

**Shahri Adhikar Manch:** शहरी अधिकार मंच:  
**Begharon Ke Liye** बेघरों के लिए

Urban Rights Forum: For the Homeless

**PRESS RELEASE**

**New Delhi, July 21, 2011**

**Coalition for the Homeless Alarmed over Inaccurate and Biased Media Reports**

*Shahri Adhikar Manch: Begharon Ke Liye* is **extremely concerned over the inaccurate reporting** by the Times of India, Indian Express, PTI and IANS, on the proceedings of a hearing on July 20, 2011, in the High Court of Delhi regarding a *suo moto* case on the rights of the capital's homeless.

A coalition of over 25 organizations, people's movements and homeless persons working for the human rights of Delhi's homeless, *Shahri Adhikar Manch: Begharon Ke Liye* (SAM:BKL), would like to clarify certain facts regarding the ongoing case, the court hearing on July 20, 2011, and the real situation of shelters for the homeless in Delhi.

- 1) The case W.P. (C) 29/2010 (*Court on its own motion vs. Govt. of NCT Delhi and Anr.*) was initiated as a *suo moto* case on January 6, 2010, by then Chief Justice of the High Court of Delhi – Justice A.P. Shah – in response to an illegal demolition of a homeless shelter by the Municipal Corporation of Delhi in the peak of winter. As a result of the demolition, two persons died from exposure to the severe cold. This issue was raised in a press conference organised by SAM:BKL on January 4, 2010. Extensive coverage of the press conference by the media, which has been supporting this cause, is what resulted in the High Court issuing *suo moto* notice.
- 2) SAM:BKL has, since January 2010, been assisting the *amicus curiae* for the case and presenting the concerns of the homeless to the High Court of Delhi.
- 3) As a result of several progressive interim orders from the High Court of Delhi and the Supreme Court of India directing the Government of Delhi to set up adequate shelters for the homeless, 84 temporary tents were set up for the homeless in Delhi in December 2010.
- 4) The Delhi government requested NGOs to come forward and manage these shelters, since it did not have the capacity to run them on its own. Interested NGOs signed a Memorandum of Understanding (MoU), in which it was clearly stated that they would be given a monthly stipend to pay the salaries of shelter caretakers, many of whom are homeless people themselves.
- 5) The shelters proved to be very useful in the cold winter months. With the onset of summer, however, they became **uninhabitable**, as they consisted of closed tents without any ventilation. Since the homeless require protection from the heat and rain as well, and since the High Court of Delhi in previous interim orders also stated that shelters must be year-round, the Government of Delhi was directed to provide services to make the temporary shelters inhabitable. These included the need to provide: electrical connections, fans, drinking water, mosquito repellents, fire extinguishers, toilets, and medical services.
- 6) As clearly directed in the order of the Hon'ble High Court of Delhi of May 25, 2011:  
"It will be an anathema to Article 21 of the Constitution of India if the people in need and in abject poverty, who are required to survive and live in shelter homes, are not provided with drinking water and fans. Regard being had to the said submission, it is directed that the Board shall provide drinking water and make available fans in the shelter home forthwith ..... [A]t least two fans shall be

provided.....[T]here has to be a provision for light as the people who take shelter in these homes cannot remain in darkness..... [I]t will be appropriate that the shelter homes have at least two toilets so that the people are not compelled to go to a 'Sulabh Sochalaya' and stand in the queue to defecate."

- 7) Despite the orders of the Hon'ble High Court of Delhi, the **Government of Delhi did not comply and did not provide the requisite services in the temporary shelters. The dismal conditions in the shelters are therefore clearly not because of "poor NGO upkeep,"** as the Times of India, Indian Express, PTI and IANS incorrectly report, but **are a direct result of the chronic failure of the Delhi government to comply with Court orders and provide adequate services.**
- 8) A report of a High Court appointed three-member team of lawyers confirmed the poor conditions in the temporary shelters but **did not hold NGOs responsible**, as reported by IANS, PTI, and The Hindu. Instead the report calls for the Delhi Urban Shelter Improvement Board (DUSIB) to work towards the creation of **adequate permanent homeless shelters**, as tents are not feasible solutions in the long run.
- 9) While the Delhi government consistently mentions the low occupancy of temporary shelters as the basis for their closure, it has not understood that the reason for low occupancy in these shelters is because they **do not have adequate services** and are largely uninhabitable. If the government provided essential services, the homeless would use the shelters as they did during the winter months. Shelters protect the homeless from police brutality, the harsh elements (heat, rain, cold), and provide a sense of security, especially for women.
- 10) The Delhi government has also failed to pay NGOs money for the salaries for their caretakers since March 2011. Since most of the caretakers are homeless persons, without any savings to rely on, in the absence of their monthly income, they have been forced into conditions of debt, hunger, and poor health.
- 11) The Hon'ble High Court of Delhi reserved the order on the Delhi government's plea to close down all the temporary shelters, but clearly **did not hold NGOs responsible** for the poor condition of the shelters. The bench also unequivocally stated that the **ultimate goal must be to provide a home for every homeless**. The Court further directed the Delhi government to release the funds for payment of salaries of caretakers of shelters, which the counsel for Government of Delhi agreed to do immediately, upon provision of Utilisation Certificates.

In light of the above facts, SAM:BKL **urgently calls upon the media to report responsibly**, and not to issue news reports with factually incorrect statements and headlines such as "HC raps NGOs for poor upkeep of night shelters for homeless (TOI, 21 July 2011), which distort the truth.

The **right to adequate housing is a human right** of all Indians, as guaranteed by international law, and it is the legal responsibility of the Government of India and the Government of Delhi to provide adequate shelter and housing for all, especially the homeless, who are among the poorest and most marginalised in society.

The existing temporary and permanent shelters cater to only 12,000–13,000 of Delhi's over 100,000 homeless citizens, which means that around 80% of the city's homeless are still out on the streets. There is thus an urgent need to provide adequate, 24-hour, year-round permanent shelters for the homeless in Delhi (1 per 1 lakh population according to the Master Plan for Delhi - 2021), and as mandated by both the High Court of Delhi and the Supreme Court of India. Until that provision is made, and **until all the homeless of Delhi are accommodated in adequate permanent shelters, SAM:BKL holds that temporary shelters must be allowed to continue with the immediate provision of essential services, as directed by the Hon'ble High Court of Delhi.**

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