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## Social welfare Scheme and Policies for Homeless women and Children

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*As per the census of India in 2011, there are around 1.7 million peoples, who are not having a shelter. Whereas food, clothing, and shelters are the basic need of an individual, and it is the duty of a State to fulfill such needs, as per the provision of Article 21 of the Indian Constitution, Every person has the right to live his or life with full dignity means every person have Right to live and it includes shelters, foods, and clothing. If the State government is not able to fulfill such needs then it will be an infringement of the fundamental Right of an Individual and they might be tried before the court of law for the violation of Fundamental rights. India is a developing country and the situation of homeless peoples will become one of the biggest barriers in the development process thus, Both the central and the State government has taken this problem very seriously and taken some stern steps in order to minimize this issue. The situation of homeless is one of the biggest problems for women and children, women are considered the weakest section of the society in the eye of the law, and continuously increasing crime rate against women and the women have the burden to take care of their child, thus a woman must get proper housing facilities with other essential services. It is very important for the children because they are the future of our country, thus it is very essential to provide them quality education with various other facilities like shelters, whereas it is the right of every child to claim it and at the other hand state government is under an obligation to provide such things. The government has launched many different types of schemes, especially with the aim to provide shelters and other basic needs to women and Children, some schemes may provide shelters for temporary periods and some are providing it at low cost. This paper highlights the various policies drafted by the Indian government in order to provide shelters to women and children and the various actions taken by the judiciary related to this matter, provisions mentioned under international law, and the Constitution of India.*

**Keywords:** *national urban livelihood mission, self-help groups, poor homeless people, ministry of housing.*

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## INTRODUCTION

There are around 17, 73, 040 homeless people, and 52.9% out of the total figure are in Urban areas, and the rest 47.1% are in rural areas, According to the census of Indian 2011. India is a democratic and developing country, thus the issue of homeless might create the biggest problem and it is a very serious matter too while we are talking about development. In order to resolve the issue of homeless, both the central and state governments have taken very stern steps to minimize this issue. Generally, foods, clothing, and shelter are the basic need of a life and it is the duty of the state government to provide such things, however, if the government fails to provide the basic necessity of life, then the State government might be liable for his act, As per the provision of Article 21<sup>1</sup> of the Indian Constitution, every person has right to enjoy their life with full dignity and the state government must provide a quality life to their citizens, if the state is failures to do so then the state might be held liable for the infringement of "Right to Life". The Hon'ble SC describes the scope of the Right to life, it has a wider scope, it not only includes physical existence but it also comes under the ambit of the right to life with full dignity.<sup>2</sup>

## NATIONAL URBAN LIVELIHOOD MISSION

It is a mission launched by the Ministry of Housing and Urban Poverty Alleviation in 2013, this mission is launched with the objective of providing permanent shelter and all essential services which are necessary for running a house to all urban houseless peoples. This mission has come with specific rules and regulations for the distribution, areas, and structure of permanent shelters. National Urban Livelihood Mission- Scheme of Shelter for Urban Homeless, (NULM-SUH) also aims to make the task of the wage system easier and aware people of self-employment among poor urban people.

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<sup>1</sup> Constitution of India, 1950, art.21

<sup>2</sup> *Maneka Gandhi v Union of India* (1978), AIR 597

This scheme has provided separate and individual shelters for men, women's families, and for old people. This scheme majorly emphasizes providing services, securities, food, special services for the mentally ill person, and many id proofs like address proof, BPL card (below poverty line), rations cards, pensions free legal aid. This scheme has a mandate to allot at least 50sq feet area to every houseless person in urban areas, as in most of the cities government allotted only 15sq feet per person for their shelters, which is not enough for a person to live, the lack of reasonable place might results in bad health of the person, overcrowding of a person's, etc. thus this scheme plays an essential role in the development of the country by providing all reasonable facilities to every homeless person.

## **BENEFIT OF NULM-SUH**

### *Financial Benefits*

- NULM-SUH has established many self-help groups which will provide loans to poor urban people at a low rate of interest as compared with other financial help institutions, if any woman paid her loan on time or before then she will be entitled to get a 3% additional benefit on loan.
- This scheme provides bank loans to the poor urban person who wants to start their own small enterprises or any ventures at a rate of 7% per annum, and for any individual person bank offers a loan up to 2 lakhs can be availed by any individual venture and for setting up a macro enterprise, an individual can avail up to 10 lakhs.
- Providing credit support and skilled workers for the development of small enterprises.<sup>3</sup>

### *Non-Financial Benefits*

- This scheme also provides some non-financial benefits to the poor urban person, special development zones where if a person set up their venture then government under this scheme provides various non-financial facilities like transportation facilities, proper infrastructure, water supply,

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<sup>3</sup> 'NULM - National Urban Livelihoods Mission' (*Bank Bazaar*) <<https://www.bankbazaar.com/saving-schemes/national-urban-livelihoods-mission.html>> accessed 15 June 2022

- Urban local bodies and the state government provide shelter facilities for the urban houseless persons.

### *Eligibility for NULM*

National Urban Livelihoods Mission, basically aims to the person who comes under the following category:-

- A houseless individual
- A person who provides goods to the common public on a large scale, but without having a permanent place, street vendors, and
- An urban poor peoples

### *Type of Shelters under NULM*

**Shelters for men:** - Generally, men are large in number, in the series of homeless persons, thus this scheme has provided a separate shelter facility for every man.<sup>4</sup>

**Shelters for women:** -Women are considered as the weaker section of the society in the eyes of the law, thus the safety of every woman should be a priority basis, thus this scheme has provided separate housing facilities to every single woman.<sup>5</sup>

**Shelters for the family:** - Many families are not having shelters, thus this scheme has provided special shelters for families with privacy and reasonable space for the family members.<sup>6</sup>

**Shelters for special people:-** There are many ill, old people, and sick people who need shelter, because due to their issues they are accommodated with other people, thus this scheme has provided a reasonable space for sheltering such a type of people.<sup>7</sup>

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<sup>4</sup> Musailb Khan, 'Government Scheme of Shelters for Homeless' (*Ipleaders*, 20 February 2020) <<https://blog.ipleaders.in/homeless-india-schemes/>> accessed 15 June 2022

<sup>5</sup> *Ibid*

<sup>6</sup> *Ibid*

<sup>7</sup> *Ibid*

## DEENDAYAL ANTYODAYA YOJANA

DeendayalAntyodayaYojana was launched by the Ministry of Housing affairs, under the poverty alleviation programs in which the Indian government has offered Rs. 500 Crore for this scheme. This scheme has been established to increase opportunity and elevate the poor urban people for sustainable livelihood, through developing skills and working on the make-in-India concept by considering a concept of sustainable development. National urban livelihood mission (NULM) is now renamed as **DeendayalAntyodayaYojana**, and in Hindi, it is also called a **Rashtriya Shahri Aajeevika Mission**.

### *Component of Deen Dayal Antyodaya Yojana*

This scheme has been launched with majorly two components one is for rural areas and another one is for urban areas i.e.

- The urban component is **DeendayalAntyodayaYojana**, which is executed by the Ministry of Housing and Urban Poverty Alleviation. Urban poverty alleviation programs An urban poverty alleviation program may be enforced with the aim of decreasing the percentage of poverty in the nation. This component basically deals with providing shelters and other permanent facilities to the poor persons living in urban areas.
- The rural component which is named **Deen Dayal Upadhyaya Grameen Kaushalya Yojana** is executed by the Ministry of Rural Development,<sup>8</sup> this scheme was implemented to provide skills to the poor youth persons and jobs too which is either a monthly wage system or more than a minimum wage rate. This all has been established to remove poverty and provide shelters to the poor person living in rural areas

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<sup>8</sup> 'Deen Dayal Upadhyaya Grameen Kaushalya Yojana' (India) <<https://www.india.gov.in/spotlight/deen-dayal-upadhyaya-grameen-kaushalya-yojana>> accessed 15 June 2022

*An important provision of this scheme*

- This scheme has invested Rs. 15,000 per person, at the time of training, and in North-East and Jammu Kashmir, it is Rs. 18, 000 per person, training such a person in order to fulfill the demand for skilled workers in urban cities.
- The development process of this scheme has been done by establishing the Self Help Group (SHG), which will provide monetary help at a low rate of interest to poor people, if any woman repays her loan before the due date then she is entitled to claim 3% extra benefit on the interest.
- This scheme provides the interest on subsidy of 5%-7% for establishing a small venture by any individual person with a loan of up to 2 lakhs and in the case of a group the amount extended up to 10 lakhs.
- The scheme also provides the full cost of establishing shelters for the urban poor homeless person.

**SWADHAR GREH**

With an increase in the number of cases against women, the government takes this issue very seriously, and this scheme has been implemented to protect women from exploitation and support such women for their survival. This scheme has basically been implemented to provide accommodation temporarily, maintenance, and all essential services to homeless women and girls due to their family issues, crime, mental stress, and weakness. This scheme was launched by the Department of Women and Children Development 2001-02, to provide protection to women in different circumstances. This scheme is basically launched with the aim to provide various basic needs of life i.e. shelter, food, clothing, medical facilities, free legal aid, etc. In different situations

*Vision of SwadharGreh*

This scheme was launched with the vision to provide support to the women victims so that they will live the rest of their life with full dignity, this scheme helps in providing shelters,

food, and clothing to the women victims, and in case of a woman needs a special treatment then the appointed members under this team also provide proper care of that victim

### **WOMEN IN SLUM DWELLERS**

In the eye of the law, Women are considered as the weaker section of society due to the increase in the number of cases against women like rape cases, honour crimes, love jihad, etc. Thus the privacy and protection of women are taken as a priority. This is possible for middle and high-class women because they have their shelters, but what about the lower section of society? They don't have any shelter, thus the possibility of crime against such women is higher. Many women used to live in slum areas, and overcrowded places and about 1.2 billion people used to live there. Urbanization may result in the migration of women from rural areas to urban areas in the search for a quality life. Due to not getting proper education or higher education women are unable to get high-paying jobs; they have to compromise with the low-paying jobs in urban areas<sup>9</sup>. The women have to compromise with the situation of the homeless, even though they have a burden to born a child.<sup>10</sup>

Both the state and the central government took this situation very seriously and took some stern steps in order to minimize the issue of houselessness. The shelter is one of the basic and necessary needs, which a person is supposed to have and it is the responsibility of the government to provide it, if they are not able to perform their duties, then it will result in an infringement of Fundamental rights<sup>11</sup> of an individual, which is given by the Constitution of Indian.

### **DELHI GOVERNMENT SCHEME FOR SHELTERS**

In January 2010, many people were removed by the state government from the houseless shelter, the Hon'ble Delhi HC took suo moto cognizance on such matters,<sup>12</sup> and suddenly this issue had become a national issue. The Hon'ble HC after 5 years, more than 100 hearings, and

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<sup>9</sup> Dr. Ifeyinwa Ofong, 'Policies to reduce Homelessness among Women and Female Headed -Households' (UN) <<https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2019/06/Ify-Ofong-Edited-PRESENTATION-FOR-UN-EXPERT-GROUP-MEETING-I.-Ofong-1.pdf>> accessed 15 June 2022

<sup>10</sup> *Ibid*

<sup>11</sup> Constitution of India, 1950, art.21

<sup>12</sup> *The Court on its Own Motion v Govt. of Delhi and Anr.*, (2016) Writ Petition (Civil) No. 29/2010

pass more than 85 orders, the condition of homeless persons has improved, Delhi government has established more than 266 shelters which were initially 17 shelters, but the state government did not work on the human rights, quality of life of the homeless person. The Delhi Urban Shelter Improvement Board (DUSIB), has established 266 shelters out of which 81 shelters are permanent shelters, 115 shelters are the portable cabin, 68 are tents for the winter time i.e. the month of December to March, and the remaining two are the temporary shelter which is used at time of the emergency and for a period of time, 20 shelters out of this totals figure are reserved for the women and their children.<sup>13</sup> These 266 shelters have the capacity to accommodate 21,724 people,<sup>14</sup> Delhi has the highest number of houseless people in the entire country, but still, it is not sufficient to manage or provide shelter to 1,00,000- 1,50,000, and it is estimated that there might be at least 10,000 houseless women.<sup>15</sup>

There are many shelters in Delhi, which are still empty or might have low accommodation, because of a lack of reasonable space for sleeping, not the presence of proper cleaning and hygiene facilities. At the change in time, there were sudden changes in the women's shelters facilities, they have to pay charges to use public toilets, and bathing area, but they have the lack of secured toilets and bathing areas, which created a problem for women to use it, houseless women might open herself or they have to hide before the plastic door, State government was also unable to provide proper water facilities. This might be the most difficult problem for women, especially for those women who used to live on the Streets as the changes of offences against women are high like sexual offences, murder, etc. The lack of properly secured pace for changing, bathing, and other private acts makes the gender discrimination as the male houseless have all facilities, but at the same time women have nothing and the act of the Statement government is a violation of Article 14, 15 and 16 of the Indian Constitution.

## **ROLE OF JUDICIARY**

Judiciary is the 3<sup>rd</sup> Pillar of the government, which is responsible to check whether the law passed by the legislature is according to the provision of the Indian constitution or not and

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<sup>13</sup> Delhi Urban Shelter Improvement Board, *Shelter Home Occupancy Report, 2022* (Government of National Capital Territory of Delhi) <<http://www.delhishelterboard.in/occupancy-report/>> accessed 15 June 2022

<sup>14</sup> *Ibid*

<sup>15</sup> *Ibid*

interpret the meaning of legal terms mentioned under the law. Many a legislature passes a law, but they do not explain the meaning of the legal term mentioned under that, then it is the responsibility of the Judiciary to suggest the proper meaning of the word and statement mentioned under the act with the help of the case laws. In *PUCL v Union of India and Others*,<sup>16</sup> the Hon'ble SC has suggested that the shelter is sufficient to meet the basic need of an individual, and the shelters must be in a functioning condition, if it is not in good condition, then State will be held liable for not providing a good shelter, the shelter must be at a working condition throughout the year and for 24 hours, it should create seasonal problems like the shelter should contain all the basic things for the winter season.

In August 2010, Laxmi a pregnant lady died on a street, after giving birth to a baby girl, the news was published in Hindustan Times on 29<sup>th</sup> August 2010, then the Delhi High Court took suo moto Cognizance in that matter, where the petitioner suggested that the deceased had visited many government hospitals and at the time mostly hospitals were running by the State government, where she was denied by every hospital, then the court declares the State was liable for the act, as the deceased might be saved if she got proper treatment on time and as per the Provision of the Article 21 of the Indian Constitution, the State government has to provide proper medical treatment to every citizen, but the State did not perform his duty well. The Court also passed many orders for the Delhi Government to establish special shelters for pregnant homeless people throughout the city<sup>17</sup>. Court also held that Article 21 of the Indian Constitution, it is a duty of the state government, and the state government should establish at least 5 shelters for pregnant women which should contain proper medical facilities, food, or everything necessary for the pregnant women, and no women should be pressured to give birth to a baby on street.

*ER Kumar v Union of India and Ors*,<sup>18</sup> the ongoing PIL before the Hon'ble SC in which the court ordered an affidavit before the court relating to the status of homeless persons in every state. In this case, the court ordered every state to set up shelters in their respective states.

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<sup>16</sup> *PUCL v Union of India and Others* (2001) Writ Petition (Civil) No. 196/ 2001

<sup>17</sup> Court on Its Own Motion (n 12)

<sup>18</sup> *ER Kumar v Union of India and Ors.*, (2016) Writ Petition (Civil) No. 572/2003

Many states have followed this provision, but still many states are left to implement such provision.

### LEGAL PROVISION OF HOMELESS PERSON.

**Article 21 of the Indian Constitution:-** Article 21 is suggested as a line only, but if we dig deeper into that line we figure out the scope of Article 21, Article 21 states that “A person has the right to live his life with full dignity and with protection, except with the procedure established by the law. This Article basically deals with the Right to life, and food, clothing, and shelter are considered the basic need for the life of an individual and it is the responsibility of the state government to fulfill them. If a State is not able to fulfill these needs then the state shall be held liable for the infringement of the Fundamental Right,<sup>19</sup> of an individual. *Olga Tellis v Bombay Municipal Corporation*,<sup>20</sup> in this case, the Hon’ble apex court of India held that Article 21 of the Indian Constitution provides a Right to Life as the Fundamental Right of an individual and it has a very wide meaning.

**Article 14 and 19:-** Article 14<sup>21</sup> suggested that no person shall be refused to get equality before the law and equal protection of laws, by the state government and Article 19 suggested various types of freedoms. When any scheme is launched by the state government then it should be equally applicable to the entire person, without any type of discrimination and as per the provision of Article 19,<sup>22</sup> every person has the right to raise their voice against any injustice.<sup>23</sup> The Hon'ble SC has included Article 14, 19, and 21<sup>24</sup> of the Indian Constitution in many cases and a combination of three major articles are commonly known as the golden triangle of the Indian Constitution, the State are under a liability to protect the dignity of an individual by providing the household facilities to the homeless person.<sup>25</sup>

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<sup>19</sup> Constitution of India, 1950, art.21

<sup>20</sup> *Olga Tellis v Bombay Municipal Corporation* (1986) AIR 180

<sup>21</sup> Constitution of India, 1950, art.14

<sup>22</sup> Constitution of India, 1950, art.19

<sup>23</sup> Constitution of India, 1950, art.19(1) (a)

<sup>24</sup> Constitution of India, 1950, art.14, art.19, and art.21

<sup>25</sup> Musaib Khan (n 3)

**Article 39 (1)**<sup>26</sup>:- as per the provision of this article the policies made by the state government should be of such nature which is easily applicable to both men and women. And there must be equal rights in the case of livelihood; it should not create any discrimination on the basis of gender or any other ground which is mentioned under Articles 15 and 16<sup>27</sup>.

**Article 47**<sup>28</sup>:- As per the provision of Article 47<sup>28</sup> of the Indian Constitution which put certain various types of restrictions on the State government that it is the duty of the State government to enhance the level of nutrition and the standard of living of a person and the improvement in public health.

### PROVISION MENTIONED UNDER INTERNATIONAL LAW

International law is the law of the nation or the law of states, when there is a conflict between two or more countries, then it will be resolved by the provision of the international law, it has a very wide scope, and it covers almost every field.

- As per the provision mentioned under article 25<sup>29</sup> of the human declaration of Human rights which suggested that housing is considered the basic and essential condition to ensure the right to enjoy a quality standard of living.
- The provision of the international covenant on economic, Social, and Cultural rights, according to article 11 (1)<sup>30</sup>, ensures that the person will enjoy the same standard of living.

The issue of homeless people has created an alarming issue at the international level and the instructions have passed by the apex court, but since that time no major action has been taken to minimize that demon problem, homeless poor people have resulted in major exploitation in legal and fundamental right o that individual person. All through the decision and various policies has been framed and implemented under the instructions of the Hon'ble SC, but still,

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<sup>26</sup> Constitution of India, 1950, art.39(1)

<sup>27</sup> Constitution of India, 1950, art.15 and art.16

<sup>28</sup> Constitution of India, 1950, art.47

<sup>29</sup> Constitution of India, 1950, art.25

<sup>30</sup> Constitution of India, 1950, art.11(1)

the speed of working of government is very low, many meeting has been conducted on the implementation of the scheme, but still, they take a lot of time.

### **NON GOVERNMENT SERVICE**

Though the government is responsible to provide accommodation to the poor homeless people with other essential services, many voluntary groups also contribute to such services. Over the last few years Indian NGOs, have drastically increased their contribution in order to help houseless people for a reason, which might include the following reasons i.e.

- Development programs organized by the government in order to aware and help the houseless people,
- They also provide some financial support to the poor,
- They provide housing facilities to the houseless poor people either at free cost or sometimes they charge reasonable amounts.
- They also provide loan facilities to poor people at a low rate of Interest.
- They also help street children, who used to sleep in the streets, or on the footpath.

**Salam Baalak Trust** is one of the Non-Government organizations, that are responsible for taking care of all such above mention things, this NGO is located in Delhi since 1989. This NGO runs 4 homeless shelters which are all other essential 24\*7, this organization has helped more than 3500 poor children, by offering clothing, shelter, food, medical treatment, and legal aid. SBT shelters are one the safest and most secure shelters, many children who lost their parents, or even if they are not getting support from their parents, then the child may approach this NGO for support, they also quality education and other valuable things

### **CONCLUSION**

The situation of houseless is one of the biggest problems, especially for Indian because India is a Developing Country, which has a significant impact on the Country. After all, it results in an increasing crime rate against women and children as housing facilities provide protection and secured private space to the women, but on the other hand, if they have no shelter then there is a high possibility of committing a crime against women. Many schemes have been launched

by the state and the central government for providing housing facilities to women and children. Some schemes have provided housing facilities only for a temporary basis, many schemes have been launched to provide all the basic facilities and at the same time they offer loans at a very low rate of interest.