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E.MBA, LL.M, Ph.D, PGDSAPM

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Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

HOUSING RIGHTS AND AFFORDABLE HOUSING

AUTHORED BY - ROSHAN SALLAGUNDLA CHOWDARY

Abstract

Urban environments in India have seen significant changes in recent years, with housing rights, eviction rules, homelessness, and affordable housing becoming critical, interwoven issues. Despite legal guarantees and international commitments to provide housing for all, many Indians continue to confront severe housing challenges, exacerbated by discrimination, institutional disparities, and economic inequality. The legal subtleties and regulations controlling these components are investigated in this research, with particular attention to the concerning patterns in forced evictions and their disproportionate effect on underprivileged groups. The situation is much worsened by the lack of government relocation and compensation programs. Notwithstanding these difficulties, there remains hope in the shape of laws, programs, and projects meant to better living conditions based on past successes. By examining the impact of programs like the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) and landmark Supreme Court judgments, the paper underscores the significance of effective policy implementation and innovative solutions. To create equitable and inclusive urban areas, the paper advocates for enhanced tenant protections, community-led initiatives, and public-private partnerships. By means of proactive policies and cooperative efforts, India can solve housing rights, eviction rules, homelessness, and inexpensive housing, therefore promoting a future in which everyone may live somewhere safe and reasonably priced.

Introduction:

Urban environments in India have changed significantly in recent years. Housing rights, eviction rules, homelessness, and cheap housing are all entwined to paint a complicated picture among these Indian communities. The primary objective of this picture is to create cities where everyone can locate reasonably priced, safe homes. We will be looking at the legal nuances and rules controlling the interactions between these elements in metropolitan regions of India.

Legal obstacles and the right to housing:

Housing rights are based in basic human dignity and justice, not only in legal terms but also go beyond them. It is quite sad that despite the guarantees given by law and international accords to house everyone, a great number of people in India still suffer with homelessness, eviction, and poor living conditions. Discrimination, differences in institutions, and economic inequality aggravate the problem by disproportionately affecting underprivileged groups.

Eviction Rules and Lack of Housing:

The guidelines regarding Indian eviction are quite interesting. They are used as instruments of disposition rather than vehicles of justice. The report on forced evictions in India for 2023 by the House and Land Rights Network reveals a concerning reality: more than 500,000 people were removed from their houses, therefore destroying 100,000 properties. This is the equivalent of almost 294 houses being destroyed every day, leaving 58 people homeless every day. Occurring in both urban and rural areas rather than limited to any one location, the forced removals impacted communities in large cities, small towns, and villages in 23 states and 4 Union Territories.¹

Moreover, the studies stress how strong evictions affect underprivileged groups such Muslims, Dalits, Adivasi, Other Backward Classes, nomadic and indigenous populations, and migrant workers unable to afford good accommodation due of their financial situation. Information on caste, religion, and other identities was noted in 101 cases, revealing a concerning trend whereby efforts at eviction mainly impact underprivileged communities. Many times justified by activities like slum clearance, illegal settlement prevention, or aesthetic enhancement of cities, forced displacement affects a sizable population. One such instance is the most recent G20 Summit in 2023 when Delhi conducted multiple demolitions that demolished 1,600 homes and left over 260,000 homeless. Demolition projects in areas including Haryana, Himachal Pradesh, Maharashtra, and Assam leading many households to be interrupted. Apart from the issue, government officials' inadequate help for resettlement and compensation causes aggravation of the situation. Out of the 324 recorded forcible eviction cases, only information regarding resettlement was given for 122 of them.² Surprisingly, in 72% of these

¹ (Mar. 4, 2024), https://hlrn.org.in/documents/Forced_Evictions_2022_2023.pdf.

² Ankita Tiwari, *Whose homes are destroyed? How 'bulldozer raj' affects marginalised people*, India Today (Mar. 6, 2024), <https://www.indiatoday.in/diu/story/whose-homes-are-destroyed-how-bulldozer-raj-affects-marginalised-people-2511511-2024-03-06>.

cases, people impacted did not get enough government assistance for resettlement or rehabilitation. Moreover, in 2023 government officials only provided some type of relocation or compensation in 18% of cases when data is available, therefore exposing the structural weakness in supporting persons affected by forced removals.³

Since India gained its freedom in 1947, independent observers have stressed how differently development initiatives affect Scheduled Castes and Scheduled Tribes. Of all the people forced to leave their homes, forty percent were Adivasis and twenty percent were Dalits; just one-third of them got help toward resettling. This statistics highlights the urgent need of more inclusive and fair regulations to protect every person's housing rights, especially those of impoverished groups.⁴

Affordable housing is in high demand:

Affordable housing is essential to guarantee that every person living in urban India has equal chances to find a place of abode. It is not only about money but also about ensuring that, as our policies demand, housing is objective and equitable. Laws guaranteeing everyone can find home include the Real Estate (Regulation and Development) Act, 2016 and the National Urban Housing and Habitat Policy, 2007.⁵

Despite the existence of all the available legislation in India, a typical day's travel through the bustling cities of Mumbai, Delhi, Bangalore, or any other city will demonstrate the magnitude of the housing issue in India.⁶ Although Acts and policies represent only a beginning, active implementation marks the actual evolution. I believe this to be true for many Indian laws and deeds as well. Although the policies and acts are written adequately, their implementation is not as flawless as needed for the Act to operate well.

³ Outlook India, *G20 Evictions: Homelessness Was The Cost Of Beautification Drive*, (Sept. 8, 2023), <https://www.outlookindia.com/national/g20-evictions-homelessness-was-the-cost-of-beautification-drive-news-316580>.

⁴ (June 10, 2015), [https://www.hlrn.org.in/documents/Forced_to_the_Fringes_\(combined\).pdf](https://www.hlrn.org.in/documents/Forced_to_the_Fringes_(combined).pdf).

⁵ Chawla, N. and Kumar, B. (2022) 'Does Indian real estate regulation protect urban homebuyers? policy implications', *Cogent Business & Management*, 9(1). doi: 10.1080/23311975.2022.2117164.

⁶ *Hlrn*, (May 14, 2017), <https://www.hlrn.org.in/homelessness>.

Implementing policy commitments effectively:

Despite confronting significant obstacles, there is optimism regarding affordable housing. Drawing on Article 21 of the Indian Constitution, the Supreme Court maintained the right to reasonably priced housing as a basic one. With policies like the Real Estate (Regulation and Development) Act, 2016, and the National Urban Housing and Habitat Policy, 2007 India has chances to make things better. Projects like the Pradhan Mantri Awas Yojana (PMAY) help and reward Lakhs of people to realize their ambition of owning a house.⁷

Furthermore, to create inclusive and sustainable urban areas there needs to be an improvement in the outcomes by establishing more effective strategies for addressing issues. Legal changes enhancing tenant rights; community land trusts; and mixed-income housing development supported by campaigning. Furthermore helping to empower poor communities and increase the supply of moderately priced housing include encouragement of public and private sector cooperation, prudent land use planning, and tenant cooperatives. More ways to handle housing instability and support environmental sustainability are microfinance projects, slum improvement programs, and green, fairly priced homes projects. India might properly address problems of housing rights, eviction rules, homelessness, and inexpensive housing by applying proactive policies and creative concepts, so creating stronger and more fair cities.⁸

Case Study: Impact of JNNURM on the Society

The JNNURM shows how well inexpensive homes complement planning. Originally launched in 2005, it sought to make cities better by building more dwellings in some Indian cities, fixing roads, and improving services. Employing projects like the Integrated Housing and Slum Development Program (IHSDP) and the Basic Services for the Urban Poor (BSUP), JNNURM helped to build new homes and upgrade existing ones, therefore improving the quality of living for many people.⁹

⁷ <https://pmaymis.gov.in>.

⁸ *Inclusive and Sustainable Urban Development Planning: A guide for Municipalities, Volume 4*, UN-Habitat <https://unhabitat.org/inclusive-and-sustainable-urban-development-planning-a-guide-for-municipalities-volume-4>.

⁹ *Jnum1*, (Dec.12,2005), [https://mohua.gov.in/upload/uploadfiles/files/1Mission%20Overview%20English\(1\).pdf](https://mohua.gov.in/upload/uploadfiles/files/1Mission%20Overview%20English(1).pdf).

Court Judgements of the Supreme Court relating to housing rights:

U.P. AvasEvamVikasParishad vs. Friends Coop. Housing Society Ltd. (1996), the Supreme Court provided that the right to shelter is a fundamental right.¹⁰

Francis Coralie vs. Union Territory of Delhi (1981), provided that the right to life encompasses the right to live with human dignity which includes shelter over the head.¹¹

Chameli Singh and Others vs. State of Uttar Pradesh (1996), the Supreme Court provided a holistic comprehension of the right to shelter and adequate housing.¹²

Ahmedabad Municipal Corporation vs. Nawab Khan Gulab Khan and Others case (1990), the Supreme Court directed the state to construct affordable houses for the poor.¹³

Shantistar Builders vs. Narayan Khimalal Totame (1990), the Supreme Court recognised the right of children to adequate housing.¹⁴

Tukaram Kana Joshi and Others vs. MIDC and Others, The Supreme Court has also upheld the right to property.¹⁵

Summary: Creating an Equitable City Environment

When considering housing rights, eviction regulations, homelessness, and cheap housing in urban India, it is evident that our common goal should be centred on fairness. India can support inclusive urban development by resolving legal impediments with stronger tenant protections, community-led initiatives, and creative partnerships. While we navigate through this challenging landscape, we must remain firm in our devotion to guaranteeing that all people have the opportunity to enjoy secure, reasonably priced, and respected housing. By adopting collaborative and inclusive strategies, we have the power to reshape the urban environment, encouraging a future where everyone has access to

¹⁰ <https://main.sci.gov.in/jonew/judis/18265.pdf>.

¹¹ <https://main.sci.gov.in/judgment/judis/10150.pdf>.

¹² Chameli Singh v. State of U.P., (1996) 2 SCC 549.

¹³ <https://main.sci.gov.in/jonew/judis/14933.pdf>.

¹⁴ <https://main.sci.gov.in/jonew/judis/10314.pdf>.

¹⁵ AIR 2013 SUPREME COURT 565

affordable housing and where housing rights are recognized.

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