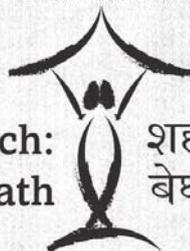


**PUBLIC HEARING ON  
VIOLENCE  
AGAINST  
HOMELESS  
WOMEN  
IN DELHI**

**REPORT WITH STATEMENT OF THE JURY**

**Shahri Adhikar Manch:  
Begharon Ke Saath**



**शहरी अधिकार मंच:  
बेघरों के साथ**

Urban Rights Forum: With the Homeless

*Shahri Adhikar Manch: Begharon Ke Saath (SAM:BKS – Urban Rights Forum: With the Homeless)* is a Delhi-based collective of over 20 organizations and social movements, including homeless citizens. Founded in 2008, SAM:BKS works to promote and protect the human rights of the homeless, as guaranteed by the Constitution of India and international human rights instruments, and to ultimately secure adequate housing for all homeless people.

The Executive Committee of SAM:BKS consists of Mr Miloon Kothari (former UN Special Rapporteur on adequate housing), Ms Amita Joseph (Executive Director, Business and Community Foundation), Mr Indu Prakash Singh (Convenor, National Forum for Housing Rights), and Ms Shivani Chaudhry (Executive Director, Housing and Land Rights Network).

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*New Delhi*

*January 2014*

# PUBLIC HEARING ON VIOLENCE AGAINST HOMELESS WOMEN IN DELHI

REPORT WITH STATEMENT OF THE JURY



Urban Rights Forum: With the Homeless



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# Public Hearing on Violence against Homeless Women in Delhi

## INTRODUCTION

Delhi has more than 150,000 homeless people living on pavements, under flyovers, in parks, abandoned buildings, near railway tracks and in other public spaces. Of this homeless population, around 10,000 – 15,000 are women and girls living either with families or alone. In most cases, poverty, unemployment, substance abuse, family breakdown and unaffordability of housing drives many women and girls to the streets. Another reason that induces homelessness among women is domestic violence. The majority of women and girls abandon their homes to escape domestic abuse and violence by their husband, husband's family or their own maternal family. However, homelessness makes them more vulnerable to violence and brutality. Single mothers suffer the most, as they not only have to protect themselves but also shield their children from social evils such as child trafficking and child labour.

While living in open areas, women not only face Delhi's harsh climatic conditions but also experience violence ranging from verbal, physical and sexual abuse to economic and social exploitation by the police, employers, local goons, and even passers-by. Lack of access to essential services and public facilities is one of the major problems in the day-to-day life of homeless women. Inadequate and scarce public toilets and bathing facilities make regular cleaning, washing or bathing very difficult for homeless women. Often, they have to defecate and bathe in public spaces, such as in areas near water bodies, railway tracks or outside their temporary shelters. This leads to regular social and sexual harassment and abuse by neighbourhood men and passers-by. Women who sleep on railway platforms, pavements, bus stops and other open areas suffer several forms of violence. Truck drivers, reportedly, approach women and ask for sexual favours. Recurrently, women have been beaten up when they refuse their advances.

Violations of basic constitutional and international human rights have become constant in the lives of homeless women. Their fundamental right to work and live with dignity is infringed upon by the people who hire them and by the state itself. Owing to unaffordable day care centres, homeless women often take their children to their places of work. This often leads to refusal of full-time employment for the women. Employers ask for identity cards for security and as most homeless women do not have them, either they are not given a job or if employed, they have to work at very low wages. The lack of identity cards is also a problem while admitting their children to schools. Furthermore, the police do not allow women to set up shops on the streets and harass them if they do not pay them. At the time of forced evictions, the police and concerned authorities burn the clothes of women and children and throw their belongings on the streets without following the due process of law. Instead of protecting the homeless, the police play a dominant role as a perpetrator of crimes against homeless men, women and children. Recently, a homeless woman from Connaught Place was beaten to death for sleeping on the road. This incident shows the extreme brutality and lack of sensitivity of the state towards its own citizens.

Another major violation of human rights is the denial of affordable healthcare to the homeless. Due to paucity of affordable health clinics or hospitals in the city, getting health check-ups and medicines has become a challenge for homeless women and girls. More importantly, it is a serious cause of concern for pregnant women to access reproductive and infant health services during and after pregnancy. Many pregnant homeless women are denied admission in hospitals, even at the time of emergency delivery as they cannot afford to pay the medical fees and treatment costs. Government hospitals have often turned down requests for admission due to lack of identity cards.

## PUBLIC HEARING ON VIOLENCE AGAINST HOMELESS WOMEN IN DELHI

Homeless women in Delhi face acts of violence on a daily basis, including verbal, physical and sexual abuse, and economic and social exploitation, which severely affects their mental and physical health. The media, however, seldom reports such atrocities and public authorities generally ignore their complaints. The affected women have no recourse to legal remedy, aid or redress, and their plight seems to be unheard. In order to highlight the critical issues of violence faced by homeless women and girls in Delhi, and to urge state authorities to take action to redress the situation, *Shahri Adhikar Manch: Begharon Ke Saath (Urban Rights Forum: With the Homeless)* organised a 'Public Hearing on Violence against Homeless Women in Delhi' on 13 August 2013 at India International Centre, Delhi.

*Shahri Adhikar Manch: Begharon Ke Saath (SAM:BKS)* has been involved in the struggle for justice and protection of human rights of the homeless in Delhi, at various levels, for the last five years. In January 2010, as a result of a press conference organised by SAM:BKS and extensive media coverage of the issue, including the death of two homeless persons as a result of the demolition of a homeless shelter by the government, the High Court of

Delhi initiated a *suo moto* case against the Delhi government. SAM:BKS has consistently provided support to the High Court in the matter, which is still before the Court. During the hearings for this case, SAM:BKS has also highlighted issues of police brutality, violence against homeless women, and consistent violations of human rights of the homeless by different actors. Despite progressive interim orders passed by the High Court, the Delhi government has done little to improve living conditions and provide security and safety for the city's homeless population, especially homeless women.

Even though the issue of violence against women gained attention from the central government in the aftermath of the 16 December 2012 gang rape case in Delhi, the narratives of homeless women and their specific concerns did not form a part of the discourse. SAM:BKS, therefore, felt the need to organise a public hearing to bring to light the plight of homeless women and girls from Delhi by inviting them to testify on the nature of violence and abuse they face regularly.

At the public hearing, twelve homeless women and girls testified in front of a jury consisting of Justice Leila Seth (former Chief Justice of the High Court of Himachal Pradesh and member of the Justice Verma Committee that authored an extensive report on violence against women in India), Justice A. P. Shah (former Chief Justice of the High Court of Delhi who initiated the *suo moto* case on homelessness against the Delhi government), Mr Miloon Kothari (former UN Special Rapporteur on adequate housing), Ms Ambika Pandit (Assistant Editor, Times of India), and Ms Madhu Mehra (Executive Director, Partners for Law in Development). More than 200 homeless men and women, representatives from civil society organizations, the media, and the general public attended the public hearing.

## TESTIMONIES OF HOMELESS WOMEN AT THE PUBLIC HEARING

- Name:** Sharda Sharma  
**Age:** 42 years  
**Residence:** Kashmere Gate bus depot

### **Living conditions:**

Kashmere Gate area is a busy location in Old Delhi. Since the area draws a lot of travellers it is usually more crowded than other places. Single women are harassed more often here by the police and travelers for sexual favours. The police verbally abuses single homeless women by calling them '*gasties*' (prostitutes). They try to forcefully evict them from the area by physical force. Often, these women sleep in bus stops, pavements and open areas and thus, become more vulnerable to anti-social elements. To be able to use the toilets, women have to pay Rs. 10 per usage and Rs. 20 to bathe and wash clothes. For drinking purposes, they draw water from the Yamuna River, which is highly toxic.

### **Testimony:**

I fled from my home, 22 years ago, ending my marriage to my abusive husband and came to Delhi with my three-month-old daughter.

Alien to the language and geography of the city, I began to live at the New Delhi Railway Station and sometimes at the Old Delhi Railway Station. Desperate for money, I went to sell my *mangal sutra* to the jeweler. Realising that I was in desperate need for money, the jeweler gave me only Rs. 300 and said I would get the rest when I produced the necessary receipts for the necklace. He threatened to complain to the police if I asked for more money. Frightened by these allegations, I took the money and left.

Living on the platform with my baby was not easy. I was constantly harassed by the police who would not let me sit or sleep anywhere. Passers-by would pass lewd remarks. The police would ask me constantly where I came from and tell me to go back to my own village. At the station, I was noticed by a nurse from Lady Irwin Hospital who allowed me to sleep in her quarters and helped me to get a job through a contractor at a construction site. The job was very strenuous and paid only Rs. 20 a day. The contractor was very brash and would insult me all the time. He used to beat us if any of his goods got lost or stolen.

I then moved to working at a *Sulabh Shauchalay* (public toilet) at Kashmere Gate. I began living there and earned Rs. 1,100 a month. The harassment from the police continued and they would say that if I wanted to live there I would have to make them 'happy.' They let me stay there in return for sexual favours. The harassment continued even as the policemen changed. The new ones were no better and were equally brash and rude. I was always concerned that they would harm my daughter and so I gave in to their demands.

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- 2.** **Name:** Bina Amma  
**Age:** 58 years  
**Residence:** Regarpura women's shelter

**Living conditions:**

The Regarpura area has a shelter for homeless women. Although the shelter houses 100 women and is beneficial for homeless women, it does not have basic facilities for sanitation and water, which have to be provided by the government.

**Testimony:**

I have faced many atrocities by the police when I used to live on the streets. I was once arrested by police outside a hospital and sent to Nirmal Chhaya (a beggars' home). I was released after 15 days. I was again arrested from Gol Market and sent to Nirmal Chhaya where the staff took away my money.

The police are the real beggars and keep the bail bond so high that we can't afford it. The police bother us all the time and do not let us sit or sleep in peace in the day or night. They don't even let us ask for donations outside of temples. It is our request to remove shops and temples, and to build shelter homes and livelihood centers for us, so that we can work and live a life of dignity.

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- 3.** **Name:** Poonam  
**Age:** 35 years  
**Residence:** Pul Mithai

**Living conditions:**

The community of Pul Mithai has been living in the area since 1984. The majority of them are Dalits from Bhagalpur and Munger districts of Bihar. They were forced to migrate to Delhi due to loss of livelihood options and abject poverty.

Members of the community, both men and women, sell spices, pulses and dry fruit on the Pul Mithai Railway Bridge. In the absence of affordable housing options, they have built temporary houses made of mud with thatched or tin roofs along the railway tracks. Given the makeshift living conditions, they do not have access to electricity and drinking water in their homes. The Railway authorities do not allow them to build toilets. Currently, there is not a single toilet in the area. This is especially difficult for women who face sexual harassment by men, almost on a daily basis, as they are compelled to bathe and defecate in the open.

The Railway authorities and the Delhi Police have been threatening them to vacate the land and there have been many attempts to forcefully evict the residents.

**Testimony:**

I live in a small *jhuggi* (home) in Pul Mithai with my husband and two children. I moved to Delhi soon after I got married and started living in Pul Mithai. Wherever we would set up our *jhuggi*, the police would come and demolish it. My family has moved several times, each time re-building our *jhuggi*, at our own cost, and trying to negotiate with the police.

I also have a small shop where I sell rice and pulses. The police bother me constantly and sometimes throw away my goods. Although there is a toilet nearby, I have to pay Rs. 10 for every time I want to use it. So I bathe in the open on the railway tracks but as the water is only available far away from the tracks, I send my children to fetch the water and remain concerned about their safety.

When my elder son was to be born, I was refused medical care at the Kasturba Hospital. Since it was an emergency, I was forced to pay Rs. 10,000 to be admitted in the hospital. This was a huge amount for my family and they were in debt for a long time.

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4. **Name:** Neelam  
**Age:** 25 years  
**Residence:** Pul Mithai

**Living conditions:**

The community of Pul Mithai has been living in the area since 1984. The majority of them are Dalits from Bhagalpur and Munger districts of Bihar. They were forced to migrate to Delhi due to loss of livelihood options and abject poverty.

In the absence of affordable housing options, they have built temporary houses made of mud with thatched or tin roofs along the railway tracks. Given the makeshift living conditions, they do not have access to electricity and drinking water in their homes. The railway authorities do not allow them to build toilets. Currently, there is not a single toilet in the area. This is especially difficult for women who face sexual harassment by men, almost on a daily basis, as they are compelled to bathe in the open. Members of the community, both men and women, sell spices, pulses and dry fruit on the Pul Mithai Railway Bridge.

The Railway authorities and the Delhi Police have been threatening them to vacate the land and there have been many attempts to forcefully evict the residents.

**Testimony:**

I have been married for 10 years and have a nine-year-old daughter. My husband was badly beaten up by the police and thrown into a gutter and now has brain damage. The police have refused to file a complaint against those who beat my husband. The operation for injury treatment costs too much money and I cannot afford it.

In 2005, the Railway Police forcefully evicted the residents from the site. They beat up men, women and children and asked them to vacate the site. I was eight months pregnant at the time, was hit by the batons of three policemen on my head and stomach. I was severely injured and suffered from blood clots in my head and abdomen. My mother tried to protect me but was also beaten by the police. I was rushed to a nearby hospital and admitted to the emergency ward, given the grave nature of my injuries. The police, however, had my medical case closed in the hospital and I was discharged by doctors the next evening. Later, my child was born with a hearing impairment.

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**5.****Name:** Kulsum**Age:** 38 years**Residence:** Park opposite Nizamuddin Dargah, Nizamuddin West**Living conditions:**

The park in Nizamuddin West is home for many homeless women and families. About 50 homeless women live under the trees, on the pavement and in temporary shelters. Some of them are single mothers who have no fixed income. As they have young children to take care of, they are unable to work full-time leaving their children alone at home. Due to lack of affordable crèches and part-time employment opportunities, some women work as rag-pickers and some get into beggary.

**Testimony:**

I live in the park opposite Nizamuddin Dargah. I moved to Delhi 16-17 years ago from Assam with my husband. I have four children, a brother and a husband. My parents passed away many years ago. I haven't met my brother for the last ten years. My husband doesn't live with me anymore. I stay with my two daughters. One girl is three-and-a-half years old and the other is two-years-old. My other two children, a daughter and son, live in children's homes. Currently, I am unemployed. I am unable to go to work as I have the sole responsibility to take care of my children. In order to feed myself and my children, I go to the Nizamuddin Dargah to ask for money and food from passers-by. I get Rs. 20–30 per day but sometimes fail to earn any money. I also face the constant fear of harassment by police and Seva Kutir officials while asking for money at the mosque. If I am caught in the act of begging, I could face up to six months of jail term. Even asking for donations has to be done discreetly.

As a single mother I also experience sexual harassment from men. Once, a teenage boy lay down beside me while I was sleeping at night. He pulled my toes and started to tug at my clothes. Then he tried to remove my clothes. As I was afraid in the night, I could only ask him to leave. I confronted him in the morning but he denied all the accusations against him.

Admitting my children into schools is a major issue for me. I don't have any identity (ID) proof. Whenever I go seeking for work, people ask me to show ID proof. I don't even have any guardian, who would become a guarantor for me. Due to this problem, I am not able to get my children's birth certificates. Due to lack of birth certificates, they are not able to get admission in school. Even to get a birth certificate made you have to deposit Rs. 3,000. From where can I get so much money? My daughter is four-years-old, but she is not going to school.

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- 6.** **Name:** Parveen  
**Age:** 25 years  
**Residence:** Park near Nizamuddin Dargah, Nizamuddin West

**Living Conditions:**

The park in Nizamuddin West is home for many homeless women and families. About 50 homeless women live under the trees, on the pavement and in temporary shelters. Some of them are single mothers who have no fixed income. As they have young children to take care of, they are unable to work full-time. Due to lack of affordable crèches and part-time employment opportunities, some women work as rag-pickers and some are forced into beggary.

**Testimony:**

I came from Bihar to Delhi in search of a livelihood. I was promised by someone that I would get to work as a maid. However, I never got that job and was forced into beggary to earn income to feed myself and my child. It is difficult to get even Rs. 20-30 per day. Sometimes I pick rags like plastic bottles, cups, newspapers and sell them for Rs. 10. But this is not enough to feed my child.

I started to live in a shelter nearby but was asked to leave, as it is only a night shelter. During the monsoon, I told the shelter authorities that my children might catch fever and asked them if I could leave my children inside. But they did not allow me to use the shelter during the day.

In February 2013, around 10-12 policemen and local goons came to the park and the shelter, and started to evict the homeless families. They threw away our food, burnt our clothes and

other valuables. One of the policemen struck me on the forehead with his *lathi* (stick). I had to go to the doctor to get medical help.

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7. **Name:** Radhika  
**Age:** 19 years  
**Residence:** Hanuman Mandir, Connaught Place

**Living conditions:**

Many homeless people have made Hanuman Mandir, Connaught Place, their home. Typically, homeless families live and work around this area. Homeless women and girls work as domestic workers and also go to the temple to ask for donations. Although there is a shelter nearby, women prefer to sleep under the trees or in the underpass bridge. There is widespread use of drugs and other intoxicants by the homeless men, women and even children in the area.

**Testimony:**

I am in my eighth month of pregnancy. I live with my husband, mother-in-law and sister-in-law. Recently, my husband was accused of theft and beaten up by the police. As I tried to protect my husband, the police struck me on the legs and also pushed me on the stomach. When I told them that I was pregnant, they did not believe me. They arrested my husband on charges of theft and have kept him in jail for the last three weeks. We have filed a complaint against the constable who beat me and harassed my husband. But because of that complaint, the police are not releasing my husband from jail.

After that incident, all my belongings were stolen and now I don't have any money. I can't afford to hire a lawyer and I don't know how to get bail for my husband. When I went to see my husband in jail, he seemed weak and had visible fresh bruises over his body.

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8. **Name:** Pooja  
**Age:** 20 years  
**Residence:** Hanuman Mandir, Connaught Place

**Living conditions:**

Many homeless people have made Hanuman Mandir, Connaught Place, their home. Typically, homeless families live and work around this area. Homeless women and girls work as domestic workers and also go to the temple to ask for donations. Although, there is a shelter nearby, women prefer to sleep under the trees or in the underpass bridge. There is widespread use of drugs and other intoxicants by the homeless men, women and even children in the area.

### **Testimony:**

After my husband passed away four years ago, my parents-in-law physically abused me and my children. My two children and I started living with my maternal family in the Hanuman Mandir area. My children are four and six-years-old. As a single mother, I have gone through many hardships. I can't afford to work full time as I have to take care of my children who stay at home. I can't leave my children alone, as I am worried that they might get in to the company of drug addicts. They have already started smoking *bidis* (cigarettes). I am unable to discipline my children due to the negative influence in the neighbourhood area. To earn a living, I make flower garlands at the temple and earn about Rs. 50 per day. Sometimes, I even earn Rs. 150 if I manage to make 20 kilogrammes of flower garlands.

As I do not have proper documents, school authorities are not admitting my children in school hostels. I tried to put my children into the Ghaziabad shelter homes, but they refused to accept them because I couldn't produce my husband's death certificate. I tried in Salaam Balak's shelter home as well but they didn't accept the children.

As we don't have a house, there is also no toilet. We go to the Bangla Sahib Gurudwara to use the bathing facilities there. We have to spend between Rs. 20 to 50 to wash and bathe ourselves at the Gurudwara. If we don't give the money, the workers there chase us away.

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9. **Name:** Ayesha Bibi  
**Age:** 52 years  
**Residence:** Lodhi Road shelter

### **Living conditions:**

The Lodhi Road shelter is for homeless women. The women reported facing problems due to lack of water supply in the shelters and inaccessibility to toilets.

### **Testimony:**

As the capital prepared for the Commonwealth Games in 2010, a series of demolitions took place in an attempt to 'clean up' the city. I was a victim of such demolitions near the Jawaharlal Nehru Stadium. Although I was eligible to get another plot near Palam Airport, the authorities asked me to pay Rs. 7,000. I didn't have so much money to pay and so they didn't give me the plot.

I used to go to the Sai Baba Temple for food but the police would force me and other women to go away. I am not allowed to beg outside the temple or sleep in the temple premises. When a shelter for homeless women came up near the temple, me and other women like me began living there. The government also built a *Sulabh Shauchalay* (public toilet) for bathing and sanitation. According to the agreement between *Sulabh Shauchalay* and the

shelter, the women living in the shelter were allowed to use the toilet for free. Initially, the people running the toilets would turn off the water supply and barge into the bathing units. Later they started asking for money from everyone and harassing all the women. They would also lock the toilet at night and so the women had nowhere to go. The women in the shelter are still at loggerheads with the people who run the *Shauchalay* and their fights with the police seem unending.

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- 10.** **Name:** Gulab Shah  
**Age:** 50 years  
**Residence:** Lodhi Road homeless shelter

**Living conditions:**

The Lodhi Road shelter is for homeless women. The women reported facing problems due to lack of water supply in the shelter and inaccessibility to toilets.

**Testimony:**

I moved to Delhi from Kolkata and am living in the Lodhi Road shelter for the last two years, as my house was demolished during the 2010 Commonwealth Games.

Two years ago, while I was at the Sai Baba Temple collecting food for my family, I saw my *jhuggi* surrounded by policemen. They told me that the *jhuggi* was being demolished and no one was allowed to go in or come out. I begged them to let me go since both my children were in the house. I approached the policemen at the other end of the *jhuggi* who then let me enter. As I ran to my *jhuggi* I found that it had been razed to the ground, and all my belongings had been destroyed. My children were sitting outside on the road and crying. I did not know what to do or where to go. I was suddenly homeless and began living on the streets with my two children.

The bathroom nearby the shelter closes by 8-9 pm every day. It is problematic if women want to use the toilet at night. At the shelter, there is no space to keep my belongings.

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- 11.** **Name:** Geeta  
**Age:** 30 years  
**Residence:** Kalkaji Mandir

**Living conditions:**

The area near Kalkaji Mandir consists of small tea stalls and a temporary homeless shelter. The shelter, a long stretch of cemented platform with a tin roof, has become home for many

homeless women and their families. Families live, cook and sleep inside the shelter. As there is no toilet nearby, women are forced to defecate and bathe in the open.

**Testimony:**

I have five children and I live with my two brothers and my mother. In the absence of housing, we lived on the railway tracks for 20 years. The police did not allow my family and other community members to build any sheds or temporary houses. The police would chase us from the roads, underbridge, flyovers and all other public places. Even if they let us stay for some time, we lived like ants. After we were chased away by the police, we started living in the temporary shed at Kalkaji Mandir. To earn a living, I wash utensils at parties and marriage functions. My children would like to go to a good school but I can't afford books, shoes and uniforms. The children go together to a school, which is two kilometres away.

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- 12.** **Name:** Poonam  
**Age:** 30 years  
**Residence:** Kalkaji Mandir

**Living conditions:**

The area near Kalkaji Mandir consists of small tea stalls and a temporary shelter. The shelter, a long stretch of cemented platform with a tin roof, has become home for many homeless women and their families. Families live, cook and sleep inside the shelter. As there is no toilet nearby, women are forced to defecate and bathe in the open.

**Testimony:**

I face economic exploitation each day. As my husband does not work, I am the sole earning member of a family of seven members. My primary source of income is selling corn on the streets; however, the police do not allow me to set up a shop. They ask for bribes as a permit. Since I cannot afford to pay the bribe, my shop is regularly dismantled by the police. The fear accompanied by the loss of materials does not allow me to earn a daily income. Even people from Seva Kutir come and beat me. They say, "Why have you given birth to children if you can't feed them? Take a room and keep your children there." However, we can't afford to rent a room. They also burn our clothes when we hang them out for drying. They even throw away our food.

As my family lives in an open area, there is a constant fear of kidnapping, sexual assault and rape of young girls and homeless women in the area. I suffer from mental tension due to insecurity for my young daughters. I spend sleepless nights ensuring that my children are safe. Like me, many homeless mothers spend nights watching over our children.

# PUBLIC HEARING:

## Violence against Homeless Women in Delhi

13 August 2013

India International Centre, New Delhi

### STATEMENT OF THE JURY

*Shahri Adhikar Manch: Begharon Ke Saath (Urban Rights Forum: With the Homeless) – a collective of over twenty civil society organizations and homeless groups in Delhi – organised a ‘Public Hearing on Violence against Homeless Women’ in Delhi on 13 August 2013. At the hearing, twelve homeless women testified before the jury and presented their stories of violence, abuse, pain and suffering, while over 200 homeless women and men participated as members of the audience.*

*Based on the testimonies presented at the public hearing and supplementary information received from secondary sources, members of the jury<sup>1</sup> issued the following statement:*

The jury of the *Public Hearing on Violence against Homeless Women in Delhi* notes, with concern and alarm, the factors that have contributed to increasing homelessness in Delhi, and the specific impacts on homeless women in the city.

Members of the jury observe a distressing commonality in each of the testimonies presented – of the nature and pattern of violations particular to women, and the common profile of the perpetrators. The repeated narratives of the Delhi Police as perpetrators of abuse, the indifference and callousness of government officials, and the state acts of omission and commission, paint a disturbing picture of the state and its agents as violators rather than as protectors of Constitutional rights and human rights guaranteed in international law.

The jury takes note of the blatant violation of, among other human rights, the rights to adequate housing and security of the person and home. Delhi has a large working population that is unable to afford any housing and is therefore homeless. Housing for the poor is a critical problem and low cost housing for economically weaker sections is yet to be provided. Women are also often rendered homeless when they flee from physical, emotional and verbal abuse and violence in the home. In the absence of short-stay homes and adequate facilities for victim-survivors of domestic violence, many women are forced to live on the streets, where they continue to face an endless cycle of violence. The perpetrators of such

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1 The jury was composed of: former Chief Justice, High Court of Delhi – Justice A.P. Shah; former Chief Justice, High Court of Himachal Pradesh – Justice Leila Seth; former UN Special Rapporteur on the Right to Adequate Housing – Miloon Kothari; Assistant Editor, Times of India – Ambika Pandit; and, Executive Director, Partners for Law in Development – Madhu Mehra.

violence include the Delhi Police, other government officials and passers-by who do not let them sleep, burn their clothes, ask them for sexual favours, abuse them verbally and physically, and frequently destroy their temporary accommodation.

The jury is concerned about the acute shortage of shelters for homeless women in Delhi and the absence of proper sanitation facilities, as a result of which women have to bathe in the open, which is very dehumanising and further increases their vulnerability to violence. At most public toilets, the guards reportedly harass the women by turning off the water supply and charging them extra money.

The existing shelters are not adequately equipped to provide for children of working mothers or those who want to continue studying. Shelters that are habitable are often in inconvenient locations and have pre-conditions that are not practical for families or working women to live in. The testimonies presented at the public hearing revealed that while there is a shortage of shelters at some places, at others, the homeless are not willing to use the shelters, as their location is inappropriate. For instance, a testimony from a resident of Pul Mithai brought out that the women make a living by selling spices on the street. They have no legal rights to trade and are often harassed by the police. This fear of losing their space for livelihood forces many of them to stay along the railway line below the bridge. They are not able to stay at the homeless shelter in Chabi Ganj, as it is far from their place of work. This clearly brings out the need to rationalise shelter planning and management to create durable, year-round solutions across the city, especially in areas where there is a concentration of homeless women.

Through their testimonies, women revealed that shelters in their present form are not the solution for all homeless residents, and can, at best, serve as temporary solutions for those looking for a space to sleep or rest. Families do not want to stay in shelters permanently, as they lack privacy and adequate living conditions. Examples from Nizamuddin in one testimonial brought this to light. The women prefer to live out on the road even though an NGO runs a shelter in the area. It was evident that a shelter can only be a family shelter if it provides families some privacy and also some skill development activities to empower them.

Most women's narratives revealed that they had more than two children and their husbands were not taking the requisite responsibility of supporting the family. The women have to fend for themselves and reported cases of being abandoned with their children. Some of the women reported that their husbands are alcoholics and do not have jobs; they force their wives to give them money, and physically abuse them as well.

Many families in Delhi are rendered homeless, as a result of forced evictions carried out without due process and adequate rehabilitation. The 2010 Commonwealth Games also left hundreds of families homeless. Women testified that, during those evictions, they did not receive any prior notice. They could not save their belongings and many people lost valuable documents during the demolition. Since then, many women have begun living in

shelters for women. The shelters are maintained by the Delhi Urban Shelter Improvement Board (DUSIB) but lack basic amenities like water, electricity, and sanitation facilities.

The jury further notes that the violation of the human right to adequate housing also negatively impacts a number of other human rights. The human right to health is also an important concern. Women living on the streets are highly susceptible to contracting several diseases. There are no services for maternal health and immunisation; government hospitals often refuse care on the pretext of a lack of water and electricity. In some cases they even extort large sums of money knowing that the women are in dire need. Many homeless women have been refused healthcare in government hospitals at crucial times, such as the delivery of a child, on the grounds that they were not treated by that particular hospital through the term of their pregnancy and thus cannot be admitted. Women ultimately have to go to private hospitals to get basic healthcare at a high price.

The jury is concerned about reports of physical violence being perpetuated against homeless women, including pregnant women. The grossly inadequate living conditions – outdoors and in homeless shelters – continue to threaten the health of homeless women, especially children, older women, and women with disabilities. Many women testified that they are most often physically abused by the police who do not allow them to rest or sleep on pavements or outside shelters. They beat pregnant women as well and the only way to escape this is by giving them a bribe.

The human right to work for most homeless women is violated because they are unable to leave their children and go to work. They constantly fear that their children will be kidnapped or hurt or abused. Many employers do not let women bring their children to work, especially those who work as domestic help. These women have little or no support from their husbands for income or for the responsibility of their children. The lack of crèches and secure shelters considerably handicap the earning capabilities of these women. Many women who work as daily wage labourers are sexually and verbally harassed by contractors, and find it very difficult to go back to these jobs. Since they have no permanent homes, they often have to keep moving to different locations to avoid harassment by the police, and thus they cannot take up permanent jobs that pay better salaries. The inability to work has resulted in families losing daily wages and consequently not being able to afford food, which then leads to a violation of their human right to food.

The jury also notes that the human right to education of homeless children is violated, as the children are not able to attend school. In the case of families that were evicted during the Commonwealth Games, many children had to drop out of school since they had nowhere to study. Government schools are unable to provide quality education and coverage to all homeless children. Many homeless people feel helpless about how to ensure a secure future for their children. The jury expresses anguish over the fact that there are no linkages with the education system for homeless children that would enable them to be integrated into society.

Despite the High Court of Delhi<sup>2</sup> passing numerous interim orders directing the Government of the National Capital Territory of Delhi to protect the human rights of the homeless, including orders mandating daily food provision to families living in homeless shelters, and ordering the government to provide humane living conditions at the shelters, the authorities continue to treat the homeless with hostility. The primary agency responsible for the homeless, DUSIB, has proved to be completely ineffective. The complete dereliction of duty by DUSIB is unlawful and in contempt of the orders of the High Court of Delhi. The jury condemns the non-implementation of the court orders and the gross inadequacy of shelters and living conditions for homeless women in Delhi.

The jury is distressed by the cases of mental, physical, sexual, social and economic violence faced by the homeless women who testified at the public hearing. The jury praises the women for their resilience and courage in dealing with these issues.

Further, the jury takes note of the increasing discrimination faced by the urban poor in policy and law, which is reflected in the acute shortage of facilities for the poor in Delhi and the failure to provide low cost housing by the Government of Delhi. The jury strongly criticises the inhumane behaviour of the government agencies towards homeless women.

*In light of the violence faced by the homeless women and the multiple violations of their human rights, the jury strongly recommends that:*

- The human rights of all homeless people, especially homeless women, must be respected, protected and fulfilled.
- Homeless women must be recognised as a distinct category of vulnerable women, meriting specific policy and programme interventions.
- The government must ensure that there are separate permanent, year-round, 24-hour shelters for homeless women, including shelters for working women and families, with adequate day care facilities. Where necessary, additional shelters with medical care and counselling facilities should be provided.
- The government should develop and implement a housing and shelter plan that caters to the varied needs of the homeless population – labourers, vendors, rickshaw pullers, persons with mental illness, persons with disabilities, unwell persons, older persons, and communities who live in large congregations like those at Motia Khan and Mansarovar Park.
- The government should take measures to ensure that women who are homeless are not forcibly removed from the streets and shelters in which they reside.
- The Delhi government should subsidise food for the homeless so they can get their required nutrition without having to spend their meagre earnings on it.

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2 *Court on its own motion vs. Government of Delhi, W.P. (C) 29/2010.*

- The government should ensure that all homeless women have required documents like ration cards and voter cards, which allow them to avail of their rights to numerous social security schemes and political participation.
- The government must improve the quality of education in public schools and also make sure that children get free books and uniforms. Civil society should also support the education of homeless children.
- The government, along with non-government organizations (NGOs), should create a central computerised database on the number of homeless people across the city. This would enable adequate services to be provided, and also facilitate collaboration between the government and NGOs.
- All NGOs should work on addressing urgent issues of the homeless first. These include a lack of identity documents, employment options, and provisions of healthcare for the homeless.
- Special attention should be given to providing adequate healthcare, including maternal healthcare, for all homeless women, with access to medicines, vaccines, food, and regular check-ups at a hospital.
- The government needs to focus on the reproductive rights of homeless women. Most homeless women are unaware of their rights and seemed to have no control over decisions on whether to bear a child or not. It is important to link homeless women through the shelter network to legal counselling.
- Human rights education should be promoted for homeless women, especially in order to enable them to demand their rights to social security, food, health, adequate housing, work, and education.
- The government should establish a system that links existing policies with homeless residents. Measures of integration need to be introduced in order to link social welfare schemes; this would help protect the right of homeless women and children to live with dignity. The government should also spread awareness about various available schemes so that homeless women can avail of them.
- The government should investigate all acts of violence against homeless women committed by the Delhi Police, and penalise those who are found guilty.
- Responsible public officials, in positions of authority in the Delhi government and municipal bodies, who have not responded to the crisis of homelessness in Delhi and have failed to address the specific concerns of Delhi's homeless women should be questioned and taken to task.
- The Delhi government, Delhi Commission for Women, Delhi Commission for Protection of Child Rights and other state authorities should work together, and adopt and implement better safety measures for homeless women and girls in the city.

- There should be a comprehensive cross-sectoral plan for the homeless in Delhi that combines relevant state and central policies. This plan must also ensure that it involves various state agencies like the Department of Social Welfare and Department of Women and Child Development.
- A committee should be formed with representatives from DUSIB, New Delhi Municipal Council, Municipal Corporation of Delhi, Delhi Cantonment, the Delhi Development Authority and housing rights organizations, to address issues of civic services, housing and land. Since permanent shelters and low cost housing require land clearances, the various land owning state agencies need to work together. Such a committee should also consider a long-term plan to move away from shelters, as a solution for homeless women, to the provision of adequate housing as a direct response to the problem of homelessness.
- A counselling cell for homeless women should be created to help empower them with information and assist them with the problems they face in their families and on the streets. It should also provide them with support to procure identification cards, process complaints, and access legal remedies and redress for acts of violence. The support of law schools and students could be taken for this purpose.

The jury notes that discrimination against, and disregard for the human rights of, homeless women, are violations of both national and international law.

The jury asserts that it is the responsibility of the government to ensure: that there is an end to the mistreatment of homeless women and the numerous forms of violence perpetrated against them; that homeless shelters are better equipped and provide adequate living conditions; that free healthcare facilities are provided for homeless women; and, that homeless women in Delhi are guaranteed their rights under national, constitutional and international law.

## PHOTOGRAPHS OF THE PUBLIC HEARING



Homeless men and women attending the public hearing



Jury listening to a testimony



A pregnant homeless woman narrating the brutalities of the police on the most vulnerable



The jury pronouncing its statement



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