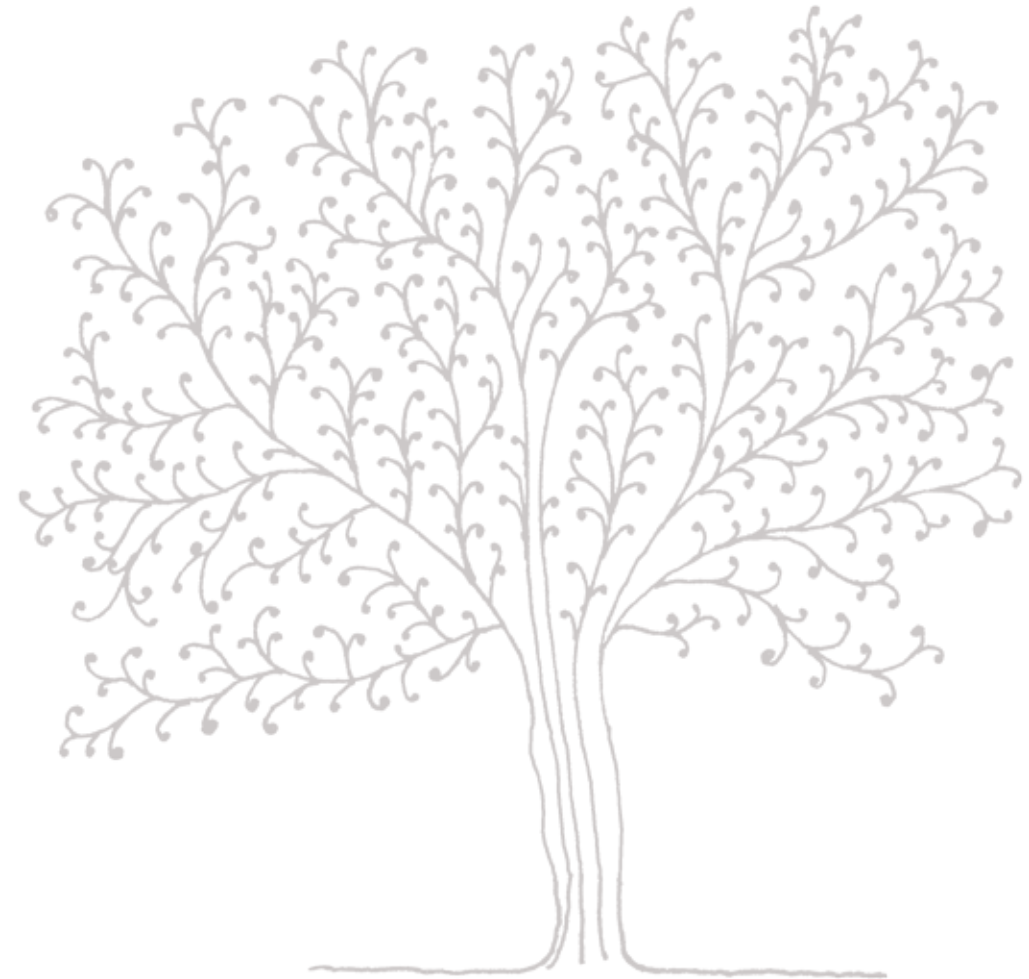


# TIME FOR OVERHAULS

REPORT OF NATIONAL CONSULTATIONS ON SERVICES  
IN AND AROUND STATE-RUN AND FUNDED SHELTER HOMES  
FOR GIRLS, WOMEN AND OTHER VULNERABLE POPULATIONS



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By Lam-lynti Chittara Nerallu,  
a national network working towards improved  
and expanded shelter services for women



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The National Network on Shelter Homes - Lamlynti Chittara Nerallu

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## FOREWORD

Efforts to tackle violence against women and girls require a holistic apparatus where all nodes - sensitization of the public, response by the police, among others - have to work in synergy with each other. Among these nodes is a critical one that has repeatedly been spotlighted in policy measures, yet could not draw the kind of attention it deserves—the shelter home. In other words, a space for women and girls that is safe from violence, abuse, and intimidation, one that fosters their holistic health, agency and rights.

In the past few decades, the government has established and funded different types of shelter homes to cater to women and girls ‘in difficult circumstances’. However, owing to a range of constraints such as few shelter homes, admission constraints and so on, women’s rights activists and community groups have opened up their own homes for survivors of violence or even established shelter homes. In doing so, they sought to incorporate feminist principles of rights, non-judgement and respect. Some re-imagined shelter homes as alternatives to natal/marital residence for women. These disparate attempts in different parts of the country were mostly responses to ‘cases’ of violence faced by individual women. There was some exchanging of notes, networking, concerted action or envisioning among NGOs or individuals behind these attempts. The long-held desire among women’s rights and feminist groups to start a wider conversation on the state of shelter homes, to consolidate their respective lessons and experiences, and leverage the possibilities that shelter homes could offer to survivors has finally led to the genesis of an informal, national network on shelter homes. Vimochana helped by leading this process.

The network was kicked off with two national-level consultations in 2016—the first led by Vimochana (Bangalore) in March and the second hosted by Jagori, AALI, SWATI, AJWS (American Jewish Women’s Service) and Action India in Delhi in October 2016. The participants of these consultations represented women’s rights groups, feminist collectives, LGBTQI groups, NGOs that focus on research, legal advocacy and so on. Groups from different parts of the country shared their experiences of running shelter homes or offering referrals to shelter homes or support services, undertaking studies on shelter homes, working with

women survivors, on counselling or child custody issues and so on. Committed to ending violence against women, these organisations share a similar vision of strengthening provisions of and around shelter homes for women and girls.

To faithfully capture their collective vision, the network decided to name itself Lam-lynti Chittara Nerallu or 'to lead the way under the vista of stars'. The expression is derived from three different Indian languages. In Khasi, Lam-lynti means to lead the way. Chittara is a Telegu word that means star and Nerulu in Kannada refers to shelter. This assortment of languages reflects regional diversities and collaborations within the network. The intent is to preconceive shelters as open, positive spaces that offer care and ensure a rights-based support system for women and girls.

The members of the network identified certain core values that would guide their understanding of and work towards shelter homes such as rights-based approach, women's autonomy, dignity and respect, empowerment, confidentiality, inclusiveness, accessibility and community-engagement.

**The main objectives of Lam-lynti Chittara Nerallu are to:**

- a) Review the conceptual underpinning of Shelter Homes for Women and Girls;
- b) Produce evidence-based knowledge on the operational conditions of and services by shelter homes (including challenges and best practices); and
- c) Demand accountability of the State via evidence-based advocacy and outreach for optimal functioning of women's shelter homes.

This report is an attempt to document the journey of this network until now. We hope it is a useful tool for those invested in the idea of safe spaces for women, and one that eventually enables women's agency towards a life of safety and dignity.

In solidarity,  
Lam-lynti Chittara Nerallu.

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# EXECUTIVE SUMMARY

2016 has seen the formation of a national-level initiative that shines light on the conditions in and services of State-run/funded women’s shelter homes.

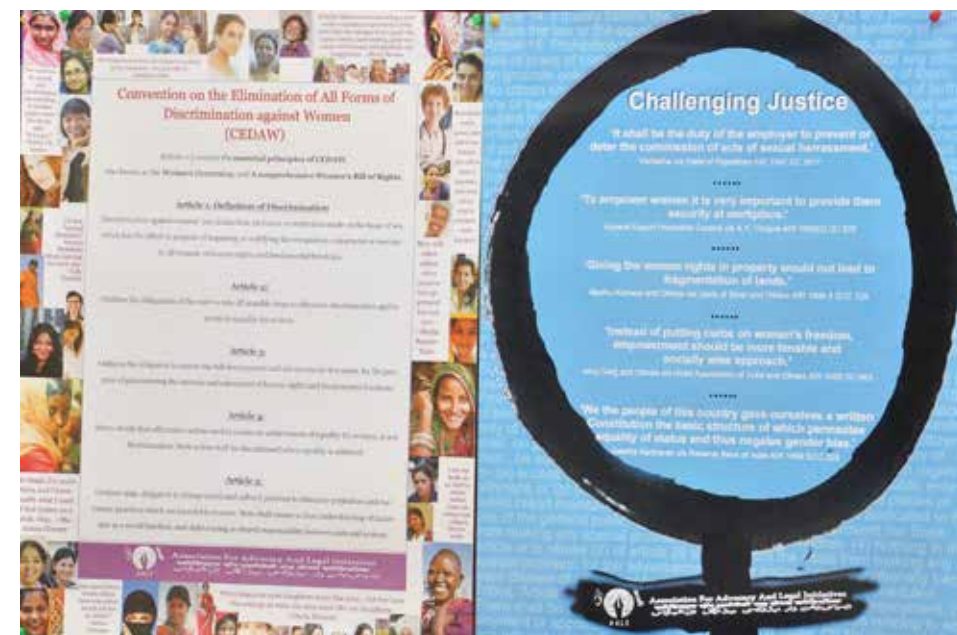
The network comprises various rights-oriented NGOs, collectives and organisations. It calls itself Lam-lynti Chittara Nerallu, a medley of vernacular lingo that reflects its regional diversity as well as intent—‘to lead the way under the vista of stars’ or to work towards shelters that offer support with dignity and optimism.

The report is a record of the discussions and efforts by members of Lam-lynti Chittara Nerallu at the two national consultations. It traces the contours of violence against women and girls in the country today, only to stress upon the need for quality and accessible shelter schemes and homes. It provides an overview of various government-run schemes via which different kinds of shelter homes are run for different categories of women and girls. The report also outlines concerns of those who wish/need to live in these homes as well



as those who already live there. These have been gathered from the network’s rich repertoire of collective and individual accounts, experiences, data and facts of working in/directly with shelter homes. Mostly these speak of the poor to dehumanising living conditions of these homes and its residents, and with it, the failures of the State to assist survivors of violence rebuild lives. To flag the importance of evidence-based advocacy, it captures key findings of research and fact-finding studies, surveys, secondary research, observations and so on done by member organisations of the network vis-à-vis some states in the country. These too corroborate the open secret about these shelter homes—discriminatory behaviour and attitude lack of medico-legal aid, neglect of entitlements, no/little monitoring, abuse and exploitation, among others.

In order to protect and promote rights of survivors living in shelter homes all across the country, the report formulates specific recommendations. It shares its ‘to-do’ list comprising the need for further research on shelter homes at the national and State levels, mapping of existing services for different populations and interventions to overhaul these. It is hoped that the report will serve as a call to mobilize more stakeholders to join this endeavour.



# CONTEXTS: THEN AND NOW

## The spirals of violence

One among the common (mis) understandings around violence against women and girls is that it occurs out there, on the street, in far flung, deserted spots or some such public space. It is believed that women get violated outside our homes and families, most likely at night and at the hands of strangers. And, if and when women face violence at home, it is mostly her marital - not natal -home. The assumption is that one's biological family offers most safety and security. Or, that rapes do not happen in marriages. In fact, 'violence' itself is imagined as physical battering, not in its emotional, financial dimensions, among others. Violence is also often seen as that which is done by individuals, not the State<sup>1</sup>.

Such misconceptions have continued to blunt the complex, intersectional and pervasive forms of violence against women.

Violence is not only an act, event or moment but can be embedded in the everyday settings of our cultures and structures that create multiple degrees of vulnerabilities for women and girls. In the more intimate environment of the family, there is rampant exploitation, discrimination and violation of girls' and women's human rights vis-à-vis food, education, exercise of choice about employment, autonomy in marriage and so on. Yet, these can be so normalized that they hardly appear as violence to many eyes or minds. For example, the unpaid care economy that runs solely on women's labour is noted to be exploitative<sup>2</sup>. Outside the family, for example, women and girls are denied rights and autonomy to access public spaces. Women and girls are also uniquely affected by poverty and financial distress, especially because of diminishing social security, unemployment, increased migration and forced displacement

<sup>1</sup> Raksha Kumar (2016), 'No one is safe': In Chhattisgarh's villages, women complain of sexual assault by security forces, Scroll, 15 May 2016, URL: <http://scroll.in/article/808039/no-one-is-safe-in-chhattisgarhs-villages-women-complain-of-sexual-assault-by-security-forces>.

<sup>2</sup> Sona Mitra, 6 August 2015, 'Women's Paid and Unpaid Work: Some Reflections', Centre for Budget and Governance Accountability, URL: <http://www.cbgaindia.org/opinion/womens-paid-and-unpaid-work-some-reflections/>.

<sup>3</sup> Women and Social Security Protection in India, Report of a National Conference, Programme on Women's Economic, Social and Cultural Rights, May 2013, URL: <https://in.boell.org/2014/02/05/women-and-social-security-and-protection-india>.

by development projects with inadequate resettlement etc<sup>3</sup>. Women's political rights and participation are easily compromised in all such scenarios, including in times of conflict, war or even natural disasters.

The patriarchy and/or misogyny that underlies the above-mentioned violations in the lives of women and girls also manifest themselves as verbal and physical abuse, honour killing, dowry, sex selective abortion, domestic or intimate partner violence, rape, sexual exploitation, assault and harassment and abandonment, among other acts of crime. As per the National Crime Records Bureau, in 2015, a total of 34,651 cases of rape were reported and 84,222 cases of "assault on women with intent to outrage her modesty" were registered across the country. Statistics from the United Nations reveal that one in five cases of honour killing from across the globe are reported from India every year<sup>4</sup>.

The links between homelessness and different and overlapping forms of violence (personal, structural, systemic or institutionalized) against women and girls are complex and tight. Although there are no recent statistics or accurate numbers for the homeless in India, it is estimated that their numbers are more than 1.7 million, as per Census 2011. Researchers find this figure to be a rather conservative estimate of their actual numbers. Their calculations suggest that at least one percent of the urban population is homeless and therefore they flag the urban homeless at around 3 million<sup>5</sup>. A Housing and Land Rights Network study<sup>6</sup> on homeless women contextualizes structural violence as a major cause of women's homelessness--rural distress, unaffordable housing in urban areas, women's weak land and housing rights, forced evictions from slums, inequitable planning of land use, discriminatory traditional practices, little control over economic resources, and so on.

In all such circumstances, when the home or street turns abusive, violent or threatening, one of the first responses by or implications for women/girls facing violence is to escape these sites or be dislodged from them.

<sup>4</sup> Nupur Basu, 'Honour Killings: India's Crying Shame', Aljazeera, 28 November 2013; URL: <http://www.aljazeera.com/indepth/opinion/2013/11/honour-killings-india-crying-shame-20131127105910392176.html>.

<sup>5</sup> Homelessness in India, Housing and Land Rights Network, URL: <http://hlrn.org.in/homelessness#tab3>.

<sup>6</sup> S. Chaudhry, A Joseph and I. P Singh, 'Violence and Violations: the reality of homeless women in India', Housing and Rights Network, March 2014; URL: [http://hlrn.org.in/documents/Violence\\_and\\_Violations\\_Homeless\\_Women\\_in\\_India\\_2014.pdf](http://hlrn.org.in/documents/Violence_and_Violations_Homeless_Women_in_India_2014.pdf).

Once they are out in public spaces and susceptible to all its risks, the State is supposed to step into the picture with safe spaces. As far as domestic violence is concerned, the Protection of Women from Domestic Violence Act 2005 enables women facing violence to seek shelter, legal aid, access to medical care and so on. However, the implementation of the Act and the de facto situation on the ground does not always match its intention. A severe lack of shelter homes, for example, itself is enough to make women endure violence and not even report it.

Sometimes, it is the State's moralistic judgements that render women jobless and imprisoned in remand homes. The Maharashtra government's decision to impose a ban on bar dancers in 2005 is an example. The police started to harass the dancers and arrested them during raids conducted at bars. Women were arrested under the Immoral Traffic (Prevention) Act and locked in remand homes, some until the intervention of High Court of Bombay in December 2012.

Clearly, among all other responses and support services that women facing violence require, a shelter home is often one of the first. It becomes imperative then to get it right.

### **The inception and intention of shelters**

The emergence of State-run and supported shelter homes in India can be traced to the late 1950s. The early institutions of shelter homes had social welfarist origins. Some of the first shelter homes were aimed at "social and moral hygiene" and so the State started "protective" and "rescue" homes for women and girls in different parts of the country. As the nomenclature suggests, the relationship between the State and its female citizens was that of a benefactor and beneficiary, where in the State was the saviour of helpless women. An analysis<sup>7</sup> of the trajectory of shelter homes reveals the evolution of language and perspective; both of these shifted from welfare to development close around the 1980s. Influenced by the feminist perspectives of the women's movement, a right-based, entitlements-focused approach also made space or itself in the developmental landscape of the State.

<sup>7</sup> 'From Being shelters to becoming homes, Situation Analysis and Recommendations Based on a Study of Shelter Homes in Gujarat', The Society for Women's Action and Training Initiatives and The Women's Studies and Research Centre, M.S. University (2015).

Following is a brief overview of different shelter schemes and homes funded, run and/or aided by different stakeholders such as the Union or State government, women's groups, NGOs, and faith-based organisations.

### **Central government schemes**

**Short Stay Homes**<sup>8</sup> (1969) were launched by the then Department of Social Welfare. These are meant to be temporary shelters (available for a period of six months to three years) for women and girls who were in "social and moral danger" or were rendered homeless due to a range of violent experiences or abuse, exploitation, destitution, lack of economic support, emotional disturbance or mental illness and such like. Preference is given to those between the age group of 15 to 35 years. Other than accommodation, the Short Stay Home scheme offers maintenance and rehabilitation services through voluntary organisations. It allows children up to the age of seven years to stay with their mother, after which they are sent to a children's home. It also mandates vocational training and skill development.

Short Stay Homes are run by NGOs who receive funding from the government. Social Welfare Boards and the Department of Women and Child play a key role in the establishment and running of the Homes.

**Working Women's Hostels** (1972-73) were conceptualized to offer safe, affordable and convenient accommodation for women in paid employment. These hostels are supposed to be built in cities, smaller towns and even rural areas. The eligibility criteria for a place in these hostels includes women who are single, widowed, divorced, separated, married but whose husband/family lives in another city. Preference is given to those from disadvantaged sections and the physically challenged. As per the June 2015<sup>9</sup> policy on these hostels, only women whose gross income does not exceed Rupees 50,000 per month in metropolitan cities or Rupees 35,000 per month in any other place are entitled. Girls up to the age of 18 years and boys up to the age of 5 years are allowed

<sup>8</sup> 'Scheme of Short Stay Homes for Women and Girls', Ministry of Women and Child Development, URL: <http://icds-wcd.nic.in/schemes/us13.html>.

<sup>9</sup> 'Working Women Hostel. A Scheme to Provide Safe and Affordable Accommodation to Working Women', Ministry of Women and Child Development, June 2015; URL: <http://wcd.nic.in/sites/default/files/wwhscheme09062015.pdf>.

to live with their mothers. These hostels also offer day care facilities for the residents' children. The maximum period of stay in such hostels is three years.

**Swadhar Homes**<sup>10</sup> (2001-2002) were introduced as part of the Swadhar scheme by the Department of Women and Child Development, after having seen the limited scope of the Short Stay Homes' scheme. The intent of the Swadhar scheme is to provide multiple and integrated services to women who have no socio-economic support such as destitutes, poor widows, survivors of natural disasters and terrorist/extremist violence, migrants or refugees, ex-prisoners without family support, survivors of natural disasters, and women deserted by families because of physical/mental disabilities. The ambit of services offered by Swadhar includes food, clothing, shelter, healthcare, counselling, legal support, socio-economic rehabilitation through education, awareness generation and skill building.

It was implemented via the department of social welfare/women and child development, women's development organization, urban local bodies, reputed public/private trust, voluntary organisations. A women's helpline that was launched for women under the scheme was discontinued from March 2015 onwards. Till July 2015, there were 311 Swadhar Homes across the country, and the total number of women rehabilitated under the scheme in 2014-15 is 4,247<sup>11</sup>.

Swadhar Homes are supposed to be monitored, at least twice a year, by a District Level Committee headed by District Magistrate. At the State Level, the Secretary in-charge of Social Welfare/Women and Child Development Department in the State Government is tasked with chairing the State Level Monitoring Committee. Wherever necessary, officers from the Ministry of Women and Child Development also inspect the Homes.

**Ujjwala**<sup>12</sup> (2007) is a scheme of the Ministry of Women and Child Development and specifically positioned at (adult female and minor) survivors of trafficking for

<sup>10</sup> 'Swadhar Scheme for Women in Difficult Circumstances', Department of Social Defence; URL: <http://socialdefence.tn.nic.in/Schemes/SWADHAR.pdf>.

<sup>11</sup> 'Swadhar Scheme', Press Information Bureau, 24 July 2015; URL: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=123683>.

<sup>12</sup> <http://wcd.nic.in/sites/default/files/Revise%20Ujjwala%20Scheme-2.pdf>

commercial sexual exploitation and to enable prevention, rescue, rehabilitation, reintegration and repatriation. To aid protection and rehabilitation, Ujjwala homes were established to offer survivors food, shelter, clothing, education, vocational and livelihood opportunities, and medical and legal assistance. For cross-border survivors, the scheme has mechanisms that can enable reintegration and repatriation. The implementation of the scheme is done by non-governmental organizations.

**Swadhar Greh**<sup>13</sup> (2007). Following a performance assessment<sup>14</sup> of the Short Stay Homes and Swadhar Homes in 2007 and the overlaps that emerged, the two schemes were merged. The aim was to slim down the administrative machinery and procedures, and enhance functioning. The new, merged entity — Swadhar Greh — has since been run by voluntary organisations, with State assistance on a non-profit basis. It was recommended that every district in the country should have at least one Swadhar Greh. Depending upon local needs, these new shelters are allowed a resident capacity of between 50 and 100. Their profile of residents is similar to other homes: victims of violence, the destitute and the deserted, those suffering from HIV/AIDS, among others. The age limit for residents was fixed at above 18 years.

The duration of women's stay at these homes varies upon her age and circumstances. For example, survivors of domestic violence are allowed a year's accommodation. Women above the age of 55 years can stay for a maximum of five years, before they shift to an old age home. Other women can stay up to three years. Girls under 18 years and boys under 12 years are allowed in the Swadhar Greh when they accompany their mothers. Under the scheme, the largest ever shelter for widows, with a capacity for 1,000 beds residents, is being established in Vrindavan.

**One Stop Crisis Centre**<sup>15</sup> (2014) or OSCC is a result of the recommendations of the legal commission that was set up in the aftermath of 2012 gang rape in Delhi. The 12th Plan Working Group on Women's Agency and Empowerment had also

<sup>13</sup> [http://wcd.nic.in/sites/default/files/Guidelines7815\\_2.pdf](http://wcd.nic.in/sites/default/files/Guidelines7815_2.pdf)

<sup>14</sup> Conducted by the Centre for Market Research and Social Development, New Delhi

<sup>15</sup> <http://wcd.nic.in/sites/default/files/ProposalforOneStopCentre17.3.2015.pdf>



recommended setting up of an OSCC for a pilot run. The OSCC is designed to offer a one-roof, single-window clearance and multi-level support to survivors of violence at notified hospitals.

The OSCC offers temporary shelter for a maximum period of five days to survivors of violence that is private or public in nature, and takes place within the home, workplace or community. "Aggrieved women facing any kind of violence due to attempted sexual harassment, sexual assault, domestic violence, trafficking, honour related crimes, acid attacks or witch-hunting who have reached out or been referred to the OSC will be provided with specialized services"<sup>16</sup>. The Centre is designed to support girls and women of all ages and meets a range of needs of the survivors: basic necessities, shelter, medical aid, legal assistance, police complaint, counselling and emotional support. It includes emergency response and rescue services and a police desk that is connected to a 24-hour helpline.

Originally, it was proposed to establish OSCCs in every State/Union Territory on a pilot basis. As of June 2016, 17 One Stop Centres have been operational across the country. The scheme was revised in May 2016 to establish 150 OSCCs in additional locations.

#### **State/Union Territory schemes/shelters**

Under the centrally-sponsored schemes (listed in the section above), grants are handed to governments at the State and Union Territory levels to set up shelter homes. Government run and government-funded shelter homes are built and run by State government agencies including Women Development Corporations, autonomous State bodies, Departments of Women and Child Development/ Social Welfare of the State Government. For example, in Delhi the State's department of Women and Child Development runs both statutory and non-statutory shelter homes to rehabilitate under privileged women. The difference between the two is that admission for statutory shelters can only take place by the order of the courts, whereas for non-statutory shelter homes, admission happens on the recommendations of the Admission Committee (comprising the District Officer and superintendents of shelter homes).

<sup>16</sup> One Stop Centre Scheme, Implementation Guidelines, Ministry of Women and Child Development, Government of India, April 2015; URL: <http://www.wcdhry.gov.in/oscg.pdf>.

The statutory Short Stay Home in Delhi or Nirmal Chhaya (earlier known as Nari Niketan) is a shelter home for women rescued under the Immoral Trafficking (Prevention) Act 1956. The shelter is meant to be a 'Protective Home and Corrective Institution' for those who have been ordered to live there by the court. The non-statutory shelter homes include a Short Stay Home for women and girls (who are deserted, mentally ill, destitute, survivors of domestic violence and so on), a widows-only home as well as an after-care shelter home.

Besides these, there are State-level shelter homes under different names that are meant to accommodate different cohorts of women and girls. Matritva Chhaya is the name of two shelter homes for pregnant and lactating (destitute) women that are funded by the Delhi government and run in partnership with YWCA. After the PWDVA Act 2005 was introduced, since 2007 the Madhya Pradesh government runs Usha Kiran shelter homes to support survivors of domestic violence. In Kerala, Asraya Bhawan is an exclusive shelter home for women facing domestic violence. It was introduced by the Social Welfare Board of the State government. In Bihar, the State social welfare department supports a local NGO to run Shanti Kutir Mahila Punarvas Kendra, a shelter home for 60 women and girls, especially beggars and destitute. The home offers basic medical services and referrals to the closest hospital. Other than imparting vocational training, it works in close association with Bihar police to rehabilitate and reunite women and girls with their families.

A Supreme Court order from February 2010 had mandated that all state governments and urban local bodies for cities covered under the Jawaharlal Nehru National Urban Renewal Mission create "one 24-hour, 365 days-a-year, homeless shelter with a capacity for 100 persons for every population size of one lakh" and that "thirty percent of all shelters to be special shelters for women, the old and infirm, and to function as recovery shelters"<sup>17</sup>.

#### **Faith-based shelters**

Religious institutions and trusts have traditionally run charitable schemes for the poor and destitute. There are different models of shelter homes run by

<sup>17</sup> <http://delhi.gov.in/wps/wcm/connect/d184bd004110b07e9850f9136af5079a/05+chap+05.pdf?MOD=AJPERES&lmod=277547514&CACHEID=d184bd004110b07e9850f9136af5079a>

Hindu temple trusts, Jain foundations, Christian missionaries, Muslim charity organisations and so on. Besides free food, school education and medicine, shelter homes for children and women have been an important part of their initiatives.

**Shri Digamber Jain Mahila Ashram** is an example of a Delhi-based residential institution for orphan girls (above the age of 10 years) and homeless women. Apart from food, clothing, security and shelter, girls are supported to complete their school and college education, as well as pick up vocational skills.

The shelter homes run by the **Missionaries of Charity** for poor, destitute women and unwed mothers are well known shelters that belong to this category of shelter homes.

#### **Women's groups/organisations run shelters**

Women's rights NGOs and feminist organisations have had a central role to play in the responses to violence against women. Shelter homes became part of their own preventive strategies and response mechanisms mostly around the anti-dowry work in the 1908s. Often due to shortage of shelters for women and girls or their poor quality, women's rights activists and collectives had to offer their own homes or offices to survivors of violence. The women's movement has continued to offer shelter to women, especially those in grave danger from their families.

The other significant contribution of women's groups has been by way of creating positive and liberating alternatives to existing shelter homes, and offering more than a roof and food. However, such assistance may not be adequate for survivors because violence is usually accompanied by trauma that calls for professional psychological care and treatment.

Delhi-based **Shakti Shalini** was started in 1987 as a legal aid centre for women who faced dowry-related violence. It reflects the momentum and feminist perspectives of the anti-dowry women's movement of the late 1970s. Shakti Shalini was founded by, among others, two women whose daughters were murdered for dowry—Satyarani Chaddha and Shahjehan Apa. As they supported women through the maze of dowry laws and case work, they recognized the

importance of a safe residence and support services for women who faced threats and abuse in their marital homes and pressures to reconcile in their natal families. Eventually the organisation felt the urgent need to set up a short stay home for survivors of violence and their children. The shelter also connects women to a range of support services. For decades now, Shakti Shalini's shelter has been the mainstay for women's rights NGOs as well as government bodies in Delhi who refer women to them. Its limited flow of funds has affected the regular running of the centre.

Before Vimochana, the women's rights organisation based in Bangalore, made a foray into the women's shelter home space, in 1993 it launched a women's crisis intervention centre in the city called Angala (meaning The Courtyard). Running Angala required creating a trustworthy relationship with women and responding to their diverse needs - social, medical, psychological and legal – such as assisting them with livelihood options, taking care of their child care needs, consistent counselling and awareness raising, among many others. Since Vimochana could not have met all their specific needs (mental health, for example) by itself, it reached out to various institutions and groups that could.

For women without safe accommodation, Vimochana contacted various kinds of shelter homes and started placing women there. Soon, it realized that many of these were patronizing towards women. For example, they asked women to pray and imposed their own values on them. Some shelters were highly regulated. Residents had no independence, and women complained of being locked and unable to see the sky for days. Some women started to harm themselves, while others seemed troubled by the environment. The government-run shelters did not allow boys above 8 years to live with their mothers. The counselling that shelter homes offered women was not always in the interest of women; at times, women were pushed back into the violent circumstances they had escaped.

On the bases of all such learning's, Vimochana started its own shelter home called **Kuteera** in 2001 in (Vemgal) Kolar, a rural area outside Bangalore. Kuteera is a shelter with much open space for survivors of violence and accommodates up to 30 women, with their children if necessary. Residents of Kuteera engage

with members of women's groups in surrounding villages on issues of violence against women. Kuteera organised periodical meetings with villagers and put together a *mahila sangha* (women's collective). It segregated women's living areas according to their physical and mental conditions and needs. Gradually, the number of women who asked for shelter increased and many refused to leave.

To engage women and enhance their self-identity, Kuteera used organic farming, seed jewellery, pottery etc. as therapy. Yet, its emphasis has been women's healing as well as independent and creative lives.

Clearly, the provision for safe shelters for women and girls cannot be emphasized enough. Nonetheless, given the very few shelter homes in the capital city, where are the rest of the women, several thousand of them (see footnote 16), living and under what conditions?



#### SWADHIKAR, A STATE-LEVEL, NGO FORUM FOR SHELTER HOMES

Linkages with a range of support services as well as different types of shelter homes are vital for the success of a shelter home. The Odisha-based Swadhikar forum has tried to harness these linkages and place them at the core of its agenda.

Created in 2003, Swadhikar is an NGO-based network. It is the result of a study by Oxfam and its NGO partner's institutional response to women's need for shelter in Odisha's 21 Short Stay Homes in over 15 districts. Based on the findings of the study, Oxfam supported the Bhubaneswar-based NGO, Institute for Social Development, to organize the Swadhikar network of 54 NGOs that run shelter homes all over the State.

Over the course of its initiatives, this State-level forum placed all NGOs managing shelter homes on a unified implementation strategy. It helped establish coordination and collaboration channels among different shelter homes, especially for trafficked girls.

Swadhikar also advocated with concerned State departments, bodies and other institutions to leverage provisions for shelter home residents. It helped expand the reach of shelter homes to service providers such as mental health and disability specialists, livelihood trainers as also with other networks. Among its other initiatives, Swadhikar helped rehabilitate shelter home residents by provision of financial assistance to one selected resident of every home.

The Forum has also undertaken capacity building efforts for workers at the shelter homes. These include subjects such as awareness raising, legal rights and gender training, counselling techniques, record-keeping and management of shelter homes.

Swadhikar's efforts led to a government order that directed District Collectors of all 30 districts in the State of Odisha to revive the district level monitoring committees of the shelter homes. It asked for quarterly monitoring of homes and replication of some of the best practices of the Swadhikar Forum to support survivors of domestic violence.

# UNPACKING CONCEPTS AND CONCERNS

As the last section makes clear, over the past decades, the State has tried to address women’s needs for safe spaces through different shelters to cater to women and girls in different circumstances and conditions. The State’s recognition of women’s issues has seen an upward move, although there is continued neglect of women’s shelter homes in the country.

It is this neglect and its realization that made the Lam-lynti Chittara Nerallu network organize two national consultations in 2016. These have helped flag, catalogue and collate the challenges faced by women and girls in need of shelters as well as those who are residing in these shelters.

This section encapsulates the shared knowledge and experience of individuals and organisations from across the country who/that have been associated with shelter homes over the years in various capacities and degrees. To draw a comprehensive picture of the status and condition of women and girls vis-à-vis shelter homes, it also pulls together secondary data, case studies and anecdotal evidence.

It is an attempt to highlight the varied cohorts that make up ‘women’ who require shelter, spotlight the concerns around the disparate elements that make up the microcosm of shelter home services, and unpack socio-political underpinnings of the system.

- **Acute shortage of shelter homes.**

Despite the fact that the shortage of shelter homes in India has been pointed to by many government and independent studies and news reports over the last several years, the lack continues to prevail. As per Government of India records, the number of Swadhar Homes per State is inadequate (see Table 1). In 2013, for example, for 10,000 (documented) homeless women in Delhi, there was only one permanent shelter home run by an NGO<sup>18</sup>.

<sup>18</sup> ‘Delhi government indifferent to homeless women: NGOs’, 10 April 2013, One World South Asia, URL: [http://southasia.oneworld.net/news/delhi-government-indifferent-to-homeless-women#.V\\_c-6-B97IU](http://southasia.oneworld.net/news/delhi-government-indifferent-to-homeless-women#.V_c-6-B97IU).

Overcrowding is one of the most common issues facing shelter homes. On the other hand, many shelter homes seem to be underutilized (Status of Shelter Homes, Odisha 2010) and this speaks to the quality of services and experience they offer. This is corroborated by the study done by SWATI (an Ahmedabad-based women’s non-profit) that states: “The quality of service seems to have suffered and usage fell over a period of time, mainly due to the lack of attention from the state to this very important service for women”<sup>19</sup>.

In the absence of affordable housing for the poor, access to safe shelters becomes rather crucial.

Women are also known to experience difficulties in gaining direct and voluntary access to shelters homes. This has been seen to be particularly difficult for poor women, especially those who are single. The absence of safe shelters actually leads to several other issues. Sleeping on the streets, without access to public toilets, for example, makes women and girls highly vulnerable to abuse and attacks, sexual violence, health risks and lack of access to healthcare, and the constant fear of arbitrary arrest and detention, to name a few.

There are certain categories of women who seem to have been more neglected than others such as ex-convicts. In Assam, for example, there is only one shelter home for ex-convicts and that is unisex.

**Table 1. Coverage and Capacity of Swadhar Greh<sup>20</sup>**

State	Number of Swadhar Homes	Capacity of the Home
Andhra Pradesh	13	775
Arunachal Pradesh	0	0
Assam	16	800
Bihar	3	150
Chhattisgarh	3	150

<sup>19</sup> ‘From Being shelters to becoming homes, Situation Analysis and Recommendations Based on a Study of Shelter Homes in Gujarat’, The Society for Women’s Action and Training Initiatives and The Women’s Studies and Research Centre, M.S. University (2015), p. 38.

<sup>20</sup> All data in tables (1 to 4) is sourced from (i) Lok Sabha Unstarred Question No. 4519 for answer on 19.12.2014 and (ii) Lok Sabha Unstarred Question No. 729 For 24.07.2015.

Delhi	0	0
Goa	0	0
Gujarat	4	210
Haryana	4	100
Himachal Pradesh	0	0
Jammu and Kashmir	3	150
Jharkhand	2	100
Karnataka	33	1950
Kerala	3	150
Madhya Pradesh	14	750
Maharashtra	47	2350
Manipur	18	800
Meghalaya	0	0
Mizoram	1	100
Nagaland	2	350
Odisha	45	2350
Punjab	0	0
Rajasthan	11	550
Sikkim	0	0
Tamil Nadu	14	750
Tripura	0	0
Telangana	13	775
Uttar Pradesh	40	3050
Uttarakhand	4	500
West Bengal	18	900



### Discriminatory inclusions and exclusions.

Several categories of women and girls are often denied admission in shelter homes. They are turned away because of how they are judged by the caretakers and/or management of the shelter home and therefore discriminated against. A research study of shelter homes in Gujarat (SWATI 2015) states:“ In all SHs (shelter homes) without any exception, the attitudes of the staff towards HIV indicated there was discrimination, lack of understanding and mistaken beliefs about the disease which manifested in behaviour like providing separate living or sleeping arrangements, separate vessels, etc. and a negative attitude to the women. Women with physical or mental challenges faced similar discriminatory behaviour: their clothes, utensils, etc. were kept separate and their care left much to be desired”<sup>21</sup>.

Such prejudice also emerges around Muslim women/girls and those from the Scheduled Caste, Scheduled Tribes and Other Backward Communities. For example, they can be discouraged from cooking food, cleaning of dishes and so on.

The patriarchal ‘good/bad woman’ narrative is at play for those who face certain stigmatized conditions, identities or vocations. Girls and women who choose their own partners, especially against parental wishes, caste/religious diktat, and exercise sexual autonomy or escape abusive relationships can also get cast by it, both within the shelter home space and outside. Minor girls who elope with their partners or are deserted by them are sometimes abandoned by their parents/families and forced to live in shelter homes. Women who smoke or are addicted to drugs, for example, are portrayed in face prejudice. As the 2012 exodus of north eastern people from Bangalore revealed, there is rampant racism against individuals from North eastern states of the country<sup>22</sup>. This gets mirrored within shelter homes too. Among the most marginalized, the State has always thrown sex workers into remand homes, even as their children get stigmatized and face discrimination.

<sup>21</sup> Ibid, p. 75-76.

<sup>22</sup> After alleged incidents of violence against some individuals from the northeastern States of India in Bangalore, a spate of rumours spread via social networking sites, mobile messages and emails about the possibility of more attacks on all northeasterners living in the city. As a result, thousands of northeasterners panicked and fled the city for their home States. (For more, see: Fearing attacks, 5000 people from northeast flee Bangalore, The Times of India, 16 August 2012, URL: <http://timesofindia.indiatimes.com/city/bengaluru/Fearing-attacks-5000-people-from-northeast-flee-Bangalore/articleshow/15512723.cms>).

The study done by SWATI also states that, “In addition to spiritual salvation, the SHs also appear to be attempting to rid women of other ‘deviant’ behaviours such as the consumption of tea, coffee and tobacco, items on which there are no restrictions in normal circumstances and which are part of women’s routine outside the SHs. The emphasis on prayer, and denial of beverages such as tea and coffee (in one SH, women are given milk irrespective of their preferences) and confiscating their tobacco, etc., are all pointers to the perceived need to reform the women occupants”.

Exclusions are caused by other factors too. The ‘PEO Evaluation Study of Short Stay Homes for Women and Girls’ (1999) conducted by the Planning Commission affirms that in a Short Stay Home in Tamil Nadu, only single women or those without children were admitted because the grant received was too insufficient to be able to feed children. Years later, the same concern about eligibility criteria remain. Many shelter homes do not allow women with children to stay. Some permit two children under 8 years of age with the exception of girls (above 8 years) who can stay with their mothers till they turn 18. It has been noticed that shelter homes can deny admission to women who have not filed a Domestic Incident Report.

Activists and representatives of women’s rights organisations have noted that the newly established OSCCs tend to restrict their attention survivors of sexual violence, and can turn away those who have suffered, say, domestic violence. Moreover, the location of OSCCs within the gynaecology departments of hospitals may mislead and discourage women who have not faced sexual violence but other forms of violence to not approach them.

- **Insufficient funds, delayed transmission**

In the current political moment, much attention has been drawn to “women’s empowerment”. However, this has not translated directly into fund outlays except for ‘Beti Bachao, Beti Padhao’ (save the daughter, educate the daughter)<sup>23</sup>. Before 2015-16, funds to States for implementation of Protection of Women

<sup>23</sup>*Beti Bachao, Beti Padhao* is the name of an inter-sectoral national scheme introduced by the Government of India (in 2014) to address the country’s declining child sex ratio (CSR) in districts with the lowest CSR. It aims to spread greater awareness on the rights of the girl child as well as ensure better delivery of other programmes that focus on girls’ health and education.

from Domestic Violence Act, 2005 were unutilized whereas after 2015-16, there have been no allocations.

From 2014-15 (see Table 2), there has been a considerable decrease in allocations for women’s programmes, including shelter homes (Swadhar Greh) and the National Mission for Empowerment of Women. The Nirbhaya Fund has had very low utilisation and even the coverage of OSCCs has been reduced from one centre per district to one per State. Till the time this report was being written, no fresh tranche of funds were released to the States/Union Territories. Poor and delayed funds for shelter homes have meant neglected infrastructure and amenities. Since NGOs depend on the State for funds, they find it difficult to sustain shelter homes without a secured stream of support.

“In 10 years, the Delhi Urban Shelter Improvement Board, under the state government’s social welfare department, spent Rs 10.90 crore on NGOs running the 197 shelters. Each month, at least Rs 45,000 is released per shelter. But in 2016, no audit or inspection has been carried by the government, according to an RTI reply from DUSIB to a city NGO”<sup>24</sup>.

From time to time, there have also been reports about misappropriation of funds by NGOs or Social Welfare Boards.



<sup>24</sup>‘Delhi’s homeless: Nameless, forsaken even in their death’, The Hindustan Times, 16 August 2016; URL: <http://www.hindustantimes.com/static/roofless-in-delhi/>.

**TABLE 2. Funds Released in the Last Two Financial Years (in Rs.lakh)<sup>25</sup>**

State	Amount released in 2014-15	Amount released 2015-16
Andhra Pradesh	93.78	5.25
Assam	128.91	2.68
Arunachal Pradesh	0	0
Bihar	0	0
Chhatisgarh	7	0
Delhi	0	0
Gujarat	19.20	0
Goa	0	0
Haryana	0	0
Himachal Pradesh	0	0
Jharkhand	28.58	0
Jammu & Kashmir	5.99	0
Karnataka	268.04	7.35
Kerala	20.79	0
Madhya Pradesh	76.12	4.26
Maharashtra	279.06	14.09
Mizoram	2.51	0
Manipur	106.63	0
Meghalaya	0	0
Nagaland	0	0
Odisha	104.86	46.95
Punjab	0	0
Rajasthan	23.35	5.16
Sikkim	0	0
Tamil Nadu	38.53	12.50
Telangana	74.85	37.64
Tripura	0	0
Uttar Pradesh	247.03	11.17
Uttarakhand	60.91	3.63
West Bengal	74.18	0

<sup>25</sup> Source: (i) Lok Sabha Unstarred Question No. 4519 for answer on 19.12.2014 and (ii) Lok Sabha Unstarred Question No. 729 For 24.07.2015.

● **Homophobia and human rights violations**

The prejudice and fear around homosexuality and those with non-normative gender identities seeps into the shelter home space too. It either ensures that lesbians find no place in women’s shelter homes, or, as members of this network have heard, shelter homes staffers say they can cure lesbian women (“*Hum ne unko theek kar diya*”). For this set of people, living in shelter homes can mean being subjected to so-called corrective behaviour and therefore as much discrimination and cruelty as outside the shelter.

Ritambhara from Delhi-based queer feminist resource group asked “*We keep saying shelter homes for “women”, but will those who do not look like women be allowed into these homes? And there are issues of class too. Are any one of us likely to live at these shelter homes? We need to closely identify the requirements we have from these homes.*”

There are other layers to this issue, especially vis-à-vis transgender persons For example, how do trans-men or those who have not had their sex reassignment surgeries, get access to an OSCC or any other women’s shelter? This is a practical concern for trans-men who come to a city for surgeries and need shelter for a period of three to six months.

Rajesh from Sangama raised concerns around another category of individuals: “*The hijras too have always been shunned by women’s shelter homes. Yet, the fact is that within their own communities or gharanas as well as outside in the mainstream, there is enormous violence against them. If you are an HIV positive hijra, you get thrown out. Their safe space is turning to be traumatic and violent. 35-40 per cent hijras suffer violence within their community. They also need shelters*”.

● **Poor services and infrastructure.**

Shortage of funds has serious implications on the quality of services offered by shelter homes. This is closely related to other aspects such as shortage of staff and even lack of drinking water or cleanliness—in some shelters, when there is no money to hire cleaners, residents are made to perform such chores or, “to save cleaning and supervision costs as well as time they tend to keep as

many occupants as possible in the same space”(SWATI2015). Poor sanitation is a regular feature of shelter homes, and this in turn compromises the physical health of residents.

A High Court-appointed committee that studied the conditions at a Mumbai-based, government run shelter home wrote in its 2012 report:

“...only two of the 16 toilets and two of the 14 bathrooms are in working order; the rest were choked and unusable...this state has prevailed for the past several months and the girls have to wait for several hours for a bath or to visit the toilet. The toilets are locked at night and the girls defecate and pass urine in the open”<sup>26</sup>.

Posts for specialized staff (such as lawyers) cannot be filled up because the remuneration on offer is low and the jobs are contractual. It has also been noted that at shelter homes, one employee is made to perform many roles. All these have a direct impact on the intake of women as well as the quality of experience shelters homes offer.

The Chairperson of the Delhi Commission for Women, Swati Maliwal, spent a night at the State’s Short Stay Home, Nari Niketan, and found the services rather poor: “As far as the conditions at Nari Niketan are concerned, there is a big issue of cleanliness. There are no separate toilets for the specially-challenged and other women. The number of toilets is also less. Even the food provided here is not good and drinking water is not supplied throughout the day. If they feel thirsty during the day, they have to drink tap water... (the short stay home)has 45 beds but houses 90 women”<sup>27</sup>.

Meagre funds also foreclose the possibility of orientation, training and capacity - building for shelter homes’ staff. There is little innovation vis-à-vis recreational activities.

<sup>26</sup> Sujata Gothoskar, ‘India: Women’s Work, Stigma, Shelter Homes and the State’, South Asia Citizens Web, 22 January 2013; URL: <http://www.sacw.net/article3570.html>.

<sup>27</sup> ‘Conditions in shelter homes grim: Women’s panel chief’, The Indian Express, 23 August 2015, URL: <http://indianexpress.com/article/cities/delhi/conditions-in-shelter-homes-grim-womens-panel-chief/>.

- **Diverse groups and needs.**

Those with specific requirements of care are often found to be living together in shelter homes and are treated as one homogenous category of ‘women’. For example, women with different physical and mental conditions, disabilities or age groups are made to live with each other and given the same set of provisions and care. Elderly women or those with certain medical conditions need special kinds of food but services are uniform and standardized for all residents. Even in cities or towns where there are special shelters for a certain set of population, mixed groups of women and girls are made to stay with each other usually because of lack of space, understanding and concern. There are few specialized shelters for women with physical and mental disabilities who form a large percentage of the homeless and destitute. “According to the Indian Council of Medical Research, there are over 70 million people with some form of mental illness in the country and about a quarter of them are homeless”<sup>28</sup>.

Women who need shelter may not speak the local language or the staff and other residents at the shelter home may not speak the same language as them. This is noticed particularly when runaway girls are rescued by the police in another State of the country or in cases of women who are deaf or dumb. Other than language, there are other cultural differences among shelter home residents. The food, for example, that is served in shelter homes is based upon the local cuisine of the State the home is located in. This makes it difficult for shelter residents to feel ‘at home’ and socially integrated.

- **Apathy towards mental health and psycho-social services.**

Within shelter homes, the mental health needs of residents for medication, anger management, counselling or treatment are neglected as most shelter homes have no support for physical or mental health, post-sexual violence healing and professional counselling. If they do, it is not consistently offered and follow-up mechanisms are random. The staff members of shelter homes need sensitive understanding of mental health issues so as to recognise mental illness/health issues, avoid misdiagnoses, judgement and stigmatization.

<sup>28</sup> ‘A quarter of India’s mentally ill homeless’, First Post, 31 July 2012; URL: <http://www.firstpost.com/india/a-quarter-of-indias-mentally-ill-homeless-398304.html>.



- **Problematic terms, attitudes and practices.**

The idea of offering shelter for “upliftment” of helpless women and girls in “distress” and “difficult circumstances” is often derived from protectionist attitudes. Once inside shelter homes, these women are called “inmates”. Such language frames women as victims who are incapable and weak, who cannot and should not be allowed to make decisions for themselves. The care giver is given a charitable and higher position than the care receiver who is to gratefully accept the former’s benevolence. This robs women of their agency and respect, and denies them their own voice. It can also result in subtle and overt forms of moral policing.

Bimla Chandrashekhar, from Ekta, Madurai, said: *“In Tamil Nadu too, there is a lack of understanding around shelters. Providing shelter is seen as favour by the State whereas it is the entitlement of women. Government officials come, and rightfully investigate but offer little no support, not even ration from the Public Distribution System”.*

Such attitudes lead to behaviours and policies that look down upon women and further harm their liberties and choices. In fact, it turns many shelter homes into jails that cage women and girls and isolate them from the community. Instead of being ‘homes’ where women volunteer to live, they mostly play the role of custodial care institutions that treat residents as offenders. The PEO Evaluation Study of Short Stay Homes for Women and Girls, (1999) states, “The inmates are also not permitted to leave the Home”. Since the residents are not allowed to step out to the market, they have to depend on shelter home staff who carry out these errands as and when they can. In certain Short Stay Homes, residents need to file a written application to be allowed to go away for a specified period of time. This may get sanctioned when residents need to go home to meet family members on special occasions such as weddings (Status of Shelter Homes, Odisha, 2010).

State funded/run shelter homes are supposed to cater to women and girls of all faiths, castes and ethnicities and abilities. However, it has been noticed that there can be an impositions of dominant religious and cultural beliefs. The SWATI report observes the following: “There seemed to be too much emphasis

on bhajan kirtan and prayers for women. Prayers were written on the boards and charts, and the walls had photos of gods and goddesses from the Hindu pantheon. One NGO-run shelter home even had a temple on its premise. While this could be part of a general trend of public spaces being imbued with religious colour, it appears to communicate to the women the need to focus on spiritual salvation” (page 87).

Gyanvati from Action India highlighted certain norms that inconvenience those who need immediate protection and/or shelter: *“Many women do not even have money for public transport to reach the shelter home. If they happen to get to a shelter home on the weekend, it is shut. Women do not know where to spend those two days. Then, many shelter homes do not accept women after 5 in the evening. What if it is an emergency? Women who run away from home sometimes have no clothes, so shelters have to be prepared”.*

- **Sexual violence and exploitation.**

Homes that are built to keep women and girls safe can sometimes be sites of violence and exploitation. Innumerable cases of sexual exploitation of shelter home residents have been documented in the national press. Many a times, it is the staff or caregivers at shelter homes who are involved in crimes against its residents. Although women with disabilities face multiple challenges of utilities and buildings, they are also most vulnerable to sexual violence.



## THE TIMES OF INDIA

### Disabled woman at shelter home pregnant

Jul 22, 2016

## BUSINESS STANDARD

### Deaf-mute woman inmate sexually exploited at shelter home

November 28, 2015

## NDTV

### Rohtak shelter home sealed after at least 100 women and children allege sexual, physical abuse

June 09, 2012

Sexual violence at shelter homes and the fear that this creates in the minds of its residents is articulated here by a woman who lives at a shelter home: "I tie my daughter's arm to mine with a dupatta every night because I fear that someone may pick her up," Mehrunissa, another woman said. "When I go to the toilet, I take her with me I get up every five minutes to check her. Such is the fear. Do we not deserve to sleep peacefully?"<sup>29</sup>.

The 2013 report by the Asian Centre for Human Rights highlights sexual abuse in juvenile justice homes states: "It will not be an understatement to state that juvenile homes...have become India's hell holes where inmates are subjected to sexual assault and exploitation, torture and ill treatment apart from being forced to live in inhuman conditions. The girls remain most vulnerable...sexual assault in juvenile justice homes continues for a long period as the victims are not able to protest and suffer silently..."

<sup>29</sup> 'Homeless Women, Easy Targets', The Hindustan Times, 17 August 2016, URL: <http://www.hindustantimes.com/static/roofless-in-delhi-women/>.

- **Lack of grievance and redressal mechanisms.**

Reports and studies on the conditions at shelter homes in the country often note the absence of essential processes for acceptance of grievances, their redress and follow-ups. In fact, complaints can sometimes invite the wrath of the staff:

"I felt a hand on my stomach. I thought it was my daughter. When I opened my eyes I saw the man taking my daughter on his shoulder. I raised an alarm. He dropped my daughter and ran away," she said. The women alleged that when she informed the caretaker, she was told to remain quiet or leave the shelter<sup>30</sup>.

It is commonly seen that residents are not aware of their rights at the shelter home, including the possibility of a grievance redressal mechanism. Fear of harassment and retribution at the hands of the shelter home staff can also be a factor in some situations. This makes many women/girls want or try to run away from shelters. In 2012, eight women residents of Navjivan Mahila Sudhar Griha, a government run shelter home, escaped by breaking the bathroom window grill and scaling the compound wall<sup>31</sup>. A ninth woman who also tried escaping fell and fractured her limbs. This is one among many instances of escapes and escape attempts by women and girls.

- **External monitoring and evaluation.**

All government run and funded shelter homes are supposed to be monitored, both internally and externally. The internal monitor is often the Superintendent and the external monitoring is meant to be done by a managing committee. However, it has been observed that not all Short Stay Homes, for example, have such managing committees. The committee is supposed to comprise representatives from different sectors including government departments. The recruitment is not always done as per regulations and requirements, and could often be made for political reasons. The regular functioning and quality of these committees too needs to be evaluated.

<sup>30</sup> Ibid.

<sup>31</sup> '8 women inmates escape from Mankhurd shelter home', Zee News, 4 December 2012, URL: [http://zeenews.india.com/news/maharashtra/8-women-inmates-escape-from-mankhurd-shelter-home\\_814590.html](http://zeenews.india.com/news/maharashtra/8-women-inmates-escape-from-mankhurd-shelter-home_814590.html).

- **Missing cross-sectoral convergences.**

A woman's shelter home is intended to be an interim solution, among a network of other simultaneous responses that together help rebuild a woman's life. Ideally, it is supposed to provide for and/or link itself with the residents' entitlements such as food, education, healthcare, housing, social security such as pension, legal aid, child care, admission to government schools and public hospitals. It is the responsibility of the shelter to actively connect women and girls with educational opportunities or provide assistance to those who can enter mainstream schooling. Women with children need enrolment in nearest ICDS (Integrated Child Development Scheme) centres as well as child care services. There are government programs designed to help marginalised women gain access to the labour market such as the Support to Training and Employment Programme or STEP that imparts skills to women who are in the age group of 16 years and above. However, shelter homes often fall short of these objective and fail to fully create and develop linkages with local NGOs and women's organizations.

- **Incomplete rehabilitation efforts.**

The intent of rehabilitation efforts is two-fold—integration or reintegration of girls/women into educational frame or labour market and restoration of their familial and social connections. Table 3 shows the dismal number of rehabilitations per State.

Many shelter homes that offer or connect women to vocational training continue to use the decade-old, gendered model that includes knitting, incense stick making, tailoring, embroidery, pickle making and so on. It is assumed that after gaining these skills they will be able to fend for themselves, remain financially independent and return to their families. While there are examples of shelter homes that have linked residents with business opportunities or Self Help Groups, this is not a uniform practice.

Along with vocational training, sustained counselling should be offered not only to residents but also their family members as part of the rehabilitation exercise. However, this again is not the practice. In fact such is the lack of awareness among women and girls about their own entitlements vis-à-vis services that

many are not even aware that, for example, Short Stay Homes are a temporary arrangement and mistake it for a life-long accommodation (Status of Shelter Homes, Odisha, 2010).

The maximum period residents are allowed to stay at Short Stay Homes is three years. To circumvent this limitation, many Homes in Odisha re-admit women after their official tenure is exhausted. This way, they argue that they are able to follow government guidelines as well as accommodate women for longer durations. At times, women are offered employment in the shelter home itself (Status of Shelter Homes, Odisha, 2010).

“In several cases, women are brought to Nari Niketan by police with the assurance that they will be taken back in one or two days. But they are left here...they want to leave this place but there is no one to help them. They are spending each day at Nari Niketan as if they were in prison<sup>32</sup>.

Cases of rehabilitated women/girls also need regular follow ups to assess if they are safe from violence or have fallen back into its trap. These checks need to include regular communication with ex-residents via telephone chats and periodical home visits by staff of the shelter homes, updates from family or Panchayat members and, if required, from local police personnel. If and when done properly, these follow-ups last for six months. However, tight financial resources of NGOs running shelter homes often make follow-ups difficult, if not impossible.

Rehabilitation should ideally also connote housing rights for disadvantaged women because shelter homes are only an emergency response and her own house/land is the rightful, sustainable response.

<sup>32</sup> 'Conditions in shelter homes grim: Women's panel chief', The Indian Express, 23 August 2015, URL: <http://indianexpress.com/article/cities/delhi/conditions-in-shelter-homes-grim-womens-panel-chief/>.

**TABLE 3. Number of Women Rehabilitated in 2014-15**

State	Number of Women Rehabilitated
Andhra Pradesh	116
Assam	341
Arunachal Pradesh	0
Bihar	0
Chhattisgarh	0
Delhi	0
Gujarat	0
Goa	0
Haryana	0
Himachal Pradesh	0
Jharkhand	0
Jammu & Kashmir	0
Karnataka	1121
Kerala	80
Madhya Pradesh	0
Maharashtra	499
Mizoram	0
Manipur	788
Meghalaya	0
Nagaland	0
Odisha	390
Punjab	0
Rajasthan	0
Sikkim	0
Tamil Nadu	522
Telangana	69
Tripura	0
Uttar Pradesh	181
Uttarakhand	34
West Bengal	106

- **Lack of complete data and records.**

Records of residents maintained by shelter homes can show incomplete and mismanaged data. There are examples of erratic or no tracking of residents for follow-ups. Their data sometimes does not reflect the actual status of the number of residents, their profiles and so on. Details about these residents, their socio-economic background, references that brought them to the shelter home are found to be missing. This is a big reason that obstructs rehabilitation possibilities and efforts. The following is an example of how mismanaged data can jeopardize women’s lives and futures:

“In one of the Homes in Koraput, the shelter home for women has been merged with another old age home in the same premises. In such a case, there always stands a risk of double enrolment/registration. Sometimes, in some of the homes, it was also difficult to categorize the inmates in terms of marriage. The number of women married and/or the number of them unmarried and the number of women staying with their kids was also difficult to find out, as there was no ready data”(Status of Shelter Homes, Odisha, 2010).

Regular monitoring of records by government agencies is crucial to call out many other malpractices in shelter homes, especially those that are not registered with the State.

118 children, women shelter homes in Haryana are illegal

**Express news service Posted online:** Thu Jul 05 2012, 00:34 hrs

**Chandigarh:** As many as 118 shelter homes for women and children— across Haryana — have been found to be operating without registration or accountability. This, according to a survey conducted by the state woman and child development department (WCDD) after the Rohtak shelter home scandal came to light.

Of these 118 institutes, while 105 are for children, the rest are for the protection of women.

Till this survey — conducted for the first time by the government — Haryana did not have a complete database of inmates lodged in shelter homes across the state.

While announcing the figures on Wednesday, WCDD Director General Sumita Misra said that so far, of these 118 homes, around 90 have applied for registration with the state government. To ensure that all child care institutes (CCIs) and homes for protection of women are registered, the government has extended the deadline for the registration process to July 20.

Addressing mediapersons, Misra said the committees constituted to inspect such institutions have already completed their work. “This is the first time that a complete database of all such institutions has been drawn up in the state,” he said.

Deputy Commissioners of all districts and programme officers have been asked to personally visit institutions, which have not yet applied for registration. “It was mandatory for the CCIs to get registered under the Juvenile Justice (Care and Protection of Children) Act-2000 and all other homes under the Orphanages and Other Charitable Act-1960. Information regarding registration has also been disseminated through radio and newspapers,” said Misra. “There is also a provision of imposing fine on institutions that violate rules,” he added.

Source: *The Indian Express*, 5 July 2012 URL: <http://archive.indianexpress.com/news/118-children-women-shelter-homes-in-haryana-are-illegal/970381/>

- **Victims of communal/ethnic conflict and natural disasters.**

Some parts of the country have seen high internal displacement that leaves a large number of people homeless. According to the Asian Centre for Human Rights, Assam has the highest number of conflict-induced internally displaced population in India - nearly 3.5 lakh-and the highest in the world in 2015. There is no disaggregated data about the number of women that are part of this set of displaced, and the government has no policy on internal displacement.

Although women are often victims of conflict, they can also be active participants. Women combatants are a category that needs safe shelter. The camps set up by the government can often be stigmatizing spaces for these women. Experience

shows that once the pro-peace talks are over and a settlement reached, these women are largely neglected.

Besides, post-conflict camps get erected and dismantled periodically. These can be unsafe and do not meet the needs of women. From the camps it is clear that the understanding of the government is limited to bed and food. To avoid sexual harassment and violence at the camps, parents can rush their daughters into marriage. The government does not accommodate these women in shelters such as Ujjawala or Swadhar.

Women’s usage pattern of shelters draws attention to the fears and social security struggles of poor women. Many homeless women refuse to go to shelters because they do not want to lose their cattle or weaving shed etc. In Guwahati, for example, female vendors and beggars leave the night shelter well before sun rise to claim their space on the streets or outside the temple, markets, footpaths or railways stations. They also fear the safety of their possessions and are insecure about their livelihoods.

- **Criminalizing girls and consensual adolescent sex.**

There is a sizable population of 16-18 year old girls lodged in women’s shelter homes. Often, they land there because they eloped with their partner or are survivors of sexual violence or trafficking. In many cases, their parents disown them and so rehabilitating them within their families is not possible. Some girls do not wish to go back fearing that they will be harmed by their natal families. Or, there is no follow-up of these cases by the shelter home staff and girls continue to languish in the homes.

The disturbing aspect of Protection of Children from Sexual Offences Act, 2012 (POCSO) is that it conflates child sexuality with child sexual abuse. The fall out is dangerous for both girls and boys. It prevents girls from accessing contraception, health care, counselling and legitimizes honour-related crimes against young boys and girls. It inflicts harsh punishment on boys. In communities where consensual living is customary and adolescent sexual activity not taboo, such as certain tribal communities, it clashes with local customs and criminalizes youth. POCSO has been used by parents to punish young relationships.

# PRODUCING EVIDENCE, MAKING INTERVENTIONS

One of the biggest stumbling blocks in any effort towards building a better understanding of the shelter home scenario, fixing gaps and addressing challenges that the last section captured is the lack of reliable information. Currently, there is no source of data on, for example, the service conditions at shelter homes, their interlinkages with other service providers, first-hand narratives of residents, their demographic profiles, their case histories from admission to rehabilitation and so on. We do not know how many minors are living in shelter homes across the country or the nature and number of trainings offered to the staff at shelter homes. The sketchy data that is available is often dated, not consolidated or analysed. Since evidence and data is mandatory to design any policy or make interventions, there is an urgent need to collect evidence and know the situation on the ground.

This section of the report lays bare the observations and evidence that has been collected by members of this network. It ranges from research studies to fact-finding missions and committees, PILs and observations.

## RESEARCH STUDIES

### Situation Analyses of State-run/funded shelter homes in Gujarat

(SWATI or Society for Women's Action and Training Initiatives, Ahmedabad)

To "re-imagine" shelter homes and make recommendations on the bases of evidence, in 2012 the women's rights NGO, SWATI, conducted a situation analysis of shelter homes in Gujarat, along with the Women's Studies and Research Centre of M.S. University in Baroda.

The study covered 13 shelter homes and analysed various aspects such as management, infrastructure, amenities and services, among others. It included the voices of NGO facilitators, (current and former) residents, administrators etc. although at some shelter homes, the Superintendents did not allow interaction with the residents.

It notes a severe shortage of shelter homes in Gujarat. Since the total capacity of the 25 (as of 2015) shelter homes in the State is 1,360, this implies that for every 21,250 women in Gujarat, there is one place in a shelter home. Despite this shortage, the study found that many shelter homes were underused in their capacity and this could be a reflection of the poor quality of services they offer. It lists difficult access to shelter homes because of their few numbers and distant locations. People may not even know of their existence because they are not advertised or publicised.

Even the criteria for admission and the procedures are rather tight and exclusionary. It found rampant bias against certain sections such as those affected by HIV/AIDS. NGO-run shelter homes can turn away some categories of girls/women but State-run shelter homes mostly accept all. However, the latter can be callous about segregation and house those with, say, infectious diseases with others. In the name of security, all shelter homes are harsh and regimented. The staff at many shelter homes is devoid of sensitivity towards residents and their knowledge of gender, women's rights is poor.

Poonam Kathuria of SWATI added, "The conceptualization of shelter homes is dated to the 1950s and things have not changed much. The budgetary allocations are poor and these affect other services. There are policies that need to be looked at. We met a woman with four children who was living at a bus stand. Her husband had passed away. She had stayed in shelter home for three weeks during which her children were separated from her. At the shelter, she was asked to look after women's babies. She simply refused to go back. Poor funding also means that there is staff scarcity. So, in shelter home, there were eight women in one room. One of them had no control over her bowel movements and seven other women were asked to clean her sheets. To rid themselves of this chore, these seven just stopped giving food to that woman".

### Shelter homes in Haryana, Jharkhand and Uttar Pradesh

(AALI or Association For Advocacy and Legal Initiatives, Lucknow)

The objective of this research was to understand the role of government run/ aided shelter homes for women in (a) providing safe spaces to those resisting/ exiting forced marriages (b) to gauge the status of human rights of shelter

home residents. The study covered 20 homes across the three states, including couple protection homes<sup>33</sup>, State-run Nari Niketans, homes running under the Swadhaar scheme and children's homes.

The study found no uniformity of practices followed in different shelter homes. However, there were critical issues that were common to many shelter homes. Some examples:

- Young women who eloped with their partners had been secluded within the shelter. The justification: they could corrupt the morals of other women.
- Counsellors adopt moralistic positions towards young women's choices. Many said they "brainwash" women ("We brainwash these women to go back home").
- In all States/Union Territories, women are unable to access Swadhar Homes voluntarily. They need a letter by the police which declares that the woman in question was found at a public place or is a destitute. Women are only admitted to shelter homes with an order and then leave with an order by the same police officer. Often, in the district administration, the Sub-Divisional Magistrate and Additional District Magistrate also have the power to make shelter arrangements for the destitute.
- Health concerns of women and children are mostly neglected. Urinary Tract Infection is a common physical ailment among female residents of shelter homes. Hygiene supplies for women are erratically available.
- For women and girl suffering mental illness and different forms of physical disabilities, other residents are tasked with the responsibility of their care.
- Monitoring of Swadhar homes lacks clarity and consistency. The research found that at times, District Collectors do not know of their precise roles in the monitoring.

<sup>33</sup> Under directions from the Punjab and Haryana High Court, the State government of Haryana set up protection homes for runaway couples who feared threat to life from their parents or khap panchayats (village-based quasi-judicial bodies that pass judgements in accordance with local, traditional customs). Couples are allowed a free stay in these homes for a period of 10 days, and, if required, for another ten days with a minimal charge. The High Court had also asked for the constitution of a district-level committee to oversee the functioning of such protection homes. (For more, see: Protection homes for runaway couples, The Tribune, 21 March 2011, URL: <http://www.tribuneindia.com/2011/20110322/harplus.htm#1>).

- Many malpractices were found at Swadhar Homes, such as
  - » One of these homes has been merged with a juvenile home for boys and a drug de-addiction centre.
  - » Another Swadhar home is run as a tailoring centre that was also attended by girls from a neighbouring village.
  - » In one of the homes, the staff makes 5-6 girls chop onions. Those who cut finely are seen as home breakers while those who manage bigger chunks are told that can keep the family together.
- Women who choose to marry or be with partners of their choice are forced into shelter homes. They are kept there without any rehabilitation plans. There is little/no vocational training or efforts for their financial independence. Women are forcibly married in the name of "rehabilitation". The government offers monetary incentives to men who marry girls from shelter homes.

The researchers found that **Haryana** has no Swadhar Home ever since a sexual abuse related scandal was unearthed in the year 2012. No voluntary organisation has so far accepted State funding to run a Swadhar shelter. Haryana has one Nari Niketan for 21 districts, besides privately-run shelter homes.

Thanks to a Haryana and Punjab High Court order in late 2010, the two State governments were asked to establish 'couple protection homes' for inter-religious and inter-caste couples who face the threat of 'honour killing'. However, for newly married couples escaping violence from their families, these homes are not totally safe. They are not convenient either—they offer free food and lodging to a couple for the first 10 days, beyond which there is a minimal charge. Even as the State saves them temporarily from violence, the moral policing within these homes continues.

**Jharkhand** has no Ujjawala homes despite the widespread reports of trafficking there. The two probation homes in the State are meant for under trials and convict women, but also accommodate other categories of women. Those who have run away from their homes (for different reasons) are openly referred to as "case waliladkiyaan" (girls with cases). The management of the shelter homes

knows they were not involuntarily trafficked had and voluntarily ran away, yet are kept in these institutions. Jharkhand has 24 districts but one functional Nari Niketan. Its budget for a Swadhar Home has not been released yet.

For the 75 districts in **Uttar Pradesh**, there are 10 State run and aided shelter homes for women and other private ones. This is despite the fact that the State has one of the highest populations and crime rates in the country. It was found that nearly 97 per cent women in these shelter homes had chosen their own partners and then been disowned by their parents. These women are not consulted if they want to stay in shelter homes, but are forced by their families and even female judges. Among the judiciary too, “protection” for women is seen as being locked up in shelter homes. When there is no vacancy in shelter homes, women are sent to Nari Niketans. There are many instances of violations by shelter homes too. For example, after a raid in Allahabad’s red-light area, 106 women and 20 kids were caught and kept in two rooms at a shelter at Khuldabad. In another case, residents of a Ballia-based juvenile (girls’) home in Uttar Pradesh (that had also admitted adults) had pelted stones and broken the window panes of the building after one of them had been beaten up by the staff<sup>34</sup>.

#### **Public interest litigation (PIL) on women’s shelter homes in Gujarat**

Peace and Equality Cell, Ahmedabad

In October 2014, after nine residents of a State-run shelter home (Nari Sanrakshan Gruh) in Odhav, Ahmedabad, ran away, Peace and Equality Cell (an NGO comprising lawyers, activists and researchers) along with the NGO Sahiyar filed a PIL in the Gujarat High Court. The PIL demanded the setting up of an inquiry committee on the state of shelters in Gujarat and asked that shelters must ensure not only recovery but also short and long-term rehabilitation.

The petition had alleged that girls and women lived there in inhuman living conditions. Mental patients and HIV patients were living together with other residents and were offered no medical facilities. The petition also stated “...they defecate and urinate in open, no sanitation is provided to them. There is also no

<sup>34</sup> ‘Day after protest at govt-run care home, admn orders magisterial probe’, The Indian Express, 10 May 2015.

staff to look after mentally challenged women. Women, who live on the ground floor, who can be termed as ‘normal women’, are forced to clean the mentally challenged women periodically....”

The Gujarat High Court asked the State government to file a detailed response and appointed an inquiry committee to find out the status of women’s shelter homes in Gujarat. The committee comprised four members, including two from NGOs, an Additional District Judge and the Principal Secretary of the Department of Women and Child Development. The committee was asked to visit eight shelter homes based in Ahmedabad, Vadodara, Bhuj, Surendranagar, Vansda, Palitana and Rajkot and submit a report.

On the bases of the report, the Gujarat High Court ordered the State government to frame new rules for shelter homes across the State because the current rules were framed in 1964 and therefore outdated. It ordered the formation of a seven-member committee to recommend new rules to the Gujarat government. This committee was to have members from the State government and NGOs, among others. It also directed the government to fill the post of regular superintendents and constitute a committee for this purpose.

#### **High Court-appointed Committee on women’s shelter homes in Gujarat**

(Anandi, Ahmedabad)

The NGO Anandi was part of the enquiry committee formed on the directions of the Gujarat High Court (mentioned on the previous page) to probe into the conditions of shelter homes in the State. The committee visited six shelter homes, spoke to 70 residents and focused largely on the infrastructure of shelter homes.

The report observed that admission was only done via police and court orders as well as 181 helplines. Women could never access these homes by themselves.

The case records were poorly maintained, if at all. There were minors in women’s homes, and most residents had not been offered any legal aid or rehabilitation. Some girls wanted to go home but they had never been asked by the staff. There were women from Bangladesh and other States who had been living in



these shelters only because their case records were missing and their families could not be reached out to.

The Superintendents did not know the case histories and would miss the court dates. In some homes, the craft teachers bore the overall responsibility. The staff showed no understanding or clarity about different schemes and programmes for disadvantaged girls and women. Staffing was done on a contractual basis, and many positions were lying vacant. There had been no orientation, training or capacity building for the staff.

The idea of choice was absent from these homes. The residents were made to sweep and clean, and made to eat vegetarian food which is mandated by the State government. None of the residents had come to the shelters by choice. Women in criminalized vocations had been put into these homes. The law around beggary links women to shelter homes.

Women who scream were called “mad”. The understanding of mental health among the staff of the shelter home was minimal. As far as counselling is concerned, it was found that almost all staff members and even the police personnel acted as counsellors.

Among other points, Jeevika highlighted the following: *“There was a girl from Kheda whose family had not been contacted. There was no counselling for her. She was rehabilitated only after the committee’s intervention. There is no process and policy on how girls/women reach these homes and what makes them want to leave. There are many gaps. For example, there are no shelter homes at village and block level. Homeless shelters do not have health facilities. Working women are seen as independent and so it is assumed that do not need shelter homes. The larger debate about beggars, sex workers, and adolescent girls still remain untouched”.*

### **Jagori and Centre for Budget and Governance Accountability (New Delhi)**

As part of their study on governance and budgetary challenges of safety of women in public spaces in Delhi, Jagori and the Centre for Budget and Governance Accountability analysed the coverage, capacity, quality and interlinkages of services provided by night shelters, among others. It notes that budgetary outlays for night shelters (between 2013 and 2016) have increased, thanks to a series of orders by the Supreme Court since 2010. However, night shelters have inconvenient locations, often far from the main sites of employment. They have poor hygiene and lack of privacy. A number of night shelters do not provide drinking water or toilets, thereby making it inconvenient and unsafe for women. Night shelters often do not offer linkages to support services such as health facilities, ICDS centres, among others. The North West district of Delhi does not have a single shelter exclusively for women, despite having a female homeless population of around 960 women.

### **Secondary research based overview of government schemes on women’s shelter**

Centre for Budget and Governance Accountability (CBGA), Delhi

In its overview of State-run schemes for shelters, the CBGA observed that their implementation is impaired by low budgetary investments. Apart from sluggish implementation, shelters homes have low coverage and poor services.

The budgetary outlays for Swadhar Greh (Table 4), for instance, has been low. During the 12th Five Year Plan, the scheme was allocated over Rupees 400 crore while the utilization of funds has been around Rupees 200 crore. There have also been reports of misappropriation of funds as well as sexual exploitation of residents<sup>35</sup>.

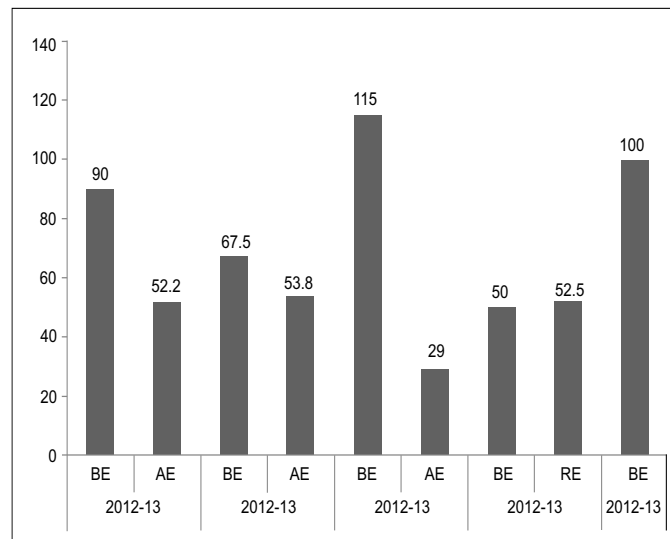
The Budget Estimates for One Stop Crisis Centres in 2016-17 is Rupees 75 crores. The scheme was revised in May 2016 to enhance the coverage of these centres by 150 more locations so as to cover more districts. As of July 2016, no funds have been released yet to States/Union territories to set up the additional OSCCs during 2016-17<sup>36</sup>.

<sup>35</sup> [1] Lok Sabha UnStarred Question No. 4519 for answer on 19.12.2014.

<sup>36</sup> Rajya Sabha Un-Starred Question No 1332 To Be Answered On 28.07.2016

It is also important that the government provides updated information in the public domain about the coverage and outcomes of important government schemes and programmes. This will enhance transparency of their functioning and enable public scrutiny.

**Table 4. Budgetary Outlays for Swadhar Greh (in Rs.crore)**



#### Rehabilitation services in Andhra Pradesh for women in difficult circumstances

Bhumika Women's Collective, Andhra Pradesh

To develop an understanding of the operations of shelter homes and their services to the women and girls, in 2010 Bhumika conducted a survey. It covered 20 short stay homes, 14 Swadhar homes and 2 Ujjwala homes. (There are a total of 50 Short Stay Homes, 34 Swadhar Homes and 5 Ujjwala Homes in the State).

#### Some of the key findings of the survey are as follows.

- It was difficult for the survey team to trace some shelter homes either because of incorrect contact details or because the shelter home/NGO staff were reluctant to meet. A few shelter home functionaries proposed that Bhumika's team could be supplied information without their visits to the homes.

- 80 per cent of shelter homes operate out of rented buildings, and therefore offer minimal facilities such as one bathroom and toilet per home.
- Funds for Short Stay Homes are lower than those for Swadhar and Ujjwala homes. This also reflects in the facilities that each offer. For example, a majority of Short Stay Homes were found to be quite congested.
- The release of funds is often delayed, sometimes for more than two years. This has a direct impact on the services offered, especially psychological support, medical and legal aid services. At Short Stay Homes, the part-time payment for a clinical psychiatrist is a paltry Rupees 500 per month; this is why most Short Stay Homes offer no mental health services. These homes also lag behind on medical and legal aid to residents. There is insufficient training for counsellors.

Satyawati from Bhumika also shared the following information and insights: *"The State government has allotted Rupees 2 crores to the Hyderabad Police to start women's support centres called Bharosa. But in some backward areas of the State, adolescent girls are still being married off. These girls are sent to a shelter home, despite the parents asking for them to be sent back to them. The whole idea of shelter homes is steeped in morality, not rights. The language also gives this away. Why have someone called "superintendent"? Shelter director/manager is better. Language can be problematic. Even in our Domestic Violence law we have "Protection Officers". Again, the whole idea of women who need protection".*

#### OBSERVATIONS AND INTERVENTIONS

Participants of the two national-level consultations shared several observations and concerns. They also threw up many valid questions about interpretations, policies, ethics, and institutional frameworks, among others. Some of those questions were as follows:

- » What is our definition of a shelter? What constitutes a safe space, since 'safe' is neither an absolute nor unwavering, and can have different connotations for people?
- » What is our strategy towards ensuring women's rights to land and housing?

- » Where in our response is the demand for the social security package?
- » How can we integrate feminist principles in State-run/funded shelters and its service providers?
- » What is our strategy to spotlight the importance of clear protocols and procedures?
- » Are we moral policing vis-à-vis minors and sex and sexuality? Are we comfortable with consensual adolescent sex?
- » How do we involve the community, including men?
- » What are the network's efforts towards prevention of violence?
- » How do we build/strengthen accountability of bureaucracy within institutional mechanisms?
- » How do we influence the State on its position on certain livelihood choices of women, especially vis-à-vis female workers in the entertainment industry such as dance bars?

Other specific interventions made by groups and individuals have been encapsulated in the following section.

#### **Awaaz-e-Niswan-(Mumbai)**

As a feminist collective that works for the rights of Muslim girls and women, the organisation has constantly struggled with the task of arranging safe spaces for them because of the paucity of shelter homes. Of the five to six shelter homes in Maharashtra, only three are truly functional.

In its three decades of work in Mumbai, Awaaz-e-Niswan has offered many women its own office space for temporary stay or its employees have let women stay at their own homes. While staying together helped survivors to some extent, it is not a sustainable solution. Awaaz-e-Niswan also made space for lesbian women seeking shelter but it proved difficult to do so for local women whose families live close to their office. Cases have been filed against the organisation by community members who saw it as a threat to the social and cultural fabric of the community.

The organisation has also directed women facing violence to State-run/funded shelter homes, but it has not always been possible or ideal. Muslim women have

reported feeling marginalized at shelter homes because of the pervasive and rising Islamophobia. Besides, the counselling offered at shelters can be loaded with patriarchal ideas. Hasina Khan shared the following:

*“We had to tell the staff at shelter homes not to counsel these women, but just offer shelter. But then they insist that their advice be followed. There are rules and regulations. You have to sing bhajans, there is no non-vegetarian food. Some women thought they were being turned into Hindus.”*

*At the charitable shelter homes run by Muslims, which are more accessible for Muslim women, there is another set of issues. These places are very religious and conservative. They force women to wear burqas and read the Quran. Women accept it, and when they leave these shelters, they are like religious leaders. They refuse to fight for their rights, claim maintenance etc.”*

Shelters have anyway not been the safest of spaces. Cases of sexual exploitation were also reported during the time when bar dancers, sex workers and other female workers from the entertainment industry in Maharashtra had been thrown in shelters.

The lack of good quality shelter homes is turning into a bigger challenge now as more Muslims girls are coming out of their families. There are a higher number of missing women, rape and kidnapping cases in Maharashtra. Islam emphasizes that girls and women stay within the family and community. The community does not trust the State, and the State has not tried enough. The interaction between the State and the community has been fraught. There has also consistent structural violence. Muslim women struggle to get ration or PAN cards and such like. There are a very few organisations that work with Muslim women. This gap makes it a very tricky issue for women's groups.

#### **Vrinda Grover, lawyer, feminist and human rights activist.**

To engage with the State and law-making is not to agree with the State. You hold the State to account by creating obligations and certain forms of law. Provisions such as shelters are obligations of the State. The Domestic Violence law underscores these as essential and necessary. We need to do due diligence of the State and its processes.

Yes, there has been a clear and important shift. Women are filing complaints with certain legitimacy, and families are helping them. The shift has happened through activism and public discourse. However, to believe that the Criminal Law Amendment 2013 has given women an upper hand is a myth. Rules and laws do not change the texture of things.

The legal space is a difficult one. But what are women's choices against violence? If other forms of redress were available, women may not go to the criminal justice system. And we have barely only provided that.

### **Sangama (Bangalore)**

An NGO working for the human rights of sexual minorities since 1999, Sangama has encountered much difficulty. In the South, there have been many cases where families of these women have used the law (often, Habeus Corpus) against their queer children. These petitions allege that women who have left their families have been detained or kidnapped by their same sex partner, and typically ask the court to grant the parents/family the "custody" of their daughter. Or, as and when a shelter home has accepted a lesbian couple, they have done so with the motive to set them right or undo their "immoral" behaviour.

Instead of surrendering to such discrimination, Sangama started its own shelter in 2004 to support Lesbian, Bisexual and Trans Men. (At present, Sangama does not run any shelter). Apart from shelter, Sangama has offered socio-psychological support. It has also been involved in nation-wide advocacy campaign to promote the rights of transgender persons and raise its voice against the discrimination and persecution faced by the LGBTQI (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex) community in India.

To produce evidence and collect data on the state of gender minorities, Sangama conducted the first transgender survey in India with 3618 respondents. The survey reveals that 46 per cent have thought of committing suicide and 40 per cent have committed suicide.

Rajesh from Sangama narrated the following to describe the degree of humiliations and injustice that the transgender community faced: *"When a hijra who had been disowned by her family all her life passed away, the family turned up to take the body. Against what she would have liked, they cut her hair, did a*

*penal construction and put her in a man's attire before the cremation. That is the enormity and extent of violence against the hijras. They take away that identity even at death".*

### **Syeda Hameed, former member of the Planning Commission of India, activist and writer.**

The issue of violence against women should also address violence inflicted by the State or communal organisations. We need to bring those into our discourse. Shelter homes should not just be the concern of the Women and Child Department and National Commission of Women but also of other departments and ministries such as urban development, food, panchayati raj and so on. The ideal of a safe and free shelter will materialize with concerted efforts. A federation entity needs to be created, and devolution is the mantra where the Centre allows States to decide and plan.

### **Bandhavi (Koppal, Karnataka).**

Visthar, a Bangalore-based civil society organisation, shared its experiences of running Bandhavi (meaning female friend), a shelter that rescues and empowers children of Devadasis. Bandhavi offers a safe shelter, food, health services, education, life skills training, extra-curricular activities, yoga and entrepreneurship training. The shelter home is located in a five acre campus that hosts several creative activities such as theatre training and a community college. The centre currently houses 110 girls.

To not isolate the girls from the community, Bandhavi engages in community-based work and advocacy. It also works with partner NGOs, women's collectives and panchayat members.

Mercy Kappen from Visthar said, *"The most crucial is the gap of perspectives between the State and organisations such as ours. For the State, shelter means a cell or a prison. Whereas we are building a community of girls who can celebrate their childhood, make choices and claim their rights and entitlements. Our perspectives on what protection means are different".*

Visthar raises about 60 per cent of funds for Bandhavi but hopes for greater support from the State.

## RECOMMENDATIONS

Based on the extensive groundwork that different human/women's rights and research organisations have with regard to shelter homes as well as their rich discussions at the two national-level consultations in 2016, the network has consolidated a range of recommendations. These are motivated by the urgent need for an overhaul of the ecosystem around shelter homes and therefore try to cover the canvass from policy to practice, and general to specific issues.

These recommendations need to be considered and acted upon by relevant arms of the government and the judiciary, national bodies that are meant to safeguard the interests of women and girls as well as the many actors and stakeholders that are a direct/indirect part of the shelter home universe.

- **Commission short/long term studies (research, mapping, fact-finding etc.).** Given the wide gaps in information and knowledge about State-run and funded shelter homes across the country, there is a compelling need to conduct research that looks at different dimensions of the functioning and operations of shelter homes. Such data will be highly useful to guide grants, policy emphasis and redesign practices. These studies can especially explore under-researched areas such as the experiences of ex-convicts or LBT women and girls, or even operational issues such as the linkages of helplines with shelter homes, among others.
- **Increase fund outlay, examine usage and allocations.** Of the missing pieces in the shelter home network, one of the most pressing is fund crunch. Delays or discontinuation of funds have led to, for example, conversion of shelter home into computer centres. However, funds are not only needed to build many more shelter homes across the country but also to strengthen the range of support services to be built around those. Moreover, a balance has to be struck between financial provisions for prevention and redressal of violence, with substantive allocations for prevention.
- **Redefine shelters, operationalise feminist and human rights understanding.** Shelter homes need a new imaginary that is life-affirming, healing and empowering. Residents should not be jailed or deprived of their fundamental

freedoms, respect and links with their families/community. Interventions in the discourse on and around shelter homes can set right their default, disempowering image. Building and disseminating a feminist perspective on violence, rights and gender may help cause a shift in the prevalent "rescue" oriented understanding. Terms that project women as helpless victims or criminals (such as "destitute") contribute to indignities that women and girls accessing and living in shelters endure. It will also help protect women's human rights and speedup access to justice especially vis-à-vis their choices around marriage, relationships and sexual autonomy.

- **Emphasise inclusivity for vulnerable populations.** Studies and reports suggest that certain populations such as sex workers, the LGBTQI, mentally ill and so on can get turned away from shelters. The policy needs to be emphatic about rights and justice for all. A human rights framework can embed the discourse of shelter with an entitlements-based approach for all, especially the most vulnerable.
- **Embed psychological care in homes and public healthcare.** Poor mental health or illness is one of the leading causes of women's susceptibility towards violence and homelessness. The shortage of shelter homes and that of quality and regular mental healthcare providers has emerged both in anecdotal reports as well as a pattern in research studies. The State needs to provide mental healthcare in all districts, regardless of the presence of shelter homes, till it manages to increase their numbers across the country. Special spaces are urgently needed for mentally challenged/ill women in all districts with specialised medical services and district-based mental health programmes.
- **Create IDP (internally displaced persons) policy, emergency shelters in conflict-areas.** Using the United Nations' guiding principles on IDP as a blueprint, the State should provide for women (with/without children) who are internally displaced or fleeing violence with immediate shelters that offer safety, reproductive health and so on. The policy should also identify rights and address gaps during resettlement and reintegration. The CEDAW Committee's Concluding Observations (no. 12[b] of 2014) reiterate the issue of displaced women and girls, particularly in the North Eastern region.

- **Transition shelters for female ex-combatants.** Peace-building strategies of the State can overlook the very vulnerable segment of ex-combatants (and ex-convicts) and their social reintegration. Rehabilitation camps set up for surrendered combatants and those in peace processes have failed to offer psychological assistance for these women and their families or even focus on their livelihood opportunities.
- **Strengthen violence prevention mechanisms, protection of minorities and marginalized.** Since the need for shelter homes arises out of pervasive and multiple forms of violence, working solely on their infrastructure and linkages will not suffice. A larger and sustained campaign is required against domestic violence, sexual harassment and assault, trafficking, witch hunting, sexual violence in conflict, displacement, communalism, attacks on lower caste and tribals, ethnic/linguistic minorities and so on. Simultaneously, there has to be collective demand to bolster women's rights for affordable housing, land rights and property.
- **Develop/update Standard Operating Procedures (SoPs) and Guidelines.** Shelter homes need to run on a uniform set of holistic guidelines that are based on a human rights and uphold constitutional guarantees of the women who access these. To be adopted by all State/Union Territories, the guidelines should speak to an ambit of regulations--from admission to rehabilitation, reintegration with family/community and follow-ups. These guidelines need to emphasize inclusiveness so that groups that often face prejudice and discrimination – those living with physical/mental abilities/challenges, sexual and religious minorities, sex workers and so on--receive respect and easy access both into and out of shelters.
- **Institutionalize training, capacity-building and sensitization.** As seen in research studies and news reports, the staff at shelter homes is rarely oriented into or trained with regard to their jobs and the perspectives it requires. As a result, homophobia, casteism, prejudice towards those with certain ailments/conditions, and other forms of discrimination are practiced. Their attitude towards shelter home residents and their understanding of human sexuality, gender, violence against women and so on needs to be derived from the constitution's rights-based philosophy. Trainings and

capacity-building programmes should be a mandatory part of employment at shelter homes.

- **Regularize monitoring via independent bodies.** Monitoring and evaluation can arrest some common issues that afflict shelter homes, for example corruption, misuse of resources, human rights' violations, physical/sexual abuse or exploitation of residents, illegal detention, wrongful confinement, among others. Effective monitoring also requires a committee that comprises individuals from the social sector, women's rights organisations and so on.
- **Grievance and redressal mechanism within shelters.** Ill-treatment, no/scarcie access to opportunities for education or employment, pathetic living conditions, no specialized services for drug addicts, the mentally ill, aged and disabled are some of the common concerns that residents have at shelter homes. Those who are lodged there against their wishes have no access to legal recourse. Their consent is disregarded by administrative and judicial mechanisms. This is done in the name of protective detention which is a gross violation of their fundamental rights. With the way that shelter homes are being run, residents seldom have any communication outside the shelters and no contact redressal mechanisms. Shelter homes need an internal grievance redressal system that ensures the residents' voices are heard and action taken. This will also alert the staff towards their responsibilities of establishing seamless cross-sectoral services and multi-stakeholder coordination.



## NEXT STEPS

In addition to the network's efforts to offer a useful critique of state-run/funded shelter homes and launch an advocacy campaign based on knowledge and evidence, there is need for a fresh understanding of the objectives and roles of shelter homes in the lives of women and girls. Network members from different parts of the country have decided to collaborate towards the following activities.

- » Consolidate and catalogue research studies done so far
- » Conduct research studies to investigate various aspects of the functioning of women's shelters in different States, especially vis-à-vis social security, livelihoods, education, mobility and so on (especially Meghalaya, Assam, Maharashtra, Karnataka, Kerala, is this Delhi, Tamil Nadu)
- » Build a database of resources
- » Broaden methods of generating evidence as and when required (Public Interest Litigations, Right to Information petitions and so on).
- » Form groups and alliances to take up studies in different States and with different stakeholders
- » Start alliance building with varied progressive groups in the country and strengthen the network
- » Run an envisioning exercise with LBT groups in different parts of the country
- » Organise the marmara or a space for informal conversations with a wide range of stakeholders consultations under a tree. More at ([www.marmara.org.in](http://www.marmara.org.in))
- » Establish nation-wide consultations through the Marmara (for more, see <http://www.marmara.org.in/>).

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- ***Shivani Chaudhry, Amita Joseph and Indu Prakash Singh. Homeless Women and Violence (2011).*** The paper outlines the crisis of homeless women, and draws up causes and consequences of women's homelessness. It ends with recommendations directed at the State and its obligations towards women's human rights. (An edited version of the paper has been published as 'The Fear that Stalks: Gender-based Violence in Public Spaces' by Zubaan [2011]).
- ***India's Hell Holes: Child Sexual Assault in Juvenile Justice Homes, Asian Centre for Human Rights (2013).*** This report captures in detail nearly 40 cases of systematic sexual assault on children living in juvenile justice homes, both government and privately-run ones. It flags issues that afflict the inspection and monitoring systems and recommends measures to address child sexual abuse.
- ***National Programme for the Urban Homeless, National Advisory Council Working Group Proposal (2011).*** As the name suggests, this is a proposal for adequate shelters for the urban homeless (at least one for every 100 people, as per Supreme Court directions). With data and evidence, it seeks suitable focus and entitlement-based assistance for the most vulnerable of all homeless such children, women, elderly and so on.
- ***Sujata Gothoskar, India: Women's Work, Stigma, Shelter Homes and the State, Economic and Political Weekly, Vol - XLVIII No. 04;26 January, 2013.*** An analytical paper that examines the violations of women's human rights across a multitude of spaces—at shelter homes to their right to work of their 'choice'. It complicates the notion of choice, coercion and respect in low-paid vocations such as sex work and bar dancing as well as life within shelter homes.

- **Status of Shelter Homes, Odisha. A study conducted by Civil Society Resource Facility Centre, Bhubaneswar (facilitated by Friends' Association for Rural Reconstruction); 2010.** Conducted in all districts of Odisha, the study assesses the implementation of two schemes –Short Stay Home and Swadhar Home - to understand issues that grip these. Of the total 54 shelter homes in the State, the study is based on data collected from 20 Short Stay Homes and 18 Swadhar Homes. On the bases of its findings, it makes a number of suggestions for the government to implement.
- **Rehabilitation Services (Shelter Homes) in Andhra Pradesh for Women in Difficult Circumstances, Bhumika Women's Collective Supported by: Oxfam India Trust (2010).** Commissioned by Bhumika Women's Collective and supported by Oxfam India Trust, this survey maps services in 20 Short Stay Homes, 14 Swadhar Homes and 2 Ujjwala homes. It raises a gamut of issues such as lack of funds, mental care and treatment, little medical assistance, cramped living conditions and poor hygiene, among others.
- **(Draft) Women's Shelter Home Report,** was filed by Trupti Shah and Afroz Jahan of Peace and Equality Cell. The Report was submitted as part of the committee formed as per order of the Gujarat High Court (order on 3/11/2015 under PIL 321 of 2014). Manjula Pradeep and Jahnvi Andharia

#### ADDITIONAL RESOURCES

- Experiencing Homelessness: the Case of a Women's Shelter Near Jama Masjid, Delhi (2015).
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**List of Participants during the Shelter Home Consultation held on 8th & 9th  
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