



HUMAN HABITATS IN INDIA AND INTERNATIONAL LEGAL INSTRUMENTS: AN ANALYSIS

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ABSTRACT

This article is an attempt made by the authors to reflect the concept of human habitats and its international instruments that governs for the protection of human rights. Classifications on human habitats have been made. The other allied areas that are solely responsible for the promotion and protection of human rights in terms of human habitats have also been discussed. The international instruments which mandates for the housing rights and habitats for a human, have been analysed.

KEYWORDS : Habitats, human rights, international instruments.

Introduction:

Habitat means natural abode of animals or human beings. It is a place where a living thing normally lives. Generally living things are well adapted to life in their habitats that is in the soil, air and water. The land is our habitat where we spend our own lives. The centres of human population are in places where rainfall is moderate and temperature variation is not extreme. We are well adapted to such habitats. Land is also the place for the life and growth of other living creature like plants and animals. So the specific environment in which a particular plant or animal is found is called its natural habitats. If at any time the plant or animal or both are inadequately adapted to the environment, then they either perish or they move out to any other areas, which suit them. Broadly speaking habitat can be divided into two types according to its nature, they are rural habitat and urban habitat.

Rural Habitat

Housing: In India, there are people who live in rural habitat. Rural habitat people live in villages and each village is a small unit accommodating few people, but there are villages, where population is higher than usual. On account of this it is difficult for government or any centralised bureaucracy to provide and maintain amenities in a large number of small villages. Further the rural people are so poor that it is difficult for them to afford for these minimum required amenities. The housing condition in villages is appalling. Many houses are built up by materials like mud and thatch. Each year, the straw used for thatching is replaced. The well-to-do persons residing in the villages are capable of constructing concrete house. The proportion of rich landlords and prosperous people is very small. The bulk of the rural people live in extremely poor condition.

Water: In many villages people do not get drinking water. Wells, tanks and various other sources of water supply dry up in summer. So they travel long distance to fetch water. There is another well known problem which is lack of access to safe drinking water because what they get water out of struggle are not good for consumption. Mostly they fetch from pond or the well which are badly affected by various contaminations. Now a days situation is gradually improving. The young educated mass are making fruitful endeavour in order to maintain the availability of water for consumption and other necessary purpose.

Sanitation: The rural sanitation is unimaginable affair. People do not know the use of latrine. They defecate in the open space, which is the main cause for different contamination diseases. Adding to it, the rural habitats depend on the domestic animals for their standard of living. This aggravates the situation. During rainy season the village road becomes muddy and acts as the breeding ground for mosquitoes. The agricultural activities also add to the problem. The garbage and the waste plant products are thrown randomly here and there. They cause stinking smell. The ignorance of the village

folk is responsible for all these insanitation. Had they been properly educated, such a situation would not have arisen.

Urban Habitat:

The urban population is growing day by day. The vital cause for growing is rural-urban migration. Unavailability of resources and lack of management encouraging villagers run to town. As a result, the urban housing water supply, sanitation, transport, education, law enforcement and control of diseases are not able to cope with sudden increase in population. City housing falls behind the demand. Consequently huge slum colonies are multiplying. Squatter families crowd into dark cubicles and makeshift hovels of wood, mud, carbonboard and other assorted materials. The increasing urban population in India are the main reason for growth of slums. The poor people still continue to live either in small huts or on road pavements.

Water Supply: Urban water supply is prone to seasonal shortage. In most cities, the slum dwellers get their water supply from public stand pipes. The people suffer most, when the public water supply is cut off due to break down either in the pumping units or treatment plant or electric failure.

Sanitation: The sanitation in the urban areas is far from satisfactory. On entering any city or town, you may come across, the odour of garbage and excreta. Garbage is left lying in the open, which breeds flies and mosquitoes. Open air defecation is a common practice causing cholera, typhoid, dysentery, diarrhoea and jaundice. The sewerage system does not operate in many cities. In small and medium towns, excreta are often flushed into open drains along the street. The sewage contaminates the water supply causing much harm to the urban dwellers. Even though the water drainage systems have been built in few cities, but they are not functioning as per the need. As a result stinking waste water accumulates, which becomes excellent breeding grounds for various diseases.

Transport: Transport in urban is the main crisis of life style of the habitats. The reasons being, the increase urban population, a rapid expansion of city limits, the change in the habit of the people to travel by transport and not to walk the distance, the concentration of business activities and economic activities in the heart of the cities. Further there appears to be no planned act on to deploy the available transport causing over-crowding of buses in the cities. In most major cities business and economic activities are concentrated in the central areas while residences are far away. As cities expand, average trip length increases. The transport system is based on the consumption of petrol or diesel which generates lot of atmospheric pollutants. The situation is very grave in congested areas, where air flow is less.

It's Hazard:

The habitat of the people creates hazards due to based on some

social and economic problems. To make adaptability with the nature and environment, people live by degrading its ornaments. Spoiling of natural resources in unfruitful way is the target of human generation. The hazards are already seen by the developed countries and now developing countries are facing it. As a result many hazards are seen in the society, which can be summarized as follows:

- (1) Creation of slum: It is an illegal settlement with primitive facilities, increased overcrowding and rampant diseases linked to an unhealthy environment.
- (2) Scarcity of living accommodation
- (3) Decline in family control
- (4) Lack of social control
- (5) Decline in influence of religion
- (6) Change in the status of the women
- (7) Changes in the family structure
- (8) Changes in the moral values
- (9) Breakdown of joint families
- (10) Increase in crime and juvenile delinquency
- (11) Increase in corruption and prostitution
- (12) Labour problems
- (13) Increase in begging
- (14) Migration of population from rural to urban
- (15) Incompatibility with the large scale industries with small scale industries

Planning and Management:

The main object of this planning and management is to provide economic and social conditions for the growing population in India. For meeting these problems, the density of population, mobility of the people, establishment of parks, open space and recreational centres, health centres, sanitation programmes, planned housing programmes and disposal sewage have to be taken into account. These are the some grey areas of the elements to be look out. Few of the planning is as follows:

- (1) Providing people with accommodation and houses
- (2) Removal of slums
- (3) Construction of planned roads
- (4) Improvement in the means of communication and transportation
- (5) Provision for open space for recreation facilities and locating parks
- (6) Provision of safe drinking water
- (7) To provide electricity to house and provision of lights in the streets
- (8) Disposal of sewage and effective sewerage system
- (9) Proper drainage of waste water
- (10) Ensuring proper sanitation in market places
- (11) Locating shops and market centres
- (12) Location of industries and enforcing antipollution acts rigorously
- (13) Location of educational institutions
- (14) Location of health services and medical facilities
- (15) Arrangement for the control of public traffic
- (16) Location of religious centres
- (17) Enforcement of law and order
- (18) Plantation of trees both flower and fruit bearings trees in large scale. Creation and preservation of green belt is a major town planning, which can influence climatic conditions.
- (19) To educate the people to make provision for harnessing solar energy on the roof top of their houses and to minimise the use of conventional fuels that cause environmental pollutions.
- (20) To educate the city dwellers the significance of the environmental pollution. This can be done by organising campaign to save environment from pollution.

International Instruments on Human Habitats:

The adoption of the Universal Declaration of Human Rights in 1948 mandates the right to adequate housing which has been reaffirmed and explicitly recognised in a wide range of international human

rights instruments as a component of the right to an adequate standard of living, and joined the body of universally accepted and applicable international human rights law.

The pivotal references to housing rights in the international legal context is the right to adequate housing as enshrined in Article 25 of the Universal Declaration of Human Rights and Article 11(1) of the International Covenant on Economic Social and Cultural Rights. Housing rights, however, entail a bundle of specific rights that are not limited to those protected in the economic, social and cultural context.

In addition to the International Covenant on Economic Social and Cultural Rights, housing rights are found – although using slightly different terminology in a number of other international instruments, including, inter alia: the International Covenant on Civil and Political Rights (ICCPR), which protects persons from arbitrary or unlawful interference with their home (Article 17); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), in Article 5(e)(iii), prohibits discrimination on account of race, colour, or national or ethnic origin with respect to the right to housing; Likewise, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) proscribes, in Article 14(2)(h), obliges States Parties to eliminate discrimination against women in rural areas in order to ensure that such women enjoy adequate living conditions, particularly in relation to housing; The Convention on the Rights of the Child (CRC) obliges States Parties to provide, in cases of need, material assistance and support programmes to families and children, particularly with regard to housing (Article 27(3)).

Conclusion:

Habitats rest upon the firm establishments of universal human rights law, and in addition the consequent interpretative advancement of the models, standards and standards epitomized in that law. In fact, the idea of human habitats has extended past conventional, and frequently simple, view of those rights. The assorted variety in writings with respect to housing rights or habitats may represent various repercussions for the global and national lawful administrations. However, one distinct priority remains: the imperative of consolidating promotional activities through an expanded focus on the global protection of human habitats.

References:

1. Universal Declaration of Human Rights
2. International Covenant on Civil and Political Rights
3. International Covenant on Economic Social and Cultural Rights
4. International Convention on the Elimination of All Forms of Racial Discrimination
5. Convention on the Elimination of All Forms of Discrimination Against Women
6. Convention on the Rights of the Child