

Local Self Government Department

Government of Rajasthan

Rajasthan State Policy for Urban Homeless, 2017

(Draft)

No.F15(G)PD/DLB/NULM/Homeless/15 part I

Jaipur, dated

Whereas a right to dignified shelters is a necessary component of right to life under Article 21 of the Constitution of India;

Whereas the obligation of Municipalities to provide shelter to homeless flows from clause (iv)(c) of section 46 of the Rajasthan Municipalities Act, 2009 (Act 18 of 2009); and

Whereas the National Urban Housing and Habitat Policy, 2007 provides that the Urban Local Bodies/Development Authorities/Housing Boards would ensure that Development Plans/Master Plans as well as zonal plans and local area plans are made and updated regularly so that adequate provision is made for homeless.

Now, therefore, in fulfillment of its constitutional and statutory obligations and in compliance of the orders/directions of the Hon'ble Rajasthan High Court (Jaipur Bench) in DB Civil writ petition No. 8663/2013, the State Government, hereby, frames and declares the policy providing for shelters for urban homeless persons along with their right and entitlements to certain benefits there under, as follows:-

VISION

By 2021 each and every resident in the state of Rajasthan irrespective of age, sex, caste, religion, and region whether living alone or with family shall be ensured access to a proper home or an appropriate place of residence so that everyone lives a life with dignity.

The homeless shall have an enabling environment for survival, growth & development, protection, participation, and a life with dignity and without discrimination.



Rajasthan State Policy for Urban Homeless, 2017

The National Urban Housing and Habitat Policy, 2007 provides that the Urban Local Bodies/ Development Authorities/ Housing Boards would ensure that Development Plans/ Master Plans as well as Zonal Plans and Local Area Plans are made and updated regularly so that adequate provision is made for the Homeless.

Hence, in fulfillment of its constitutional and statutory obligations and in compliance with the orders of the Hon'ble Supreme Court, the State Government hereby resolves to take steps to realize the rights of the Urban Homeless persons and to provide them with permanent shelters and all benefits as per their entitlements.

Principles:

1. The State Government intends to realize the constitutional, statutory and human rights of the Urban Homeless population and the provision of permanent shelters shall be the first step.
2. The State Government recognizes the contribution of the urban homeless to urban economy
3. It recognizes that lack of shelters also implies a life without dignity with lack of access to potable water, toilets, security, etc.
4. The State Government intends to ensure the participation of the urban homeless persons in the decision-making process.

1. This policy may be called as the Rajasthan State Policy on Urban Homeless, 2017

- (1) It shall be applicable to the urban areas falling under the Municipal Corporations/Councils in all 191 ULBs (cities/ towns) of Rajasthan.
- (2) It shall commence on and from the date of its publication after seeking approval of the Hon'ble Rajasthan High Court.



2. Definitions - For the purpose of this policy, a homeless person is he, who, does not have house of his own or cannot afford a house on rent in the city or town where he is stationed and,-

- (i) lives and sleeps on streets and pavements, verandahs, in open vacant places, parks, railway stations, bus stands, in hume pipes, under bridges and other places under open skies;
- (ii) lives at or around at tourist places and sleeps there or at places of public worships, wholesale markets, outside, inside or near the construction site, factories, restaurants, dhabas, shops and offices;
- (iii) sleeps on means of livelihood like Rickshaw, Cart (thela) or such other means;
- (iv) lives on various make shift dwellings on private or public land and other common places; and
- (v) those living in shelters and homes

3. Identification of Homeless and providing them shelter-

- (a) The Nodal Agency shall either itself or through the local bodies cause to be conducted survey of the homeless on regular basis through appropriate independent agencies
- (b) Based on the survey data the Nodal Agency will classify the type & nature of the homeless and based on the typology would ensure access to appropriate shelters in a time bound plan as per DAY-NULM guidelines and in consultation with stakeholders
- (c) It will be responsibility of the designated official to ensure that all the homeless are provided with appropriate shelters

4. Determination and affording of shelter.-

The Managers (Shelter Homes) shall ensure that:

- (a) no homeless is refused entry on any ground,



(b) particulars of the inmates of the shelters are recorded in the register maintained for the purpose, and,

(c) submit the particulars to the SMC for ensuring access to other entitlements and rehabilitation

The appropriate agency will determine the entitlements and rehabilitation plans.

5. Project Implementation, Monitoring and Review

The Nodal agency -

(I) Department of Local Self Governance (LSG) will set up a Special Cell for this purpose to exclusively deal with issue of urban homeless in the State within the Directorate of Local Bodies. The Directorate of Local Bodies (DLB) shall be notified to be the State Level Nodal agency in order to coordinate and effectively implement the Urban Homeless Programme in Urban Local Bodies and will frame rules/ regulations and issue orders or guidelines to Local Bodies in regard to establishment & management of shelters for homeless and their rehabilitation. The Nodal Agency shall be responsible for compliance with the Urban Homeless Programme and shall regularly review, monitor and prepare reports periodically and keep the Government and the State Level Committee informed of the same.

(II) To have a proper mechanism for monitoring and assessment, DLB has constituted the State Level Shelter Review Committee (SLSRC) at State Level under the Chairmanship of Principal Secretary, Local Self Governance, GoR for effective conceptualization, supervision, and monitoring of the urban homeless programme. The SLSRC shall meet on half yearly basis to review the implementation of the policy and the urban homeless programme in the State.

Officer

Roles and Responsibilities:

1. The Committee shall meet quarterly to review the implementation of the policy and the urban homeless programme in the state
2. The Committee shall coordinate between various department for convergence of benefit of Government scheme and programmes for urban homeless;
3. The Committee shall take necessary steps and issue guidelines to the ULBs to implement the policy and scheme of homeless under DAY-NULM and also as per directions of the Hon'ble Supreme Court/ High Court in regard to homeless people.
4. The Committee may associate with and consult representatives from other organizations/ NGOs/ CBOs which are working in the field, specially for upliftment of destitute, rag pickers, physically disabled and other indigent people;
5. The Committee shall ensure that funds are timely allocated to the ULBs for operating & managing the shelter homes

Besides, a District Level Shelter Review Committee (DLSRC) at District level is also constituted under the Chairmanship of the District Collector to review the execution of the programme at grassroots, inspection reports of the shelters, complaints, suggestions and proposals received from various sources, on a regular basis. DLSRC will meet by and large on quarterly basis, but will meet every month from November to February in each year.

(III) The special cell so establish shall prepare -

- (a) a comprehensive legislation, rules and regulations and protocols to ensure rights and entitlements of the homeless in an effective and time bound manner, and



(b) programmes for their rehabilitation in consultation with Department of Urban Development and Housing including the Housing Board to accommodate the homeless in the Low Income Group housing scheme or Affordable Housing Schemes.

6. Objectives of the Policy -

The basic objective of the Rajasthan State Policy for Urban Homeless – 2017 shall be to ensure that the basic need to Shelter for All, access to basic services, education, health and other benefits are fulfilled for all urban homeless, persons in a time bound manner and a life with dignity is provided to all.

Further the objectives are :

- (1) As a first step to establish 24x7 permanent shelters and provide urban homeless with all benefits as per entitlements including identity cards, election cards, pensions, etc.
- (2) To ensure every homeless person – whether Man, Woman, Child or Others, has a safe, clean, comfortable, secure shelter facility to live in
- (3) To provide special arrangements for the specially-able persons and/or weaker section of the society
- (4) To ensure adequate support to destitute like old, single women, run away children, mentally & physically challenged, etc.;
- (5) To ensure that these shelters are at a permanent location and that there will be no dislocation.
- (6) Ensure identification and rehabilitation of homeless and identifying processes that lead to homeliness and plugging the same (detailed survey of the homeless to respond to their entitlements);
- (7) Promote sustainable development of habitat in the State and ensuring equitable supply of land and houses at affordable prices;
- (8) Promote sustainable livelihood for homeless for mainstreaming;



- (9) Provide housing to homeless people on first priority in affordable housing by financial support of state and financial institutions in the shape of easy loans with affordable installments of repayments;
- (10) Ensure adequate housing provisions in industrial and/or development policies for all workers, service providers, migrants etc. and that they are so implemented that people get gainful employment;
- (11) Ensure that industrial and other development policies are so aligned and implemented that homeless get better opportunities of livelihood as self employed.
- (12) In furtherance of the objective set above as initial step :-
- (a) The State shall see and cause to establish permanent shelter homes for identified urban Homeless with all benefits as per entitlement as per DAY-NULM scheme and operational guide lines;
 - (b) Ensure that such shelter homes are located in proximity to place of work of the inmates; and
 - (c) Ensure that such place of shelter is safe, clean, comfortable and secure;

These shelters be the first step in the housing continuum leading finally to permanent housing, education, health and livelihood for all.

7. Establishment of shelters for Homeless in the interregnum -

(1) The State shall issue directions/ guidelines to the State Local Bodies who are having a statutory duty to make provision of shelter for homeless as per the NULM guidelines with regard to locations, nature and type of shelters and operation & management of the same in their respective local areas with following minimum area, set of facilities, equipment and necessary items:-

(i) The Rooms/Dormitory of shelter Homes shall be permanent types and well-ventilated with a minimum area of 50 square feet for each resident

(separate for Male/Female/ differently abled families)



- (ii) Common kitchen with/ Gas stove and LPG connection;
- (iii) Lavatory (separate for Male/Female/differently abled);
- (iv) Lighting arrangement;
- (v) Water for drinking and other purposes;
- (vi) Coolers/ Fans etc;
- (vii) Clean bed (with duly cleaned Bedding, quilt/blankets and pillows);
- (viii) Safety & Security
- (ix) First aid kit, fire extinguisher, vector control;
- (x) Lockers for safe keeping of personal belongings; and
- (xi) Entertainment facilities

(2) The concerned Municipal Corporation/ Council/ Board shall constitute Shelter Management Committee (SMC) comprising of the following:-

- (a) Local ward councilor; (Ward Member of the Municipality)
- (b) Official of the Local authority; (not below the rank of L.D.C)
- (c) Manager of the shelter Home;
- (d) Two representatives of the inmates of the shelter home; (one of them would be a women, if available)

(3) The SMC will oversee and supervise the activities of the shelter home on day to day basis. This committee will hold at least two meetings in a month and record its minutes and a copy thereof shall be sent to be Municipality.

(4) The municipality shall deploy following whole time staff at each shelter Home:-

- (a) One full time manager;
- (b) Three caregivers - one for every 8 hours;

This staff shall maintain accounts and day to day record of the shelter Home besides arranging cleanliness at the place as also maintaining discipline there. The remuneration of such staff will be payable out of amount provided for under the head operation and management (O&M) of shelter created in each city. In the event of necessity of more staff, the



payment of Honorarium/salary will have to be arranged by the concerned Municipality independently or with state support.

- (5) The staff of the shelter shall maintain following seven registers:-
 - (a) Shelter Home's Assets Inventory Book;
 - (b) Accounts Register/Cash Book to monitor day to day expenditure and receipts;
 - (c) Attendance Register of persons staying in the shelter;
 - (d) Shelter management committee Meeting Register;
 - (e) Register of personnel i.e. Register of staff working at the shelter;
 - (f) House-keeping and maintenance Register;
 - (g) Complaints and suggestion Register.
- (6) The Executive Committee constituted under the chairmanship of District Collector by the Administrative Reforms Department for management of DAY-NULM will Monitor and supervise the implementation/operation of the shelter Homes and could seek assistance of community representatives, organisation of civil society and the concerned department and elected representatives.
- (7) The Monthly Progress Report on the operation of Shelter Homes shall be furnished by the concerned ULBs to the DLB. Any complaints/ suggestions received with regard to shelter Home by the Local Bodies shall be attended promptly by the Local Bodies and shall be disposed of within three days and shall communicate the out come thereof to the concerned person.
- (8) Every ULB operating the shelter Homes shall make wide publicity of the facility of shelters indicating the places where such shelters are located and install large size Hoardings at prominent places like Railway Stations, Bus Stands, Hospitals and other places where foot fall of people is very high.
- (9) Every shelter Homes, already established under whatever scheme or projects hitherto fore shall henceforth be operated and maintained as per this policy.



8. Strategy for rehabilitation of homeless.-

- (1) The Programmes of rehabilitation would be so chalked out that it ensures access to:
 - (a) social benefits under legislations like RTE, NFSA, and other benefits like pensions,
 - (b) affordable owned or rental housing,
 - (c) education & skill development, and
 - (d) gainful employment including self employment
- (2) For the purpose of enhancing the sources of income of the identified homeless, the programmes of skill development by training and need based education will be commenced and conducted.
- (3) For the purpose of skill development and enhancing opportunity of self employment and better earning, necessary projects may be launched with effective financial support by State Departments backed by proper Budgetary Provisions and easy loans from Banks

9. Adequate Funding

The State of Rajasthan shall ensure required financial support to concerned departments under consolidated budget provisions under the specific head of urban homeless. A specific new head would be created in the budget. There would be a detailed budgetary provision for the various activities related to urban homeless. It would be mandatory for the concerned departments to prepare budgetary demands for allocation of funds

10. Responsibilities of the inmates of shelter Homes and role of Shelter Management Committee.-

- (1) Since the capital cost of infrastructure for setting up shelter Homes will be borne by the Government (state and central) and shall be operated and maintained by the local authorities, a nominal and reasonable levy depending upon income of

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the inmate of the shelter Home ranging from 10% to 20% of the income could be realised as user charges by the management of the shelter Home. The amount so realised will be spent on the maintenance of the facilities at the shelter Home. Those who do not have enough income may be exempt from such levy.

The user charge would be levied only when shelter home provides all the minimum facilities and staff as specified in Sections 7(1) and 7(4) and satisfies NULM guidelines in respect of location and nature and types of shelters

(2) The old, infirm disabled or destitute staying in the shelter Homes will be provided food free of charge by the Local Body and arrangements may also be made for subsidized food to other inmates of the shelter Homes.

This would be a voluntary cooperative effort of the inmates of the shelter Home, on registration basis and its standard and modalities shall be determined by the Shelter Management committee, locally. Effort can also be made by the SMC to seek support of NGOs and philanthropic bodies in this regard

11. Sensitization of administrative setup.-

- (1) The Executive Committee constituted under the chairmanship of District Collector for Management of NULM to monitor and implement the scheme of Shelter Homes under NULM to will be responsible for sensitising the officers and staff working in the administrative set up in the District including the police personnel about the plight and rights of the Homeless people.
- (2) Besides officials, elected representatives to Urban Local Bodies shall have a special role in identification of homeless and providing them access to Shelter Homes and making special efforts for linking them with various beneficiary schemes to which they are entitled.



By Governor Order,
(Pawan Arora)
Director cum Joint Secretary