



EFFECTIVE FACET OF HOUSING POLICIES & SCHEMES IN INDIA: A COMPARATIVE ANALYSIS AT NATIONAL & STATE LEVELS

Education

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ABSTRACT

The right to adequate housing is a universal right, recognized at the international level and in more than one hundred national constitutions throughout the world. It is a right recognized as valid for every individual person. First National Housing Policy in India was formulated in year 1988. Taking into account emerging challenges of required shelter and growth of slums, the first ever urban areas specific National Urban Housing and Habitat Policy, 2007 was announced in December 2007. Following suit, several State Housing and Habitat Policies have been put into draft form and finalized in 2007, including policies for Madhya Pradesh, Kerala, Maharashtra, and Rajasthan.

The very purpose of the present study is to analyze and examine the housing policies at the national and state levels to compare them in light of each other, and according to international standards for fulfilling the right to adequate housing. This analysis has been prepared with the hope that it may serve as a helpful resource in policy advocacy efforts, with the aim of influencing changes to positively affect the current housing and poverty situation in India and in urban areas, in particular, in a way which will ultimately benefit the urban poor and allow for their greater participation and inclusion in the formation and development of India's globalizing cities.

KEYWORDS

Housing Policies, Housing Schemes, Comparative Analysis, NUHHP-2007, State Housing Policies

Background of the study

The right to adequate housing is a universal right, recognized at the international level and in more than one hundred national constitutions throughout the world. It is a right recognized as valid for every individual person. The International Covenant of United Nations on economic, social and cultural rights, to which India is a signatory, upholds the right to adequate housing as a human right. Article 21 of the Constitution of India which defines the protection of life and personal property encompasses the right to shelter and right to livelihood also which are integral to the dignified living of the individual. Right to adequate housing is a basic human right as shelter is a basic human need. Provision of adequate housing is emerging as a major thrust area for Government of India as well as the State Governments.

The National Urban Housing and Habitat Policy (NUHHP) was approved by Parliament in 2007. Following suit, several State Housing and Habitat Policies have been put into draft form and finalized in years that followed, including policies for Madhya Pradesh, Maharashtra, Rajasthan and Kerala. Each of these five policies has been overviewed highlighting key concepts and action points. An analysis of NUHHP-2007 has been done in terms of its strong points as well as identifying gaps which include the failure to explicitly recognize housing as a fundamental human right as well as the lack of concrete guarantees that will earmark sections of developed land and will absolutely ensure housing for the urban poor.

Objectives:

Precisely the aims of studying these policies are:

1. To examine housing policies at the national and state levels to compare them in light of each other.
2. To identify which states recognize adequate housing as a human right.
3. To offer suggestions and recommendations for improvement.

Database and Methodology

The present study is purely based on secondary data sources. The data and information regarding the housing policies at the national and state levels has been collected from secondary data sources like journals, magazines, reports, papers, surfing websites of respective government departments and offices etc. All these five housing policies could be identified and retrieved through internet resources. Methods used for the data collection mainly included documentation, and analysis of archival records pertaining to different housing policies. The final comparative analysis of different housing policies has been represented with the help of a tabular chart no 1.

Highlights of Major Findings

One of the prime objectives of this comparative analysis is to identify which states recognize adequate housing as a human right. Of the five

policies reviewed, Rajasthan housing policy is the only one that clearly affirms the right to adequate housing as a basic human right. Another objective of this analysis is to understand how each policy seeks to take steps toward fulfilling the right to adequate housing (regardless of whether they acknowledge it as a right or not).

As a common thread, the language used in the phrasing of most of the policies is very general and suggestive at best, far from making any guarantees or ensuring that actions are time-bound and measurable. Legal security of tenure is the first component in the right to adequate housing and, overall, the policies need to take a firmer stance on granting secure tenure especially to the urban poor. The second component is the availability of services, materials, and infrastructure.

The national policy emphasizes increased financial support to fund the provision of basic services, primarily through the Basic Services for the Urban Poor (BSUP) scheme under JNNURM, and also through ISHDP. The prime aim of the national policy as well as many states' policies is in fact "Affordable Housing for All" achieved through PPP.

The fourth component, habitability, is not adequately accounted for in most of the policies, which tend to focus on land pooling and land sharing arrangements including optimal density land use and multi-story buildings. Accessibility is the fifth component and, while several policies claim to have a particular emphasis on vulnerable groups, many do not provide many details for how they will ensure access the marginalized populations.

Kerala's policy provides the most specific recognition of traditionally excluded groups, including single working women, disabled, and elderly citizens. Location is the sixth component, and the policies differ widely in their approach to location needs. Some emphasize in-situ upgradation and redevelopment at existing locations or otherwise near work places, while others fail to adequately address location factors.

The final component is cultural adequacy, which is treated differently across the policies but includes factors like use of local building materials, techniques, and accounting for regional geographic and climatic conditions in housing construction.

International Context for the Right to Adequate Housing

The right to adequate housing is deeply embedded in the core of several important international documents on human rights, and carries significant implications for governments and citizens alike. One of the most recognized and commonly noted sources for referencing this right is the UN International Covenant on Economic, Social and Cultural Rights, to which India is a signatory. This covenant provides the following clause regarding the right to adequate housing, under Article 11, paragraph 1:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

General Comment No. 4 on Article 11(1) elaborates further on this point by designating seven essential components that define the concept of adequacy within the right to housing.

It is in this context that in this paper has analyzed the national and four state housing policies, in light these seven components of the right to adequate housing and two of the basic duties comprising a larger government obligation to ensure the fulfillment of this right for its citizens.

Comparative Analysis of Housing Policies

The Government of India is a signatory to the United Nations International Covenant on Economic, Social and Cultural Rights, in which the right to adequate housing is enshrined. The following chart no 1 sums up some of the key factors present in the national and each of the state policies.

Chart No 1: Comparative Analysis of Housing Policies

| Housing and Habitat Policies Year | Right to Adequate Housing Affirmed or Not | Seven Components of the Right to Adequate Housing | | | | | | |
|-----------------------------------|---|--|--|---|---|--|---|--|
| | | Legal Security of Tenure | Availability of Services, Materials, Infrastructure | Affordable | Habitability | Accessible | Appropriate Location | Culturally Adequate |
| National Covenant 2007 | NO ESCR in Article 25 states that everyone has the right to a basic human need | Not specifically mentioned | Increased ESDP and ESDP funding for provision of basic services; States to make Action Plans for infrastructure, PPP | PPP for 'Affordable Housing for All' - other JNNURM funds and ESDP housing sector subsidies and micro-finances for the poor | Special needs of urban poor not mentioned | 'Special emphasis' on low income, 'vulnerable' housing program and more affordable finance | States provision of water supply or road with plan for provision of other essential services, PDS | Provision available, cost effective, local materials; issue of agricultural industrial wastes (fly ash, red mud, etc.) |
| Madhya Pradesh 2007 | NO Only residential status as a basic human need | Not specifically mentioned | Provisional goal to focus on basic infra-structure, facilities, facilities, provision of basic services through JNNURM, ESDP | Rental housing, means to provide alternative options for urban poor through JNNURM, ESDP | New housing units to be provided through ESDP/LIG must have 20% of no. of units of floor area built through PPP | Temporary shelter for rural population especially for people affected by natural disasters, etc. | Large industries to provide housing on site for labour; relocation of slums on nearby lands | Local materials for construction of housing, as guidelines for material use/ traditional techniques |
| Rajasthan 2009 | YES Affirmative right to adequate housing as a basic human right | Provisional goal to focus on basic infra-structure, facilities, facilities, provision of basic services through JNNURM, ESDP | Emphasis on community based approach; JNNURM, ESDP | Alternative housing through self-help housing schemes; income generation linked with housing schemes | Slum regularization will address urban poor; slum regularization will address urban poor | No reservation without reservation for labour; relocation of slums on nearby lands | Large industries to provide housing on site for labour; relocation of slums on nearby lands | Use of local building materials for construction; use of local materials and building techniques according to regional geography |
| Maharashtra 2007 | NO Recognizing shelter as a basic human need | Provisional goal to focus on basic infra-structure, facilities, facilities, provision of basic services through JNNURM, ESDP | Emphasis on community based approach; JNNURM, ESDP | Alternative housing through self-help housing schemes; income generation linked with housing schemes | Slum regularization will address urban poor; slum regularization will address urban poor | No reservation without reservation for labour; relocation of slums on nearby lands | Large industries to provide housing on site for labour; relocation of slums on nearby lands | Use of local building materials for construction; use of local materials and building techniques according to regional geography |
| Kerala 2011 | Recognizing shelter as a basic human need | Provisional goal to focus on basic infra-structure, facilities, facilities, provision of basic services through JNNURM, ESDP | Emphasis on community based approach; JNNURM, ESDP | Alternative housing through self-help housing schemes; income generation linked with housing schemes | Slum regularization will address urban poor; slum regularization will address urban poor | No reservation without reservation for labour; relocation of slums on nearby lands | Large industries to provide housing on site for labour; relocation of slums on nearby lands | Use of local building materials for construction; use of local materials and building techniques according to regional geography |

Source: Author (2016)

Suggestions & Recommendations

In light of the common gaps present in this group of policies, several overriding recommendations for general improvement can be made in addition to those specific points already suggested in the analysis sections.

Technically speaking, no single policy adequately accounts for all of the seven components of adequate housing. In light of the common gaps present in this group of policies, several recommendations for improvement can be made.

Firstly, all of the policies need to be amended in order to explicitly and unquestionably affirm the right to adequate housing as a fundamental human right (except Rajasthan which has done so already). Likewise, all of the policies should continue to be amended in such a way as to more fully address housing needs according to fulfillment of the seven components of the right to adequate housing as specified in General Comment 4, especially those policies which do not even include a mention of one or more components in their content.

Secondly, more specific plans for implementation need to be enumerated in the housing policies. At present, the majority of language employed in these documents is generalized conceptually with minimal details which concretely specify how interventions and initiatives are actually to be carried out and enforced. In this vein, action plans should be made time-bound and should include measurable indicators to ensure better accountability for overall progress monitoring.

Thirdly, the language employed in the policies must go beyond merely posing suggestions about proportions of earmarked land for the urban poor. Instead, they should offer solid guarantees of adequate numbers of units in new and existing housing developments for the urban poor and marginalized groups. At present, the language used is too weak to guarantee that sufficient housing options will be developed, especially by private sector builders. The language and strategies in these policies should be amended either to mandate that private sector partners

involved in PPP actually have an obligation to construct the earmarked portion of lower-income units, or that the development authorities themselves will guarantee provision of such units for the poor. These housing needs, and the rights of the urban poor, must be guarded and guaranteed through the language and initiatives proposed in these housing policies. If the national policy can be amended and strengthened along these lines, the state policies also will be more inclined to follow suit. It is time for the Government of India and the various State Governments to recognize fully the right to adequate housing as a universal, fundamental right.

Using the seven components outlined above, the national and state housing policies should be amended to more fully and accurately guarantee that each Indian citizen's right to adequate housing is guaranteed and fulfilled.

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