



INDIA

Homeless Young Women
and LBT+ Youth's
Womaniifesto
for their Human Rights



Gender Inequalities and Homelessness in India

India's progress towards achieving gender equality remains slow and inadequate. The country is at the bottom-most rungs of the Global Gender Gap Index 2022, released by the World Economic Forum (WEF), ranking at 135 out of 146 countries.¹ India is the world's largest parliamentary democracy, with a population of 662 million women and at least 4.8 million trans peoples.² (There are no official demographics of the non-binary population in India). Representation of women in its national parliament is below global average,³ whereas trans people continue to struggle to obtain tickets from political parties to even contest in elections.⁴ While the broader LBT+⁵ people's movement has been gaining strength in the country, representation in political life has not kept pace. The lack of political power enjoyed by these groups in India's public life is symptomatic of a deeper, structural malaise where patriarchal systems have converged with a capitalist economy and neoliberal governance, to control almost all aspects of women's lives, including the lives of LBT+ people.

The marginalisation of women and LBT+ people in India is shaped by markers of social identity such as caste and class. Violence against women (VAW) is rampant throughout the country, with at least 30 per cent of Indian women facing domestic violence.⁶ However, women from historically marginalised groups such as Dalit⁷ and Adivasi⁸ women and LBT+ youth face higher levels of violence, including domestic violence.^{9,10} They also experience intensified degrees of control, surveillance, denial of socio-economic rights and cruelty. Despite laws such as the Protection of Women from Domestic Violence Act 2005,¹¹ women and LBT+ youth¹² are often forced to remain in violent and undignified circumstances at home, or to flee. Faced with a hostile environment and lack of social or public support systems for housing and shelter, those who flee violence often end up homeless and on the streets.

Homelessness is a global challenge with over 150 million falling into this category and 1.6 billion lacking adequate housing world over. Homelessness constitutes a gross violation of the human right to adequate housing, which is necessary for a life of basic dignity. The

¹ World Economic Forum. (2022, July). *Global Gender Gap Report 2022*. https://www3.weforum.org/docs/WEF_GGGR_2022.pdf

² Behal, A. (2021, Sept 6). *Non-binary genders need more visibility in India's Census 2021*. Down To Earth. <https://www.downtoearth.org.in/blog/governance/non-binary-genders-need-more-visibility-in-india-s-census-2021-78844>

³ Ghosh, A. (2022, Nov 16). *Women's representation in India's Parliament: Measuring Progress, Analysing Obstacles*. Observer Research Foundation. <https://www.orfonline.org/research/womens-representation-in-indias-parliament/>

⁴ Dey, S. (2020, Oct 27). *Why Indian parliament should have a transgender MP*. Outlook. <https://www.outlookindia.com/website/story/india-news-why-must-indian-parliament-reserve-seats-for-transgenders/363008>

⁵ The term LBT+ is used here to refer to Lesbian, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual and other non-heteronormative identities.

⁶ Roy, E. (2022, May 8). *30% women in India are subjected to physical, sexual violence: NFHS*. The Indian Express. <https://indianexpress.com/article/india/30-women-in-india-subjected-to-physical-sexual-violence-nfhs-7906029/>

⁷ Dalit is a term used by caste-oppressed communities in India to refer to themselves, signifying their resistance against caste-based discrimination.

⁸ Adivasi is an umbrella term often used to denote the various indigenous (largely forest-based) communities in India.

⁹ Mahapatro, M., Gupta, R.N., Gupta, V. (2012). *The Risk Factor of Domestic Violence in India*. Indian Journal of Community Medicine. 37(3): 153-157. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483507/>

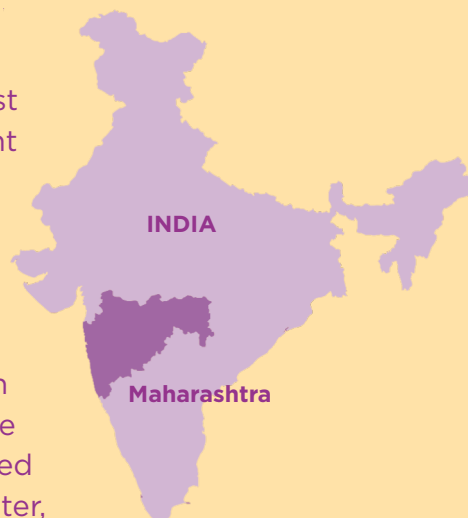
¹⁰ Khandelwal, S. (2022, Sept 1). *Homelessness, LGBTQIA+ harsh realities in India*. Straight to Others. <https://straighttoothers.wordpress.com/2022/10/08/homelessness-lgbtqia-harsh-reality-in-india/>

¹¹ Ministry of Law and Justice, Government of India. (2005, Sept 13). *The Protection of Women from Domestic Violence Act, 2005*. <https://wcd.nic.in/sites/default/files/wdvact.pdf>

¹² Knight, K. (2019, Dec 5). *India's Transgender rights law isn't worth celebrating*. Human Rights Watch. <https://www.hrw.org/news/2019/12/05/indias-transgender-rights-law-isnt-worth-celebrating>

Census of India defines the homeless as persons who do not live in buildings, but on roadsides, pavements, pipes, flyovers and other open spaces such as railway platforms and places of worship. It estimates that there are over 1.7 million homeless people in the country, with women accounting for 10 per cent of this population.¹³ These figures are critiqued to be heavy under-estimations and the scale of the problem is expected to be much larger than official figures suggest.

Homelessness is more common in urban areas than in rural areas. The state of Maharashtra, one of the most urbanised in the country, has the second largest homeless population, accounting for almost 12 per cent of India's total homelessness.^{14,15} Homelessness in Mumbai, Maharashtra's capital city (also India's financial capital and wealthiest city) is glaring and visible, with a -growing migrant population moving to the city from rural areas. Research suggests that young women including LBT+ youth and those with mental disabilities are among the most vulnerable groups of homeless people.¹⁶ They are systemically denied their human rights such as access to adequate food, water, shelter, jobs and healthcare, and experience regular episodes/threats of violence and harassment.¹⁷



Vihan* is a 21-year old trans man from a marginalised tribe from Palghar, Maharashtra. He and his partner (a 20-year-old woman) fled from their villages to escape violence, ending up in Mumbai without a home. Vihan and his partner could not risk going back to their house to procure their documents due to threats from their families and communities. They sought shelter at URJA, where they found a safe space to live, grow, focus on their education and obtain identity documents.



*Name changed to maintain anonymity

¹³ Bhattacharya, P. (2022). *Nowhere to sleep safe: Impact of sexual violence on homeless women in India*. Journal of Pyschosexual Health, Vol. 4, Issue 4. <https://journals.sagepub.com/doi/10.1177/26318318221108521>

¹⁴ Ghosh, S. (2019). *Understanding homelessness in neoliberal city: A study from Delhi*. Journal of Asian and African Studies, 55 (22). https://www.researchgate.net/publication/336033590_Understanding_Homelessness_in_Neoliberal_City_A_Study_from_Delhi

¹⁵ Singh, N., Koiri, P., Shukla, S. (2018). *Signposting invisibles: A study of the homeless population in India*. Chinese Sociological Dialogue, 3(3), 179-196. <https://journals.sagepub.com/doi/abs/10.1177/2397200918763087?journalCode=cstda>

¹⁶ Raj, P. (2022, May 5). *The unparalleled pain and tragedy of homeless women living in Delhi*. Youth ki Awa <https://www.youthkiawaaz.com/2022/05/the-unparalleled-pain-and-tragedy-of-homeless-women-living-in-delhi/>

¹⁷ Natu, N., Das M. (2021, Sept 19). *No shelter for homeless women for whom each day is fraught with risks*. The Times of India. https://timesofindia.indiatimes.com/city/mumbai/no-shelter-for-homeless-women-for-whom-each-day-is-fraught-with-risks/articleshow/86330856.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

Womanifesto Journey



Photo: A discussion with homeless young women and LBT+ youth on the barriers to their human rights.

Homeless Young Women and LBT+ Youth in Maharashtra, India

URJA works in Mumbai, Mumbai Suburban, Thane, Raigad and Palgarh districts of Maharashtra, where marginalised communities who flee from home do not have access to spaces where they can seek refuge. URJA provides care and support systems to homeless young women and LBT+ youth, by ensuring their safety, undertaking capacity building and acquiring basic identity documents. When young women and LBT+ youth leave their homes, rejecting the emotional, physical and sexual violence they face in their domestic spheres, they are treated as bringing shame to their families. They face hostility not only from their families, but also their communities, its leaders and even state actors.

While there are several policies related to the homeless population, many such policies are preoccupied with eradicating homelessness, as opposed to providing support and enforcing the rights of homeless people. Furthermore, whatever public support systems exist, it tends to have eligibility criteria that restrict the scope to women who have jobs, who are property owners or have identity documentation. This filters out the most marginalised types of homeless women and LBT+ people that are young and come from oppressed communities. This is where URJA comes in, focusing on the social groups that are most excluded by state systems and social structures.

Supported by URJA, homeless young women and LBT+ youth have identified and raised demands for their basic human rights through this Womanifesto - a feminist manifesto, which emerged as a result of participatory dialogues and community consultations on a

range of issues such as gender rights, caste-based practices, mental health and policies affecting the lives of the homeless. Through it, homeless young women and LBT+ youth established a people's agenda for the fulfilment of their human rights, voiced their priorities and claimed their place in policy spaces. The Womanifesto journey also included capacity building activities and awareness building with the families, community leaders, local state bodies and political leaders, to create an environment that is less hostile for homeless young women and LBT+ youth enabling them to overcome years of trauma and to take actions to assert their human rights.

Homeless Young Women and LBT+ Youth Raise Priority Issues

For young women and LBT+ youth, homelessness is fraught with risks, violence, exclusion and denial of human rights. Their key challenges are highlighted below:

- ❖ **Cycles of violence:** In most cases, women and LBT+ youth leave their homes to escape various forms of violence such as intimate partner violence (IPV) or harassment over issues like gender identity, mental disabilities or the inability to bear children. Once on the streets, they face new forms of violence. Perpetrators often include homeless men and the police who pick up homeless persons under the pretext of curbing beggary, empowered by nationwide anti-beggary laws, such as the Bombay Prevention of Beggary Act 1959. One of the common coping mechanisms for homeless young women is to marry men on the streets (also typically violent men) in exchange for protection from other men.
- ❖ **Lack of identity documents required to assert civil and legal rights:** At home, basic identity documents are often kept with husbands or other male family members. Young women and LBT+ youth may not have access to them and often leave their key documents, such as their Aadhar card, PAN card and Voter ID,¹⁸ behind as they flee. This excludes them from accessing government schemes around housing, healthcare, subsidised food rations and employment. There are mechanisms in such cases to make new identity documents but these require attestation from local political authorities. Often young women and LBT+ youth are unable to navigate such state spaces, actors and processes which also tend to be hostile towards people from marginalised communities.

The situation is further complicated when anyone moves from one state of the country to another, changing their domicile status, such that their older identity documents are no longer useful in Maharashtra. Even if young women and LBT+ youth manage to find rental accommodation somewhere, the housing tends to be highly informal, without agreements or contracts that can be used as proof of address to make new identity documents. Moreover, young women and LBT+ youth rarely have control over economic resources such as property papers or joint income accounts with family members. This leaves them in a state of destitution that exacerbates their helplessness. Any change in marital status also becomes complicated by lack of marriage certificates and change in names. All of these factors compound to make it harder for homeless young women and LBT+ youth to assert their civil and legal rights such as property rights or custody rights over children or to meet basic needs such as opening bank accounts and pursuing education.

¹⁸ Aadhar Card, PAN card and Voter ID are the key, government issued identity documents in India. Aadhar Card is a unique identification number, generated through biometric information. Voter ID is issued by the Election Commission of India to eligible voters. PAN cards are typically issued to tax-paying citizens for financial purposes. These IDs are required to access social protection schemes in India.

❖ **Lack of housing and other vital life amenities:** Young women and LBT+ youth usually have nowhere to go after leaving violent situations/circumstances. There is no mechanism for homeless women to register themselves on any government platform for support. There are national and state housing schemes such as Pradhan Mantri Awas Yojana and Rajiv Gandhi Awas Yojana, which provide housing support to marginalised communities, and are implemented by the Ministry of Housing and Urban Affairs. However, these schemes usually have criteria that are formulated keeping slum-dwellers in mind and eventually exclude homeless populations, particularly single women and LBT+ youth. The National Urban Livelihood Mission requires building of shelter homes, housing 100 people for every 100,000 urban residents. However, the number of shelter homes built are inadequate, in poor conditions and often more unsafe than living on open streets under the public gaze.

Maharashtra has around 70 shelter homes, and Mumbai has 19, out of which, only 10 meet guidelines.¹⁹ Moreover, the policy prescribes for the construction of over 12 times this number of shelter homes. Similarly, policies such as Deen Dayal Antyodaya Yojana for gainful employment of homeless people or Sanjay Gandhi Niradhar Yojana for financial assistance to persons in distress or Mahatma Jyotiba Phule Jan Arogya Yojana for health insurance or Working Women's Hostel Scheme for residential facilities are either poorly implemented or require a level of documentation, domicile status and/or employment that homeless women from the most marginal social groups do not have access to. Given the highly inadequate public response to the crisis of homelessness, young women and LBT+ youth living on the streets continue to struggle for their human right to adequate, safe housing, in addition to other basic life-giving services such as food, water and sanitation.

❖ **Isolation and exclusion from society:** Isolation from community and society follow young women and LBT+ youth everywhere once they make the choice to escape violent circumstances. Even if some can obtain new documents, shelter, education or a job, their families and communities may continue to threaten them or cut-off ties. Where societal norms are challenged further with inter-caste or non-binary romantic relationships, even political and religious leaders of the community turn hostile. Homeless young women and LBT+ people are continually denied their rights to societal inclusion and community ties, which makes navigating societal spaces very challenging.



Photo: Young homeless women and LBT+ youth are brainstorming on their Womanifesto demands.

¹⁹ Sodhi, T. (2021, Mar 3). *No homes for the homeless: How Maharashtra lags in implementing Centre's urban shelters scheme.* NewsLaundry. <https://www.newsLaundry.com/2021/03/03/no-homes-for-the-homeless-how-maharashtra-lags-in-implementing-centres-urban-shelter-scheme>

Womanifesto: Homeless Young Women and LBT+ Youth Demand the Fulfilment of their Human Rights

Homeless young women and LBT+ youth should not be denied their human right to safe and enabling living spaces and other socio-economic, legal rights, which are due to all citizens of the country. Homeless young women and LBT+ youth demand the following:

❖ **Ensure the citizenship right to enumeration:**

The last census survey conducted by the Ministry of Home Affairs in 2011, grossly underestimated the number of homeless persons in the country. Being counted is a fundamental citizenship right, which is being denied to millions of homeless young women and LBT+ youth. It is a foundational demand, therefore, to be better enumerated in official data to increase the visibility of homeless persons and have their priority issues be recognised and addressed with urgency by various state and political actors.

❖ **Streamline processes for accessing identity documents:**

Homeless young women and LBT+ youth demand easier processes of acquiring and amending identity documents. For instance, caste certificates can only be accessed by providing caste certificates of family members or community members as verification. Homeless young women and LBT+ youth are often unable to provide these, due to isolation from their families. For obtaining Voter IDs, a proof of address needs to be provided. The state has a provision for accepting informal addresses such as 'Under the Dadar West Bridge'. However, homeless people must keep moving due to several factors and therefore find it challenging to provide fixed addresses. The Election Commission as well as local police stations need to relax such rules, ease complex processes and support homeless women to acquire basic identity documents, particularly those from other states without domicile status in Maharashtra, to enable them to rebuild their lives.



❖ **Ensure universal access to housing, food, water and sanitation:** The Social Welfare Department and local municipalities must ensure universal provisions of food, water and sanitation to the homeless, even where they do not have documentation. Undercounting of homeless persons and other factors have contributed to the under-construction of shelters, particularly those suitable for young, single women and LBT+ youth. The Ministry of Housing and Urban Affairs must construct an adequate number of shelters with proper maintenance and facilities and separate shelters for women and LBT+ youth. Issues such as overcrowding, poor hygiene and sanitation, inadequate water supply and access to poor food and nutrition need to be addressed in these shelters. There is a policy that women can access the space for up to six months, with restrictions around timing and stay, which need to be relaxed. Similarly, women's hostel facilities require a certificate of employment, proof of address, and a local guardian in the city, which also needs to be relaxed to make the space inclusive for homeless women, while formulating standards that are essential to reduce risk of violence faced by young women and LBT+ youth. Finally, housing policies, like those mentioned above, need to be inclusive of those who migrate to Maharashtra from other states.

❖ **Provide skills training and helpline services:** The National Skills Development Corporation should improve the employability of homeless women and LBT+ youth by providing financial aid for education, and training in skills such as driving courses, sports, etc. In addition, the District Legal Services Authority should provide legal counselling and toll free helpline numbers to homeless women and LBT+ youth in distress.





About APWLD

The Asia Pacific Forum on Women, Law and Development (APWLD) is the region's leading network of feminist and women's rights organisations and individual activists. For over 35 years, we have been carrying out advocacy, activism and movement-building to advance women's human rights and Development Justice.

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