, given that academia is largely written for those who are already familiar with the issue.
2. To delve early on into available research by different divisions of the United Nations. UN Women, UN Development Program, UNICEF and UN Habitat have been key to finding credible quantitative data on the subject. Likewise, their qualitative research have been important in acknowledging certain phrasings and

cultural notions to further investigate. Do note, some reports available to the public by these organizations may be out of date. Nonetheless, given the lack of quantitative research, studies and subsequent data invested into this topic, any data is important to consider.

3. To realize 'homelessness' will not always be the key word in the investigation.

With regard to India, searching 'homelessness' often proved a dead end; 'adequate housing,' 'affordable housing,' 'housing rights,' and 'land rights' were search topics that often led to more developed, nuanced and researched issues, of which homelessness often was a subset.



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