

**Government of Rajasthan
Local Self Government Department
State Policy on Urban Homeless**

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

Jaipur, dated

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

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

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

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

Rajasthan State Policy on Urban Homeless, 2015

1. This policy may be called as the **Rajasthan State Policy on Urban Homeless, 2015.**

- (1) It shall be applicable in the first instance to the urban areas falling under the Municipal Corporations/Councils in the cities/towns of Jaipur, Jodhpur, Bharatpur, Ajmer, Kota, Bikaner, Udaipur, Bhilwara, Nagaur, Tonk, Churu, SriGanganagar, Hanumangarh,

Alwar, Dausa, Jhunjhunu, Sikar, Dholpur, Karauli, Sawai Madhopur, Barmer, Jaisalmer, Jalore, Pali, Sirohi, Banaswara, Chittorgarh, Dungarpur, Rajsamand, Pratapgarh, Baran, Bundi, Jhalawar, Kishangarh, Beawar, Bhiwadi, Hindoncity, Gangapurecity, Sujangarh and Makrana and later on to be extended, by order, gradually in phased manner to other towns.

(2) It shall commence on and from the date of its publication after seeking approval of the Honble Rajasthan High Court.

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

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

3. Identification of Homeless and providing them shelter,- The Nodal Agency shall either itself or through the local bodies cause to be conducted survey of the homeless at locations where they are usually found sleeping at night on streets, pavements, Verandahs , in vacant open spaces, parks, Railway stations, Bus stands, Hume pipes, under bridges or other places on open sky and after evaluating the survey Reports and data ask to Local bodies to persuade the Homeless to avail the facilities of Shelter Home and

also apprise them of the facilities available to them. The concerned officers/ staff/ of Urban Local Bodies will assist the Homeless people in finding the location of Shelter Homes and getting entry therein.

4. Determination and affording of shelter.- (1) The Managers of the shelter homes for homeless shall record the particulars of the person who appears before him for being an inmate of the shelter home in the register maintained for the purpose and allow him to stay and submit later on those particulars before the shelter's management committee which may determine his eligibility as inmate of the shelter home.

(2) The said committee will hear him and if satisfied about his status as a homeless may approve his status as homeless, and he may thereafter, be enlisted as an inmate of the shelter home so long as he does not find a place for residence elsewhere in that city or town by his own efforts and capacity or otherwise rehabilitated.

5. The Nodal agency.- (1) The Department of Local Self Government of the State will be the Nodal agency for the implementation of the policy and will frame rules/ regulations and issue orders or guidelines to Local Bodies in regard to establishment and management of shelter Homes for Homeless.

(2) The Department of L.S.G. will set up a special cell for this purpose which may exclusively deal with issue of homeless in the State.

(3) The special cell so established shall prepare programmes for their rehabilitation in consultation with Department of Urban Development and Housing including the Housing Board so as to accommodate the homeless in the Low Income Group housing scheme or affordable housing schemes.

(4)The Nodal Agency shall,-

- (i) quarterly review the implementation of the policy;
- (ii) coordinate between various department for conversance of benefit of Government scheme and programes for urban homeless;
- (iii) take necessary steps and issue guidelines to the local urban bodies to implement this policy and scheme of homeless under National Urban Livelihood Mission (NULM) as also as per directions of the Hon'ble Supreme Court/ High Court in regard to homeless people.
- (iv) associate and consult representatives from NGO^s which are working in the field, specially for upliftment of destitutes, rag pickers, physically disabled and other idigent people.
- (v) ensure that funds are timely allocated to the urban bodies for operating and managing the shelter homes.

6.Objectives to be achieved.- (1)The ultimate objective of this State Policy on urban homeless to promote sustainable development of habitate in the State and ensuring equitable supply of land and houses at affordable prices.

(2) In order to realise this vision, a sustainable livelihood for homeless is pre-requisite and unless sources of income of the persons identified as homeless and afforded shelter in shelter homes, are augmented this objective cannot be achieved.

(3) Efforts may be made to accommodate homeless people in affordable housing schemes by financial support of financial institutions in the shape of easy loans with reasonable instalments of repayments which even the people with lower income can afford.

- (4) To facilitate such efforts, industrial or development policies are to be so implemented that people get gainful employment as well as schemes of self employment are to be properly implemented so that people identified as homeless get better opportunities of earning their livelihood.
- (5) The State shall endeavour to generate employment opportunities to realise the goal of home to all the homeless and launch special programmes of affordable housing schemes with programmes of self earning livelihood programmes to sustain the burden of instalments of loans afforded by financial institutions.
- (6) In furtherance of the objective set above as initial step,-
- (a) the State shall see and cause to be established permanent shelter homes for identified urban Homeless with all benefits as per entitlement as per NULM scheme and operational guide lines; and
 - (b) ensure that such shelter homes are located in proximity to place of work of the inmates;
 - (c) ensure that such place of shelter is safe, clean, comfortable and secure;

These shelters be the first step towards providing permanent housing and scope for earning livelihood.

7. Establishment of shelters for Homeless in the interregnum.-(1) Till such time, the objectives as set forth at para 6(1) above in this policy statement are achieved, the State shall issue directions/ guidelines to the State Local Bodies who are having a statutory duty to make provision of shelter for homeless, to set up shelter homes for homeless in their respective local areas with following facilities, equipment and necessary items:-

- (i) The rooms/Dormatry of shelter Homes shall be well-ventilated;
(separate for Male/Female/ differently abled families)
 - (ii) Common kitchen with/ Gas stove and LPG connection;
 - (iii) Lavatory (separate for Male/Female/differently abled);
 - (iv) Lighting arrangement;
 - (v) water for drinking and other purposes;
 - (vi) coolers/ Fans etc;
 - (vii) clean bed (with duly cleaned Bedding, quilt/blankets and pillows);
and
 - (viii)First aid kit
- (2)The concerned Municipal Corporation/ Council/ Board shall constitute a **shelter management committee** comprising of the following:-
- (a)Local ward councilor; (Ward Member of the Municipality)
 - (b)official of the Local authority; (not below the rank of L.D.C)
 - (c)Caretaker of the shelter Home;
 - (d)Two representatives of the inmates of the shelter home; (one of them would be a women, if available)
- (3)The shelter management committee will over see and supervise the activities of the shelter home on day to day basis. This committee will hold at least two meetings in a month and record its minutes and a copy thereof shall be sent to be Municipality.
- (4)The municipality shall deploy fallowing whole time staff at each shelter Home:-
- (a) One whole time manager;
 - (b) Three caregiver- one for every 8 hours;

This staff shall maintain accounts and day to day record of the shelter Home besides arranging cleanliness at the place as also maintaining discipline there. The honorarium/ salary to such staff will be payable out of amount provided for the operation and management (O&M) of shelter under NULM. In the event of necessity of more staff, the payment of Honorarium/salary will have to be arranged by the concerned Municipality.

- (5) The staff of the shelter shall maintain following seven registers:-
 - (a) Shelter Home's Assets Inventory Book;
 - (b) Accounts Register/Cash Book to monitor day to day expenditure and receipts;
 - (c) Attendance Register of persons staying in the shelter;
 - (d) shelter management committee Meeting Register;
 - (e) Register of personnel i.e. Register of staff working at the shelter;
 - (f) House keeping and maintenance Register;
 - (g) Complaints and suggestion Register.
- (6) The Executive committee constituted under the chairmanship of District Collector by the Administrative Reforms Department for management of NULM will Monitor and supervise the implementation/operation of the shelter Homes and could seek assistance of community representatives, organisation of civil society and the concerned department and elected representatives.
- (7) The Monthly Progress Report on the operation of Shelter Homes shall be furnished by the concerned Local Bodies to the Director Local Bodies. Any complaints/ suggestions received with regard to shelter Home by the Local Bodies shall be attended promptly by the Local Bodies and shall be disposed of within three days and shall communicate the out come thereof to the concerned person.

(8) Every Local Body operating the shelter Homes shall make wide publicity of the facility of shelter Homes for Homeless people indicating the places where such shelter Homes are located and instal large size Hordings therefor at prominent places like Railway Stations, Bus Stands, Hospitals and other places where foot fall of people in very high.

(9) Every shelter Homes, already established under whatever scheme or projects hithertofore shall henceforth be operated and maintained as per this policy.

8. Strategy for rehabilitation of homeless.- (1) The Programmes of rehabilitation would be so chalked out that entitlement for rehabilitation in preceded by support of enhanced means of livelihood and in crease in income of the Homeless People.

(2) For the purpose of enhancing the sources of income of the identified homeless, the programmes of skill development by training and need based education will be commenced and conducted.

(3) For the purpose of skill development and enhancing opportunity of self employment and better earning, necessary projects may be launched with effective financial support by State Departments backed by proper Budgetary Provisions and easy loans from Banks.

9. Responsibilities of the inmates of shelter Homes and role of Shelter

Management Committee.- (1) Since the capital cost of infrastructure for setting up shelter Homes will be borne by the Government (state and central) and shall be operated and maintained by the local authorities, a nominal and reasonable levy depending upon income of the inmate of the shelter Home ranging from 10% to 20% of the income could be realised as user charges by the management of the shelter Home. The

amount so realised will be spent on the maintenance of the facilities at the shelter Home. Those who do not have enough income may be exempt from such levy.

- (2) The old, infirm disabled or destitute staying in the shelter Homes will be provided food free of charge by the Local Body and arrangements may also be made for subsidised food to other inmates of the shelter Homes. This would be a voluntary cooperative effort of the inmates of the shelter Home, on registration basis and its standard and modalities shall be determined by the Shelter Management committee, locally. Effort can also be made by the Shelter Home Management Committee to seek support of NGO^s and philanthropic bodies in this regard.

10. Sensitisation of administrative setup.-(1) The Executive Committee constituted under the chairmanship of District Collector for Management of NULM to monitor and implement the scheme of Shelter Homes under NULM will be responsible for sensitising the officers and staff working in the administrative set up in the District including the police personnel about the plight and rights of the Homeless people.

- (2) Besides officials, elected representatives to Urban Local Bodies shall have a special role in identification of homeless and providing them access to Shelter Homes and making special efforts for linking them with various beneficiary schemes to which they are entitled.

By Order,

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Jt. Secretary to the Government.