

STATUS OF SHELTER HOMES AFFECTING HUMAN RIGHTS

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INTRODUCTION

The Supreme Court stressed and rankled by the unresponsiveness on account of the scandalous Muzaffarnagar Shelter Homes case¹, had requested for a quick preliminary of the blamed. It was then realized that few Government-run cover establishments for youngsters and ladies will in general be a center point for crimes that go unnoticed. The court at that point scrutinized the inconsistencies in the quantity of youngsters stopped there pondering whether these kids were being utilized for organ collecting, sex dealing or any type of reinforced work!

Several laws including The Universal Declaration of Human Rights (UDHR) states that everyone has a right to a standard of living adequate for housing have recognized the concept of homelessness.² The United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) stated that "*State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living.*"³

We can find three types of homeless people:

1. The chronically homeless⁴: group includes people who live on the periphery of society and who often face problems of drug or alcohol abuse or mental illness.
2. The cyclically homeless⁵: group includes individuals who have lost their dwelling as a result of some change in their situation, such as loss of a job, a move, a prison term or a hospital stay. Those who must from time to time use safe houses and include women who are victims of family violence, runaway youths, and persons who are unemployed or recently released from a detention center or psychiatric institution.
3. The temporarily homeless⁶: group includes those who are without accommodation for a relatively short period. Likely to be included in this category are persons who lose their home as a result of a disaster (fire, flood, war) and those whose economic and personal situation is altered by, for example, separation or loss of job.

A few analysts don't think about the last gathering as being genuinely destitute and bar them from their examinations.

Being destitute without anyone else's input is a grave infringement of the essential human right repeated in worldwide and national laws; any way when this destitute state is joined by brutality the issue winds up more prominent than what it was initially.

Shahri Adhikar Manch: Begharon Ke Saath (Urban Rights Forum: With the Homeless)- a group of more than twenty common society associations and destitute gatherings in Delhi sorted out in 2013 a knowing about

¹ SLP(C) 24978/2018

² *Homelessness*, Housing and Land Rights Network <https://www.hlrn.org.in/homelessness>

³ <https://www.slideshare.net/HAQCRCIndia/handbook-on-childrens-right-to-adequatehousing>, Article 11.1 of ICESCR

⁴ LyneCasavant, "*Definition of Homelessness*", Parliamentary Research Branch, PRB 99-1E, January 1999

⁵ *ibid*

⁶ *ibid*

brutality against vagrants.⁷ The jury consisting of former Chief Justice, High Court of Delhi- Justice A. P. Shah; former Chief Justice, High Court of Himachal Pradesh- Justice Leila Seth; former UN Special Rapporteur on the Right to Adequate Housing- Miloon Kothari; Assistant Editor, Times of India- Ambika Pandit; and, Executive Director, Partners for Law in Development – Madhu Mehra heard horrific testimonies from women who were victims of such violence.⁸ They perceived that culprits of such wrongdoing included Delhi Police, government offices, and inhabitants of Delhi.

Living in the open with no security and protection is a gross forswearing of human rights. It is, as repeated by a few worldwide and national lawful plans, a major right. The fact that almost 7% of the total population in India lives on the street and the numbers are increasing day by day.⁹ Such an existence of desperation combined with hunger, social debasement and weakness doesn't add up to fairness in the general public. In this way there exists an enormous segment of the general public who doesn't have the essential civilities and assets to carry on with a noble life. Thusly according to the order of the Directive Principles of State Policy and the Fundamental Rights cherished in the Constitution, the state needs to work to accomplish a welfare state society.

The significant contentions and crimes that have been occurring in them is disturbing and dreadful. There is a pressing need to change and rewrite the laws and besides combine the principles into a solitary law to punish the culprit of such wrongdoing with respect to in the Bihar rape case or the Tamil Nadu rape case.

PROBLEMS WITH SHELTER HOMES:

1. **Discrimination Against LGBTQ People:** 40% of homeless teens and youth identify as LGBT and often don't use shelters because many of those places, like the parents who discarded them, discriminate against gay, lesbian, bisexual, and transgender people.¹⁰

According to the National Coalition for the Homeless;

*"LGBT youth are also disproportionately homeless due to overt discrimination when seeking alternative housing – widespread discrimination in federally funded institutions frequently contributes to the growing rates of homelessness among LGBT youth. Once homeless, these youth experience greater physical and sexual exploitation than their heterosexual counterparts"*¹¹

2. **Fear of Contracting Parasites like Lice, Scabies, Pubic Lice, or Bedbugs**¹²: Regardless of how clean an office is kept, the risk of getting parasites there is still extremely high. Mind you, this isn't the issue of staff or associations running asylums, it is basically a peril of having dozing courses of action that several individuals burn through; kissing bugs are currently even genuinely normal in very good quality lodgings. Vagrants will in general convey a ton of parasites, likely in light of the fact that they will in general stay in bed bunches of better places. So on the off chance that you rest each night in an alternate bed that a long string of other individuals have stayed in bed, or on the off chance that you rest excessively near a consistently changing grouping of individuals, inevitably you will undoubtedly get head lice, pubic lice, or scabies, and it's hard as hell to dispose of parasites when you have no home.
3. **Danger of Rape or Assault**¹³: Destitute asylums and the zones around them are regularly chasing reason for human predators. A portion of the shrewder one's land positions at the foundations while most others simply watch for people withdrawing in the first part of the day or landing at night. It's not simply attackers, either. Predators looking for "fervor" will follow a solitary individual leaving an office so they can beat him or disturb him for entertainment only. Likewise, in spite of the fact that there are typically orderlies or something to that effect on watch, practically none of them are

⁷ https://www.hlrn.org.in/documents/16012013_Press_Release_Jury_Statement_on_Violence_against_Homeless_Women_in_Delhi.pdf

⁸ *Jury on 'Public Hearing on Violence against Homeless Women in Delhi' strongly condemns systemic violence against homeless women*, ShabriAdhikarManch: BegharonKeSaath (Urban Rights Forum: With the Homeless), Press Release 6th January 2014, New Delhi

https://www.hlrn.org.in/documents/16012013_Press_Release_Jury_Statement_on_Violence_against_Homeless_Women_in_Delhi.pdf

⁹ S. Chachra, "National report on the Status of Shelters for Urban homes", Supreme Court Commissioner's Office, August 2014

¹⁰ <http://www.indianheightsumc.org/wp-content/uploads/2016/07/Keeping-In-TouchAugust-1-2016.pdf>

¹¹ Title: "WHY DON'T HOMELESS PEOPLE USE SHELTERS?" Author- Klyssa Shay, as an activists; updated on Jan 2017, <http://www.indianheightsumc.org/wp-content/uploads/2016/07/Keeping-In-TouchAugust-1-2016.pdf>.

¹² https://soapboxie.com/social-issues/why_homeless_people_avoid_shelters

¹³ https://soapboxie.com/social-issues/why_homeless_people_avoid_shelters

prepared to manage brutal conduct, leaving clients defenseless. Volunteer laborers sincerely can't be relied upon to place themselves in the kind of risk interceding in such circumstances requires, nor would they be able to have eyes on the backs of their heads or oversee everybody. Absence of adequate staffing is normal and individuals can just accomplish such a great deal. Criminals are well aware that police seldom take complaints from people without homes seriously. Many people avoid shelters because pretending to not be homeless (which means avoiding shelters, missions, and soup kitchens) is one of the most effective ways to avoid such predators.

4. **Lack of Accommodation for Handicaps:** A large number of these associations utilize old structures re-purposed to fit a lot of beds. At times their beds are situated over the main floor and they have no lifts. Some don't have railings in the bathrooms or inclines into the rooms or structures either¹⁴. While it isn't the issue of the individuals who run them, a few offices can't oblige individuals in wheelchairs.
5. **Addiction of Drugs**¹⁵: Some drug users will avoid them. However, many drug users and dealers do not; making some of them hot spots of drug activity, and those frightened by drug related activity may come to avoid shelters because of this, quite reasonably fearing for their or their children's safety. Still others are themselves trying to get off drugs and being around other users makes it very difficult for them to do so, so they avoid staying there while trying to kick their drug or alcohol habits.
6. **Separation of Family Members:** This is a big deal and it's truly repulsive when you consider it: Most destitute asylums separate families. Ladies can bring their pre-adolescent kids into most ladies' offices, however high school male youngsters (as youthful as 13) might be required to go to a men's asylum which they may not by any means get into.
7. **Staff Assumptions about Drug Use and Criminality:** While it was not regularly said out loud, many asylum representatives and volunteers respect all individuals who need their administrations as medication addicts and offenders. To abstain from being seen accordingly, many abstain from utilizing those administrations. At the point when you are destitute, numerous individuals will consequently regard you as a crook and a medication client. They can't understand that an individual without a home may simply be somebody down on their karma with no bad behavior on their part.
8. **Danger of Theft:** While most vagrants are not hoodlums, a couple of them are. It just takes one to ruin it for every other person. At the point when you have no home, your tad of stuff is valuable; it's everything you have.
9. **Religious Differences:** Most havens and kitchens have a type of strict assistance individuals are required to endure to eat or rest there. "I'm a nonbeliever, however this didn't trouble me much. To be honest, I was satisfied to be in an atmosphere-controlled room and sitting very still some place unafraid of getting irritated by packs or police, regardless of what I needed to claim to accept. It didn't significantly trouble me that I needed to give lip-administration to the idea that I was being rebuffed by God for being a terrible individual."
10. **Lack of Privacy and Fear of Crowds:** Many homed individuals would contend that individuals who are down on their karma are not meriting protection. In any case, the total absence of security can be particularly hard on individuals with mental issue that make them dread groups. I experienced a few group phobic individuals who couldn't be persuaded to utilize a destitute office despite the fact that they were wiped out and ill-suited to open air resting in any event, when the climate was great. Meriting protection or not, individuals with psychological instabilities that reason a dread of groups or even a dread of a moderate number of individuals stuffed into lacking elbow room are really scared of such conditions, even in the most secure of conditions.
11. **Lack of Control:** When an individual is in the city, their life is generally previously tilting crazy. That feeling can be improved by the controlled registration times, eating, petition rest times, and registration in an asylum. A few people avoid entryways so they can feel like they have some remnant of command over their own lives.
12. **Lack of Available Beds:** There isn't sufficient protected, lawful sanctuary for everybody. Regardless of what number of individuals decide not to utilize them, there are as yet not almost enough beds accessible for the individuals who might want to rest inside in spite of the dangers they might face.

¹⁴ https://soapboxie.com/social-issues/why_homeless_people_avoid_shelters

¹⁵ https://soapboxie.com/social-issues/why_homeless_people_avoid_shelters

Centre for urban homeless¹⁶

According to the orders of the Supreme Court and directives under the center's National Urban Livelihoods Mission (NULM), cities should have permanent, 24X7 shelters for the homeless.¹⁷ There should be at least one shelter for every lakh of urban population, each capable of accommodating 100 people. Some shelters can be exclusively for the most vulnerable among homeless, such as single women or the disabled.

Shelters should have minimum space of 50 sq ft per person with well-ventilated rooms, lighting, water, toilets, common kitchen and utensils. Services like mosquito control and regular cleaning of beds should be provided regularly. Shelters should provide the homeless with a proof of address and help them acquire BPL and ration cards, voter ID etc., which will enable them to access government schemes such as pension, government school admissions etc.

Asylums ought to have least space of 50 sq ft for every individual with well-ventilated rooms, lighting, water, toilets, basic kitchen and utensils. Administrations like mosquito control and ordinary cleaning of beds ought to be given consistently. Havens should give the destitute a proof of address and assist them with acquiring BPL and proportion cards, voter ID and so forth., which will empower them to get to government plans, for example, benefits, government school confirmations and so on.

These shelters can be run by the government or the agencies that it identifies. The guidelines are specified under the Shelter for Urban Homeless (SUH) scheme of NULM.

The real state of shelters

"A 2017 report by a Supreme Court-named board of trustees, headed by resigned Justice Kailash Gambhir, spreads out the appalling states of destitute asylums. It takes note of that state governments regularly don't pay activity and upkeep expenses to NGOs who run the sanctuaries, in spite of having reserves. Surveying destitute havens in 10 urban areas, the report rates Mumbai and three different urban communities as 'poor'. Three others – Bangalore, Kolkata and Kanpur – have the most noticeably awful evaluating of 'very poor'. This rating is put together not just with respect to the quantity of sanctuaries, yet additionally on how they are run, the activities taken by these urban areas, (for example, reviews, mapping) and so on. Kanpur is the city with the most noteworthy number of destitute at more than 80,000 according to 2011 evaluation, yet has no asylum for 98.6% of them. Kolkata is the metro with the most elevated number of destitute, at around 70,000, however has no asylum for 98% of them. In spite of the fact that the destitute numbers are a lot lesser in Bangalore (around 14000), here excessively 98% are cover less. The report pulled up both Kolkata and Bangalore for having safe houses kept running by untrained NGOs, and not fitting in with SUH standards."¹⁸

It likewise said that sanctuaries in Gujarat's urban communities are ineffectively run, as a result of 'amazingly restricted assets.' In Ahmadabad, tenders were granted to NGOs who offer as low as Rs 20 every day for each detainee, which traded off the nature of the havens.

There are about 9,000 shelter homes across India. After the horrors of the Bihar shelter home came to light, an interim report was submitted to the Supreme Court on shelter homes across the country. The report was weighty and revealed that out of the 2874 shelter homes inspected only a mere 54 had positive reviews. The judges hearing the matter said the NCPCR survey revealed a "frightening scenario" of shelters where homeless children or those in conflict with law are given a space to live¹⁹.

THE PROBLEMS WITH SHELTER HOMES IN INDIA

After the deplorable conditions in the shelter homes of Bihar and Uttar Pradesh came to light this year, it has emerged that no national audit of around 10,000 shelter homes in the country, meant for distressed children and women, has ever been done. In fact, about 33 per cent of such facilities in the country are not even registered. It was only last year that the Centre, for the first time, got prepared a database of around 9,500 child care institutions and 477 homes for destitute women.

There have been various cases in the country that show the deplorable conditions of shelter homes. This includes women and children getting raped, unhygienic conditions of the homes where toilets are locked at night and there are long queues to take a bath.

As a consequence of the rapes, sexual exploitation, abuse and inhumane conditions in shelter homes, there have also been various cases of children and women running away from such shelters. Many inmates are

¹⁶ <http://citizenmatters.in/india-urban-homeless-poor-shelters-5382>

¹⁷ Surbhi Singh, "Devadasi System; Temple Prostitution In India" Author:, DRIOT LAW JOURNAL (2018)

¹⁸ [The report of Justice Kailash Gambhir Committee on shelters in India](#)

¹⁹ <https://www.hindustantimes.com/india-news/ncPCR-report-on-shelter-homes-frightening-says-supreme-court/story-OOQvjGAGifa9F2qXYLFL4L.html>

frustrated and suicidal. There have also been cases of women forcibly being kept in these shelter homes despite court's orders of their release.²⁰

Rehabilitation begins with acceptance of the stigmatized victims but in this habitat, women²¹ and other inmates of shelter homes feel rejection worse than they have felt on the face of the earth. This is one of the major challenges that women and vulnerable sections of the society face in shelter homes. The deplorable condition of the shelter homes is a reflection of the apathy of not just the government but also the society as a whole. The forcible detention of women in shelter homes in the name of rehabilitation is a denial of their basic right to dignity and is against any concept of human rights. The situation in shelter homes needs a complete revamping in terms of food, hygiene and health, including mental health of the inmates. The women are not provided with access to skill development aside from the standard Mehdi design and papad making. Women in shelter homes are not given the right to speedy release and safe return to their families.²²

Activists and others working in the field of women and child rights are aware of the day-to-day human rights violations that take place in shelters run either by the government or the nongovernmental organizations (NGOs). There are no annual reports or any other kind of information that is publicly available. Social audit reports of the kind carried out by TISS should be done for all states, so that all stakeholders have at least basic information about each shelter institution.

The following five problems are among those that TISS reported as being general across these institutions in Bihar:

- i. Insufficient staff and critical posts were vacant.
- ii. Insufficient and inappropriate infra- structure in most institutions like good ventilation, hygiene conditions, access to open spaces for recreation were missing from most institutions.
- iii. Lack of recreational activities and vocational training in most institutions.
- iv. Evidence of rampant institutional abuse of various kinds ranging from neglect, harassment, physical assaults to sexual abuse.
- v. A large number of the residents, including children, were found to be living with several forms of mental illnesses.

Apart from these guidelines, the most controversial and problematic aspect of many shelter homes running in the country is the political connection of the owners of shelter homes. This NGO- Political nexus has played major role in concealing the rampant abuse in shelter homes as we have seen in the cases of Bihar and Uttar Pradesh.

It is thus clear that shelter home facilities have failed at a structural level as well as in terms of accountability. Despite having regulations in place for regular audits of shelter homes, the political nexus has enabled rampant grave human rights abuses in shelter homes. Coupled with it is the lack of data that makes it impossible to present a coherent picture of the working of shelter homes at regional and national levels.

The recent incidents of rampant physical and sexual abuse of minors and women in childcare institutions (CCIs) and shelter homes in Bihar and Uttar Pradesh reveal how the state as well as the civil society have failed in their role as protectors and watchdogs²³. It is a travesty of justice that their "protectors" themselves turn out to be the perpetrators, time and again. This has happened despite the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) and the existence of the National Commission for Protection of Child Rights (NCPCR).²⁴

It is not a dearth of laws, but lack of monitoring and absence of inspection committees that have led to the current predicament. All CCIs are required to be registered under the JJ Act and every district needs to have a child protection officer, a child welfare committee, and a juvenile justice board; However, in practice, their functioning has not been effective enough to prevent the widespread misuse of power and money by those running these institutions.²⁵ An NCPCR survey has shown that only 32% of CCIs were registered under the JJ Act, while 33% were not registered with any authority.²⁶ The Ministry of Women and Child Development, which provides funding to CCIs under the Integrated Child Protection Scheme, is duty-bound to carry out social audits in order to deter malpractices. However, either these institutions are allowed to function without any routine inspections, or, as in the case of the Muzaffarpur CCI, inspections by multiple state agencies over the years find nothing amiss despite widespread abuse being present²⁷.

²⁰ Economic and Political Weekly, Women's Work, Stigma, Shelter Homes and the State, Jan 26, 2013

²¹ <http://www.sacw.net/article3570.html>

²² <http://www.sacw.net/article3570.html>

²³ <http://sheriasacademy.blogspot.com/2018/08/44-child-sexual-abuse-cases-frombihar.html>

²⁴ *ibid*

²⁵ *ibid*

²⁶ NCPCR survey

²⁷ <http://sheriasacademy.blogspot.com/2018/08/44-child-sexual-abuse-cases-frombihar.html>

In spite of the fact that the NCPCR has now been arranged to finish social reviews of all CCIs and the state governments have requested tests, this has come past the point of no return for the various lives damaged by their very "protectors." The tests have prompted the disclosure of more episodes of misuse, and a lot more are relied upon to become known.

The Supreme Court, while hearing on the Muzaffarpur case; "has expressed concern for the safety and welfare of children living in shelter homes. According to the NCPCR survey, there are presently 1,575 survivors of sexual abuse living in CCIs across India. These children have escaped sexual abuse only to fall victim to it again at these shelter homes. While taking punitive action is necessary, often the government's actions stop at just that, with any effort at alleviating the situation of these children and women and keeping checks on the functioning of shelter homes falling by the wayside once the furor over the issue dies down."²⁸

As a general rule, kids and down and out ladies who have been casualties of vicious and manipulative conditions don't have a state in issues concerning their own welfare, and are helpless before the individuals who use control over them, be it the state and its authorities and government officials, or the remainder of society. To achieve a change in the states of powerless gatherings under state insurance, it is basic that the crude and man centric outlook—which criticizes individual people as dishonorable of nobility and regard while propagating and imitating brutality against them—needs to change. All the more critically, these powerless gatherings should be enabled by being treated as completely rights-bearing residents and encouraged to assuming a functioning job in tending to issues concerning them and their welfare.

RECOMMENDATIONS

It is the need of the hour to take corrective measures to solve the appalling state of affairs, Here are 8 ways which can help improve the conditions of shelter homes in India:

- Stricter laws and their awareness: Certain guidelines and those guidelines should be actualized and authorized at sanctuary houses to guarantee security of the minors. Kids ought to be made mindful of the laws to speak more loudly against any sort of savagery that inundates them in a dark opening of misuse.
- Quality of Life: Taps with no running water, sharp smelling toilets, floors overwhelmed with sloppy water and poor framework of the sanctuary homes have made adjusts in the news. Legitimate sanitation and cleanliness offices ought to be given for better personal satisfaction.
- Issue of license: A personal investigation ought to be done before giving permit to the proprietors of haven houses or remand homes. Additionally, there ought to be straightforward checks at customary interims and specialists should make quick move if the measures are not met by an office.
- Crackdown on unregistered remand houses: There are expanding number of unregistered and unlawful safe house homes. As they are not enlisted under the law, the proprietors of these asylum homes control without anyone else terms. An activity ought to be led by the legislature to close down these unlawful asylum houses.
- Check on overcrowded homes: With the expansion in number of adolescent violations, remand homes are regularly packed, surpassing as far as possible. It must be guaranteed that lone certain number of prisoners should fill the inhabitation of remand houses. Congestion prompts battles and against social conduct among minors.
- Trained and adequate number of staff: The staff of the remand houses are heavily underpaid and overworked. An accurate number of staff persons should be deployed as per the size of the operation. It should also be made sure that the staff members are qualified and professional.
- Regular inspection and monitoring: Government must investigate and screen the remand houses guaranteeing appropriate wellbeing and cleanliness of the detainees. This will carry light to any infringement of the guidelines and guidelines set by the administration and expedient moves will be made against them.
- Curb on misappropriation of funds: There is only here and there any position managing the suitable use of the assets. In this way, prompting abuse of the assets and luxuries gave. An administration body ought to give rules to the proper utilization of assets.

It's significant likewise to recall as of now that working with kid survivors saved from dealing, misuse or misuse is troublesome work. The individuals who run safe house homes are not just exploring a confounded framework, getting by on rare assets, they are likewise dealing with amazingly complex cases. There will be times when even the best aims may fall flat - catastrophe, mishaps or misuse may happen, in spite of each best exertion. We must be careful not to view everyone who runs a shelter home with suspicion or to assume they are all mal-intentioned child abusers. That would be an enormous disservice and would likely not lead to the solutions that would benefit child survivors in need of refuge and safety. What we must insist on, and follow through to fruition, is for everyone concerned with children's protection to actually get down to doing the work

²⁸ SLP(C) 24978/2018

that's needed, not in meeting rooms where the policy people are, but in those miserable places where the children actually live.²⁹

Provided that we don't, a huge number of youngsters protected from dealing, abuse or on the other hand misuse living in safe house homes the nation over will keep on being at high danger of being re-deceived or manhandled. Just on the grounds that in a nation of a billion people we can't relegate anybody from the outside world - past the dividers of the safe house home - to consistently go in and ask them the life Scholars and agencies have suggested various strategies to help street children, many of which focus on the use of NGOs. A.B. Bose of UNICEF and Sarah Thomas de Benitez of the Consortium for Street Children suggest that the main responsibility of assistance should be given to NGOs, which should be backed financially by the government. Because NGOs have the ability to be more flexible than the government, they are better able to meet the needs of street children in varied circumstances.³⁰

The Human Rights Watch suggests that censuses of street children should be taken in various cities in order to help NGOs have accurate data about the street children population and plan programs accordingly. The Human Rights Watch also makes various legal suggestions for the protection of street children in their study of police abuse and killings of street children. These suggestions include the amendment of Sections 53 and 54 of the Code of Criminal Procedures to make a medical examination necessary when a street child is detained, ratifying the United Nations 1984 Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, and to amend the Juvenile Justice Act in order to create a mechanism for complaints and prosecutions for abuse.

Last month, the country was shaken by the horror stories emerging from shelter homes for children in Bihar and Uttar Pradesh³¹, What was brought before long into focus is the express disillusionment of the State and its accessories and associations to ensure affirmation to kids, even the people who live in their thought. In the consequence of the open shock, the administration and the courts have - as occurs in these circumstances - been mixed to activity. We hear talk of new committees being formed, new SOPs being written, new ways to do all of the old things that were not done before. Meanwhile, the spotlight has moved away from 461,000 children living in 9,589 shelter/rescue homes across the country who remain endangered therefore this bears reiteration.³²

Homelessness is defined as living in housing that is below the minimum standard or lacks secure tenure. People can be categorized as homeless if they are: living on the streets (primary homelessness); moving between temporary shelters, including houses of friends, family and emergency accommodation (secondary homelessness); living in private boarding houses without a private bathroom and/or security of tenure (tertiary homelessness).

The rape and abuse of the girls in the shelter homes in Muzaffarpur and Deoria is not an anomaly. More pertinently, although no one might have known about the specifics of those homes, everyone who is accountable for the safety of children in shelter homes has always known of the perilous situation and the rampant abuse in homes everywhere. Because this is not the first time institutions have been monitored; this is not the first report ever to surface of abuse in shelter homes; this is not the first time that officialdom at every level has promised change; and in all likelihood, this is not the first time that there will be proclamations, probes, and high-level consultations and committees set up, but absolutely nobody made accountable for real, consistent, on-the-ground, home-by-home remedial action.³³

Shelter homes were supposed to be a place where people especially women and children in distress could live a life of dignity, can rehabilitate themselves economically and emotionally, but instead shelter homes are turning out to be brothels. A social audit by a Mumbai-based Tata Institute of Social Sciences (TISS) brought to light the sexual abuse of 34 girls at a government-run shelter home for girls in Muzaffarpur, Bihar. It was followed by another case in Deoria in UP where a 10-year-old girl escaped a shelter home and exposed the exploitation of the girls who lived there.³⁴

²⁹ Steven Brown, Samantha Batko, Josh Leopold Aaron Shroyer, "Final Report and Recommendations on Homelessness in Alameda County, California", for article urban instate, 03 January 2018, https://www.urban.org/sites/default/files/publication/96506/final_report_and_recommendations_on_homelessness.pdf

³⁰ David Pirtle, "Why Some Homeless Choose The Streets Over Shelters" from NPR new article, 06 December 2012. <https://www.npr.org/2012/12/06/why-some-homeless-choose-the-streets-over-shelters>

³¹ Atiya Bose, Suparna Gupta "4 Immediate Ways To Protect Children In Shelter Homes" ND tv new article, 04 September 2018 <https://www.ndtv.com/opinion/4-immediate-ways-to-protect-children-in-shelter-homes>

³² <https://www.ndtv.com/opinion/4-immediate-ways-to-protect-children-in-shelterhomes-1910897>

³³ *Ibid*, <https://www.ndtv.com/opinion/4-immediate-ways-to-protect-children-in-shelterhomes-1910897>

³⁴ <https://timesofindia.indiatimes.com/india/when-shelter-homes-turn-into-horror-homes/articleshow/65347414.cms>



All shelters must be of a 'revolving door' nature. This means that the shelters will not serve as final destinations, but instead as places of healing and livelihood preparation, to enable the homeless to move out into independent housing, working men's or women's hostels, or old people. They should indeed be a place for safeguarding the rights of individuals and communities at large.