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## VIOLENCE, HOMELESSNESS AND GENDER: A SOCIO-LEGAL ISSUE IN INDIA

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Pooja Koul, Delhi Metropolitan Education, Ggsip University, New Delhi

### ABSTRACT

Homeless women and children are the most vulnerable and impacted group on the streets of the Indian capital, where many of them face serious abuse and violence. Homelessness is one of the most severe types of urban poverty and social vulnerability, as well as a clear indicator of governments' failure and the state's commitment to a welfare state. It infringes on people's most fundamental human rights. Many poor people in urban areas are homeless, while most of the homeless persons in rural areas are not even recognized. According to the 2011 census,<sup>1</sup> Delhi, the capital, has 16 million people, of which 46,724 people are homeless, living on the streets in the scorching heat of Delhi and undergoing various weather changes. This is a major source of concern and a barrier to the country's growth. Homelessness has a variety of negative repercussions on women's mental health. Daily, they are subjected to the most heinous forms of abuse and assault on the streets. People believe it's their lifestyle, and what looks like infidelity is living under danger and coercion, which is why rapes and molestation among homeless women go unreported. The same can be explicated through a homeless woman with her child looking for a man who can offer her and her child some protection and refuge, but little does she know that she can be a victim of brutality and abuse. Everyday survival on the streets is a challenge for a homeless woman as sometimes police or other authorities try to dominate them and often put them in jail for no offence. This paper addresses all the primary concerns and causes of homelessness and the types of violence and abuse those women and children are subjected to. The government's efforts to eradicate these concerns from society and protect people's fundamental human rights are also discussed.

**Keywords-** Abuse, Children, Gender, Homelessness, Human Rights, Violence, Women

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<sup>1</sup> Census of India 2011, available at:  
[http://censusindia.gov.in/Data\\_Products/Data\\_Highlights/Data\\_Highlights\\_link/concepts\\_def\\_hh.pdf](http://censusindia.gov.in/Data_Products/Data_Highlights/Data_Highlights_link/concepts_def_hh.pdf)

## **Introduction**

In contrast to urban homelessness, rural homelessness is most easily identified by the fact that it is concealed or even invisible. There is surprisingly little research on rural homelessness in India, even though it does tend to occur at a lesser rate than in metropolitan regions. Additionally, there is a persistent misconception that homelessness does not exist in rural areas since joint or extended families in rural areas usually "look after their own." However, with a rural population of almost 740 million people, it is unavoidable that there are homeless individuals in India's rural areas. According to the 2001 Census of India,<sup>2</sup> 740 million people live in rural areas out of a population of 1.029 billion people. India has the second-largest metropolitan population in the world, behind only China, despite the country's high share of rural areas.

With the help of references from the scholarly literature, official statistics, and online news stories, this research creates a picture of a hidden yet pervasive phenomenon. The homeless cannot be ignored in urban areas, the evidence is there for everyone to see, from the poor in Kolkata who lives on the streets to the squatter communities in Delhi and Mumbai. In contrast, homeless individuals are mainly concealed in rural India. Many of them will stay with other families, and any official tally of the homeless does not include them.<sup>3</sup> Others reside in relief camps, and a sizeable portion is members of itinerant groups. The extent to which the urban and rural areas are intricately intertwined in both social and economic terms is perhaps the most significant aspect of homelessness in India and many other developing countries. Rural poverty and landlessness frequently cause rural-urban migration, which in turn increases the number of homeless individuals living in cities. People who have migrated from neighbouring states make up a substantial portion of the population in cities like Delhi, and every day, desperate rural residents leave their homes in search of work in the cities. In other words, if rural poverty and housing shortage issues weren't 'exported' to the cities, the number of homeless people in rural areas would be substantially higher.

## **Violence and Homelessness**

Women's life trajectories are defined by certain events and circumstances, which also put them in dangerous positions. Homelessness is a prime instance of this. The study of the topic of

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<sup>2</sup> J. Wardhaugh, *Rural Homelessness in India*, Volume no.- 6, *International Encyclopedia of Housing and Home*, 2012, Page No.- 216.

<sup>3</sup> SUPRA 2

female homelessness has allowed researchers to determine the importance of any type of violence against women in the lives of homeless women in recent decades. When they are adults, domestic violence may cause them to become homeless because they flee away from their homes to avoid such situations. In other situations, women are compelled to experience abuse and violence because they cannot find housing. Additionally, women who continue to be homeless frequently become the targets of rape, sexual assault, robbery, insults, and threats. Homeless persons are not safe in shelters also because they run the risk of being physically or sexually abused by other inhabitants.

The *Shahri Adhikar Manch Begharon Ke Saath*,<sup>4</sup> a group that advocates for the homeless, has brought together thousands of Delhi-area women who are homeless, anonymous, and regularly subjected to humiliation to share their tales. The Delhi government's statistics indicate that there are approximately 150,000 homeless persons. A maximum of 9,000 people can be housed in shelters in the city. Only five shelters are available to the 10,000 homeless women living on Delhi's streets. Along with the weather, they struggle with ongoing sexual and interpersonal abuse.

Women who have been abandoned on the streets by abusive partners and female children who flee abuse are susceptible to much greater insecurity and violence there. They lack adequate clothing, bedding, and shelter, making them susceptible to the heat, rain, and cold. This lowers their disease resistance and makes them more susceptible to it. Most of the time, their illnesses go untreated or are discovered too late, which increases their risk of infection and demise. There are innumerable instances of hospitals refusing to treat women and turning them away. Due to this, homeless women are being forced to give birth on the road, which raises both their own and the infants' death rates. The number of shelters for homeless women, especially those who are expecting or nursing, remains minimal.<sup>5</sup>

All homeless women experience various sorts of abuse, gender-based violence, and prejudice, according to numerous accounts. But some groups of homeless women are also more at risk than others. These include single women, women with HIV/AIDS, and women with

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<sup>4</sup> Housing and Land Rights Network, India (HLRN), Shelters for Homeless Women: working paper with a focus on Delhi, Page No.- 5, Housing and Land Rights Network (HLRN).

<sup>5</sup> SUPRA 4

impairments and mental health issues.<sup>6</sup> Women bear the brunt of a growing crisis brought on by fast urbanization, skyrocketing property costs, and a critical lack of shelters and affordable accommodation, which is believed to account for 10% of India's homeless population. India has pledged to develop 20 million urban units by 2022 to provide housing for all its residents. However, according to observers, the initiative ignores those who are homeless and unable to make mortgage payments. The Supreme Court's recent order stated that Every 100,000 people living in major urban areas must have access to at least one 24-hour shelter.

### **Causes of Homelessness of women in India**

The causes of homelessness include poverty, disasters, wars, landlessness etc., but the major and the highlighted ones are stated below:-

1. Migration from their known place- Natural catastrophes and calamities like earthquakes, floods, and droughts, as well as widespread industrialization and infrastructure projects, agrarian crises, and rural debt all force people to leave their natural habitats in pursuit of greater chances for a higher quality of life. They frequently end up homeless when travelling to cities and towns because it is difficult to plan for a place to live immediately.
2. Shortage of cost-effective shelters- The poor are compelled to be homeless when there are no affordable housing options or public housing options available in urban areas because they cannot afford to live even in a slum. For women, finding shelter is much more challenging, and some of these women are widows or single mothers who are homeless with their kids.
3. Destruction of slums and rehabilitation areas- In India, the number of violently accompanied forced evictions has increased. Without rehabilitation, the people are left with no choice except to be homeless; in this situation, women and children are most badly impacted.<sup>7</sup> Most of the rehabilitation facilities are situated outside the cities, making it impossible for the residents' families and individuals to find work.
4. Spousal abuse- The likelihood that women may become homeless is significantly increased by the occurrence of various forms of crime and violence. The women become more vulnerable to homelessness and increased violence when there is a lack

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<sup>6</sup> Murali Krishnan, Homeless women demand protection in the Indian capital, Deutsche Welle, <https://www.dw.com/en/homeless-women-demand-protection-in-indian-capital/a-17024786> , Last seen 17/07/2022.

<sup>7</sup> SUPRA 16

of protection from law enforcement or the court system. One of the main factors that contribute to women being homeless is domestic abuse. Domestically abused women also have the accompanying fear of homelessness, which drives them to endure dangerous circumstances to survive.

5. Failure of marriage- Some of the reasons why women lose their homes and are homeless include separation from their husbands, eviction from the home following the husband's death, divorce or husbands remarrying, and mental illness. A person's risk of being homeless increases in the absence of informal networks of care and support.<sup>8</sup>
6. Unequal land distribution and use- Land use planning is largely unequal throughout metropolitan India, and it favours a development paradigm whose major goal is to assist those who are wealthy and elite.<sup>9</sup> Women are unsafe in housing and settlement areas, especially those who migrated from other regions. Homelessness has resulted from the unaffordability of housing due to both the failure to protect land for low-cost housing and the high cost of housing.
7. Law and order- Women found themselves more vulnerable to homelessness and violence in metropolitan places because of the existence of discriminatory laws and anti-poor legislation, such as the Bombay Prevention of Begging Act 1959, which was enacted in Delhi in 1961. The Protection of Women from Domestic Violence Act of 2005 stipulates that women have the right to remain in their homes; however, due to poor implementation, victims of domestic violence continue to be forcibly removed from their homes or made to leave the violent and crime-ridden environments in which they were raised.

### **Legislature regarding the issue**

Homelessness is an alarming situation for every developing country and to prevent such a scenario the government needs to work intensively. According to the official Census definition, the government strives to offer shelter facilities within its social assistance programmes to people who qualify as homeless. Homelessness was included in the Supreme Court of India's "right to food" case, *PUCL v. Union of India and Others*,<sup>10</sup> in 2010 because of the intervention of special commissioners. In every significant urban area, there must be enough shelters to

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<sup>9</sup> Shivani Chaudhary, Amrita Joseph, Indu Prakash Singh, Violence and Violations: The reality of homeless women in India,

[https://www.hlrn.org.in/documents/Violence\\_and\\_Violations\\_Homeless\\_Women\\_in\\_India\\_2014.pdf](https://www.hlrn.org.in/documents/Violence_and_Violations_Homeless_Women_in_India_2014.pdf)

<sup>10</sup> *PUCL v. Union of India and Others*, W. P. (C) 196/ 2001.

address the needs of the homeless, with a ratio of at least one shelter for every 100,000 people, the apex court ordered. Additionally, it was noted that shelters should operate continuously throughout the year, not just at night and during the winter. The National *Urban Livelihoods Mission-Scheme of Shelters for Urban Homeless*<sup>11</sup> was a government initiative for the homeless in cities (SUH).

### **Aim of the project**

The program's primary goal is to gradually provide urban homeless people with permanent housing that is outfitted with necessary services.

### **Objective**

The SUH's goal is to make permanent shelters with amenities like water supply, sanitation, safety, and security available and easily accessible to the urban homeless population.

By designating specific areas within homeless shelters and offering specialized service links for them, it ensures and meets the needs of particularly vulnerable segments of the urban homeless, such as dependent children, the elderly, disabled, mentally ill, and gravely ill individuals who are recovering.<sup>12</sup>

The Scheme also states that different vulnerable homeless groups have different needs, hence the kind of shelter that should be built should depend on the local homeless population. As a result, there must be separate shelters for men, women, and families as well as shelters for elderly people, people with mental illnesses, and recuperating patients as well as their families. The Plan also calls for the converging of service delivery and the provision of entitlements, such as social security, food, education, and healthcare, as well as identity and address verification, pensions, *Below Poverty Line* (BPL) cards, ration cards, *Integrated Child Development Services* (ICDS) facilities, free legal aid, and admission for urban homeless people to government schools and public hospitals.

However, SUH failed to provide adequate and sufficient shelters to the homeless and a case related to the issue is being reviewed by the Supreme Court currently in another PIL which is

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<sup>11</sup> Shelter for Urban Homeless, District, New Delhi, [https://dmnewdelhi.delhi.gov.in/suh/#:~:text=Delhi%20Urban%20Livelihoods%20Mission%20\(Delhi,for%20Urban%20Homeless%20\(SUH\).](https://dmnewdelhi.delhi.gov.in/suh/#:~:text=Delhi%20Urban%20Livelihoods%20Mission%20(Delhi,for%20Urban%20Homeless%20(SUH).) , Last seen 17/07/2022.

<sup>12</sup> SUPRA 11

*E. R. Kumar and Anr. v. Union of India and Ors.*<sup>13</sup> It doesn't take a human rights perspective or deal with the systemic reasons for homelessness. The policy solution to the issue of homelessness in India has never been to enable the homeless to acquire reasonably priced permanent homes, but rather to provide temporary shelters for them. As a result, the bulk of homeless people in India is left to fend for themselves, suffering from adverse weather and climatic circumstances as well as the difficulties of living outside without protection. Shelters are merely the first stage of the housing rights continuum, a need in an emergency. The government must strive to provide decent and affordable housing for everyone.

The Delhi Urban Shelter Improvement Board now operates 201 shelters, of which 81 are permanent, 115 are porta cabins, and two are transit-oriented short-term shelters. Of these shelters, twenty are reserved solely for mothers and their children. Even though Delhi boasts the most homeless shelters per capita, there are still not enough of them to house the city's 100,000–150,000 homeless people.<sup>14</sup> At least 10,000 homeless women are thought to exist in Delhi. The area in the current shelters, according to the NULM-SUH criterion of 50 square feet per person, accommodates fewer people than claimed by DUSIB. In addition, many shelters in Delhi have low occupancy rates due to their unlivable conditions, including inadequate sleeping and storage space, a lack of sanitation and hygiene, filthy bedding, the prevalence of mosquitoes, rodents, and dust, and a lack of safety and security, particularly for women.

The homeless population of Delhi has the better political will, but their living conditions are still far from suitable and respectable. All shelters in Delhi are equipped with blankets and *durries* (floor mats) for use by homeless people camped out on the premises. These, however, do not receive frequent washing. The offered blankets are flimsy and torn, and they offer no protection from the chilly and hard ground. Most shelters still don't give their residents mattresses and bedding. Some shelters' unhygienic conditions encourage the spread of contagious diseases and discourage the homeless from staying there.

Many shelters are in awkward places, making it difficult for families and women to stay there. Most of the porta cabins have tin roofs, making it challenging for the homeless to stay inside during the harsh summer and winter weather.

While amenities in some women's shelters have improved, homeless people still have difficulty

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<sup>13</sup> *E. R. Kumar and Anr. v. Union of India and Ors.*, W.P. (C) 55/2003.

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accessing toilets, bathrooms, and water. Homeless women frequently relieve themselves in the open, bathe less frequently or in the open/behind plastic covers and get contaminated water from public taps and leaking pipes due to the high cost of using public restrooms and the unavailability of safe restrooms and bathing places. Women particularly struggle with this, as being out in public makes them more susceptible to abuse and assault.

Women are more susceptible to gender-based violence because they lack a private place to undress and change and must bathe in public areas. Tankers that deliver drinking water to homeless shelters frequently don't have enough to satisfy the needs of the occupants.

### **Conclusion**

The right to life and personal liberty, which is outlined in Article 21 of the Indian Constitution, stipulates that "no individual shall be deprived of his life or personal liberty except under the procedure provided by law." The protection of life and residence is guaranteed by the constitution, however, there are no specific laws that deal with the problem of homelessness and substandard housing in the nation. Poor homeless families primarily rely on civil society organizations or activist lawyers to challenge the government or commercial actors' actions or inaction in addressing the issue of homelessness because they have limited access to legal remedies. The helplines and processes for resolving complaints for impoverished and homeless people in need are ineffective.

While the Supreme Court suits have been filed as public interest litigations, the Delhi High Court has started a *Suo moto* case on homelessness. Homelessness has been raised in state courts across several other states, including Rajasthan, by human rights advocates. In Tamil Nadu, cooperation between the government and civil society organizations has produced beneficial effects, such as an improvement in homeless shelters. Women and children are still exploited and subjected to violence and abuse by other inhabitants, therefore the shelters are still not safe for them.<sup>15</sup> For example, the government must build recovery homes for women who have experienced violence and abuse, working women's hostels, shelters for the homeless, pregnant, and nursing women, and special residences for women with mental illnesses.

Health clinics should be held regularly for homeless people, especially women and children. Freely distribute necessary medications to the sick and suffering, including those with ongoing

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medical conditions. Make sure that all homeless women receive cost-free access to adequate healthcare, including reproductive healthcare.<sup>16</sup> Make sure that women are adequately represented in the development of all laws and policies, especially those about housing and land. Equal rights for women to decent housing, land, property, and inheritance must be acknowledged and protected. To guarantee that everyone is treated fairly and has access to suitable facilities, the administration should oversee all activities linked to housing shelters for the homeless.

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<sup>16</sup> Radhika Kapur, Homelessness in India, Vol. No.- 7, International Journal of Transformations in Business Management, Pg. No.- 43-49, 2017, [https://web.archive.org/web/20180421104958id/http://www.ijtbm.com/images/short\\_pdf/1501871025\\_Radhika\\_Kapur\\_5.pdf](https://web.archive.org/web/20180421104958id/http://www.ijtbm.com/images/short_pdf/1501871025_Radhika_Kapur_5.pdf)