

**Joint Inspection Report of Homeless Shelter visits
between 9/1/2012 to 12/1/2012 in Delhi
by the
Office of the Commissioners of the Supreme Court
in WPC 196/2001 and DUSIB.**

I Executive Summary

Following the Directive of Honourable Supreme Court in WCP 196/2001 dt Jan, 2012, wherein the Office of the Supreme Court Commissioners was directed to undertake joint inspections of homeless shelters along with DUSIB, the Commissioners team undertook visits of all 64 permanent Shelters and a sample of 5 temporary shelters. Using standardized verification forms the Commissioners team met with shelters residents, caretakers and officials and report the following

1. 62 of the 64 night shelters were operational, 2 were closed. . More permanent shelters are needed for Delhi. The current details are as follows

Permanent Shelters

Occupancy at the time of inspection	Possible optimal Capacity at P Shelters	Capacity of Shelters as per DUSIB	Need based on earlier surveys
2997	5502	9085	100,000 appx

*Using average Occupancy between 9/1/2012 to 12/01/2012

*Possible Optimal Capacity: Computed based on DUSIB considerations of space per person

*Need: based on earlier CSO surveys which counted appx 100,000 homeless persons in Delhi.

Therefore the current capacity of homeless shelters in Delhi is far lesser than the need for shelters

2. Secondly the location of shelters is not fully as per the need. There are areas where large numbers of homeless persons sleep outside and have to be refused shelter space for want of space, and other areas where the occupancy of shelters is negligible. A city level mapping of areas of concentration and resources available would have helped in locating shelters in areas of need. Such an exercise was carried out by Commissioner's office in 2011, outlining the locations/ need for 478 shelters for Delhi.

3. In general, infrastructure and maintenance of permanent shelters was found to be appropriate, with the exception of space considerations. The key areas of improvement recommended by the

Commissioner are to upgrade the toilet and washroom facilities in order to provide one toilet and washroom for every ten persons, a norm which is humane, introduction of kitchen and cooking facilities for all for a hot cooked meal and in particular food for destitute and ill among the homeless persons who are unable to seek food outside. Where in a handful of shelter some NGOs have found very little resources for it, such facilities are in high demand.

4. There are several shelters we found where occupancy is very low, despite the fact that there are information Boards outside the shelters. There is a dire need to undertake large scale communication and information campaigns and sustained outreach among the areas of concentration of homeless and in general among the larger society about this programme. Such a campaign will also reduce the hostility that sometimes the middle class and wider society feel towards the homeless and poorest citizens.

5. The Commissioners office observes that in Delhi the shelters are now being managed by the NGOs, with basic resources being provided by the NGOs. The detailed principles and guidelines for operation need to be established with due diligence, along with orientation and training for personal. However in no instance can the general responsibility and accountability of the shelters be shifted away from government.

6. Section 4b of the RTI Act also applies to this programme and it is therefore important that all aspects of the shelter programme are transparent and records displayed.

7. On the streets of Delhi , there is innovative work carried out by NGOs in terms of rescue of critically ill and abandoned personnel. Such rescue work is critical element of the effort to ensure the right to life. The Commissioners recommend that widely publicized helplines must be set up and such work must be up-scaled to all cities of Delhi

8. Similarly the model of city level committee in the shape of the joint management committee comprised of DUSIB officials, NGOs is an innovative one and should be upscaled in all cities.

II Process and Methodology Followed

Following the Directive of Honourable Supreme Court in WCP 196/2001 dated Jan, 2012, wherein the Office of the Supreme Court Commissioners was directed to undertake joint inspections of homeless shelters along with DUSIB, the Supreme Court Commissioners team comprised of Special Commissioner, Principal Advisor, National Advisor-Homeless, National Advisor, Research Associates along with NGO representatives from several organisations undertook visits of **all 64 permanent night shelters** (2 of the permanent shelters were closed down) and a smaller sample of 5 temporary homeless shelters.

The team inspected the overall need of shelters, occupancy, location suitability, physical infrastructure and maintenance, facilities and amenities available at the shelter, management and transparency arrangements in the shelters. They also held discussions with residents of the shelters and homeless found sleeping in the open during the period. The data on each of the shelters was recorded in the joint inspection report format submitted to the Court and detailed reports are appended herewith. It may be noted that during the inspection DUSIB reported that the running of the all night shelters had been handed over to NGO's since December, 2011.

The overall observations gleaned from the joint inspection reports, trends and discussions with homeless community, care takers and state officials are shared below.

III Findings of the Inspection

Availability of shelters and suitability of locations:

Total shelters required to be constructed in Delhi as per population is 129, with a capacity of 100 people. Currently these are comprised of 64 permanent shelters and 67 operational temporary shelters as reported by DUSIB.

An inspection of the permanent shelters in Delhi found all the permanent shelters to be present at the spot listed by the government. Hanuman Mandi , Kashmiri Gate MCD building 2 shelters were closed down and were reportedly not operational as of date of inspection due to poor amenities.

Most of the Shelters set up in January 2009 were earlier community centres converted into permanent shelters after the orders of the court to set up homeless shelters. These shelters were located inside housing colonies which were often gated leading entry restrictions to homeless persons wanting to access these shelters. The use of community centers raises other concerns. Nearby residents are already prone to resent the homeless due to various stereotypes. But if the homeless are also the reason they lost their community hall, this seems to have exacerbated bad relations between the two. Community halls are important, and so the city should transition away from this model and find other buildings or land for these shelters.

In some places like Bawana, the location of shelters was in an area where there are no concentrations of homeless. There are several shelters in old Delhi in close proximity to each other, within a 3 kms range whereas in there are no permanent shelters in Jama Masjid or Bangla Sahib Gurudwara which have large populations of homeless sleeping in the open in bitter cold.

Some units were full and others were almost empty. It seems largely dependent on whether the facility is close to where the homeless are located and whether there has been outreach done to advertise its existence. Many talked about the fact that traveling further than 1 or 2 KM to get to a shelter is difficult, and empirically speaking, it may turn out that further than that makes them useless. So locating them near mapped clusters of homeless seems critical. Most of them seem to be in converted community centers chosen not for their location, but because they were free buildings.

As per the census 2001, population of homeless in city of Delhi was enumerated was 23,903 persons, while other civil society surveys such as Ashray Adhikar Abhiyan's survey of 2001 they counted the population of homeless as 105,010. The total requirement of shelters is woefully inadequate in reference of the current need for shelters. An expansion of the numbers of shelters is urgently called for.

A city mapping of areas of homeless persons concentration as well as the Government infrastructure / land available was carried out jointly by the Commissioner's office , MNGO and Civil Society organisations with support from DUSIB officials is appended herewith as Annexure 2. According to the report, 478 shelters are required for different categories in locations identified in different parts of the city where the homeless populations are high as per the mapping.

Estimated capacity of the shelters:

The estimated capacity of the 64 permanent shelters by the government is 9085, while on inspection the optimal estimated capacity of shelters was found to be 5502. The reasons for the difference in the estimated capacity can be explained by the fact that all the available space was currently not being used for shelter. More importantly, the capacity listed by the Government was estimated at half of the desired space i.e 1.7 sq mtr which is just enough for a 6X3 mattress without any space for movement, belongings or hygiene. Even in the UN refugees camp the

norm is of 3.5 sq mtr for emergency transition conditions. The commissioner recommends that the capacity of the shelters be revised at the rate of 5 sq mtr per person.

Only in one shelter run by Women and Child Department currently in Chadrashekhar Azad Colony for pregnant women, the department runs a well equipped shelter which the government had estimated for 90 persons, but the department has provided complete amenities catering to 14 women and 14 infants at one time.

Occupancy of shelters:

During the survey, the average occupancy was calculated on basis of the occupancy on the day and as listed in the registers for the last 7 days. The occupancy in shelters varied from - 1 % (only one person present in an estimated capacity of 100) to 110 %. 30% of shelters which reported less than 25% occupancy in permanent shelters, while 20% shelters were running to full capacity .

The occupancy in shelters was primarily dependent on the location of the shelters. Shelters where there was a large concentration of homeless populations and those which were family shelters were found to be over crowded. For instance the shelter in Motia Khan, had 6 halls of which housed 400 persons. At Phool mandi shelter the estimated capacity was 400 but during inspections we found that at 300 persons the facility was already packed and there was no space to accommodate any other persons. At Chandni Chowk in Fountain chowk the estimate was for 200 persons, but we found that 180 people were lying cramped next to each other with scarcely space to turn. At four temporary shelter units behind Bangla Sahib Gurudwara having a capacity of 40 persons each, were found to house average of 65 persons in each unit.

Infrastructure and construction:

The permanent shelter buildings were mostly maintained from the outside and inside. However, several of these shelters were originally built for a different purpose (such as community halls, commercial complex) and require to be remodeled and upgraded to serve the purpose of

homeless shelters. Infrastructural facilities in several shelters need upgradation and standardization. Toilets and washrooms are much lesser in number than requirement in permanent shelters. We estimate that one toilet and washroom for 10 persons.

In the temporary shelters, the sample of 5 shelters(9 units) that were inspected, toilets/ mobile toilets were not available in 2 shelters(6 units)(Bangla sahib gurudwara, Nand Nagri) storage spaces for homeless persons personal belongings and livelihood related activities such as push carts, hand carts are lacking in 80% of shelters.

Access for disabled persons was not available in all shelters located on ground floor and is required to be complied with at the earliest.

Amenities and Facilities at the shelter:

Dhurry and blankets were available at all night shelters. Mattresses were however available in fewer numbers at the shelters. Beds (bunk beds) were only available in 4 shelters provided by NGO's.

DUSIB needs to be lauded for provisioning of Drinking water in permanent shelters through R.O units by DUSIB last year. These were found to be functional with running water 95% shelters. However, such facility was not available at the temporary shelters.

DUSIB has undertaken the provision of fire extinguishers in all facilities during the current year. The new temporary shelters (Porta Cabins of 50 ft x 20 ft) were made of fire resistant material and flooring.

Electricity connections were available in all the shelters and were found operational. Lights and Fans were also available in all the shelters. However, there were no shelters having heating facilities. The reason given was that it was hazardous and might be a cause for fires.

Lockers and Post Boxes were not provided by DUSIB in any of the shelters. The need for lockers to keep their belongings was mentioned in the discussions with the homeless. Some people stay in these facilities for a long time. Numerous people had been there for 6 months to 2 years, and one fellow said he had been using the facility of night shelters for 12 years. In several shelters for single men, women and families, there were people who were regulars as seen from the registers at the shelter. Given that, storage space, mail reception, etc. are important to be provided at these shelters.

First Aid kits were available in the permanent shelters. Referral services to medical facilities through Urban Health Centres and NGO's were reported available in 30% of shelters.

Food availability: Apart from the shelter run by WCD for pregnant and lactating women at Chandrashekhar Azad shelter where food was being provided, no food was provided by the government in any of the shelters. Destitute people in these shelters asked for the need for provision of food. Many of the sick women too in temporary shelters reported the need for support for easy access to food during the times that they could not go out to work or get food from other facilities such as Gurudwaras.

Many NGO's had started providing free or subsidized meals for the homeless in the shelters that they were running. They asked for spaces within the shelters to be able to set up kitchen facilities in the premises.

Newspapers were available through the proximity of libraries near the shelters or through efforts of NGO's.

Management of shelters:

DUSIB has handed over the running of all the temporary and permanent shelters to Civil Society organisations since December 2011. The model of city level apex management committee set up by the Delhi government which brings together DUSIB, CSO's & representatives of the line department is an innovative one. We recommend that the remit of this committee includes the NCR area which is currently not covered by the mandate of this committee.

DUSIB officials also reported that the use of shelters has increased after the involvement of CSO's. Some of the shelters run by NGOs seem very well run and at capacity, so the care and dedication that the NGOs bring to the system are important resources that should be used. They also brought in additional services to the shelters such as food, referrals for medical care, counseling. In over half of the permanent shelters, CSO's who had received no prior training with mapping and services for homeless persons had been handed over the responsibility of managing the shelter. Capacity building programs including the familiarization with the orders of the Honourable Supreme court on shelters is required to be arranged for the staff and management of these CSO's.

It was seen that improving outreach to the homeless persons through mapping, mobilizing, counseling, linkage and referral services, sensitization of general public to the issues of homeless benefits from the engagement of CSO's.

Transparency and Outreach:

All the operational shelters had sign boards on the outside and in most cases sign posts were also placed to give directions. Sign boards were also placed at some of the metro stations which were reported by some of the residents of the shelters. Outside of each shelter, there were boards showing the name of the shelter manager with their contacts.

However, based on the discussions with the residents and those who were found to live in the open, it will be useful to launch a communication campaign and outreach activities in the areas of homeless persons concentrations and in popular media as per the observations of the Hon'ble court on 9 Jan 2012 and on earlier occasions.

Budgets for the shelters require to be placed at the website and compliance with section 4 (b) on proactive disclosure of the Right to Information Act, 2005.

Rescue services for the homeless: We found rescue services being operated by Delhi reaching out to the critically ill, abandoned, destitute from the streets and bringing them over to medical facilities and shelters. This is an extremely critical service to ensure timely intervention for survival for the most vulnerable to uphold the Fundamental Right to Life of all citizens. This service requires to be upscaled in all urban settlements covered under these orders.

Shelters for homeless persons with special needs- mentally ill, addicts, destitute and old age.

Some of the caretakers talked of keeping out alcoholics and drug addicts (and while not stated, probably the mentally ill as well). While this may be important for the well-being of the other residents, it raises the question of the need for facilities for these vulnerable populations as well. These facilities would require additional services (detox, counseling, medical care, etc.) but could be referral-based and may not need to be in any particular area.

The innovative shelter for abandoned pregnant and lactating women's run by department of Women and Child facility was well equipped and managed. It had a full time nurse, caretaker, kitchen facility, cribs. A crèche for young children will help the women to earn a living while they have a shelter facility.

The lesser utilized shelters in community centres where there are low concentrations of homeless can be utilized as shelters can be used for shelters for specific vulnerable groups which needed services beyond the shelter. This will accommodate the homeless like destitute, addicts, old persons who do not have easy access to other shelters.

IV Prayers:

The following are the recommendations and prayers to the Supreme Court.

Direct the state government to act with utmost priority in implementing the directions of the Supreme Court which are the following:

- a. Plan for and undertake construction of the numbers of **day and night, permanent shelters** in accordance with the norms laid out by the Supreme Court – one shelter with space for 100 persons (or two with space for 50 persons each) per one lac urban population to be constructed be in compliance of the Supreme Courts Orders, in the next two months in the first phase. The plan for a total of 478 shelters need to be constructed in Delhi for the homeless in the locations identified jointly as the report within a period of 6 months.
- b. Use the results of the rapid concentration mapping of homeless population, and resource mapping carried out by the Commissioners Office and Civil Society organisations in Delhi to determine the locations of such numbers of shelters, city wise across the state.
- c. Locate the shelter within close proximity to the areas of concentration of homeless persons, and in no case beyond a 2 kilometer radius.
- d. Ensure appropriate communication campaigns and outreach to groups of homeless persons and wider society on the availability, purpose and facilities at such shelters, and also promote awareness campaigns within the wider society on this programme. This will also enable the societal resistance to shelters for homeless to be addressed
- e. Provide specific facilities and amenities at each shelter such as – adequate space, beds, blankets, mattresses, lockers, electricity and lighting, adequate ventilation, heating and arrangements, adequate no of toilets and bathrooms, kitchen and food facilities, space for recreation, health referral services, identity cards, PDS coverage, linkage to cremation services etc.

- f. Ensure separate shelters for homeless women, with provision of adequate security, crèche and child care facilities, and counseling services in addition to the other basic amenities and facilities outlined in the earlier orders of the Supreme Court.
- g. As per the earlier orders of the Supreme Court reserve at least 30% of the total number of shelters for groups with special needs such as the disabled and mentally ill persons, old age persons, and those with addictions, with special counseling and care facilities.
- h. Ensure that homeless persons are not required to furnish any proof of identity to enter and use such shelters, and are not levied user fees for staying in shelters or using toilets in any instance.
- i. Ensure a transparent communication and publication of the programme and develop a system of periodic social auditing – guided by the section 4 b of the RTI Act.
- j. Set up an institutional arrangement under the aegis of Urban Development Ministry / Department, to implement and manage the shelter and provision adequate financing for the one time construction and refurbishment costs and annual operational costs for each shelter.
- k. To set up a process to sensitise and build capacities of representatives of Urban Local Bodies, Municipal Authorities, local police and railway police personnel and representatives of other concerned departments with reference to implementation of this programme.
- l. To upscale the innovative model of joint management of shelters (Apex Committee in Delhi) to other cities, while ensuring that primary responsibility and accountability of the programme for shelter lies with the government.
- m. To upscale the innovative practice of rescue services so critical to ensure survival of critically ill on the streets to the other cities of the country
- n. The Commissioners further recommend that States seek the support of Commissioners office to train and orient the senior personnel of the state with respect to the programme.