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SAFEGUARDING THE HOUSING OF **HOMELESS WOMEN IN INDIA** **THROUGH LEGAL ALLEVIATION-A** **CONSTITUTIONAL APPROACH.**

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Abstract:

Housing, though might mean providing a „safe harbour“ to withstand the hardships of human life by securing person and property, is still obscure for many oppressed, impoverished and marginalized sections of the society including women. Quintessentially, the subservient and menial status of women in India objectifies housing and shelter as a by-product of male chauvinism. Discrimination, financial dependence, poverty, illiteracy, patriarchy, socio-cultural factors, violence against women contributes to the multitude of their plight. Considering these unequal traits of Indian society, the makers of the Constitution of India have devised the affirmative action for securing various rights of women. Resulting from this Constitutional scheme the Right to adequate housing and shelter has been construed as Right to life under Article 21 and also placed under the Directive Principles of State Policy. The human right to adequate housing also has an intrinsic nexus with other human rights, including those required for the fulfilment of an adequate standard of living. India has ratified several international human rights instruments, which mandate the guarantee and protection of the human right to adequate housing. Thus, India should abide by its international legal obligations by ensuring that the schemes formulated in consonance with the international manuscripts, fulfils the goals of women empowerment.

The Judiciary, through its myriad judgments, have acknowledged the rights of women and the need for adequate housing as a matter of right. The paper discusses various Constitutional safeguards and affirmative actions in the light of judicial pronouncements. This paper aims at suggesting certain remedies to overcome the phenomenon of homelessness by way of introducing a four-fold policy. The issue of homelessness and vulnerability of women must be addressed by the policymakers by adopting a more holistic approach wherein four fold strategies viz., sensitization, employability; livelihood and housing for women can be included.

Key words: Homeless, Women, Constitutional rights, housing

1. Introduction

In the advent of „empowerment“ where the society reckons a „social renaissance“ to result into absolute egalitarian social circumference, the womanhood is still struggling with its basic subsistence. The rhetoric of „women empowerment“ must be measured on the yardstick of „how hard it is to be a woman“ as most woman whimper to rank their utmost dissatisfaction of being born a woman. Considering the amelioration of mankind in the contemporary era, womanhood still seems to insinuate battling the same old battle of freedom from male dominated society. This „emancipation“ of women should break all the cliché delusions to bring everything into reality including the housing and right to shelter for women which is envisaged within right to life under the Constitution of India. It appears as a glaring lacuna on the backdrop of seven decades of independence wherein the housing and right to shelter for woman has still remained a daydream for sizable female population thereby making them socially paralysed.

The issue of „right to shelter“ thus requires a two-fold dissection that is, „recognition“ and „actual realization“ of the right. As rightly pointed out by the OHCHR¹, *„the right to adequate housing is a central component of women’s right to equality under International human rights law.“* While international and national laws progressively recognize women’s right to adequate

¹ United National Office of High Commissioner, United Nations Human Rights, Women and the right to adequate housing Special Rapporteur on the right to adequate housing, available at <https://www.ohchr.org/en/special-procedures/sr-housing/women-and-right-adequate-housing> last visited on 10/07/2022

housing, considerable gaps still exist in its attainment due to large scale denial.

Present paper attempts to encompass various factors contributing grave deprivation of women from right to shelter and housing, the cross-section of Indian social structure wherein the lacunae have been pointed in order to infuse the correct analogy to overcome the imbroglio in fulfilment of women rights. This paper embarks a journey wherein, the incessant palaver of women empowerment should yield the enriched fruits for women by conscious policy making and holistic approach. It emphasises on educating women about their right to shelter, enhancing the employability skills and suggests a substantial framework to secure the livelihood of the targeted women beneficiaries.

2. Deploring the relegation of Women: A critical study of the factors responsible for homelessness of women.

The status of women in India hardly needs a gander at the past as even today the status of women is debilitated. The history has witnessed women going from phases to eventually evolve and yet stand at a menial position as that of men. Despite various legal safeguards given to women, the fortuity of a lucrative implementation and the achievability of its goals are contingent on the societal demeanour. During the Vedic period, the glory accorded to women was at its zenith. This glory eventually started declining in the post Vedic period as women lost their independence and became a subject of protection. Women came to be categorised as a domestic chattel and the property of her master in this era of Smritis.² The graph of disempowerment and inequality started ascending and attained its peak in the medieval period. Since this period the development of women in our country is thwarted. The androcentric approach has been adopted which has become deep rooted in the culture and psyche of India.

The clemency was perceived during the British rule wherein the multifarious agitations and staunch voices for recognising women rights were raised by Indian leaders and activists. It was this period when the world was also witnessing the first wave of feminism through the Women's Right movement which had arisen in the United States of America with the Seneca Falls

² Jugal Kishore Misra, "Empowerment of Women in India", Vol. 67, *The Indian Journal of Political Science* pp.867 No.4 (OCT. - DEC., 2006).

Convention of 1848. Further, the writings of Elizabeth Cady Stanton and Mary Wollstonecraft acted as a spur to realising importance of women rights.³ This concern was revitalized during the drafting of Constitution which superimposed on the need for elevating the status of women through the Constitutional troth. The insertion of provisions in Constitution awakened the faith inequality thereby safeguarding the rights of women under Article 15(3). This was the first step taken towards achieving rights of women and gender justice.

After the Constitutional mandate under the fundamental rights, various other statutes also aimed at dispensing the Constitutional guarantee thereby including legal provisions for the betterment of women. Though legally many steps have been taken to equate the status of women with men, socially and culturally there are many obstacles which still prevail.

There is a catena of factors responsible for exploitation of women, each of them having nexus with the societal credo. Women are perceived as a vulnerable, inferior gender and debased upon her spouse or her family for her sustenance. Deprivation of adequate housing for women adds to this quandary. In the wake of gender equality and rise of feminism, the issue of adequate housing has been broached world-wide. Lack of adequate housing and the fear of being eliminated from their shelters for resisting violence precipitate the frailty of women in India. Besides, widows face extreme difficulties while rehabilitating themselves. In a report by the Committee constituted under the direction of The Supreme Court (Vrindavan Committee), one of the factors responsible for the lack of control over property by widows was due to the subversion of the process of succession and ending the ties with the childless woman.⁴

Violence and cruelty against women drives them to escape their marital houses which in turn makes them homeless. The WHO's viewpoint regarding Indian women states, "Violence against women causes more deaths and disability than many diseases put together and violence against

³ Eileen Hunt Botting and Christine Carey, "Wollstonecraft's Philosophical Impact on Nineteenth Century American Women's Rights Advocates", Vol. 48, *American Journal of Political Science* pp. 707-722 No. 4 (Oct., 2004).

⁴ Vrindavan Committee, "Report of the Committee constituted under the direction of the Hon'ble Supreme Court of India by Judgment dated August 11, 2007 in Writ Petition (Civil) No. 659 of 2007" Page Number 4(November 27, 2017).

women is a common phenomenon in Indian society.”⁵ Violence and cruelty is not just limited to physical aspects. There are sundry other ways for suppressing women ranging from mere intimidation to murder and rape inclusive of marital rape. Domestic violence at marital home, sexual violence at workplace and public places, victims of trafficking, commercial sexual violence like prostitution and gender based violence which are deep rooted in Indian system are some of the reasons that contribute to helplessness of women.

Poverty, illiteracy and lack of resources are responsible for unemployment of women which leads to financial dependency. However, during the post-independence period in India there has been a stable rise in the literacy rate and job opportunities for women. These job opportunities are from the unorganized sector which in turn raises concerns for job security compelling women to continue working in antagonistic conditions. Besides, the unaffordable day-care facilities compel women to quit their work and yet be dependent on their spouses for earning.

Discrimination against women is easily discernible and is reflected at every juncture of opportunities. Women often are subjected to discrimination in terms of access, control, ownership, and inheritance of land, property, and housing. This is experienced by women who are homeless/landless; displaced; SC/ST; single, including widows; enormous population being migrated; of sexual and religious minorities; and, living with mental illness, HIV/AIDS, disability, and poverty as mentioned in the report submitted to UN.⁶ The transgender and lesbians are banished by parents. Besides forced evictions and displacement and resettlement due to land acquisition and slum demolitions makes women homeless. With every factor of homelessness, the elements affecting livelihood and dependency tend to rise. The age-old women face abuse and ill treatment from their children which in turn makes them feeble. Due to incapacity and susceptible nature of these women they become homeless after being eliminated from house. Single women are not easily given properties on rent by the owners of houses or land as a preconceived notion that women would not be able to earn and pay the amount of rent on specified intervals. The mounting rise of rates of property makes it impossible for a few to purchase a new shelter, especially in the urban areas. Besides, there are multiple

⁵ Ekta Resource Centre for Women, “A study on 498A in Tamilnadu”, (March 2011)

⁶ Housing and Land Rights Network, “*The Human Rights to adequate Housing and Land in India*” (December 2016)

factors affecting their rights to own and acquire land. Thus, the tale of homeless women has many chapters, each having nexus with the gender discrimination and inequality.

3. Exploring the Constitutional safeguards of adequate shelter for women: Constitutional overview

From an International Law perspective, adequate housing was recognized as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights. Other international human rights treaties have since recognized or referred to the right to adequate housing or some elements of it, such as the protection of one's home and privacy.⁷

Colloquially, the Constitution of India has safeguarded various rights of women from the socio-political-economic and cultural barriers. In consonance with it, right to shelter has been extended under right to life by construing it as a fundamental right by the various judicial pronouncements. Thus, women and their right to shelter becomes a pivotal right to ensure the housing and residence rights of the women belonging deprived, impoverished and marginalized sections of the society. Principally, Part III of the Constitution of India which is considered the epitome of rights provides myriad rights for the protection of women rights such as Article 14, Article 15 and more pertinently clause (3) of the Article 15 empowers the government to make special provisions for the women and children provides for the Constitutional safeguards. Affirmative action" or the „protective discrimination“ is constitutionally permissible under the scheme of fundamental rights by virtue of this clause.

Article 19⁸ provides various freedoms including freedom of speech and expression of Article 19 and the right to reside in any part of India. Thus, „residence“ has been recognized as an integral of the freedom under the fundamental rights chapter of the Constitution of India thereby giving

⁷ UNHABITAT, Office of the United Nations High Commissioner for Human Rights, *“The Right to Adequate Housing”* Fact Sheet No. 21/Rev.1. available at https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf (last visited on 06/07/2022)

⁸ The Constitution of India, art. 19(1)(a)(g).

women equal right to that of men counterparts to reside freely throughout the territory of India.

Article 21⁹ of the Constitution of India provides for the plethora of rights to the women. Right to life under Article 21 is interpreted to be, something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed.¹⁰ Right to live with human dignity: right to live is not merely a physical right but includes within its ambit the right to live with human dignity.¹¹

The Supreme Court of India in a landmark decision held that, “the right to live includes the right to live with human dignity and all that goes along with it, viz., the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading writing and expressing oneself in diverse forms, freely moving about and mixing and mingling with fellow human beings and must include the right to basic necessities the basic necessities of life and also the right to carry on functions and activities as constitute the bare minimum expression of human self.”¹²

Right to shelter which basically originates from the constitutionally guaranteed fundamental rights was however, had different placement under Constitutional scheme. The Article 31¹³ of the Constitution of India earlier granted the „right to private property“ as a fundamental right. However, by virtue of 44th Constitutional Amendment Act, 1978 the said Article was repealed and the right to private property was removed from the fundamental rights and it was placed merely as a legal right under Article 300A.¹⁴ It is a settled position that, although right to property is not fundamental right, the „right to shelter“ does come under the ambit of fundamental right under Article 19 (1) (e) read with Article 21 of the Constitution of India.

⁹ The Constitution of India, art. 21.

¹⁰ *Kharak Singh v. The State Of U. P.*, (1963) AIR 1295 1964 SC(1) 332

¹¹ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597

¹² *Francis Coralie v. Union Territory of Delhi* [1980] AIR 746 (2) SCR 557

¹³ The Constitution of India, art. 300 A

¹⁴ *Id.*, art. 300 A

According to Articles 38¹⁵ and 39¹⁶ of the Indian Constitution imposes responsibilities on the state to provide opportunities and promote the welfare of the people. According to article 38 and 46 efforts should be made by the state to reduce income inequalities. The basic needs of man includes three food, clothing, and shelter. In P.G. Gupta vs. State of Gujarat & Ors¹⁷, the Supreme Court held that food, shelter and clothing are the minimal human rights. The court reiterated its earlier expansion of the right to residence and settlement by again holding that, it is a "fundamental right under Article 19(1)(e) and it is a facet of inseparable meaningful right to life under Article 21" of the Constitution of India.

The cognizance of the issue of homelessness was taken over by the judiciary in PUCL v. Union of India¹⁸ wherein the Supreme Court of India took the note of it as a violation of human right to adequate housing. The Court also observed the ratio of minimum one shelter against the population of per lac population at every major urban centre. The judiciary also clarified and insisted that, such shelters must remain operative on throughout the year on daily basis and ought not to be set up as any intermittent facility for winters or night stay. The Constitutional safeguards are thus paramount in the recognition of right to shelter for women in India.

4. Adequate Housing: Vicissitudes of implementation and realities

Land and housing are two most indispensable components of human security and solidity. As pointed out rightly in Chameli Singh and others v. State of Uttar Pradesh,¹⁹ by K. Ramaswamy, *"Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic*

¹⁵ The Constitution of India, art. 38(1)

¹⁶ The Constitution of India, art. 39

¹⁷ *Shri P. G. Gupta vs State Of Gujrat* (1995)SCC, Supl. (2) 182 JT 1995 (2) 373

¹⁸ (2013) 14 SCC 368

¹⁹ *Chameli Singh And Others Etc. vs State Of U.P* (1996) 2 SCC 549 132

amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop and develop as a human being. Right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right. Want of decent residence therefore frustrates the very object of the constitutional animation of right to equality, economic justice, fundamental right to residence, dignity of person and right to live itself.”²⁰

The importance of dwelling units and adequate housing has been accentuated in many other judgments. It forms a part of basic fundamental rights of citizens. Despite the Constitutional safeguards, the figures of landless houses are evident from the index of landless persons and the data on homeless. The total number of households in the country is 24.49 crores. Out of this, households considered for deprivation is equivalent to 10.74 crores and the number of female headed household with no adult male member between 16 and 59 is 69.43 lakhs as per the Socio Economic and Caste Census (SECC) 2011.²¹ It is evident from these figures that adequate housing is not only a subject matter of discrimination against women in India but also a gross violation of their fundamental rights. There is a need to rectify the gender mainstreaming and also giving equal participation given to women in decision making to fill this void.

The concept of affirmative action which aims at securing the goals of gender equality through the legal alleviation is an endeavour in providing adequate housing to women. The journey from „development of women“ to „empowerment of women“ has been remarkable. Numerous strategies have been devised by the State to execute the welfare plans for legions of women who have been oppressed from the time when Constitution has harnessed them with fundamental rights. Myriad legislations have been passed for women and their security. In pursuance of these legislations and National Welfare Schemes for women, many schemes have made significant provisions for uplifting the status of homeless women. The focus being on housing policies, planning of housing colonies and providing adequate and safe housing and accommodation for women including single women, heads of households, working women, students, apprentices

²⁰ *Id.* At 17

²¹ Socio-economic and Caste Census, 2011 (data for which was released in July 2015, available at <https://secc.gov.in/> (last visited on 07/07/2022).

and trainees has been included in the National Policy for Empowerment of Women, 2001 by the Ministry of Women and Child Development.²² The draft National Policy for Women, 2016 aims at fabricating temporary or permanent shelter homes for women survivors of domestic violence to make women feel safe and secure.²³

Various schemes have been reinforced to strengthen the Constitutional viewpoint. The scheme of **Working Women Hostel** established in 1972-73 for providing hostel facility for women safety and convenience also acted as a starting point of considering safe shelters for women in India.²⁴ After the establishment of National Commission for Women in 1990 the welfare of women has been fortified. **The Indira Awas Yojana** is earmarked for allotting the houses in the name of the female member of the beneficiary household or in the joint names of husband and wife.²⁵ 7.9 million Houses have been constructed being in line with this scheme.²⁶ **The One Stop Centre Scheme** which intends to protect women facing violence provides temporary as well as long term shelter facilities to aggrieved women.²⁷ The implementation of „**Ujjwala**“ and **‘Swadhar’** schemes for „Women in Difficult Circumstances“ with a view to rehabilitate women who have been oppressed and victimised due to trafficking and violence has paved a way for empowerment of women in India. Besides, the Scheme of **Shelters for Urban Homeless (SUH)** of the Deendayal Antyodaya Yojana - **National Urban Livelihoods Mission (NULM)** provides for could be designed to cater to the needs of women and their dependent children.²⁸

²² National Policy for Empowerment of Women (2001) available at <https://wcd.nic.in/womendevlopment/national-policy-women-empowerment> (last visited on 11/07/2022).

²³ Draft National Policy for Women 2016 available at https://wcd.nic.in/sites/default/files/draft%20national%20policy%20for%20women%202016_0.pdf (last visited on 11/07/2022).

²⁴ Scheme for Working Women Hostel, available at https://wcd.nic.in/sites/default/files/Working%20Women%20Hostel_about_revised_about.pdf (last visited on 12/07/2022)

²⁵ Indira Awas Yojana available at <https://megcnrd.gov.in/forms/IAY.pdf> \ (last visited on 14/07/2022)

²⁶ One Stop Centre Scheme, Implementation guidelines for State Governments by Ministry of Women and Child Development Government of India available at https://wcd.nic.in/sites/default/files/OSC_G.pdf (last visited on 14/07/2022)

²⁷ *Id.* at 24

²⁸ Scheme of Shelters for Urban Homeless available at <https://mohua.gov.in/upload/uploadfiles/files/7NULM-SUH-Guidelines.pdf> (last visited on 14/07/2022)

The scheme has been devised with an objective of providing permanent shelter and essential services to the urban homeless population in the country. The scheme aims at providing shelter for women as a separate category. The role of NGOs in providing shelters is remarkable.²⁹ However, the rehabilitation of women under these schemes is appurtenant to the criteria mentioned under the schemes. There has to be a complete rehabilitation thereby providing affordable permanent shelter to women. This shall need women to be significantly educated and capable of being employed. The schemes of providing homes also have educating women on their agenda of empowerment.

Despite having such schemes for the welfare of women and providing them the shelter, the reality yields different results in the laboratory of society due to poor implementation of these schemes. In a writ petition filed by against the Union of India, it was observed that an amount of Rs. 2185.50 crores was made available to the States/UTs and the total expenditure reported by the States is Rs. 1222.90 crores.³⁰ The Courts have expressed displeasure over the sad state of implementation of schemes. A panel study done by the Supreme Court has revealed that there is no shelter for 90% of urban homeless people due to the failure of implementation of schemes by the State Governments.³¹ Unspent balance by the States is also one of the major reasons for failure of these schemes.³² The over-crowding of these shelters in the States of outweighing the shelters in terms of the homeless population has made it difficult for women to accommodate in these places coupled with the anxiety of living with the drug addicts.³³ The shelters are run by untrained staff with no SOPs available for dealing with any crisis or exigencies.³⁴ A strict

²⁹ “NGO helps those living in homeless shelters in capital register for vaccine jabs”, *Hindustan Times*, March 15, 2021, available at <https://www.hindustantimes.com/india-news/ngo-helps-those-living-in-homeless-shelters-in-capital-register-for-vaccine-jabs-101615756170424.html> (last visited on 15/07/2022).

³⁰ *E R Kumar & anr. v. Union of India* (W.P (Civil) Nos.55 & 572 of 2003)

³¹ Amit Anand Chaudhary, “No Shelter for 90% of urban homeless: SC Panel Study”, *The Times of India*, Aug 27, 2017, available at <https://timesofindia.indiatimes.com/india/no-shelter-for-90-of-urban-homeless-sc-panel-study/articleshow/60240240.cms> (last seen on 13/07/2022).

³² Tanishka Sodhi, “No homes for the homeless: how Maharashtra lags in implementing Centre’s urban shelter scheme”, *NewsLaundry Report*, March 3rd, 2021 available at <https://www.newslaundry.com/2021/03/03/no-homes-for-the-homeless-how-maharashtra-lags-in-implementing-centres-urban-shelter-scheme> (last visited on 14/07/2022)

³³ *Id.* at 30

³⁴ Times Now Bureau, “DW issues notice to NGO and Delhi Police on lapses in shelter home for mentally challenged homeless women”, *Times Now*, March 26th 2022, available at <https://www.timesnownews.com/delhi/dcw-issues-notice-to-ngo-and-delhi-police-on-lapses-in-shelter-home-for-mentally-challenged-homeless-women-article-90459223> (last visited on 14/07/2022).

scrutiny of the numbers of women being benefited from these schemes is not yet in consonance with the vision and mission of the Central Government. Various aspects need consideration while dealing with this issue. A noteworthy implementation of these schemes is seen in Delhi.³⁵ Despite an attempt at providing adequate temporary residence, this scheme entails an uninhabitable state, lack of adequate space for sleeping and storing personal possessions; the deprivation of clean and hygienic conditions for stay; tainted bedding; trapped mosquitoes, rats, dust; and the lack of safety and security, especially for women. Besides, sleeping in these shelters with men becomes uncomfortable for many women.³⁶

It is evident that the Government has taken a noteworthy initiative of providing shelters for its homeless subjects. Considering the pitiable state of women and vulnerability, the scheme has promised at least one such shelter for women would be constructed. Though the scheme assures maintaining the normal safety and hygiene in its facilities, the actuality necessitates scrutiny and investigation.

5. Unearthing the beneficiaries of Shelter schemes: Categorisation of women for entitlement.

The term of gender equity, equality and gender equality is culminated through a fair treatment given to both the genders. The biological difference between men and women needs a thorough cogitation. The vulnerable and weak health of women should be given due consideration thereby increasing the number of houses made especially for women. While according shelters to women, other factors from the human rights perspective need anticipation and strategies for combating. Hygiene, security and privacy are the major concerns of women safety while giving adequate shelters.

The beneficiaries of these schemes shall be classified into categories. Many schemes provide for

³⁵ Night Shelter Occupancy Report, “Delhi Urban Shelter Improvement Board, Government of National Capital Territory of Delhi”, Delhi shelter board, July 14th 2022 ,available at: <http://www.delhishelterboard.in/occupancy-report/> (last visited on 14/07/2022).

³⁶ Special Rapporteur on violence against Women, Submission related to Shelters for Homeless Women, OHCHR available at https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/Shelters/Housing_and_Land_Rights_Network.pdf (last visited on 15/07/2022)

a priority based selection of beneficiaries. Affordable housing shall be incorporated in the scheme thereby providing a permanent structure in place of portable aluminium cabins for the educated yet helpless women. Classifying single women, working women and women in need of care and protection in order to provide respective housing has been suggested by the Supreme Court Commissioners' manual.³⁷

Under The Persons in Destitution (Protection, Care and Rehabilitation) Model Bill, 2016, a referral unit along with counselling unit for providing counselling for the homeless was introduced. Women who have escaped their marital homes due to violence and torture are also the sufferers of depression. The rehabilitation and counselling of women can be done before giving entry to these women. The background of these women should be considered and if there is any possibility of merger with the families, initiatives should be taken. Homeless women are easy targets for sexual abuse and assault.³⁸ The homeless women who are seen wandering at nights in search of food or otherwise are stigmatised for being characterless and can be victims of sexual abuse.

Furthermore, the women who are young and capable of working shall be given vocational training and shall be engaged in skill development activities. The age old women and pregnant women shall be given special care with doctor visits and monthly check-ups. The police patrolling and police intervention shall be increased in remote areas thereby committing women to the shelters in times of torture and oppression. Conventionally, women are considered to be dependent and comparatively less intrepid while staying alone. Primary medical assistance and psychological care should be given to the women who are in need of succour.

6. Way forward: Impending adequacy of adequate housing

The goals of adequate housing for women can be achieved through following four-fold approach thereby assuring sustainable housing and right to shelter of women.

³⁷ SUH, Supreme Courts manual available at https://www.hlrn.org.in/documents/Shelters_Urban_Homeless_Handbook.pdf (last visited on 15/07/2022)

³⁸ Prawesh Lama and Yama Bhardwaj, Homeless Women: Easy Targets, Roofless in Delhi, Hindustan Times available at <https://www.hindustantimes.com/static/roofless-in-delhi-women/> Published August 17, 2016.

a) Gender Sensitization:

The preponderance of patriarchal tendencies at every stage of social life casts doldrums on the womanhood in India. One of the central issues of homelessness of women is absence and lack of control of women over land. At the primary level, gender sensitization and awareness about the rights of women shall be undertaken by the Government as well as public spirited persons. Such sensitization can be channelized through community level workshop on inheritance, social interaction programmes, camps and social gathering organized especially for the women. There are examples of failed government schemes wherein in-spite of having potentially beneficial purpose such scheme falls short in achieving the desired outcomes. Thus, learning from such failures³⁹ it must be made sure that, whilst securing „right to shelter“ for the women the SGHs (Self Help Groups) can also be formed, the troubleshooting mechanism, single window system to address all the women housing related queries must be kept at the forefront of the policy making.

b) Employability

When it comes to the „housing“ or „shelter rights of the women“ it is equally important that, such women to whom policy makers are considering as potential beneficiaries must have employability skills to support their housing rights. Merely granting or enabling the women eligibility to grant shelters and housing would not accrue expected results as the men in their families, or men relatives might compel women to handover or transfer such shelters from them. Thus, if a policy or scheme comes with a pre-packed provision of creating employability and skill development for the women to whom the shelter and housing is to be secured, the women can maintain themselves on the basis of such employment skills and can also successfully sustain

³⁹ Usha Devi, a 15-year-old resident of a district in eastern Uttar Pradesh, was expecting her first child. Though she was underage, a local ASHA (Accredited Social Health Activist) worker had filled the PMMVY form on Usha's behalf. The PMMVY or Pradhan Mantri Matru Vandana Yojana offers maternity entitlements to marginalised women across India. Usha Devi's Aadhaar card mentions her name as „Pusa“, putting a question mark on her very identity. - AKANKSHA KUMAR, How Schemes Fail Women: Delivery on Hospital Veranda Equals No Aid, The Quint- 02/12/2019 <https://www.thequint.com/news/india/pmmvy-schemes-fail-women-delivery-on-hospital-veranda-error-in-aadhaar#read-more> (last visited on 15/07/2022)

their housings as well without any interference of their male counterparts. By taking help from dedicated NGOs for training and an inclusive approach, the women can hold their right to shelter in utmost sustainable way and subsist their being.⁴⁰

c) Livelihood

In today's era of transition, single mothers, deprived and impoverished women will have most severe hardships to secure their basic fundamental needs in comparison to others. Amidst this, if any scheme or initiative by the government is endeavouring to secure shelter and housing for such women, it must be coupled with the opportunities of the livelihood for the women. Every woman who is considered as the beneficiary of such schemes must be *ipso facto* entitled for the livelihood opportunities in various sectors. The policy makers can devise a mechanism by which the required workforce in various sectors such as self-employment, household aids, agriculture-oriented employments or alike shall be secured for such beneficiary women.

d) Housing:

Ever since rights and empowerment have been into consideration, the State has devised a series of unalloyed strategies for providing safe shelter to women. However, the gap between policies on paper and implementation needs to be bridged to encapsulate the true standards of „adequate housing.“ Besides many recommendations of UN Special Rapporteur on adequate housing, the measures that can be taken on basic fronts are:

- i) The dilapidated Government offices should be converted into Shelters for women.
- ii) The houses once provided to women shall be free from the threat of dispossession and violence with timely efforts for employment.
- iii) Installation of CCTVs on the entry and exit gate of shelters for security of women shall be undertaken. Database of entries shall be maintained by the State after

⁴⁰ Niharika Alva, They provide safe shelter to women, make them job-ready, *Times of India*, May 07th, 2017 available at <https://timesofindia.indiatimes.com/city/bengaluru/they-provide-safe-shelter-to-distressed-women-make-them-job-ready/articleshow/58554240.cms> (last visited on 15/07/2022)

categorisation.

- iv) The Persons in Destitution (Protection, Care and Rehabilitation) Model Bill 2016, shall be passed after making appropriate changes inclusive of provisions for permanent houses registered in the names of women. Besides, certain acts in contravention of security of homeless women shall be made punishable in the Statute.
- v) Uneducated and women without income who have inherited land and shelters shall be provided for assistance in updating the land records through legal aid.
- vi) The educated classes who can be given opportunities of employment should be given employment thereby introducing schemes of easy loan facilities and low instalments.

7. Conclusion

The veracity of the plight of the homeless women can be testified through the ever-growing violence and myriad social insecurities faced by them. It's also noteworthy that, lack of adequate housing and shelter alone gives rise to plethora of other agonizing circumstances for women such as their vulnerability to sexual abuse, financial exploitation, trafficking, social suppression etc. The nexus of homelessness thus underscores the instances of rape, molestation and physical abuses of women who are forced to spend sleepless nights guarding their young adolescent girls. This picture is quite common in India wherein women are subject to various atrocities by the men. Lack of access to effective medical and healthcare, starvation and malnutrition etc. are also additional factors emanated from the homelessness of women. Being akin to this scenario the Harvard Law School Library has prepared a guide for the women's housing and shelter rights wherein it has pointed out a strategy such as the right to shelter in general, right to affordable housing, right to housing that is habitable and right to security of tenure.⁴¹ The same can be utilized for Indian counterparts wherein the deliberate attention can be given to create permanent and mobile shelters for the homeless women by segregating them based upon their requirements such as women survivors of violence and abuse; working women; destitute and unemployed women; pregnant and lactating women; women suffering from malnutrition and other medical

⁴¹ ⁴¹ Jennifer Allison, Researching Women's Housing and Shelter Rights, *Harvard Law School Library*, available at - https://guides.library.harvard.edu/womens_housing_rights , last visited on 15/07/2022

issues; and mentally and physically challenged women etc. Such categorization shall be helpful to arrange the adequate and most appropriate housing and shelter needs for the women as each category requires specific type of shelters and resources. Thus, social and executive expertise must be optimally utilised by the governmental level to set up the housing facilities and securing the right to shelter of women.

The Constitution of India has rendered sufficient room for the policy makers and for the legislators to broaden the contours of the right to shelter so as to bring it under the right to life. The judiciary has also widened the path of adequate housing for the homeless women through myriad precedents and guidelines. Thus, whilst deliberating upon the issue of right to shelter and adequate housing for the women, a conducive eco-system of social security must be framed out. To encapsulate this debate, present paper reiterates that, homelessness ought not to be seen as a single issue of womanhood, rather it must be seen as a constitutionally safeguarded right under right to life. Moreover, it's a need of time to consider the homelessness as an epicentre of women hardships thereby making concocted efforts a stratagem should be carved out as rendered under four-fold approach of sensitization, employability, livelihood and housing. Such legal alleviation is utmost important to safeguard the interests of the homeless women as envisioned under the constitutional mandate of India.

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