

A Socio-Legal Study of Human Right to Shelter
and Adequate Housing with Reference to
Lucknow City in Uttar Pradesh

ABSTRACT OF THESIS

SUBMITTED TO THE
BABASAHEB BHIMRAO AMBEDKAR UNIVERSITY
LUCKNOW



FOR AWARD OF THE DEGREE OF

Doctor of Philosophy

SUPERVISOR
DR. RASHIDA ATHER
(Assistant Professor)
DEPARTMENT OF HUMAN RIGHTS

SUBMITTED BY
RAJIT RAM SONKAR
ENROLLMENT NO. - 767/12

DEPARTMENT OF HUMAN RIGHTS
SCHOOL OF LEGAL STUDIES
BABASAHEB BHIMRAO AMBEDKAR UNIVERSITY
(A CENTRAL UNIVERSITY; NAAC- 'A' GRADE)
VIDYA VIHAR, RAEBARELI ROAD, LUCKNOW-226 025 (U.P.), INDIA

2021

1. Introduction

The human right to shelter and adequate housing is one of the fundamental needs of man. It is a geographical truth which displays the intricate relation between man and his environment. This fundamental element not only protects its occupants from the various vigours of climate but also provides the place where they reside, rest, educate and store the things. Further, the housing activity creates additional employment opportunities and also includes voluntary savings. In spite of the fact that housing has several multiplier effects on the improvement of quality of life, it is one of the most neglected aspects in our country and perhaps the weakest link in our planned development.¹

The human right to Shelter and adequate housing is the right to live with security, peace, privacy and dignity. It is not merely having a roof over one's head; rather, it requires an accessible habitable space that fulfils the basic needs of humans to personal space, security, adequate lighting and ventilation, safe infrastructure, protection from weather, and adequate location with regard to work and basic facilities—all at a reasonable cost.² Because of its essentiality the right to adequate housing has recognized as a universal right at the international level and proclaimed in numerous national constitutions throughout the world. The denial of such right brings violations of other inevitable human rights in such as employment, education, health, social ties, participation in decision-making and dignified life of the individual etc.³

In spite of the universal recognition of right to adequate housing and need of a safe shelter the homelessness has become a global human right crisis that demands an urgent global response. It is occurring in all socioeconomic contexts in developed, emerging and developing economies, in prosperity as well as in austerity. It is a diverse phenomenon, affecting different groups of people in different ways but with common features. It is symptomatic of the failure of governments to address growing

¹ Joseph P. John and N. Sridhran, *Shelter for the Rural Poor* 26 (Ashish Publishing House, Delhi, 1992)

² National Human Rights Commission, India, "Know Your Rights Series: Right to Adequate Shelter" (NHRC, 2011) available at: https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf (last visited on September 6, 2020)

³ Millennium Summit of the United Nations, "The Right to Development", 6-8 September (New York, 2000) available at: <https://www.un.org/en/development/devagenda/millennium.shtml> (last visited on September 6, 2020)

inequalities in income, wealth and access to land and property and to effectively respond to the challenges of migration and urbanization. Homelessness occurs when housing is treated as a commodity rather than as a human right⁴ though state obligations in relation to homelessness are well established and have been clearly articulated. These include the following immediate obligations of States:

(a) to adopt and implement strategies to eliminate homelessness, with clear goals, targets and timelines; (b) to eliminate the practice of forced eviction, especially where it will lead to homelessness; (c) to combat and prohibit in law discrimination, stigma and negative stereotyping of homeless people; (d) to ensure access to legal remedies for violations of rights, including for the failure of States to take positive measures to address homelessness; and (e) to regulate third party actors so that their actions are consistent with the elimination of homelessness and do not discriminate either directly or indirectly against homeless people.⁵

The obligations of States to take steps towards the realization of the right to shelter and adequate housing for all without discrimination are clearly laid down in a number of international human rights instruments. Some of these international measures are Universal Declaration of Human Rights (UDHR), 1948⁶ The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.⁷ International Convention on Civil and Political Rights (ICCPR), 1966 Convention on Elimination of All forms of Discrimination Against Women (CEDAW),⁸ 1979, The International Convention on the Elimination of All Forms of Racial Discrimination, 1969⁹ The Convention on the Rights of the Child (CRC), 1989¹⁰, Vienna Declaration and Programme of Action of the World Conference on Human Rights, 1993, Millennium Development Goals, 2000 and Sustainable Development Goals, 2015. Various regional arrangements, like African, American and European conventions on human rights also protect the concept of adequate housing.

⁴ UN Report: “Homelessness is a Human Rights Crisis that Demands an Urgent Global Response”, (United Nation general assembly, 2016) *available at*: <https://www.gi-escr.org/latest-news/un-report-homelessness-is-a-human-rights-crisis-that-demands-an-urgent-global-response> (last visited on September 4, 2016)

⁵ *Ibid.*

⁶ The Universal Declaration of Human Rights, art. 25(1).

⁷ The International Covenant on Economic, Social and Cultural Rights, art. 11 (1).

⁸ The Convention on the Elimination of All Forms of Discrimination against Women, art 14,(2) (h)

⁹ The International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e)

¹⁰ The Convention on the Rights of the Child, art. 27(3)

Besides the international norms the Indian Constitution also lays down that “the state shall strive to promote the welfare of the people, protecting as effectively as it may a social order in which justice, social, economic and political”¹¹. Moreover Article 21 of the Constitution of India, states that, No person shall be deprived of his life or personal liberty except according to procedure established by law and emphasizes on the concept of a dignified life. It is on these basic principles that India continues to strive to provide its people basic socio-economic necessities such as food, clothing, and shelter and so on”¹².

For the proper implementation of constitutional spirit the housing policies of the Government of India have started to formulate since the 1950 itself. While at the start of “planned development” the policies were more welfare centric, later on these came to be driven by a well-defined constellation of economic interests. At the same time, the role of the government has also changed gradually from being a provider of housing to being merely a facilitator of housing activity.¹³ Since the initiation of the five-year plan in India in 1950, the housing agencies have evolved numerous housing programmes. The change in the design of these programmes reflects the changes due to the housing policies. The housing policies of the government have witnessed two major changes over the various plans: first, the role assigned to the various actors in the housing sector; and, second, standards and norms for housing and urban development. The direct government intervention in the housing sector was warranted due to, first, insubstantial house construction effort by the private sector, especially for the poorer segments of the population, second, haphazard growth of urban areas, and, third, decay of the existing housing stock¹⁴.

The Ministry of Housing & Urban Poverty Alleviation which is the apex authority of the Government of India also entrusted with the implementation of the specific programmes of urban employment and urban poverty alleviation, including the provision of basic amenities to the urban poor has played a significant role in this

¹¹ The Constitution of India, art.38

¹² United Nations Special Rapporteur on the “Right to Adequate Housing to the Commission on Human Rights”, (Human Rights Council, 2006), E/CN.4/2001/51, E/CN.4/2002/59, E/CN.4/2003/5, E/CN.4/2004/48, E/CN.4/2005/48, E/CN.4/2006/41, A/HRC/4/18, *available at*: http://ap.ohchr.org/documents/dpage_e.aspx?m=98. (last visited on August 14, 2020)

¹³ V.K. Krishna Iyear, “Housing as a Right”, *Kurukshetra* 23 (1996)

¹⁴Ummareddy Venkateswarlu, *Urbanization in India: Problems and Prospects* 175(New Age International (p) Ltd., Publishers, New Delhi, 1998).

regard. Later on, the matters related to the housing and urban development have been assigned to the State Governments. The Constitutional 74th Amendment Act has further delegated many of these functions to the urban local bodies. Although these are essentially State subjects yet the Government of India plays a coordinating and monitoring role and also supports these programmes through centrally sponsored schemes. In order to mitigate the housing the Ministry of Housing & Urban Poverty Alleviation announced the National Urban Housing and Habitat Policy, 2007. This Policy focuses on affordable housing for all with special emphasis on economically weaker sections of the society such as SCs, STs, OBCs, Minorities, women headed households and the physically challenged.¹⁵ The Government's commitment to have housing for all by 2022 is the vision which presents dramatically different opportunities and requirements in front of the stakeholders and realizing this dream can be a step towards building a brighter India. This transformational Scheme of "Housing for All by 2022" was launched by Government of India on 17th June 2015 under Pradhan Mantri Awaas Yojana which aims to provide affordable housing to urban poor.¹⁶

Apart from the executive efforts the Indian Supreme Court and High Courts also interpret the Constitution on enforceability of social rights, especially the right to adequate housing in the context of these pressing housing needs and frequent forceful evictions of slum dwellers.¹⁷ Indian judiciary has elaborated several aspects of the right to adequate housing, deriving primarily from the right to life and personal liberty under Article 21 and Article 19(1)(e) of the Constitution in several remarkable cases. Such as *Olga Tellis and Others v Bombay Municipal Corporation and Others*,¹⁸ *U.P. Avas Vikas Parishad v. Friends Coop Housing Society Limited*¹⁹, *Shantistar Builders v. Narayan Khimalal Totame*²⁰, *Chameli Singh v. State of U.P.*²¹, *E.R. Kumar v. Union*

¹⁵ Government of India, "Annual Report on Housing in India" (Ministry of Housing & Urban Poverty Alleviation, 2011-12) available at: <http://mohua.gov.in/upload/uploadfiles/files/AR2011-12-1-105.pdf>. (last visited on August 14, 2020)

¹⁶ Government of India, "Annual Report on Housing in India" (Ministry of Housing & Urban Poverty Alleviation, 2014-15) available at: <http://mohua.gov.in/upload/uploadfiles/files/AR2014-15-1-105.pdf>. (last visited on August 14, 2020)

¹⁷ Jayna Kothari, "Right of Housing: Constitutional Perspective on India and South Africa", *Lawyers Collective* 21 (2001).

¹⁸ (1985) 3 SCC 545

¹⁹ AIR 1996 SC 114

²⁰ AIR (1990) SC 630

²¹ AIR 1051, 1995(6) Suppl. SCR 827, 1996(2) SCC 549

of India²², Suresh Kumar Singh v. State of U.P., 2019²³. Through all these cases our judiciary explained the significance of shelter to the people and connected it with the fundamental right given under the constitution of India and imposes the obligation on state to provide this to all the citizens of the country.

Though the numbers of initiatives have been taken by the government even then India is still grappling with unmet basic housing needs of hundreds of thousands of its citizens. While we represent the world's largest democracy and have a truly remarkable Constitution, millions of people are still living in sub-human conditions on pavements, in squatter settlements, basties, jhuggies or unauthorized slums and are in constant threat of being evicted. The lack of housing and basic services at the required pace to meet the challenges of urbanization has resulted in the development of slums and squatter settlements with wider ramifications on the health, safety and well-being of the citizens. In 2001, there were 23.5 percent of households in urban areas which were living in slums. In 2011, it has come down to 17.4 percent. But there are still 13.74 million slum households and 68 million people living in the slum areas.²⁴ As per the report of the Technical Group on Urban Housing Shortage, 2012-17 constituted by the Ministry of Housing and Urban Poverty Alleviation (MoHUPA), there is a shortage of 18.78 million dwelling units in the country out of which nearly 96% belong to the Economically Weaker Sections (EWS) and Lower Income Group (LIG) households potentially living in slums.²⁵

Affordable housing has, thus, become one of the biggest challenges of the present times. Planning for a home has become imperative for the younger generation today who are often forced to begin their career with the quest for a permanent home for themselves. Skyrocketing prices of land and real estate in urban areas have made houses unaffordable. Ever rising rents, fleecing builders, unapproved land use,

²² 2016 (10) SCJ 467

²³ AIR 2019 Allahabad High Court 4764

²⁴ Government of India, "Office of the Registrar General & Census Commissioner, India" (Ministry of Home Affairs, 2011) available at: <https://censusindia.gov.in/2011-common/censusdata2011.html> (last visited on July 20, 2020)

²⁵ Durga Shankar Mishra, "Affordable Housing in Urban Areas" 8-9 Housing for all, Yojana Magazine, vol 61 (2017)

substandard building material etc. has all widened the gap between supply and demand.²⁶

2. Review of Literature:

The researcher has studied and reviewed various literatures to explore the concept of human right to shelter and adequate housing for having a better understanding of research work carried out in the study that can be discussed as follows:

Housing Growth in India, 1976, written by Bhakshi Sinha, published by Arnold-Heinemann Publishers (India) for Birla Institute of Scientific Research, Economic Research Division while discussing many aspects of the housing problem. In this book the author express upon the requirement of Housing and recognizes the basic necessity of housing. He enunciates the fact that the framers of the Indian constitution have recognized housing as a prerequisite for rural development. He further emphasizes that housing has got a vital role to play in the national economy. He points out that the shortage of housing is related to population explosion and evaluates the investment needs of house building industry as well as its material requirements. Stressing upon the employment aspect of house building activity he points out that the house building industry has the potential to generate employment for the masses.

Housing Problem in India: Economic and Social Aspects, 1987, written by K.V. Varghese the author feels that the housing problem is deep and could prove a Waterloo. This book tries to discuss certain important implications and intricacies of the Indian housing problem such as the rural-urban dichotomy in housing. It considers factors such as the disparity between the supply of and demand for housing and examines the validity and effectiveness of organized efforts made to tackle it. It tries to show that the real roots of the housing problem lie in population explosion, urban expansion and widespread poverty. It tries to examine the housing problem in several communities like plantation labourers, slum dwellers and pavement dwellers. The book offers suggestions to address the problem of housing in India.

²⁶ *Ibid.*

Population and Housing Problems in India, 1989, The Second volume of S.D. Maurya's, book dealt with this volume consists of 19 articles. The first nine articles deal with the condition of housing in various regions of India. In the first article "Housing Problem in India: An Overview", the author, Sahab Deen Maurya suggests that housing societies could be formed at local level to mobilize resources for housing. In the second article, "Urban Shelter Crisis in India", Udaya Bhaskara Reddy concludes that the shelter situation is severe due to tremendous increase in the population of cities, shortage of developed land, inadequate access to finance, slow pace of construction, litigation, and the low capability of people to construct their own houses.

Shelter in India, 1990, the author Aromar in his book, discusses the major housing problems in India. Rapidly increasing homelessness throughout the world has promoted major new initiatives on the policy, institutional and technological fronts to tackle problem with a renewed sense of urgency. To design effective approaches to the construction sector in general and the housing problem in particular, the first step is to obtain an accurate picture of the existing state of affairs to identify major problems in the housing field in India, analyzing the data obtained from government and other published sources. The book identifies the major issues of resources, technologies, institutions and policies, which must underlie any action in this area and carries out a detailed analysis of public action on housing during the period since independence. It presents a number of conclusions regarding the relative magnitude of the governmental or formal effort in this sector and the difficulties in information and knowledge without which further progress will be very slow. On the basis of this analysis, a detailed research agenda is outlined which can provide a starting point for government laboratories, research institutions and voluntary organizations to initiate useful work in this field.

Shelter for the Rural Poor, 1992, the authors J.P. John and Sridhar in their book discussed the urban and rural housing conflict. The book is divided into three parts, Urban and Rural Housing Conflict, Role of Women in Housing, and Tribal Housing. The first part contains fourteen papers, the second part contains four and the third part contains two papers. This book is the first of its kind in outlining various experiences of non-governmental organizations in the field of rural housing,

he openly points out the glaring defects as well as the advantages of the government sponsored rural housing programmes. The papers contributed by the decision makers, representatives of non-government organizations and individual researchers are thought provoking and give deep insight into the problem of rural housing. The technology advocated and experimented with by the NGOs provides an opportunity to explore the use of existing technology to suit local conditions. The book also raises important issues on the role of women in rural housing. It also discusses those housing technologies that are in least conflict with the environment in tribal areas.

Housing Sustainable Development and the Rural Poor a Study of Tamil Nadu, 1995, writer Bernhard Glaser in his book discussed about rural housing for the poor. The provision of adequate housing for the rural poor is crucially constrained by socio-cultural, economic, environmental and technological factors. Typically traditional rural houses are plagued poor technical quality, incompatibility with their environment and problems deriving from society's insensitivity to the socio cultural and economic needs of the dwellers.

Affordable Housing and Infrastructure in India, 1998, author K.P.Bhattacharya in his book “throws light on the problem of providing affordable housing and infrastructure to the economically weaker sections (EWS) of the population in developing countries. The book highlights the need to define housing as a priority sector and to declare building construction activity as an industry so that it has access to the fiscal and tax benefits which are available to all other Indian industries. The book concludes that the problem of providing affordable housing to the urban poor is aggravated by limited allocations of budgetary resources by the governments of developing countries. The author opines that higher budgetary allocations for the housing sector, particularly for the economically weaker sections of society are essential. He comes to the conclusion that affordable housing and infrastructure must be made accessible to the EWS of the population. Papers cover issues such as housing policy, income earning issues, savings, and rent affordability, housing delivery infrastructure, finance, legislation and innovative building technology.

Rural Housing Policies and Practices, 2007, Author is Majumder Bhaskar, published by Prem Rawat for Rawat publications. In this book author has

examined the role of housing for decent standard of living of rural population, and covered both houses constructed under government schemes and houses privately constructed in rural areas. This will provide a comparative picture of the housing programmes, and both government-supported and self-initiated. Government-supported houses have been studied under two categories, houses for the Below Poverty Line household and those for general (non-BPL) household.

Urbanisation in India: Challenges, Opportunities and the Way Forward, 2014, written by Isher Judge Ahluwalia, Publisher: SAGA India; Urban areas are integral to India's growth and development, accounting for around two-thirds of the country's GDP. Analyzing India's rapidly expanding process of urbanization; the book identifies the key challenges and opportunities and proposes suitable managerial and policy reforms. It addresses critical issues and puts forth suggestions for better planning financing alternatives and, most importantly, better governance for improved service delivery and affordable housing. Divided thematically into three sections, the volume takes into account the important facets of urbanization, including the state of urban infrastructure and planning in India with due attention to sustainability, the role of finance in urban development and its dependence on governance and methods to generate good governance in public institutions and the impact on housing and climate change. The 11 essays included in this book have been written by leading analysts and practitioners, who propose critical reforms and policy interventions. The volume will be indispensable to students and scholars of urban economics, development studies, urban planning, business practitioners, policymakers as well as the informed general reader.

The Housing Challenge in Emerging Asia: Options and Solutions, 2016, written by Matthias Helbe, Naoyuki Yoshino and published by Asian Development Bank Institute. The Housing Challenge in Emerging Asia: Options and Solutions provides new insights and ideas to best design and implement housing policies aimed at improving access to affordable and adequate housing. The book offers an innovative theoretical framework to conceptualize and analyze various housing policies. It also critically reviews housing policies of various countries and draws lessons for others. The countries studied include advanced economies within and outside Asia, such as Japan, the Republic of Korea, Singapore, Switzerland, the

United Kingdom, and the United States, as well as emerging countries within Asia, such as the People's Republic of China and India.

Urbanization and Housing: State, Market and Consumer, 2017, Author is Ashish Mukhopadhyay in this book author has examined to the various housing schemes to the government of India from the 1952 to 2011, capital expenditure on housing under five year plan, distribution of housing shortage by economic category, 2007 and comparative estimated shortage of urban housing by economic groups in 2007 and 2012. Under changing social conditions, not only has the urban space become subject to a critical contest for housing, but rural land is also being transformed into urban space for more 'productive' use. But is this intense drive to remake the cities ruining the promise of an 'inclusive city'? Aggressive efforts towards the commodification of rural land is often disastrous for thousands of people, and the vulnerability of the consumers to fraudulent practices in the urban housing market has become widespread, with great implications for consumer justice. *Urbanization and Housing* aims at understanding the complex process of urbanization that has developed in a globalizing Indian society due to the transformative initiatives of the state with respect to the urbanization-driven crisis of 'affordable housing.'

Remaking Housing Policy: An International Study, 2018, written by David Clapham, Breaking the country-specific boundaries of traditional housing policy books, *Remaking Housing Policy* is the first introductory housing policy textbook designed to be used by students all around the world. Starting from first principles, readers are guided through the objectives behind government housing policy interventions, the tools and mechanisms deployed and the outcomes of the policy decisions. A range of international case studies from Europe, Asia, Africa and the Americas illustrate the book's general principles and demonstrate how different regimes influence policy. The rise of the neo-classical discourse of market primacy in housing has left many countries with an inappropriate mix of state and market processes with major interventions that do not achieve what they were intended to do. *Remaking Housing Policy* goes back to basics to show what works and what doesn't and how policy can be improved for the future. *Remaking Housing Policy* provides readers with a comprehensive introduction to the objectives and mechanisms of social housing. This innovative international textbook will be suitable for academics,

housing students and those on related courses across geography, planning, property and urban studies.

The Legal Right to Housing in India, 2019 written by **Anindita Mukherjee**, published by Cambridge University Press. This book on constructing a legal right to housing in India seeks to achieve three ends: first, examine the costs incurred in translating a moral right into the language of the law; second, unpack the ways in which existing law and policy impact the realisation of the right to housing and situate any attempt to legally guarantee the right within this context; and finally, begin thinking through the many complexities that will arise should the right be articulated within the law. A comprehensive chronology of central housing law and policy provides the descriptive background for this analytical text, while also acting as a rich introductory resource on the subject. Asserting a need as a right and then seeking legislative recognition for the right is a formula often used in rights struggles. This book takes a critical look at this process, in order to facilitate informed engagement with the law.

Housing for All: Design, Construction and Management, 2020, written by **A.K. Jain**, published by Khanna Book Publishing Co. (P) Ltd the book emphasis the government of India has launched the Pradhan Mantri Awas Yojana (PMAY) for building 11.20 million houses in urban areas and 10 million houses in rural areas by the year 2022. Under the scheme a dwelling unit of 30 sqm is to be built for EWS category (income up to Rs 3 lakh pa) 60 sqm for LIG unit (income above Rs.3 lakh to Rs 6 lakh pa), where as in rural areas 25 sqm units are to be built. It also involves the rehabilitation of 65 million dwellers. This book further emphasis the identify barriers and evolve the reforms for social housing. The barriers include- lack of understanding of the housing problem, issues resources, lack of community participation, lack of finance and distortion of investments. There is also lack of serviced land for low cost shelter, lack of linkage and livelihood, and social and physical infrastructure.

Housing and Politics in Urban India: Opportunities and Contention, 2020, written by **Swetha Rao Dhananka**, Cambridge University Press. Providing adequate housing in an increasingly urbanised world is a major challenge of current times. This book puts together a compelling story based on fine-grained analysis of housing processes, as lived by slum-dwellers and their voice-bearers. It situates the

lived experience of claiming adequate housing within informal transactions and negotiations of patronage networks vis-à-vis the formal institutional opportunities and closures of Indian democracy. In doing so, this research extends an innovative array of conceptual and methodological tools to grasp the context in which housing claims succeed and fail. This book contributes by responding to critical areas of social movement scholarship and by displaying community engagements and tactical strategies to bring about transformative change to claim adequate housing and resist co-opting forces for socially sustainable housing futures.

Slum Development in India: A Study of Slums in Kalaburagi, 2021, written by Shekhar, Sulochana, his book is an earnest effort in understanding the slums and their needs by taking a case study of Kalaburagi, India. This study aims to contribute sustainable methodologies to advance the living conditions of slum dwellers and for better execution of slum policies. The core objectives are: first is mapping the existing slums of Kalaburagi (formerly Gulbarga) city using slum ontology from very high-resolution data and validating the slum map through ground survey and using reliable data; second is the developing a model to understand the factors which are responsible for the present growth as well as to predict the future growth of slums; third is estimating the housing demand of urban poor and suggesting a suitable site for the rehabilitation program; and fourth is suggestions for the better intervention of government policies with special reference to in-situ program. Urban is the future, and slums are its reality. Sustainable development goals are directly and indirectly concerned about the increasing urbanization and the slums. Housing the urban poor and affordable housing to all are the national missions. Practically making these plans successful depends on a deep understanding of urban issues and proper methodology and technology to handle it. The participatory slum mapping, cellular automata slum model, housing demand analysis, and the spatial decision support system demonstrated in the book help in monitoring and managing the slums and thus lead towards a slum-free India.

3. Statement of Problem:

The international world has gradually come to realize the critical importance of social and economic rights in buildings true democracies which meet the basic needs of all people. The realization of these needs is both an essential of a genuine

democracy, as well essential for the maintenance of democracy. This is nowhere more evident than in the human right to shelter. Everyone needs a place which is a home. As India continues to grow in economic stature, there's much debate over the country's ability to tackle poverty and urban homelessness. India's international legal obligations with respect to the right to adequate shelter are set out in a body of binding international treaties, which India has ratified. These instruments include: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). As a signatory to these conventions, India is obligated to ensure that the economic, social and cultural rights set out in each of them are promoted and protected in Indian society. The Constitution of India also secures the socio and economic justice for all through its various provisions. While mentioning about the access to adequate and secure shelter which is a basic human right, it is still denied to many of the India's poorest people. The majority of population lives in some form of dwelling; roughly one half of the population does not enjoy the full spectrum of entitlements necessary for shelter to be considered adequate. A shelter program in country of India for the underprivileged calls for identification of resource potential, its mobilization and effective channelling. The instrument that acts as the conduit is a national policy. India, in spite of its pronounced commitment to shelter from the shelter less, did not have until now any policy paper in this direction approved by its parliament or the government. There is still a gap between the objective and the achievement.

In the largest population of state like Uttar Pradesh the problem of shelter - lessens is much existed. The maximum people living in the capital of Uttar Pradesh are shelter-less or they are compelled to live in slum area, rainbasera or shelter home for their employment or any other reasons. Though the government has started many schemes to provide shelter to persons time to time like Valmiki Ambedkar Awaas Yojana (VAMBAY), 2001, Jawaharlal Nehru National Urban Renewal Mission (JNNURM), 2005, National Urban Housing and Habitat Policy (NUHHP) 2007, Rajiv Awaas Yojana (RAY), 2011 the Economically Weaker Sections Schemes and Pardhan Mantri Awaas Yojana, 2015 but still there are the people living in the

country and the concerned state in a pathetic condition without a proper house that provide them shelter.

The state of Uttar Pradesh is a largest state of country particularly in population. According to census 2011, total population of Uttar Pradesh is 19, 95, 81,475 which is largest population of any state of India. In this respect Uttar Pradesh keep fifth place after China, India, America and Indonesia in the world. As per the statistics of committee on Slum Statistics/census, 2011, Government of India, about 10.8 million urban population of Uttar Pradesh is living in slums, which constitute about 24% in urban population though the concerned state is known for less urbanization²⁷.

Lucknow city is the capital of Uttar Pradesh state as well as the district headquarter of Lucknow district and politically well-known constituency in India. The city has 609 slums with 148117 households. Out of the total slums 502 are notified slums and the remaining 107 are non-notified. About 27% of the city population lives in slums. Among the slum population as per census 2011, 77% belongs to OBC and SC division of social groups and 69% are living below the poverty line (BPL). It is found that the slums are having a housing deficit of 78303. In concern to Infrastructure, 73% of the slum households do not have full access to individual water supply connections. It is also found that about 27% of the slum households practice open defecation.²⁸

Thus it is evident from the data that the problem of shelter-lessness very much exists in Uttar Pradesh in General and in Lucknow city in Particular. So all the possible measures; legislative, executive, judicial and administrative have to be taken by the government to meet out the housing challenges and a micro level research ii very much needed to find out the ground reality, causes and solution on the research problem in concerned research area.

²⁷ Government of India, "Slum Free City Plan of Action – Lucknow" (Regional Centre for Urban and Environmental Studies, Sponsored by Ministry of Urban Development, Osmania University, Hyderabad, 2020), *available at*: http://mohua.gov.in/upload/uploadfiles/files/21UP_lucknow_sfcp-min.pdf. (last visited on January 12, 2021)

²⁸ *Ibid*

4. Objectives of the Study:

The main aim of the present study is to explore, examine and evaluate the law, policy and mechanism to provide adequate housing in India in general and in Lucknow city in particular. To achieve the aim of the study several specific objectives have also been framed which are as follows:

1. To understand the meaning and concept of human right to shelter and adequate housing.
2. To explore the relation between human right to shelter and adequate housing
3. To study the international and national legal frameworks relating to human right to shelter and adequate housing.
4. To discuss and examine the various national programmes and policies related to human right to shelter and adequate housing.
5. To explore and evaluate the role of national judiciary to provide human right to shelter and adequate housing.
6. To analyse the present status and related issues and challenges of human right to shelter and adequate housing in India in general and in Lucknow city of U.P. in particular.
7. To make workable recommendations for better implementation of human right to shelter and adequate housing in India in general and in Lucknow City in Uttar Pradesh in particular.

5. Hypothesis:

The following hypotheses have been tested to compile the finding and conclude the present work:

1. There is no specific law on human right to shelter and adequate housing in India to address the problem in a comprehensive manner.
2. Judiciary has been playing a vital role in the protection of human right to shelter and adequate housing for socio-economically marginalized groups.
3. Human right to shelter and adequate housing is still a challenging issue due to the improper implementation of various shelter and adequate housing schemes and policies.

4. The status of human right to shelter and adequate housing of people in Lucknow city of U.P. is not satisfactory.

6. Research Methodology:

The present research work is primarily an empirical/ field -survey based study required the doctrinal as well as non – doctrinal methods. Both primary and secondary sources have collected in the fulfillment of the objectives of present study. Primary sources have been collected from legislative materials, Judgments, Government Reports, international Documents and Questionnaire in order to find out the actual status of shelter in Lucknow and to know the level of awareness regarding its linkage with other human rights among various sector of society. Secondary data are collected from textbooks, research articles, Journals, magazine, news- papers and internet. Besides the descriptive the analytical, critical and quantitative approaches have been applied mainly to analyze the legal provisions, judicial decisions and examining the implementation mechanism

The questionnaire was purposely prepared for beneficiaries and homeless people. To get the information from the people got prepared houses with land and construction including from the people those have got the benefit under pardhan mantri awaas yojana and from those who are still not having a permanent place or shelter and living in slums, footpaths and in a temporary arrangement like rainbasera To get the information from the concerned authorities through right to information (RTI). The whole data has been analyzed by applying the Statistical Package for Social Sciences (SPSS) software.

6.1 Universe of Study:

The selected location is Lucknow city in Uttar Pradesh. There are eight zones and 110 wards in the city of Lucknow. The data have been collected from the different wards on random basis.

6.2 Sample Size:

The total 500 hundred questionnaires have been filled up by adult individual chosen on random basis. The researcher has personally contacted to the 500 hundred

respondents to knowing the actual status of different beneficiaries and non-beneficiaries under various government housing schemes for those who are socio-economically poor and also analyses the reasons that compels a person to live without shelter in Slum areas, shelter home, rain-basera etc.

6.3 Tools and Techniques for Data Collection:

The data have been collected through the help of both qualitative and quantitative methods. The schedule questionnaire, consisting of 30 different questions has been used to collect primarily data of housing status of people of Lucknow city like sex, caste, education, age, marital status, monthly income and occupation etc. of respondent. The special focus has been given on their opinion regarding to the facility provided by the government in there house, reason of living in slum areas, problem of facing without shelter, caste and education, nature of working and problem of mobility and political interference in allotting the house. The data has been collected from direct approaching to the beneficiaries and non-beneficiaries of housing schemes. Apart from this the information from the concerned authorities have also been connected through filing of right to information (RTI) such as Lucknow Municipal Corporation, State Urban Development Agency (SUDA), the Lucknow District Urban Development Agency (DUDA) etc.

7. Scope of the Study:

The present study will be helpful in providing awareness among poor people who live in slum areas are not aware about government policies on shelter. It may also help to reveal the actual status of the slum dwellers live in Lucknow city in Uttar Pradesh. Thus the present study can prove to be of great significance in developing a framework that proves instrumental in resolving the shortage of shelter issues and may helpful in adoption of better of policies and programmes.

8. Limitations of the Study:

For the purpose of this work, collecting the data of whole Lucknow city was beyond the reach of the researcher therefore, only zone wise data has been taken on random basis and also the concern authorities has not ready to give the direct reply related to the question of human right to shelter and adequate housing.

9. Testing of Hypothesis:

The following hypotheses have been tested to compile the findings and conclude the present work:

9.1 Hypothesis -1

There is no specific law on human right to shelter and adequate housing in India to address the problem in a comprehensive manner.

On the basis of research work, it is found that India has not yet enacted any specific law relating to the human right to shelter and adequate housing to address the problem in a comprehensive manner. This means that people in India are not having any direct legislation to protect their shelter related rights. The constitution of India is safeguarding the right to shelter and housing under the spirit of Article 21 that is life and liberty of the individual. The honorable judiciary has extended and expanded the ambit of right to life through its various important decisions. Further the right to shelter has also been protected with the adoption of various programmes and policies to implement the direction of courts given time to time. This important to mention here since these are the guidelines of courts and not yet converted into legislation thus not completely binding on government.

Therefore, despite the indirect laws, constitutional provisions and judicial decisions are available for right to adequate housing of the citizens of India there is an immense and urgent need for having a specific and comprehensive legislation to deal with the issue of homelessness hence, it can be said that the hypothesis has been proved.

9.2 Hypothesis -2

Judiciary has been playing a vital role in the protection of human right to shelter and adequate housing for the socio-economically marginalized groups.

On the basis of research work, it is found that the Indian judiciary has played an essential role in protecting the human right to shelter and adequate housing, even in the absence of any specific law relating to housing in India. The Indian Court has given several decisions to protect the human right to shelter and adequate housing in

the light of the constitutional provisions under the ambit of right to life and personal liberty, right to equality, right to residence and right to live with dignity such as *Francis Coralie v. Union Territory of Delhi, 1981* the court stated that, the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing one in diverse forms, freely moving about and mixing and commingling with fellow beings. In another important case like *Shantistar Builders v. Narayan Khimalal Totame, 1990* the Honourable Supreme Court has observed that the food, clothing and shelter are the basic needs of life. It also pointed out the difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body; for a human being it has to be a suitable accommodation which would allow him to grow in every aspect – physical, mental and intellectual. In case of *P.G. Gupta v. State of Gujarat, 1995* the Honourable Supreme Court considered the mandate of human right to shelter and adequate housing read it into Article 19(1) (e) and Article 21 of the Constitution of India as well as the Universal Declaration of Human Rights, 1948 and the Convention of Civil, Economic and Cultural Rights and held that it is the duty of the State to construct houses at reasonable cost and make them easily accessible to the poor. Further In case of *U.P. Awaas Evam Vikas Parishad v. Friends Coop. Housing Society Ltd the, 1996* Honourable Supreme Court has stated that, the right to shelter is a fundamental right, which springs from the right to residence under Article 19 (1) (e) and the right to life under Article 21. In the case of *Chameli Singh v. State of Uttar Pradesh, 1996* Honourable Supreme Court of India considered that the right to live guarantee in any civilized society implies the right to food, water, decent environment, education, medical care and shelter and all civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights. In the case of *E.R. Kumar v. Union of India, 2016* Honourable Supreme Court of India directing the government and its authorities to ensure that at least temporary shelters are provided for the homeless to protect them during the winter season and pointed out the right to shelter of homeless persons in urban areas, by establishing a committee to examine the slow progress with regard to the creation of shelter homes by states/union territories across India. Allahabad High Court in his very recent judgment that is

Suresh Kumar Singh v. State of U.P., 2019 has emphasized that the significance of shelter right to the people and this right connected with the fundamental right given under the constitution of India and imposes the obligation on state to providing this right and observed that right to shelter a fundamental right. As well as point out that the state has constitutional duty to provide house sites to poor.

Therefore, it can be said that the both the Supreme Court and High Courts has played an essential role in protecting and safeguarding the right to shelter and adequate housing. Hence, it can be said that the hypothesis has been proved.

9.3 Hypothesis -3

Human right to shelter and adequate housing is still a challenging issue due to the improper implementation of various shelter and adequate housing schemes and policies.

The right to shelter and adequate housing has always been a centric issue for the respective government since form the independence. The housing necessities have also been addressed in various five year plans. Besides several other housing related specific schemes and policies have been formulated time to time such as Subsidized Housing Scheme, 1952 Low Income Housing Scheme, 1954, National Housing Policy, 1987, National Housing Policy, 1990 National Housing Policy, 1994, National Slum Development Program (NSDP), 1997, National Housing and Habitat Policy, 1998, Valmiki Ambedkar Awaas Yojana (VAMBAY), 2001, National Urban Housing and Habitat Policy (NUHHP), 2007, Rajiv Awaas Yojana (RAY), 2011. Moreover the Ministry of Housing & Urban Poverty Alleviation which is the apex authority of the Government of India is playing a great role to provide shelter to the people of India under Pardhan Mantri Awaas Yojana across the country. The ministry is emphasizing and monitoring formulation of housing policies and programmes, review of the implementation of schemes, collection, and dissemination of data on housing, building materials/techniques, and adopting general measures for the reduction of building costs. But this is heartbreaking to mention that though the several of schemes are there but still there is a long way to go to achieve the aim of a roof for all. The statistic reveals that still there is a gap between aspiration and reality. According to the Government of India, Minister of Housing and Urban Affairs the

total physical progress of Houses in India under Pradhan Mantri Awaas Yojana till the date of July 22, 2021. The project proposal considered, 24,678, the sanctioned of house is 112.95 lakh, the grounded houses is 83.25 lakh, and the completed/delivered houses is 50.04 lakh. In the state of Uttar Pradesh statistics of houses are such as Project Proposal Considered, 4393, sanctioned of houses, 17, 26,781, grounded house is 12, 99,856 and completed/delivered house is 8,62,532.

Hence it can be said that there is a need to proper implementation of various schemes and policies to fulfill the above gap for providing everyone the human right to shelter and adequate housing.

9.4 Hypothesis -4

The status of human right to shelter and adequate housing of people in Lucknow City of U.P. is not satisfactory.

Uttar Pradesh is the most populous state of India. According to census 2011, total population of Uttar Pradesh is 19, 95, 81,475. The people of Uttar Pradesh are facing problems in realising their various basic rights including shelter. Though there are centrally sponsored schemes as well as state specific policies running in U.P. but still big numbers of people are not having a safe shelter for residing there. According to the statistics of committee on Slum Statistics/census, 2011, Government of India, about 10.8 million urban population of Uttar Pradesh is living in slums, which constitute about 24% in urban population. Lucknow which is capital city of Uttar Pradesh is not free from this; the city has 609 slums with 148117 households. Out of the total slums 502 are notified slums and the remaining 107 are non-notified. About 27% of the city population lives in slums. Among the slum population, 77% belongs to OBC and SC division of social groups and 69% are living below the poverty line (BPL). It is found that the slums are having a housing deficit of 78303. In concern to Infrastructure, 73% of the slum households do not have full access to individual water supply connections. It is also found that about 27% of the slum households practice open defecation. To cross check the secondary data the researcher has done field survey of Lucknow in U.P. through personal interview, Questionnaire, RTI method and observance. The survey revealed that about 33.8% people still are not availing

house under any government housing schemes and they are deprived their basic Human right to shelter and adequate housing.

Hence it is proved that the status of human right to shelter and adequate housing for people in Lucknow city of U.P. is not much satisfactory and needs improvement in terms of framing and implementation of law and policy.

10. Scheme of Chapters:

The Ph.D. work on “**A Socio-Legal Study of Human Right to Shelter and Adequate Housing with Reference to Lucknow City in Uttar Pradesh**” is based on both doctrinal and non-doctrinal study. The whole work is divided into seven chapters.

10.1 Chapter I: Introduction

The chapter I is Introductory in nature which summaries the entirety of the thesis, which has discussed at length in the chapters to follow. This chapter includes the need and importance of shelter in one’s life, housing crises at global and national level and proclamations of human right to shelter and adequate housing, provided by the human rights instruments international level, regional and national level. The chapter further mentions about the objectives, hypothesis, and adopted research methodology for the present work. The researcher also discussed the reviewed literature for this study in this chapter. The scopes of the study, limitations of the study and scheme of chapters have also been discussed here.

10.2 Chapter II: Conceptual and Historical Development of Human Right to Shelter and Adequate Housing

This chapter deals with the concept and historical developments of human right to shelter and adequate housing. The researcher has described the changing idea of house from ancient to present time through describing it at various phases. In this chapter researcher has also mentioned about the concept and meaning of shelter and adequate housing provided under different international, national and regional documents apart from the concept and meaning the various definition has also been mentioned in this chapter which has given by various census reports, jurist/scholars as well as international and national documents.

10.3 Chapter III: International Framework on Human Right to Shelter and Adequate Housing

The chapter III has emphasized the international declaration, conventions and reports as well as regional documents in which provisions relating to human right to shelter and adequate housing are provided. The chapter gives a clear emphasis on the role of United Nations to implement Right to Shelter within its framework as it highlighted that is a universally accepted norm that the right to adequate housing must be consisted of adequate basic infrastructure for water supply, sanitation and waste management facilities. Further the various conventions regarding to the human right to shelter have also been mentioned here such as: International Convention on the Elimination of All Forms of Racial Discrimination, 1965 The International Covenant on Economic, Social and Cultural Rights, 1966 sustainable development goal are also discussed in this chapter. Human right to Shelter and adequate housing for Specific Groups has also discussed such as; Refugees, Tribal and Indigenous Peoples, Rights of Disabled Persons, Women, Children, Migrants. The chapter further discusses about the regional agreements for right to shelter in which the provisions regarding human right to shelter and adequate housing has been provided such as the European Convention on Human Rights, the American Convention on Human Rights and the African Charter of Human and Peoples Rights

10.4 Chapter IV: National Laws, Policies and Programmes on Human Right to Shelter and Adequate Housing

The present chapter has explained and discussed the Indian law, policy and programmes on the topic. A detailed analysis of various laws, policies and programmes related to the human right to shelter and adequate housing has been explored and examine here. India has its constitutional provisions and laws that make it obligatory for the state to provide the right to adequate shelter to all its citizens as a part of dignified right to life. The Constitution of India is firmly grounded in the principles of liberty, fraternity, equality and justice. The fundamental rights and directive principle of state policy has been mentioned in this chapter. The right to social and economic justice and human right to shelter and adequate housing are so inseparably intertwined that together they form a meaningful component of the right to life. The framers of the Indian constitution strike a delicate balance between individual liberty and social good. The researcher has also emphasized in his work though the numerous policies have been framed but people are still forced to live in

the shelter home (rainbasera) and slums areas in India.

10.5 Chapter V: Judicial Responses to Human Right to Shelter and Adequate Housing

This chapter discusses and critically evaluate the various judgments given by the Hon'ble Supreme Court and different High Courts in India to make the right to shelter and adequate housing available to the people of the country. There are a number of cases where in the judiciary played a positive role towards the protection of human right to shelter and has given direction to the government for the proper implementation of various Programmes and policies to remove the problem regarding shortage of the human right to shelter and adequate housing. Such as:

In the case of *Francis Coralie v. Union Territory of Delhi, 1981* the court stated that, the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing one in diverse forms, freely moving about and mixing and commingling with fellow beings. In another important case like *Shantistar Builders v. Narayan Khimalal Totame, 1990*, the Honourable Supreme Court has observed that the food, clothing and shelter are the basic needs of life. It also pointed out the difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body; for a human being it has to be a suitable accommodation which would allow him to grow in every aspect – physical, mental and intellectual.

In case of *P.G. Gupta v. State of Gujarat, 1995* the Honourable Supreme Court considered the mandate of human right to shelter and adequate housing read it into Article 19(1) (e) and Article 21 of the Constitution of India as well as the Universal Declaration of Human Rights, 1948 and the Convention of Civil, Economic and Cultural Rights and held that it is the duty of the State to construct houses at reasonable cost and make them easily accessible to the poor. Further In case of *U.P. Awaas Evam Vikas Parishad v. Friends Coop. Housing Society Ltd the, 1996* Honourable Supreme Court has stated that, the right to shelter is a fundamental right, which springs from the right to residence under Article 19 (1) (e) and the right to life under Article 21. In the case of *Chameli Singh v. State of Uttar Pradesh, 1996*

Honourable Supreme Court of India considered that the right to live guarantee in any civilized society implies the right to food, water, decent environment, education, medical care and shelter and all civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights. The case of *Shivaji Krishna Zunjare v. State of Maharashtra, 2004* In one of the most remarkable instances the Court, while discussing the right to adequate housing, invoked Article 26 of the South African Bill of Rights, which provides that the right to adequate housing exists for all persons; that the State must take reasonable legislative and other measures within its available resources; and, that no one may be evicted without an order of the Court considering all circumstances.

In the case of *E.R. Kumar v. Union of India, 2016* Honourable Supreme Court of India directing the government and its authorities to ensure that at least temporary shelters are provided for the homeless to protect them during the winter season and pointed out the right to shelter of homeless persons in urban areas, by establishing a committee to examine the slow progress with regard to the creation of shelter homes by states/union territories across India. Allahabad High Court in his very recent judgment that is *Suresh Kumar Singh v. State of U.P., 2019* has emphasized that the significance of shelter right to the people and this right connected with the fundamental right given under the constitution of India and imposes the obligation on state to providing this right and observed that right to shelter a fundamental right. As well as point out that the state has constitutional duty to provide house sites to poor.

10.6 Chapter VI: Status, Issues and Challenges of Human Right to Shelter and Adequate Housing in Lucknow City of Uttar Pradesh

The chapter VI contains information about the study area, collection and analysis of data, interpretation and results. This chapter examined, interpreted and critically evaluated the information gathered to achieve the objectives of present study in Lucknow City. This chapter is the heart of the whole research work. Through textual discussion, tabular and graphs, the data is critically analysed and reported along with the findings. A detailed primary survey was conducted during May to July, 2019 and January, 2020 to March, 2021 across the selected locations of Lucknow city in Uttar Pradesh. The total 500 hundred questionnaires have been filled up by adult

individual chosen on random basis. The researcher has personally contacted to the 500 hundred respondents for having information of the actual status of different beneficiaries and non-beneficiaries under various government housing schemes for those who are socio-economically poor and also analysed the reasons that compels a person to live without shelter in Slum areas, shelter home, rain-basera etc.

With the method of observation and techniques of data analysis the researcher has found that the Socio- economic condition of the respondents is not well. A number of people are living under below poverty line. It has also been found that the maximum no. of inhabitants of slum area are using dry wood and kerosene oil for coking food while the central government has been propagating that it has provided Ujjawal Yojana for all poor people. The people are also not properly aware about the governmental housing schemes and bound to live in a pathetic condition though they are eligible for getting economic support under the various housing programme and schemes launched by central/State government. The one reasons of this is also the low level of literacy and education of the people of concerned area and the maximum respondents are engaged in miscellaneous work, such as housing building, labouring in non-formal sectors. Some respondents are working as hawkers, vendors, manual scavengers and sweepers in households. It indicates that mostly respondents are surviving their lives in economic crises and unfavorable conditions and they cannot afford the cost of housing. It is found that the amount provided under different housing schemes such as pardhan mantri awaas yojana is not sufficient because of very high price of the construction materials. The beneficiaries also have to face the issue of corruption in getting the benefit of schemes that they have to pay some bribe to get the benefit of the schemes. It is also noteworthy that the people living in slum area are deprived even from basic facilities such as portable water supply, electricity and sanitation which are a clear cut violation of the notion of right to life with dignity.

10.7 Chapter VII: Conclusion and Suggestions

This chapter concludes all the chapters and mentioned some findings based on research work and tested the hypothesis on the ground of findings, and gave some suggestions for the improvement of the status of human right to shelter and adequate housing in India in general and in Lucknow city of Uttar Pradesh in particular.

Findings:

On the basis of the research work under the scheme of various chapters the researcher has found some significant findings that can be discussed as follows:

General Findings:

1. Though various policies, schemes and programs have been framed by the concerned government, there is still a lack of proper implementation of policies and schemes at the national and international level related to the human rights to provide shelter and adequate housing.
2. Lack of employment and poverty force rural Indians to move from their villages to urban workplaces. Seasonal migration is expected to increase in numbers. And it is also have been a major factor in the housing unavailability in the urban areas.
3. In modern scenario, joint family system has been replaced by nuclear family. And it is the main factor for increasing housing problem in urban areas. The consequences of nuclear families have resulted in an increase in the number of people living in slums and illegal settlements.
4. The rapid increase in human rights violations is a major factor in the non-availability of housing for the urban people as the nation has failed to protect the human rights of its citizens. The state has failed to formulate and implement strategies to eradicate the homelessness problem, with clear goals, and timelines. Housing laws do not make provisions to prohibit discrimination, stigma and negative stereotypes against homeless people. Access to affirmative legal remedies for rights violations has also not been ensured. And it does not regulate third party actors so that their actions are consistent with the eradication of homelessness and do not discriminate directly or indirectly against homeless people.
5. Human rights are interdependent, indivisible and interrelated. Violation of the right to adequate housing can affect the enjoyment of a wide range of other human rights.

Access to adequate accommodation may be a precondition for enjoying the

pleasure of right to work, the right to privacy and the right to development of family life, social security, vote, privacy or education and many human rights. Due to lack of proper place to live, man also had to face many mental and physical problems. In India, 1.7 million to 3 million people are homeless and over 65 million live in informal settlements without adequate housing.

6. The Ministry of Housing & Urban Poverty Alleviation is the apex authority of the Government of India. Its main objectives are formulation of housing policy and programme, review of plan implementation, collection and dissemination of data on housing, construction materials/techniques, and general measures for reduction of building costs. In addition, it is also entrusted with the responsibility of implementing specific programs for urban employment and urban poverty alleviation, including provision of basic amenities to the urban poor and support for setting up micro-enterprises by skill development of the poor. Later, the matters of housing and urban development have been entrusted to the state governments by the Constitution of India. Many of these functions have been delegated to urban local bodies by the Constitutional 74th Amendment Act. Although these are essentially state subjects. The Government of India plays a coordinating and monitoring role here and also supports these programs through centrally sponsored schemes.
7. The Indian judiciary has clearly established the human right to shelter and adequate housing as an integral aspect of the 'right to life' guaranteed under Article 21 of the Constitution of India. Moreover, the Supreme Court and various High Courts have not only limited the various aspects of adequate housing to shelter, and also emphasized the affirmative duty of the state to fulfil the right. In this way the judiciary protected the rights of the individual and imposed the obligation on the government as well as the private machinery which are responsible for providing the right of shelter and adequate housing to the homeless people.
8. According to the census, 2011 approximately 1.77 million people are homeless in India, out of which 65.3% are concentrated in the five states; Uttar Pradesh, Maharashtra, Rajasthan, Madhya Pradesh, Andhra Pradesh, Gujarat. According to the Statistics/census, 2011, Government of India, about 10.8 million urban population of Uttar Pradesh is living in slums, which constitute about 24% in

urban population. To know the actual status of housing the researcher has done field survey in the city of Lucknow and for this purpose, he collected 500 hundred questionnaires filled by the adult person on a random basis.

9. The researcher also personally contacted 500 hundred respondents to know the actual status of various beneficiaries and non-beneficiaries under various government housing schemes who are socio-economically poor and analyze the reasons why a person is compelled to live in slum areas, rainbasera.
10. The research estimated that around 33.5% Respondents are forced by the government to live in slums, rain shelters and other temporary arrangements. In India, as part of the ongoing PMAY (U) mission, the 'Angikaar' initiative was designed as a social awareness campaign for those PMAY U beneficiaries whose houses have been completed to improve the housing services they consume. It intends to help beneficiaries acclimatise better to their new surroundings through social behaviour change. Door-to-door awareness campaigns were to be carried out about other central government schemes, the most important ones canvassed being the Pradhan Mantri Ujjawala Yojana to enable access to LPG by BPL households, and Ayushman Bharat Yojana (ABY) to provide health insurance to all poor and vulnerable households. At present, PMAY (U) has 11.2 million, Ujjwala has 8 crore and Ayushman Bharat Yojana has 11 million beneficiary households. Our findings indicate that households for whom convergence can be achieved are likely to exhibit sustained increase in their consumption of housing services.
11. Despite various laws, guidelines, policies and schemes as well as various judgments declared by various courts in India to protect the human right to shelter and adequate housing, India is still grappling with the unfulfilled basic housing needs of thousands of its citizens. However, we represent the largest democracy in the world and have a truly remarkable constitution; millions are still living in inhumane conditions on footpaths, in illegal settlements, hamlets, slums or unauthorized slums and are in constant danger of being evicted.
12. The state should take appropriate legislative and other measures within its available resources, so as to achieve progressive realization of this right. No one may be evicted from their house, or their house demolished, without the order of the Court, after considering all the relevant circumstances. No law can permit arbitrary eviction.

Findings related to Lucknow City, Uttar Pradesh:

1. The survey revealed that the socio-economic status of the respondents is not good; they live their life below the poverty line.
2. Most of the inhabitants of the slum area are using dry wood and kerosene for cooking, while the central government is promoting that it has provided the Ujjwal scheme for the poor people. In fact the condition of the inhabitants of the slum area is very pathetic.
3. The researcher found in the survey that there is a lack of information about the housing program scheme in the slum area and the government is not taking any initiative regarding the housing scheme given to the poor people. It is important to know that the slum area people are eligible to get the housing program scheme under various housing program launched by the central/state government.
4. The education level of beneficiaries of aforesaid schemes is very low. The low level of education of the beneficiaries of the above scheme indicates that the respondents are not very much aware about the aforesaid schemes.
5. Most of the respondents are engaged in various activities like housing construction, labor in non-formal sectors. Some of the respondents are working as hawkers, vendors, manual scavengers and sweepers. This indicates that most of the respondents are living their life in economic crises and adverse conditions and they cannot afford the cost of housing.
6. Most of the respondents are living in nuclear family. The area allotted for the above schemes is very narrow. The allotted area should be increased so that the defendants can live their lives with dignity.
7. Scholar found that maximum respondents are well aware of the exact amount given under the housing schemes in three installments. In this regard, the researcher has also asked this question to the concerned authority through the Right to Information Act and the respondent has also come out from the authority. It is found that the amount provided under different housing schemes such as pardhan mantri awaas yojana is not sufficient because of very high price of the construction materials. Therefore, the government should increase the given amount.

8. Most of the respondents have to pay some bribe to get the benefits of the schemes. While some respondents did not respond, they remained silent on the bribery question.
9. The researcher found that the respondents belonging to the slum areas have been living there for a long time. The government should pay attention to them and give shelter. It is very surprising that the people living in the slum area are deprived of basic facilities like portable water supply, electricity and sanitation or these facilities are available in lesser quantity. This is against the notion of Swachh Bharat Abhiyan launched by the Central Government.
10. With regard to electricity connections, about 23.6 % out of the total households do not have access to electricity.
11. The researcher found that about 33.5% Respondents is forced to live in slums, rain shelters and others temporarily. The average income of 61.8% families is between Rs.5000 to Rs.10000 per month. Most of the slum dwellers get their livelihood as working labour, street vending, domestic help etc.
12. 26.4% families are not satisfied with the toilet facility system. They have to defecate in the open.
13. The researcher has also come to know about the preference given to the beneficiaries of the above schemes through Right to Information (RTI). The reply given by the officials in this regard has not been very satisfactory.

Suggestions

On the basis of the above findings the researcher has offered some suggestions to be incorporated at the national level in general and at the state (Uttar Pradesh) level particular which are mentioned as follows:

1. The Government of India should take the initiative to enact a unique and specific law on human right to shelter and adequate housing in India to address this problem in a comprehensive manner as well as make specific legislation at the Central and State level so that India To ensure the right to shelter enshrined in Article 21 of the Constitution of India. The law should also have a provision to ensure responsibility for its implementation for both the public and private

sectors. Apart from this there should be proper implementation of various shelter and adequate housing schemes and policies.

2. There is a need for adequate monitoring mechanism to ensure timely enforcement; Prevention of misappropriation/diversion of funds; ensuring transparency; and, promoting accountability. There should be transparency in all aspects of government, especially those relating to planning and budgeting for the elimination of inequalities and accountability of all actors to adhere to plans and budgets is essential to ensure that no one is left behind. Individuals and groups who do not have adequate house access should be informed of plans to ensure their access to services. Also, if the plans do not materialize, or are not suitable, the grievance mechanism should be made aware to contact.
3. The authorities should be more answerable and accountable because it is an important tool in supporting people to claim their rights, as it helps governments become more responsive to the voices of the poor and marginalized populations. It strengthens the ability of governments to create an enabling environment for service delivery, thereby contributing to the removal of inequalities. Settlements in all cities through provision of long term security of tenure, better permanent housing and access to basic services.
4. The central government should develop a comprehensive human rights based national law on the human right to adequate housing, which is in accordance with international human rights standards, the Constitution of India and India's international legal obligations. All law and policy processes must be participatory and involve affected people and civil society.
5. The state must give proper attention to the direction given by the Supreme Court of India and various High Courts, which have established that the human right to adequate housing is an integral component of the right to life, and which have recognised the indivisibility and inter-relatedness of human rights, including the rights to housing and work / livelihood.
6. The various concerned central government ministries, including Ministry of Housing and Urban Poverty Alleviation, Ministry of Urban Development, Ministry of Social Justice and Empowerment, and Ministry of Rural Development should collaborate and work together to ensure that housing, land and related rights are protected and realised across India. So that the housing right accessible to all.

7. The right to adequate housing is a basic human right and has long been recognized as such by international law. Making this right a reality for all people requires action and commitment from all levels of government. The role of local governments in realizing the right to adequate housing is greater than ever before, and there's a pressing need for local governments to build partnerships with civil society in order to achieve this goal.
8. There should be availability of basic services along with the right to shelter and adequate housing, the right to water entitles everyone, on the basis of non-discrimination, to sufficient, safe, physically accessible and affordable water, which is of an acceptable quality, for personal and domestic uses. However, the poor and other marginalized groups have the greatest difficulty in accessing sufficient and safe water and adequate sanitation. In many slums and informal settlements around the world, having no water connection means that residents have to pay higher prices to buy water from distribution tankers. In rural areas, women and children often have to walk great distances in search of water to meet minimum household needs. Diseases associated with contaminated drinking water and unsanitary living conditions are among the leading causes of ill health, and a significant contributor to infant and child mortality in developing countries
9. There should be maximum awareness spread related to housing schemes launched by government for the poor people. The most important thing is to spread awareness and education among the beneficiaries about the housing schemes run by the government. Due to lack of awareness the beneficiaries are not able to avail the benefits of the scheme. Thus, it is the responsibility of the government to spread awareness among the masses, by telling them about their right to adequate housing, with the help of media and Non -Governmental Organisations., civil societies, and area people participation.
10. The obvious problem with providing adequate housing to the beneficiaries is insufficient political will. Political will can bring homeless people closer to the dream of housing facilities. Strong political will and leadership can achieve extraordinary achievements in providing housing facilities to the beneficiaries.
11. Due to urbanization, slum areas are increasing in a haphazard manner in the urban and peri-urban areas of the cities. Thus, there must be proper slum identification and mapping in the macro as well as micro-level in the cities, to ensure a more holistic and systematic evaluation. By this identification and

mapping, the government can more effectively benefit the slum dwellers from housing schemes.

- 12.** Another issue is the failure of governments to include slum dwellers as part of holistic housing schemes. This is often due to the inability of corrupt governments to keep pace with urbanization. Thus, there is an urgent need to have transparency, accountability, and rule of law in the government by eliminating corruption.
- 13.** The durable solution should be adopted and followed by the government to protect and provide shelter to the slum people and homelessness person.
- 14.** The human right to adequate housing is integral to the realisation of other basic rights of children. Adequate housing is of particular importance for children as the environment in which they grow up and the living conditions they have to confront, greatly impact their physical, emotional and psychological development. A child's self-confidence and identity depends significantly on her/his access to a secure place to live in peace and dignity. The absence of a secure environment may lead to deprivation of many basic rights of children, including their right to health, education, and protection from economic exploitation and abuse, and even the right to a legal identity.

SOME PHOTOGRAPHS OF FIELD SURVEY

Photo.1. Researcher Discussing on Housing Issues with Concerning Officers



Photo.2. Researcher Asking the Questions to the People Living in Slum



Photo.3. Researcher Discussing with Beneficiary of PMAY



Photo.4. Researcher Visit in Areas for Survey Work

