

PRESS RELEASE: Housing Rights Groups Raise Concern over Persistent Human Rights Violations of Delhi's Homeless

HOUSING AND LAND RIGHTS NETWORK *** AASHRAY ADHIKAR ABHIYAN *** ACTIONAID

PRESS RELEASE

New Delhi, 7th December 2007

Housing Rights Groups Raise Concern over Persistent Human Rights Violations of Delhi's Homeless

- Only 10 government run shelters for Delhi's estimated 1.5 lakh homeless people
- Not one shelter for the over 10,000 homeless women in the nation's capital
- Despite predictions of a harsh winter, Municipal Corporation of Delhi decreases the number of temporary night shelters

As Human Rights Day approaches on December 10, it is a matter of national shame that the country's capital has an estimated 1.5 lakh homeless people who face daily violations of their human rights. In a city that prides itself on its spirational "world-class" status, it is a glaring failure of the state that so many people continue to be forced to live on the streets without any available recourse. Even more horrifying is the fact that there is not even one shelter for the city's over 10,000 homeless women.

While homeless people suffer hardships of street life during every season, winter poses the greatest threats to their health and lives. Despite persistent civil society efforts and pressure on the municipal and state governments to address issues related to homelessness, the situation only seems to get worse with each year. According to Paramjeet Kaur, Director, Aashray Adhikar Abhiyan (AAA), "The involvement of multiple players such as the Municipal Corporation of Delhi (MCD), the New Delhi Municipal Council (NDMC), Department of Social Welfare, and the Delhi state government, often means that no one is willing to assume responsibility. This is perhaps due to the failure to recognise the issue in government policies."

Though the city tends to blame homeless people for their plight and washes its hands of all legal and moral responsibility to protect and provide for them, it fails to address the structural and systemic factors that lead to homelessness. The most critical of these are: the non-existence of low cost and public housing options in Delhi; large scale eviction drives and slum demolitions without adequate livelihood-based rehabilitation and resettlement; shift in land use towards intensive infrastructure development such as highways and shopping malls; the unavailability of financial schemes for poor and marginalised communities; and the lack of a comprehensive human-rights based national housing law. Indu Prakash Singh, Theme Leader (Shelters & Housing), ActionAid, asserts that, "the government's current focus is on rapid urban renewal and city beautification at the cost of the poor. This agenda is supported by the government's Jawaharlal Nehru National Urban Renewal Mission, which is based on the (pro-privatisation) Draft National Urban Housing and Habitat Policy 2005, which while acknowledging the city's severe housing shortfall (also highlighted in the Delhi Human Development Report 2006), contains provisions that could potentially exacerbate homelessness. What makes the situation worse is the fact that the Judiciary has turned anti-poor."

The Government of India is legally bound by both national and international law to protect, promote and realise the human right to adequate housing for all. A human rights approach to addressing homelessness would involve dealing with its causes and taking progressive measures to ensure that all city inhabitants are able to live in a safe and secure home with peace and dignity. The onset of winter, however, calls for an immediate and focused humanitarian response

in the form of adequate, warm, and clean shelters that provide all basic services and are located close to people's sources of livelihoods. The city, tragically, has failed on this front as well.

While the MCD runs only 10 permanent homeless shelters catering to around 2500 people (leaving over 98% of the city's homeless to fend for themselves or be provided for by NGOs such as AAA which runs seven shelters), the NDMC – supposedly India's richest civic body – runs no shelters. The only shelter for homeless women in Delhi (in Yamuna Pushta), which was being run on a contractual basis by AAA for MCD, was closed in June 2007 on the grounds that the space was needed to store material for building a city centre nearby. Currently the space is lying unused. A city government that evicts homeless women to make space for construction material needs to seriously rethink its priorities and evaluate its human rights record. The complete state disregard for homeless people is further evident in the MCD's recent decision to decrease the number of temporary night shelters from nine last year to six this year. The conditions in these makeshift shelters are also highly inadequate with reported cases of poor maintenance and laxity in providing proper facilities (including clean blankets). Non-implementation of national programmes such as the Swadhar Scheme aimed at providing shelter for women is another problem. As per government records, only 150 women in Delhi benefited from this scheme in the year 2002-03. Since then no data is available.

According to Shivani Chaudhry, Associate Coordinator of the Housing and Land Rights Network, "The issue is not of paucity of funds or absence of space but of a complete lack of priority and concern. When the government can manage to raise money in the magnitude of Rs. 10,571 crores for the first phase of the Delhi metro, over Rs. 1,000 crores for the high capacity bus corridor, and over Rs. 5,200 crores for the 2010 Commonwealth Games, including the provision of free land for stadiums and other construction, why can't it allocate funds and find space for public housing and shelters for the homeless?"

The fact that there is no government data on homeless people in Delhi also reflects its appalling negligence towards the issue. Existing estimates of the number of Delhi's homeless are from civil society.

It is thus evident that not only has the government failed to address homelessness in Delhi, but its policies are actually guilty of fuelling a rapidly spiralling crisis. While violation of the human right to adequate housing is the most obvious, the denial of housing rights also leads to the inability to obtain other basic services, including ration cards. Lack of nutritious food and clean potable water as well as the absence of sanitation facilities exposes homeless people to numerous health hazards. The absence of a secure living environment also makes women and children vulnerable to physical abuse and sexual violence.

India's human rights record will be examined under the Universal Periodic Review of the UN Human Rights Council in April 2008 and by the Committee on Economic, Social and Cultural Rights in May 2008. Demonstrated commitment to addressing issues such as homelessness would clearly affect these outcomes.

The vision of making Delhi a truly "world class city" would remain meaningless until the human rights of all its inhabitants, especially the homeless and poor, are promoted and protected. In this regard, the government should take measures to urgently:

1. Make available low cost housing for the urban poor, and mandate provisions for this in all city plans. This should include reservation of land and earmarked funds for housing for all low income groups.
2. Put a halt to slum demolitions and forced evictions in the city.
3. Legalise and upgrade informal settlements, and provide legal security of tenure to all slum dwellers.
4. Ensure people's participation in the development of all city plans, including housing /settlement plans.
5. Provide basic services such as water, sanitation and electricity free of cost or on a subsidised basis, and prevent their privatisation.
6. Conduct periodic surveys to assess the number of homeless people and make available disaggregated data, including the number of homeless women and children.
7. Create more permanent shelters for the homeless. Separate shelters for women and children are urgently needed. Access to shelters and living conditions must be adequate to ensure protection of the human rights to health, food, water, sanitation, livelihood, privacy, and security of the person and family.
8. Implement the following measures for the homeless:
 - provide them with voter cards and below poverty line (BPL) cards;
 - provide vocational training and education, as well as mobile health care vans;
 - make micro-finance available for economic ventures and housing.
9. Abolish the Bombay Prevention of Begging Act, 1959, and the Bombay Vagrancy Act, 1959, as they effectively criminalize the poor and homeless.
10. Ensure that the National Urban Housing and Habitat Policy 2005, which was recently approved by the Union Cabinet, is opened to public consultation and includes measures to address homelessness and protect the human right to adequate housing before it is adopted.

It is imperative that the government's commitments to protecting and realising the human rights of all, especially the most marginalised sections of society, are reaffirmed and acted upon on Human Rights Day.

For more information, contact: Paramjeet Kaur (Aashray Adhikar Abhiyan): 011-2248-1609, Indu Prakash Singh (ActionAid): 011-4173-3206, Shivani Chaudhry (Housing and Land Rights Network): 011-2435-8492.