Short Review Paper

Urban homelessness in India: a policy review

Zainab Khorakiwala
B.A. Public Policy, FLAME University, Pune, India-411001, India
zykhoraki@gmail.com

Abstract

Housing, as a fundamental right of all citizens, forms an integral part of urban planning in India. However, with rising capitalism, urban planning is highly influenced by neo-liberal macroeconomic policies, causing both spatial and social segregation. These policies have pushed up land values, pushing the poor to the peripheries for relocation. Moreover, the notion of 'outsider' associated with migrants often renders them homeless in urban spaces. Despite policies, urban homelessness is a grave problem even today. This is mainly because policies have failed to capture the scope of urban homelessness. In addition, the inclusion of private investors and contractors has worsened the situation. This secondary research has outlined various problems associated with urban homelessness, along with a review of the two most recent housing policies implemented in India.

Keywords: Urban, homelessness, policy.

Introduction

Driving through cities, it is not uncommon to find men, women and children living off the streets, bathing and defecating openly, and dwelling in shelters that could crumble just by the swoosh of wind. The problem of urban homelessness is not a new one. It predates the colonial era and continues to deprive a large portion of the population of the right to housing. Housing is not just the presence of a roof, but entails a sense of belonging and security which are obtained through access to basic facilities such as a durable shelter, personal physical space, functional toilets, bathing and cooking facilities, electricity, and so on.

Much of urban homelessness is driven by poverty with its origins in the neo-liberal ideology, which presupposes that well-being can be best promoted through macro-economic policies predicated upon private property rights, free markets and investment. However, these policies have barely focused on income distribution or addressing inequality. As a result, they have pushed up property values such that the peripheral areas, once occupied by the poor, gain value and can be exploited for development. This leads to the eviction or relocation of millions of poor, engendering them homeless. Living and housing conditions of the urban poor are not only abandoned but are also seen as counter to the goals of this new paradigm.

The process of urban planning with macroeconomic goals has caused social segregation. Planning has excluded several groups, especially migrants from rural areas. They are often seen as outsiders and prevented from occupying areas in the city. Moreover, several state-enacted Rental Control Acts (RCAs) disincentivize landowners from renting out their property, further aggravating segregation. The Act, being pro-tenant, sets the rental price below the market price making eviction difficult. As a result, overtime, landlords have found it unviable to maintain properties allowing them to deteriorate[1]. Consequently, they are compelled to live in dilapidated slums or in open and unhygienic spaces in the city.

Taking cognizance of the issues, the government has formulated and implemented several policies since 2005. Policies such as Jawaharlal Nehru Urban Renewal Mission (JNNURM) (2005), Rajiv Awas Yojana (RAY) (2009-17) and Valmiki Ambedkar Awas Yojana (2009-17) have addressed the problem by laying emphasis on providing basic amenities, correcting deficiencies in urban planning, creating equity and inclusiveness to ensure participation[2].

Although policies have addressed the issue of urban homelessness, their main focus has only been on slums, which has skewed the scope in several ways. Firstly, the typology of slums gives rise to shaky estimates about homeless population. While, the National Sample Survey Organization (NSSO) defines a slum as comprising at least 20 households, the Census of India 2011 only considers 60-70 households[3]. These typologies give rise to different estimates of slum population, creating difficulties in implementation.

Secondly, official agencies only classify slums as declared (notified or recognized) and a collective category that includes all other low-income habitations. Such a binary categorization poorly captures vast differences between typologies. In other words, little is gained by using slum as a homogeneous category[3].

Thirdly, when a municipal authority labels a slum as 'notified', its spatial territories barely gain identification or recognition on city maps. Slums spread, dismantle and relocate overtime. The absence of the mapping of spatial boundaries keeps a large section of urban homeless outside the scope of policies. Lastly, the focus on slums, not only excludes non-notified slums, but also excludes those living on the streets, footpaths, under bridges, and near railway stations[3].

Amidst these issues, the central government introduced two major policies, each with a unique approach to tackle homelessness in urban areas. These include, The National Urban Housing and Habitat Policy, 2007 and the Scheme of Shelters for Urban Homeless, 2013.

National Urban Housing and Habitat Policy, 2007

The urban population of India has been rising since more than a decade. In 2001, around 68.7% of the total population was living in 'Class I cities' (cities with a population greater than 100,000). The total population in 'medium and small towns' stood at 21.9% and 9.4% respectively. There has been a severe housing shortage (almost 99%) among the Economically Weaker Sections (EWS) and Low-Income Groups (LIG) sectors. Considering that 26.7% of the total poor live in urban areas, the issue of affordability gains immense significance[4].

According to the 61st National Sample Survey Organization (NSSO) Round reports, the population of urban poor rose by 4.4 million up to 2005, making it necessary to upgrade the National Urban Housing and Habitat Policy of 1998.The aim of the new policy is to provide 'Affordable Housing to All' with special emphasis on the EWS and LIG sectors[4].

The policy addresses various facets of homelessness. Firstly, considering that there has been a large shift in labour from rural to urban areas, the policy has adopted a 'Regional Planning' approach which mainly involves the maintenance of the ecological balance between rural and urban areas. The approach builds mutual inter-dependence between towns and cities through the establishment of urban outgrowths of towns and newly integrated townships. The development of towns can serve as an impetus to reduce large-scale migration to cities, thereby decreasing housing shortage[4].

Secondly, considering that about 50% of the country's population would be living in cities by 2041, the policy aims to build green-field townships to distribute the population. These new areas would be constructed on relatively barren land (excluding areas producing more than one crop through assured irrigation).

Moreover, it has been proposed that townships be located at a reasonable distance from small and medium towns. Another goal is the development of rapid transport corridors between medium, large and green-field towns to develop an optimum relationship between industry and commerce[4].

Thirdly, considering insecurity of tenure and urban hygiene, the policy aims to improve the existing housing stock as well as create a new one on rental and ownership basis. Appropriate capital or subsidies would greatly improve the affordability of the economically weaker and low-income sections[4].

Lastly, the policy identifies vulnerable groups among the urban homeless and lays down provisions to cater to their housing needs. These groups mainly include Scheduled Caste (SC), Scheduled Tribe (ST), Other Backward Classes (OBCs), minorities, physically impaired persons, hawkers and unorganized labour force, and women facing violence, abuse, abandonment and unemployment. The participation of these groups would ensure formulation and implementation of housing programmes[4].

The policy directs the government to ensure the flow of resources to the housing and infrastructure sector. With regard to housing finance, the policy emphasizes subsidies and other financial concessions, especially for the EWS and LIG beneficiaries. It further encourages Foreign Direct Investment (FDI) and private investments in the urban housing and infrastructure sectors[4].

On the whole, the policy envisages sustainable development of urban spaces with a special focus on social housing for the EWS and LIG sectors to enable their integration into urban planning and development.

Review of the National Housing and Habitat Policy, 2007

It is a multi-goal-based policy that addresses the issue of urban homelessness at various levels. Its implementation has shown mix results. According to a study, the policy has been partially successful in addressing urban homelessness[5]. The shift from rural to urban causes a vertical social mobility of the weaker sections as they move to an upward urban status. In 'Urbanism as a Way of Life,' Louis Wirth mentions the importance of lifestyle more than the structure. Lifestyle should comprise socially and culturally heterogenous people. This is enabled by an increase in population caused by the shift from rural to urban areas. Wirth states that this leads to diversity as it brings different sections of the society together. Moreover, heterogeneity in population gives rise to social interaction among various personalities which results in the breakdown of rigid caste lines and interwoven class structures.

One of the major goals of the policy is to replace slums with better housing infrastructure. It has adopted a sustainable development approach towards this effort. So, the policy does not only focus on providing housing facilities, but also enhances the quality of life and settlements.

The policy promotes a healthy environment by delivering various services such as sanitation, drinking water, lighting, etc.[5].

Unlike a few policies in the past, this policy has identified the vulnerable groups among the homeless urban population. It makes special provisions for SCs, STs, OBCs, minorities, disabled, street vendors and other informal workers. Sensitivity towards these groups, helps in understanding and legally representing their housing needs. This also widens the scope of participation in decision-making as vulnerable groups acquire a say in improving their lives.

As much as the policy aims to promote the right to adequate housing, it is not devoid of loopholes. It encourages FDI and private investments in the housing sector to improve the quality of the housing stock.

However, this may turn out to be detrimental for the weaker sections. While focusing on the upliftment of the weaker groups, it overlooks the vast gulf between the haves and the have-nots. Those not under the power of the investors are likely to be more oppressed by the richer and benefitting sections of the society. Oscar Lewis, in his work 'Culture of Poverty,' explains that the norms and behaviour of the poor are characterized by a distinct way of life, forming a sub-culture within the larger culture. This way of life, including a typical world view and low aspirations, perpetuates itself through every generation, thus creating a wider gap each time. Private investment and FDI would add to this gap leading to social isolation and exclusion of weaker groups[5].

Another major problem with FDI and private investments is the reduction of the Floor Area Ratio and subsidies as investors are capital driven. In the absence or lack of concessions and subsidies, the policy would fail to supply affordable housing facilities to the urban homeless. Finally, it remains silent on issues like taxes, subsidy rates, dates of policy review, and quality of housing[5].

Scheme of Shelters for Urban Homeless, 2013

Certain laws have made homelessness a bane to society. For instance, under the Delhi Police Act 1978, any person found under 'suspicious circumstances between sunrise and sunset' can be apprehended by the police. Similarly, the Bombay Prevention of Begging Act, 1959, punishes vagrancy. In view of these laws, the Supreme Court (SC) has interpreted Article 21 of the constitution and recognized homelessness as a human rights violation. In 2010 the court ordered that sufficient shelters should be provided for the homeless. Following the order, the High Courts passed orders to give effect to the judgement of the SC (Special Rapporteur on the Right to Adequate Housing).

Consequently, the centre launched the Scheme of Shelter for Urban Homeless, 2012 to ensure essential housing facilities to the urban homeless. According to the scheme, for a population of every one lakh homeless persons, permanent and all-weather community shelters are to be provided for a minimum of one hundred persons[6].

The scheme suggests constructing separate shelters catering to single men and women, family shelters, and special homes for minor children, aged persons, mentally and physically challenged, and infirm (Ministry of Housing and Urban Poverty). Besides highlighting amenities ensuring dignified living, the scheme lays special emphasis on the location and design of shelters. They are to be located close to railways lines, bus depots and terminals, markets, and other spaces where the concentration of homeless population is high. Furthermore, they should be built in residential, commercial, industrial and public zones, with prior permission from the concerned authorities[6]. With regard to design, a minimum space of 50 square feet has been prescribed for each person. Refurbishment of existing shelters and construction of new shelters using concrete or weather-proof alternate structures would fall within the purview of state authorities[6].

The cost of implementation has been split between the central and state governments. The centre would bear around 75% of the cost. As far as 'Special Category States' are concerned, the ratio is set at 90:10[6].

Review of the Scheme of Shelter for Urban Homeless, 2013

Unlike many policies in the past, this one goes beyond slums, identifying concentrations of homeless populations and catering to their needs. However, the implementation has not been promising.

Overall, the number of permanent shelters is inadequate and amenities are almost inexistent. Unlike the policy guidelines, majority of the shelters are situated far away from the concentrations of urban homeless. Moreover, shelters lack space and the size is smaller than what was sanctioned by the Supreme Court and later, the National Scheme of Shelter for Urban Homeless (a minimum capacity of 100 for a population of 100,000). Except Delhi every other city has reported lesser shelter capacity. Lack of availability of land has been stated as a major hindrance to the construction of shelters. Consequently, most shelters run in buildings that are non-functional and unfit for habitation[7].

The lack of training and preparedness of staff at shelters is also a major reason for the failure of the policy. This is mainly true of shelters that serve women subject to domestic violence, social exclusion, sexual exploitation, and so on. Often, the staff fails to provide psychological and physical care owing to the excess number of occupants and shortage of human resources[8].

Conclusion

Homelessness has become such an integral part of the social fabric of cities that it barely receives any public attention, more so with growing urbanization. The process of urbanization is intensified by neo-liberal policies, implying that there would be

an ongoing process of migration of labour to urban areas in search of better livelihoods, leading to an acute housing shortage.

In sum, policies addressing homelessness would only be successful when the laws criminalizing homelessness are amended and urban planning is executed with the goal of creating equity in society. There is a need to understand structural problems of homelessness and devise a definition that covers a majority of the homeless population. If the state continues to rely on macroeconomic policies to ensure funding for social policies, the difference between the rich and the poor would become starker, making the problem severe and increasingly unresolvable.

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