



# AN ASSESSMENT OF THE MOTIA KHAN SHELTER



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## ABOUT HLRN

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Based in New Delhi, Housing and Land Rights Network (HLRN) works for the recognition, defence, promotion, and realization of the human rights to adequate housing and land, which involve gaining a safe and secure place for all individuals and communities, especially the most marginalized, to live in peace and dignity. HLRN provides support to many constituencies ranging from homeless communities to independent institutions, and from inadequately-housed residents to civil society organizations.

Over the last 20 years, HLRN has been working intensively on multiple dimensions of housing with a strong human rights approach, incorporating the principles of indivisibility of human rights, and gender equality. The organization is especially well-known for its work on issues related to housing, land, forced evictions, displacement, and disasters, firmly based in the human rights approach.



# Introduction

The Commercial Building **Motia Khan** (henceforth the Motia Khan Shelter for Homeless Families)[code number **028**], situated on Jhandewalan Road in Sadar Bazar, New Delhi, serves as a shelter for homeless families. The establishment of the shelter from a commercial municipal building was prompted by multiple forced evictions of homeless families and tragic ensuing deaths, which led to a series of court orders and social movements. The Housing and Land Rights Network (HLRN) has been actively engaged with the residents, since the inception of the shelter and has since continued to work with them to address their issues and challenges.

During the COVID-19 pandemic, the Delhi Urban Shelter Improvement Board (DUSIB) altered the ‘purpose’ of the Commercial Building from for ‘families’ to ‘general’ (single men).

Consequently, the services to the shelter services were discontinued, leaving it in a state of disarray. However, DUSIB has maintained a hall within the facility to accommodate single men. As of 31 July 2023, the DUSIB website reflects that the capacity of the Building is 540 persons, whereas the occupancy only reflects the number of persons who occupy the single hall designated as a shelter for single men.



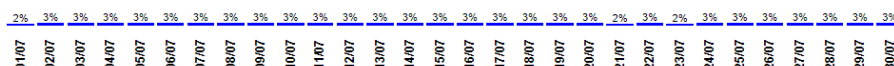
Commercial Building Motia Khan, Delhi

## DELHI URBAN SHELTER IMPROVEMENT BOARD Vikas Bhawan-II, New Delhi - 110054

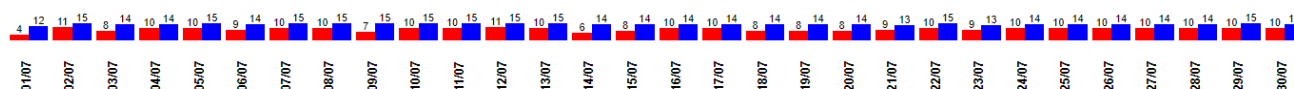
### NIGHT SHELTER DETAILS OF CODE NO. 028

Report Last Updated on Mon, 31 Jul, 2023 at 03:37:52 pm (Beta Version)

#### Last 30 days occupancy (Percentage Night Occupancy)



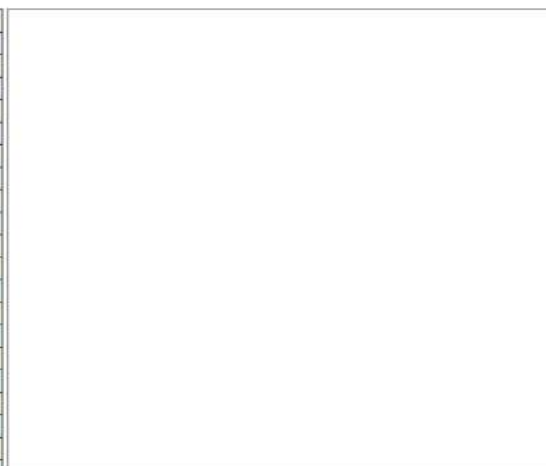
#### Last 30 days occupancy



#### Details of Night Shelter

NS Code	028
Status	Active
Capacity	540
NS Name	Commercial Building, Motia Khan
Type	RCC BUILDING
Group	Cluster-3
Purpose	General
Area/Build Area (Sq.Ft.)	11888
Plot Area (Sq.Ft.)	8707
Drinking Water Source	DJB Connection
Revenue Dist Name	Central
Division	C10
Division Person	Sh. K.P. Singh
Divisional Contact No.	8527393465
Divisional Email ID	eec10.dusib35@gmail.com
HRC Name	Safe Approach for Nascent Termination of Social Hazard
HRC Contact No.	8285821040
Agency Name	Safe Approach for Nascent Termination of Social Hazard
Agency Responsible Person	Sh. Santosh Jha
Agency Contact No.	8377011981
Agency Email ID	ngosantosh@gmail.com
Caretaker	
Caretaker Mobile No.	
Latest Reporting Mobile No.	+918076524389

#### Location of Night Shelter on Google Map



Details of the shelter as mentioned on the DUSIB website

The people who continue to live in the shelter, do so, in the face of multiple adversities. This report attempts to highlight the inhuman living conditions in the Motia Khan Shelter today, and also provides some urgent recommendations.

## Background

The residents of Motia Khan Shelter are migrants from Karnataka and Maharashtra who came to Delhi, chased by droughts, food scarcity, and poverty. In the city, they engaged in casual jobs such as stone breakers on construction sites, petty street sellers, or rickshaw pullers. Since coming to Delhi, they lived on the pavements and moved from one place to another in search of livelihood options. According to the residents, in 1982, their families had set up jhuggis (huts) in a vacant plot in Rajendra Nagar on advice from a local politician. They were forcefully evicted from Rajendra Nagar in 2001 during the construction of the Blue Line of the Delhi Metro. Without the provision of any rehabilitation, the evicted families were rendered homeless and again forced to move from one place to another in search of employment opportunities. A group of families eventually settled down inside the roundabout (traffic circle) outside the Indian Agriculture Research Institute (IARI) on Pusa Road, close to their former settlement. However, they were ruthlessly forcefully evicted by the police in June 2009, only to return in the winter to seek respite in a temporary shelter set up by the Government of National Capital Territory (NCT) of Delhi for homeless persons.

On the afternoon of 22 December 2009, the Municipal Corporation of Delhi (MCD) demolished the temporary shelter which had been set up only a week prior. This shelter provided relief to around 250 homeless people, including young children, women, and elderly people, during the bitterly cold winter nights. As a result of the demolition of the shelter, two people lost their lives, unable to tolerate the intense cold.

The repeated evictions of the community and the death of two persons led to public outcry and protests. In response, the High Court of Delhi took *suo moto* cognisance (W.P. (C) 29/2010) of the incident. Based on the order of the High Court, the affected families were given a home in the Motia Khan Commercial Building, where they have remained to this day.

Later in the same year, in a case filed by the Human Rights Law Network (HRLN) and assisted by the *Shahri Adhikaar Manch: Begharon ke Saath* (SAM: BKS) (Urban Rights Forum: With the Homeless), the High Court of Delhi (Priya Kale v. GNCTD [W. P. (C) 5913/2010]) directed the Government of NCT Delhi to provide breakfast, lunch, and dinner to all the residents of the Motia Khan family shelter, along with heaters and geysers. The government was also instructed to provide health coverage to the residents of the shelter.

## Status of the Shelter (As of August 2023)

There are 70 families, consisting of 309 individuals who live in the shelter. Most residents, on an average, have been living in Delhi for about 35 years and in the Motia Khan Shelter for an average of 14 years.

Although the residents were sent to the shelter on the basis of orders from the High Court of Delhi, ever since the DUSIB de-recognised it as a family shelter, they have been suffering from administrative neglect and their living conditions have deteriorated severely. Following are the areas that need urgent attention:



Media reportage on the demolition of the tent shelter on Pusa Road, December 2009



## 1. Lack of Basic Services

Most basic amenities like water and sanitation are absent. As of August 2023, electricity is the only service still provided in the building.

There is only one water tap functional for both bathing and drinking purposes. The water pump within the premises has been non-functional for more than two years.

Due to paucity of water as well as the blockage of sewers, all the toilets in the shelter have been closed. People are thus forced to use Sulabh Shauchalyas (community toilets) outside the shelter, where they are required to pay ₹5 per use. This places an additional financial burden on them. These public toilets, however, operate solely during daytime hours, leaving the residents with no alternatives in the evening and night.

Due to the heavy rains in June and July 2023, the building was flooded, which led to the destruction of belongings of residents. The subsequent water logging caused by lack of drainage facilities, and the absence of garbage disposal system has resulted in extremely unhygienic living conditions. This is also leading to the spread of water-borne diseases.



Closed toilets in the shelter

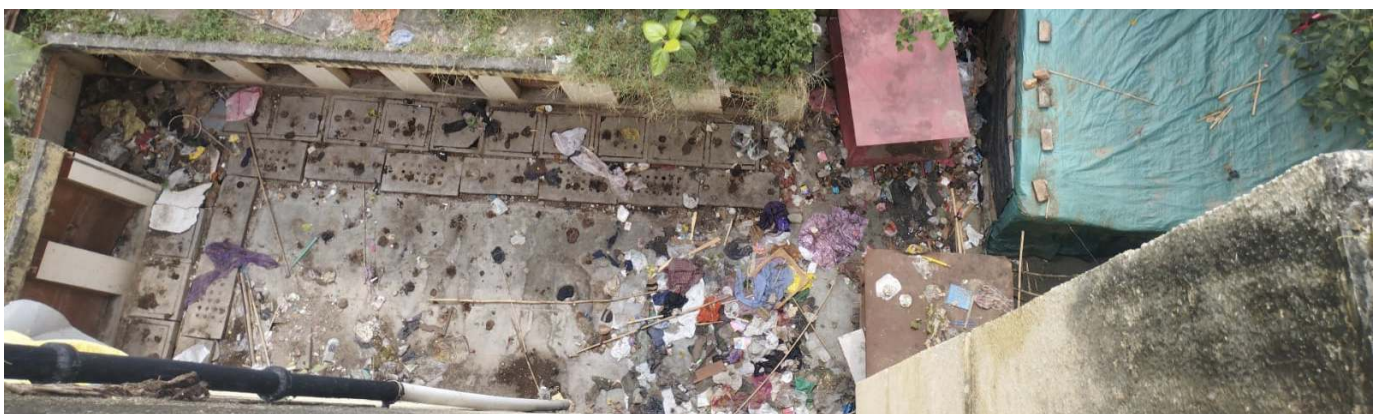
Except the one hall on the first floor, designated for single men, the rest of the building is in utter disrepair due to lack of maintenance by DUSIB. This, along with lack of water and drainage facilities makes it difficult for the people to live, and for them to clean their living space. Garbage disposal is a major hurdle for the residents since the cart they use to collect and dispose the garbage is broken and has not been repaired or replaced yet. Moreover, there is no provision for garbage pick-up trucks for the shelter by the Municipal Corporation of Delhi, leaving them with no alternatives.

Since the de recognition of the shelter, the Mobile Medical Health for check-ups has not been deputed to the shelter, thus preventing the residents of much-needed immediate and free medical attention and preventive care. This has led to reliance on government hospitals for all health needs.

Over the past few years, there has been no implementation of the order of Delhi High Court (Priya Kale v. GNCTD [W. P. (C) 5913/2010] which directs the Government to provide three meals a day to the residents. As a result, while a few cook their own meals, a significant number of families purchase their meals, and the remaining rely on receiving meals from charitable individuals who distribute food. Despite multiple requests, the provision of free cooked food to all DUSIB shelters across the city has not been extended to the families in the Motia Khan shelter.



Water logging due to lack of drainage facilities in the shelter



Accumulation of garbage in the shelter



## 2. Structural Inadequacies

The Commercial Building Motia Khan has significant structural issues stemming from neglect, and a lack of maintenance by DUSIB. These structural concerns encompass cracks, moisture, seepage, and the peeling of the roof. The physical safety of the residents is gravely compromised owing to these structural inadequacies. In the last six months, the roof of a hall on the top floor collapsed four times in different places, injuring multiple residents, including a child.

The staircases in the shelter are also in a deteriorating condition.



Broken and damaged roofs in the shelter



Deteriorating condition of the staircases in the shelter

Additionally, the flooring throughout the building, from the ground floor to the top floor is severely damaged, requiring urgent repairs.

These structural challenges not only undermine the quality of life for the residents but also exposes them to significant risks especially in the event of natural disasters or other emergencies. It is essential to address these issues promptly, ensuring the safety, security, and well-being of the Motia Khan community.



Living conditions in the shelter

## 3. Access to Entitlements

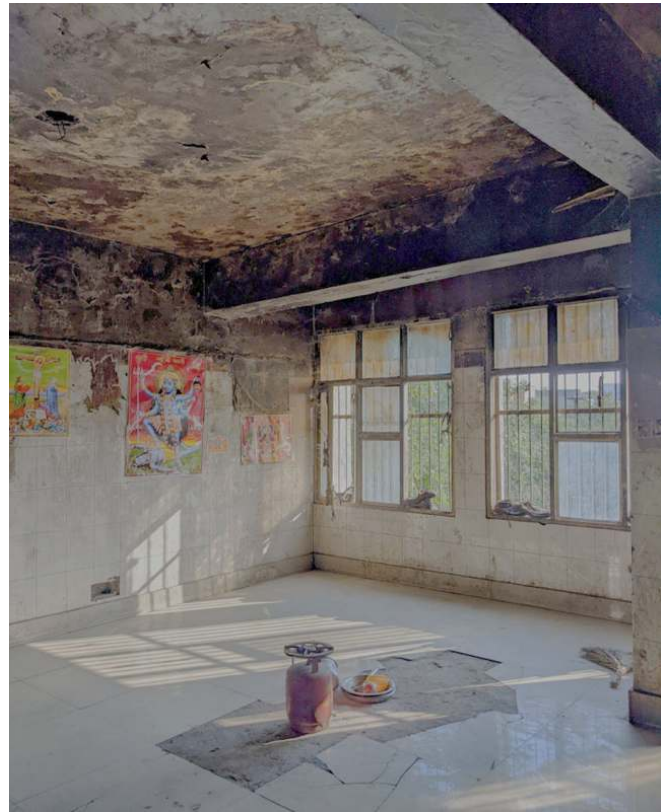
Assessments by HLRN reveal that though at least half of the residents at Motia Khan possess some form of identity proof, there still remain people who do not have any identity documents. This hampers their access to essential services, entitlements, and various welfare schemes initiated by the government.

The most common form of identity document is the Aadhaar Card, followed by Voter ID card. Very few families possess ration cards, thus restricting the majority's access to subsidised food under the Public Distribution System. Food insecurity is thus, a significant problem for the residents.

Despite belonging to Scheduled Castes and Backward Classes communities, they lack caste certificates, which prevent them from accessing benefits of government schemes. Additionally, none of the families possess an income certificate, which is vital for availing government welfare schemes specifically targeted at the urban poor.

#### 4. Education

Most of the children at the shelter do not attend school nor have any access to some alternative form of education. Over the years, most children who were enrolled, have not studied beyond primary school, dropping out due to various reasons such as poverty in the family or because of discrimination based on caste or their status as persons living in homelessness. Many dropped out during the COVID-19 pandemic. Young children are often not enrolled in schools because parents are scared to leave them behind in the building when they go in search of work. They thus, have no option, but to take their children with them while they sell goods at red lights or on the streets.



Damaged floor and roof in the shelter

#### 5. Livelihood

All residents of the Motia Khan Shelter are predominantly engaged in informal work, in multiple occupations. Despite this, their income remains precarious and uncertain. A significant number of the residents work as hawkers at red lights selling toys, flowers, pens, books, and other goods that vary depending on the festive season. Some persons find employment in wedding bands, while others work as street vendors/ sellers, E-rickshaw drivers, and cycle rickshaw pullers.

#### 6. Harassment

Harassment by the police and other state authorities, including the New Delhi Municipal Corporation (NDMC) remains one of the major concerns for the residents of the shelter, especially, on the streets or at the red lights where they sell things. Their vulnerable status as homeless persons, often without identity documents, also makes them susceptible to being falsely implicated in various criminal cases. The problems are further exacerbated by the fact that the residents lack adequate access to legal remedies.

### Recommendations

Continued systemic and administrative neglect has resulted in the violation of the fundamental right to life of the residents of Motia Khan, which has disproportionately affected women, children, persons with disabilities, and older persons. After extensive engagements with the residents of the shelter, HLRN proposes the following recommendations:



## 1. Immediate Recommendations

- The Delhi Urban Shelter Improvement Board must urgently address the damage to the structure and repair the Motia Khan shelter building to ensure the physical safety of all the residents.
- The Board must also extend its existing provision of distributing cooked meals to homeless persons living in shelters to all the residents of the Motia Khan shelter. Additionally, DUSIB must also work with the Delhi government and implement orders of the Honourable Delhi High Court (Priya Kale v. GNCTD [W. P. (C) 5913/2010]). The Court has directed the GNCTD to ensure the provision of three meals a day, geysers, heaters, and health coverage for the families of Motia Khan shelter.
- Work with officials from the Delhi Jal Board (DJB) and take immediate measures to repair and maintain the water pump and water taps, as well as explore alternative solutions to provide adequate water supply to all floors of the building.
- Ensure cleanliness of sewers and drains inside and outside the shelter immediately. This, along with the resumption of water supply, would immediately improve the sanitation facilities of the shelter, prevent the spread of water-borne and other diseases, as well as improve the living conditions of the people of Motia Khan.
- Take steps to ensure that the toilets inside the building are fixed. Until then, make provisions to ensure that the community toilets outside the shelter remain open throughout the day, and the residents should be exempted from paying the fee to use the toilets, at least temporarily.
- Coordinate with officials from the MCD and immediately arrange for a garbage disposal truck to collect the waste from the shelter on a timely and daily basis in order to prevent accumulation and littering of the premises.
- Collaborate with the Health Department and ensure that a Mobile Medical Health van is deputed to the shelter on a regular basis to improve the community's access to good-quality, affordable, and safe healthcare.
- To ensure that the children at the Motia Khan shelter are not deprived of their fundamental right to education, authorities should provide for educational facilities within the premises of the building. Furthermore, it should also be ensured that adequate and safe spaces for kids to play should be developed for their holistic development.
- Take steps to ensure the provision of a creche for the young children and extension of Integrated Child Development Services (ICDS) so that the children are looked after and are safe when the parents go to work.
- As per the climatic conditions in the city, ensure the installation of beds, fans, and coolers, during the summers, and make provision for blankets, heaters, and geysers during the winters.
- As per reports received by the residents, there are plans being made to shift them to an alternative government building. Ensure that all plans to move residents, whether temporarily or permanently, are prepared, with no coercion and in consultation with the community. To that effect, HLRN offers to assist the Government by organizing consultations with the residents to understand and incorporate their needs and suggestions.
  - Additionally, it must be ensured that the building where the people will be shifted should have the capacity to accommodate all the families currently living at the Motia Khan shelter. It must have all basic facilities like clean running water, hygienic toilets, electricity.
  - Also ensure that the new building is located within one to three kilometres of the existing Motia Khan shelter. Failure to ensure this would severely impact the already precarious access to livelihood opportunities of residents.



## 2. Recommendations related to Adequate Housing, Social Security, and Access to Welfare Schemes

- The Delhi Urban Shelter Improvement Board must take immediate action in recognizing all floors and halls of the Motia Khan Commercial Building as a shelter for homeless families. By doing so, the Board can fulfil its mandate of providing equal access to basic services and actively support the rights and welfare of every resident within the Motia Khan community.
- The Board must incorporate upskilling programmes into their policies as a means to empower individuals living in homelessness and enhance their socio-economic conditions. These programmes should provide necessary skills and training to enable sustainable income generation and improve their overall livelihoods.
- Urgent attention should be given to the structural and spatial renovation of the Motia Khan Shelter. The shelter should be reimagined as a family - oriented facility, similar to the successful pilot initiative implemented by DUSIB in the family shelter in Dwarka, Sector -3, Phase – III, Shelter (Code Number 195). The provision of individual cabins within the shelter would also ensure privacy and dignity for the families.
- To address the serious issue of intergenerational homelessness and the stagnation of socio-economic status, it is crucial to develop comprehensive policies along a ‘continuum of housing’. This includes, hostels for single working men and women; short-stay homes for survivors of domestic violence; recovery homes for those with health issues, including chemical dependency; collective/group housing for persons with disabilities, older persons, single mothers, and others who do not want to live by themselves; and, access to rental and ownership housing with access to adequate finance. Provide adequate housing to all homeless people on a ‘Housing First’ basis and prioritize them for housing allotment in the Mukhyamantri Awas Yojana (Chief Minister’s Housing Scheme and Pradhan Mantri Awas Yojana (Prime Minister’s Housing Scheme).
- In order to secure entitlements for people experiencing homelessness, it is recommended that the government establish enrolment camps specifically designed for the homeless community. These camps would facilitate the acquisition of various identification documents and raise awareness about government welfare policies and schemes. Ensuring the inclusion of homeless individuals in social welfare programs is essential for their access to benefits and services.
- Given the absence of official data on homelessness, it is imperative for the government to conduct comprehensive surveys to accurately assess and understand the current situation of people living in homelessness. The data from the 2011 Census is outdated and insufficient for formulating effective policies and interventions. Updated data would provide a foundation for evidence-based decision-making and targeted interventions.
- In order to combat further discrimination and marginalization, it is recommended that identity documents for individuals experiencing homelessness do not specifically mention their housing status. This would help prevent the perpetuation of stigmatization and bias, promoting their social integration and equal treatment within society.

This report has been prepared based on intensive discussions undertaken by the HLRN team with the residents at the Motia Khan shelter. The concerns and recommendations highlighted above reflect the common thread of frustration due to administrative apathy to provide them with basic services and facilities which has adversely affected their lives. We are thankful to DUSIB for its efforts and support and we are hopeful that urgent steps will be taken to enable the residents of the shelter to live in safety and security while protecting their fundamental right to life.