

The Human Rights to Adequate Housing and Land in India

Report to the United Nations Human Rights Council
for India's Third Universal Periodic Review



JOINT STAKEHOLDERS' REPORT

SUBMITTED BY



HOUSING AND LAND RIGHTS NETWORK

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Joint Stakeholders' Report Submitted by Housing and Land Rights Network, India
on behalf of 81 organizations, community groups, social movements, and networks
(List of endorsing organizations in Annexure Three)

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Preface

The Universal Periodic Review (UPR), conducted under the auspices of the United Nations (UN) Human Rights Council, is a peer review mechanism in which the human rights record of each UN member state is examined every four-and-a-half years. The UPR monitors a state's performance in meeting its human rights obligations under international human rights and humanitarian law, with the goal of improving the human rights situation in every country.

India has undergone two cycles of the UPR – in 2008 (UPR I) and 2012 (UPR II). While the Human Rights Council made 18 recommendations to India in 2008 and 169 recommendations in 2012, in both UPR I and II, only one recommendation was made on housing. The Council did not make any recommendation to India on land, even though land-grabbing, forced land acquisition, displacement, and inequality in land ownership are critical issues that impact a range of human rights—including the rights to life, food, work/livelihood, housing, health, water, and security of the person and home—and have long-term implications on social justice, food security, equality, and climate change. This is especially true for a country like India where 69 per cent of the population is still rural and depends on land for its survival.

In the absence of concrete recommendations on housing and land from India's UPR, Housing and Land Rights Network (HLRN) identified recommendations from UPR I and II that relate to the promotion of the right to an adequate standard of living, which includes the rights to adequate housing and land. These recommendations involve reducing poverty and inequality, eliminating discrimination, promoting gender equality, and improving urban and rural living conditions.

In preparation for India's third UPR that will take place in May 2017, HLRN assessed the status of implementation of these selected recommendations with a specific focus on the human rights to adequate housing and land. While presenting this assessment, this report also provides an overview of the major challenges related to the realization of housing and land rights in the country, and proposes recommendations to the Government of India in order to overcome obstacles and ensure the progressive realization of the human rights to adequate housing and land.

Prepared in consultation with and inputs from HLRN partners, this joint stakeholders' report for India's third UPR has been endorsed by 81 organizations, including social movements and community-based groups, from across the country. HLRN is grateful to them for their contribution and support. Submitted to the UN Human Rights Council in September 2016, this report is now being published with the intention of spreading awareness on important housing and land issues among different constituencies, and encouraging constructive engagement with different actors to promote the realization of housing and land rights in India, especially for the most marginalized.

HLRN believes that the UPR process provides a significant space—at the international and national levels—to recognize impediments, reflect on developments, review performance, and promote the fulfilment of human rights. It also offers opportunities to work with local and national governments to meet their human rights commitments. We look forward to a positive process and outcome related to India's third UPR, in which the Government of India addresses these issues domestically and the Human Rights Council recognizes the importance of housing and land rights in the broader struggle for human rights across the world.

Shivani Chaudhry

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New Delhi, December 2016

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I. Introduction

1. The United Nations (UN) Human Rights Council (HRC), under the Universal Periodic Review (UPR), examined India's human rights record in 2008 (UPR I) and 2012 (UPR II). In both UPR I and II, only one specific recommendation was made to India on housing;¹ there was no recommendation on land. However, several recommendations from UPR I and II relate to reducing poverty and inequality, eliminating discrimination, promoting gender equality, and improving living conditions, which encompass the rights to housing and land.²
2. Housing and Land Rights Network (HLRN) contributed to a stakeholders' report for UPR II³ and submitted a mid-term assessment of India's implementation of UPR II recommendations.⁴ This submission is a joint stakeholders' report, endorsed by 81 organizations, for India's third UPR.⁵
3. In UPR II, India agreed to promote the enjoyment of human rights (138.144 and 138.13), including economic, social, and cultural rights. Though India has launched several schemes on housing and land, it has not made significant progress in realizing these rights, especially for the most marginalized. This is largely because India does not recognize housing as a human right even though it ratified the International Covenant on Economic, Social and Cultural Rights in 1979. This is evident in policies and government statements, including at UN meetings.⁶ Despite commitments to provide 'Housing for All' by 2022, India's macro-economic growth paradigm promotes homelessness, forced evictions, land grabbing/alienation, and displacement. In the last four years, several cases of violations of housing and land rights have been reported across the country; the worst affected include women, children, Scheduled Castes (SC)/Dalits, Scheduled Tribes (ST), persons with disabilities, older persons, and sexual and religious minorities.

II. Inadequate Living Conditions

4. Thirty-one per cent of India's population (377 million people) lives in urban areas while 69 per cent (833 million) is rural.⁷
5. India has the world's largest number of people (632 million) living in multidimensional poverty.⁸ It also records the world's largest number of homeless persons, urban and rural poor, and landless households.⁹
6. The national urban housing shortage in 2012 was 18.78 million houses; 96 per cent was for economically weaker sections (EWS) and low-income groups (LIG).¹⁰ This is projected to increase to 34 million units by 2022.¹¹ Families unable to afford a house could reach 38 million by 2030.¹² Housing shortage, in terms of the gap between demand and supply, is largely a consequence of unrestrained commercial development of housing for the rich/elite at the expense of investment in housing for EWS/LIG.¹³
7. In the absence of low-cost/social housing, 13.75 million households (65–70 million people) live in underserved, low-quality housing in settlements referred to as 'slums'¹⁴ in official discourse. Thirty-six per cent of these houses do not have basic facilities of electricity, tap water, and sanitation within their premises.¹⁵
8. Neoliberal economic policies have resulted in a paradox of shortage and surplus in housing units. Census 2011 recorded 11.09 million vacant houses in urban areas, purchased mostly for speculative purposes. Real estate speculation has contributed to an increase in housing prices even when

demand falls. The National Housing Bank monitors housing prices through an index called Residex, which indicates that housing prices in 2015 had more than doubled from 2007 in Faridabad, Ahmedabad, Pune, Bhopal, Kolkata, and Mumbai; in Chennai, prices had more than tripled.¹⁶

9. India has the largest number of landless persons (over 500 million)¹⁷ in the world. Fifty-six per cent (101.4 million) of rural households do not own land while 30 per cent (53.7 million) households consist of landless labourers,¹⁸ who face the worst deprivation.¹⁹ Though land ownership is highly inequitable, land reform is not a priority. The average land given to rural landless families fell from 0.95 acres in 2002 to 0.88 acres in 2015.²⁰ The draft National Land Reforms Policy 2013²¹ has not been finalized. Instead, land pooling policies are being promoted,²² which result in loss of tenure, and in many instances, increased marginalization of landless agricultural labourers.²³
10. Despite the existence of a rural housing scheme²⁴ operational since 1985, the national rural housing shortage was 40 million households; 90 per cent for 'below poverty line' households.²⁵ Over 13 per cent (23.7 million) of rural households live in one room with *kutcha* (mud/temporary) walls and roof.²⁶ In 2014, the Comptroller and Auditor General of India (CAG) highlighted irregularities in IAY, including: ineligible persons receiving benefits; failure to allot units in women's names; delay in completion of houses; poor quality of construction; and, diversion and misappropriation of funds.²⁷
11. The framework regulating housing and land in India consists of a few laws and several policies – at the central and state levels. Over the last few years, several new schemes have been announced/renamed.
12. Pradhan Mantri Awas Yojana (PMAY; Housing for All–2022) proposes to construct 20 million houses in urban and 30 million houses in rural areas by 2022. It consists of four components: *in situ* slum redevelopment; credit-linked interest subsidy; affordable housing in partnership; and, beneficiary-led individual house construction/enhancement.²⁸ While the commitment to provide 'housing for all' is a commendable step, PMAY fails to adopt a human rights approach and relies on the private sector to deliver. Despite PMAY's existence for over a year, most projects are still under the approval stage. As of 17 August 2016, the Ministry of Housing and Urban Poverty Alleviation had sanctioned 891,346 dwelling units under PMAY but only 2776 dwelling units had been constructed.²⁹
13. India has allocated Rs 480 billion (USD 7.5 billion) for the Smart Cities Mission (SCM),³⁰ which aims to develop 109 'smart cities' by 2020. States have to generate half the funds from public-private partnerships (PPP). An analysis of the 33 shortlisted Smart City Proposals³¹ reveals a predominant focus on technological solutions and the lack of priority to housing, social justice, and equality. SCM, thus, could convert cities into more exclusionary spaces.
14. With an outlay of Rs 500 billion for five years, the government launched the Atal Mission for Rejuvenation and Urban Transformation in 2015.³² The Mission, though, is silent on issues of land use/distribution, planning, and rights of marginalized groups. As of December 2015, the government had approved action plans for basic infrastructure in 474 cities, with a planned investment of Rs 191.7 billion.³³ Details on expenditure and work done, however, are not available.
15. As per UPR II recommendation (138.74) to bridge the urban-rural divide, India launched a Rurban Mission³⁴ to promote rural development and create 'smart villages.' It has identified 300 rural clusters, which once developed, will be classified as 'rurban.' Information on budget allocations and monitoring, however, are not available.

16. Recommendations:

- Incorporate a human rights framework in all laws and policies, including Housing for All–2022, the Smart Cities Mission, the draft National Urban Rental Housing Policy, the draft Model State Affordable Housing Policy for Urban Areas,³⁵ and the draft Model Tenancy Act.³⁶ Ensure that the state takes the responsibility for providing social rental housing options for the homeless and EWS/LIG.
- Adequately define and invest in providing ‘affordable housing’ to low-income populations. Ensure that policy interventions meet the housing shortage through the provision of adequate social/public/low-cost housing.
- Focus on rural development and invest in human rights-based agrarian and urban land reform. Promulgate a national land reform act, ensuring land to the landless, especially women, SC/ST, nomadic/semi-nomadic/denotified tribes.
- Promulgate a national right to homestead law (based on the draft National Right to Homestead Bill, 2013) to provide landless rural families with land for housing and livelihoods.³⁷
- Control real estate speculation, and regulate markets, including for rental and social housing. Implement the Real Estate (Regulation and Development) Act 2016, within a human rights framework.
- Mandate reservation of housing/land for EWS/LIG, including SC/ST/nomadic/denotified tribes.

III. Homelessness

17. Census 2011 recorded 1.77 million homeless persons; about 0.94 million in urban areas and 0.83 million in rural areas.³⁸ Independent experts, however, estimate the number to be much higher.³⁹ While the government has developed schemes for the urban homeless, initiatives to address rural homelessness are absent.
18. In 2010, the Supreme Court of India ordered for one homeless shelter to be constructed per 100,000 of the population.⁴⁰ In 2013, the National Urban Livelihoods Mission – Scheme of Shelters for Urban Homeless (NULM–SUH) converted this into a policy directive and set standards for shelters and facilities for the homeless.⁴¹ It calls for separate shelters for men, women, families, older persons without care, persons with mental illness, and recovering patients and their families. Homeless shelters in most cities, however, are insufficient and inadequate. The majority of shelters are poorly located and characterized by the absence of basic services, storage space, and facilities for cooking/food distribution. Though NULM–SUH proposes a standard of 50 square feet per person, in most homeless shelters, each person is provided about 15 square feet, which is not sufficient to live with dignity. Implementation of the scheme is weak and varies across states. For instance, in Thiruvananthapuram, the government constructed 72 dwelling units in seven months⁴² while Delhi failed to utilize Rs 206 million allocated for the homeless.⁴³
19. Global estimates suggest that up to a quarter of homeless persons suffer from one or more forms of mental illness and/or substance abuse issues. At least 30 per cent of persons with mental illness who access mental healthcare have been homeless at some point in their lives.⁴⁴
20. Homeless women and girls live in extreme insecurity and suffer the worst kinds of violence, including sexual assault, rape, and increased vulnerability to trafficking.⁴⁵ Shelters for women are insufficient and inadequate.

21. The Bombay Prevention of Begging Act 1959 and other anti-begging/anti-vagrancy laws operational across India criminalize the homeless/poor.
22. Between January 2012 and 31 August 2016, Delhi recorded 15,074 unidentified dead bodies;⁴⁶ 70–80 per cent of these are estimated to be of homeless persons. No investigation, however, is conducted into homeless deaths, neither is anyone held accountable.

23. Recommendations:

- Address structural causes of homelessness/landlessness in urban/rural areas. Create adequate shelters, short-stay homes, and recovery facilities for the homeless, especially women, children, and older persons.
- Allocate houses to homeless persons with mental illness and persons with mental illness at risk of homelessness.
- Repeal all anti-begging/anti-vagrancy laws.
- Prevent and investigate homeless deaths.

IV. Forced Evictions

24. Forced evictions, generally without due process or adherence to human rights standards,⁴⁷ continue unabated across India. Most low-income households do not enjoy security of tenure over housing/land. Government and private forces, often in collusion, demolish settlements and evict residents under the garb of 'urban renewal' and 'slum-free city' schemes. The rhetoric of 'illegality,' 'encroachment,' and increasingly 'resettlement' is also used to usurp land occupied by EWS/LIG and to use the vacated land for profitable enterprises favouring affluent populations, thereby reducing the space for the urban poor to live and work.⁴⁸
25. The large majority of evictions are not carried out for a genuine 'public purpose.' The state and its agencies normally do not conduct social/eviction impact assessments to determine the potential losses of an eviction/relocation. Where force is used during the eviction/demolition process, people suffer injuries and occasionally death.⁴⁹
26. Between 2012 and 2016, over 209,000 people in urban areas have been evicted forcefully.⁵⁰ These evictions have resulted in the loss of livelihoods, education, housing, health, security, access to basic services, and income. Inadequate living conditions in the aftermath of evictions sometimes result in chronic health issues and death of affected persons, but the state is never held accountable.⁵¹ An 'eviction impact assessment' in Topsia, Kolkata revealed that 383 extremely marginalized evicted families suffered a cumulative loss of assets worth more than Rs 10 million,⁵² while in Baljeet Nagar, Delhi, each evicted family suffered a loss of over Rs 150,000.⁵³ Between June and July 2016, over 200 families in Delhi lost their homes valued at between Rs 70,000–200,000.⁵⁴ No compensation, however, is ever paid to affected families for the colossal losses resulting from forced evictions; neither do they receive adequate restitution by the state.
27. Several Smart City Proposals include plans for relocation/eviction of the poor. Already, forced evictions have been witnessed in some potential 'smart cities.'⁵⁵

28. Recommendations:

- Impose a moratorium on forced evictions.
- Implement UN guidelines on evictions and displacement.⁵⁶
- Ensure that ‘smart cities’ do not promote evictions/segregation/forced relocation.
- Provide reparation/restitution for victims of forced evictions/internally displaced persons (IDPs) and others who face violations of their housing/land rights. Officials responsible for evictions and related violence should be investigated and tried according to the law.

V. Project-induced Displacement

29. India has the highest number of people displaced from ostensible ‘development’ projects – over 70 million since its independence (1947).⁵⁷ These include the construction of dams, ports, and roads; thermal power, irrigation, and mining projects; industrial development; and Special Economic Zones (SEZs).⁵⁸ This issue was raised by the Committee on Economic, Social and Cultural Rights.⁵⁹ Of those displaced, 40 per cent are indigenous/tribal peoples while 20 per cent are SC/Dalits.⁶⁰ In certain cases, families have been displaced multiple times. The National Human Rights Commission stated that, “...usually those displaced are given neither adequate relief nor the means of rehabilitation”⁶¹ while a parliamentary committee reported that, “Only a third of displaced persons of planned development have been resettled.”⁶²
30. A CAG report on SEZs⁶³ reveals discrepancies in their functioning, especially regarding land acquisition and use. Of 392 notified SEZs, only 152 were operational. Land allotted to 53 per cent of approved SEZs had not been put to use. In 30 SEZs, land had been lying idle in the custody of developers for two to seven years. Fourteen per cent of the land was de-notified and diverted for commercial purposes. Many tracts of these lands were acquired invoking the ‘public purpose’ clause. The report cautions against the acquisition of agricultural land and highlights the failure of developers to provide adequate resettlement.
31. Large dams in India have resulted in widespread displacement, livelihood loss, and human rights violations. While 250,000 people displaced from the Sardar Sarovar Project on the River Narmada are yet to be resettled, a height increase from 121.92 metres to 138.68 metres was sanctioned in June 2014. This will result in the submergence of property and farmland of all affected families. Eighty-five per cent of farmers displaced from the Indira Sagar Dam have become landless workers.⁶⁴ In October 2015, the National Green Tribunal prohibited closing of the Maheshwar Dam gates until completion of rehabilitation of all project-affected people.⁶⁵
32. Several dams in northeast India, including Mapithel Dam⁶⁶ and Tipaimukh Hydel Power Project (Manipur), Subansiri Lower Hydroelectric Power Project⁶⁷ and Dibang Hydroelectric Project (Arunachal Pradesh), and projects on Teesta River (Sikkim) will result in ecological destruction, livelihood and housing loss, and displacement, mostly of indigenous communities. On 31 August 2016, the Prime Minister’s Office sought clarification on the commissioning of Mapithel Dam.⁶⁸
33. Consisting of 86 planned irrigation projects in Andhra Pradesh at a cost of Rs 1.86 trillion, Jalayagnam is estimated to affect 546 villages. A CAG report⁶⁹ listed 132,135 families as ‘project-affected’ and 129,739 families as ‘projected-displaced.’ It highlighted irregular cost escalations and failed resettlement for affected families, especially in terms of alternative housing. Though Jalayagnam

has been criticized for its scale, costs, feasibility, and environmental and human rights impacts,⁷⁰ construction of about 45 projects is underway.

34. Envisaged to connect 37 Indian rivers with 30 links at a reported cost of USD 168 billion, the Interlinking of Rivers Project ostensibly aims to provide water to deficit areas. The major concerns include ecological destruction, displacement, circumvention of democratic procedures, and non-consideration of alternatives. In the absence of comprehensive impact assessments, independent estimates claim it will displace at least 1.5 million people directly, with additional downstream impacts.⁷¹
35. Thermal power projects have resulted in mass displacement, especially in coal-rich districts. Seventeen thermal power projects planned in Singrauli, Madhya Pradesh will cause more displacement.⁷² Three projects—Karchana, Bara, and Meja—in Allahabad will impact over 20 villages, affecting about 5000 families. Allegedly, farmers affected by these projects were not consulted prior to acquisition of their land.⁷³
36. Many of India's coal reserves are located in Chhattisgarh, Jharkhand, and Odisha where more than a quarter of the tribal/indigenous/adivasi population lives. One in six of the 87,000 people displaced over the past 40 years by state-owned Coal India Limited (CIL) is tribal/adivasi.⁷⁴ CIL's proposed expansion of the Kasmunda Open Cast Mine in Chhattisgarh, to 62.5 metric tonnes per annum, will displace 9250 families in 17 villages. Another 6400 people face the threat of eviction by subsidiaries of CIL in Tetariakhar (Jharkhand), and 3570 in Basundhara (Odisha).⁷⁵ At the end of May 2016, the central government had earned Rs 22.3 billion from the allocation of 74 coal mines under the Coal Mines (Special Provisions) Act 2015.⁷⁶
37. In August 2013, members of the Dongria Kondh community in Odisha—in a historic referendum—rejected Vedanta Alumina's⁷⁷ bauxite mining proposal in the Niyamgiri Hills, as it threatened to displace them from their sacred ancestral land. In May 2016, the Supreme Court rejected a petition filed by the Odisha Mining Corporation to review the decision of the community.⁷⁸
38. The proposed construction by POSCO of a USD 12 billion steel plant in Odisha threatened to displace over 22,000 people. The Odisha Industrial Development Corporation forcefully acquired about 2700 acres of land, of which 1700 acres were handed over to POSCO. In April 2016, as a result of sustained local resistance, POSCO announced plans to move its project out of Odisha.⁷⁹ Affected persons are demanding compensation for loss of crops and livelihoods, and have filed cases in the Orissa High Court seeking return of their land under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.⁸⁰
39. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act 2013⁸¹ includes provisions for social impact assessment; compensation to be paid within a specified timeframe; and, rehabilitation and resettlement for affected families. In 2014–2015, however, the government made several attempts to dilute its provisions, including through the introduction of ordinances and an amendment bill, but did not succeed.⁸² Contrary to government claims, only eight per cent of projects have been stalled as a result of problems related to land acquisition.⁸³

40. Recommendations:

- Implement the LARR Act 2013 while incorporating a human rights definition of ‘public purpose’ and international standards, including for adequate rehabilitation.
- Conduct human rights impact assessments for all projects prior to their finalization.
- Ensure the free and prior informed consent of affected persons.
- Collect and publish disaggregated data on displacement.

VI. Land Acquisition by Armed Forces

41. Military presence in the northeast and the Kashmir Valley has resulted in the acquisition of land by armed forces, including for the development of firing ranges. By 2013, the Indian Army had appropriated more than 100,000 acres of land, including agricultural, horticultural, forest, and vacant land in Kashmir.⁸⁴ Compensation to land-owners has been nominal/unpaid. The army occupied horticultural land in Shopian, adversely affecting livelihoods and the ecosystem.⁸⁵ In Tosamaidan, several deaths and injuries resulted from unexploded shells. After the Army’s land lease expired in 2014, the state government has not renewed it.⁸⁶

VII. Failed Resettlement

42. In the majority of cases of forced evictions, the government does not provide rehabilitation to affected persons on grounds that they are ‘encroachers/ineligible.’ Most states have a ‘cut-off’ date before which the individual/family should have been living in the city in order to be considered ‘eligible’ for resettlement.⁸⁷ Most families are unable to fulfil the requirements because the state regularly renews their documents (which, therefore, do not meet the ‘cut-off’ date) and also because they lose vital documents during eviction/demolition processes.

43. For the small minority considered ‘eligible’ for resettlement, the state provides alternative plots or flats in undeveloped locales, generally on city peripheries, at great distances from affected persons’ places of work, education, healthcare, and worship. Residents of most resettlement sites report tenure insecurity; inadequate housing; absence of basic services such as water, sanitation, healthcare, electricity, and transport; lack of safety for women and children; and, loss of education, livelihoods/income, and health.⁸⁸ In Indore, inadequate conditions in resettlement sites have resulted in the death of 35 persons.⁸⁹

44. Recommendations:

- Focus on participatory *in situ* (on site) upgrading of settlements, and stop forced relocation/segregation.
- Abolish ‘cut-off dates’ for the urban poor.
- Implement human rights standards in all resettlement sites.⁹⁰

VIII. Impacts of Disasters

45. Between 2008 and 2014, India recorded the third largest number of people displaced from natural disasters in the world (30 million).⁹¹ In 2015, disasters displaced 3.7 million people in India, the second highest in the world and the highest in South Asia.⁹² India's great risk results from its large number of vulnerable people and high population density. Vulnerability to disasters increases as a result of unplanned development and large numbers of people living without access to adequate housing, water, health, and sanitation.⁹³
46. While India passed the National Disaster Management Act in 2005⁹⁴ and created a National Disaster Management Authority, which has taken several steps toward disaster risk reduction, the approach to disaster management in the country is not based on human rights.
47. In 2013, CAG noted deficiencies in disaster-preparedness; lack of monitoring and timely inputs; incomplete dissemination of data for early warning systems; and, non-finalization of the National Plan for Disaster Management.⁹⁵
48. India faces a high risk from the impacts of climate change.⁹⁶ While India has ratified the Paris Agreement and its Intended Nationally Determined Contribution (INDC) document⁹⁷ affirms a strong commitment to addressing climate change, efforts must be made to ensure that nuclear energy and hydroelectric power through large dams are not promoted.
49. The Tamil Nadu floods (November–December 2015) severely impacted homeless/precariously-housed persons. The rehabilitation process, however, forced low-income communities to relocate to inadequate sites⁹⁸ on the outskirts of Chennai. Floods in 2016 displaced two million people in Bihar⁹⁹ and 1.2 million in Assam.¹⁰⁰ Over one million people displaced from river erosion in Bengal, since 1970, have not been adequately rehabilitated. Drought in 2015–2016 has affected over 330 million people in 11 states.¹⁰¹
50. Failed/delayed rehabilitation of disaster-affected persons is a major concern. Though large amounts of funds are announced for relief, in most cases the compensation paid is insufficient and late. This also results from inadequate loss assessments. Even two years after the Kashmir floods (2014), affected families have not received compensation for their losses. Despite the state promise, families impacted by Cyclone Hudhud (2014) in Andhra Pradesh and Telangana have not received financial assistance and had to take loans at high rates of interest to reconstruct their houses.¹⁰²
51. Discrimination against women and Dalits/SC in post-disaster response is a serious concern. Lower-caste communities do not have the same access to emergency aid such as clean water, food, or shelter.¹⁰³

52. Recommendations:

- Incorporate a human rights approach to disaster management, with a focus on gender equality and non-discrimination.
- Ensure that climate change mitigation/adaptation strategies, and the implementation of India's INDC protect human rights and do not promote evictions/displacement/forced relocation.

IX. Conflict-induced Displacement

53. As of December 2015, 612,000 people were displaced from conflict and religious violence.¹⁰⁴ States with conflict-induced IDPs include Jammu and Kashmir, Uttar Pradesh, Chhattisgarh, Gujarat, Assam, Nagaland, Mizoram, and Tripura. Since 1990, about 60,500 Kashmiri Pandit families have been registered as displaced and continue to live in inadequate conditions.¹⁰⁵ The Chhattisgarh government has not facilitated the return of conflict-displaced families to their villages. In 2016, about 16,000 of the 200,000 Muslims displaced during the 2002 Gujarat violence are still living in 83 inadequate colonies.¹⁰⁶ Conflicts in northeast India resulting from land alienation, influx of outsiders, and struggle for natural resources, have caused widespread displacement.¹⁰⁷ As of June 2016, over 34,000 Bru people displaced from Mizoram were still living in Tripura.¹⁰⁸
54. A strong link exists between displacement for 'development projects' and conflict. At least one-fourth of India's districts are affected by land conflict, mostly as a result of state takeover of land for private investors.¹⁰⁹

55. Recommendation:

- Provide adequate living conditions in relief camps and enable conflict-induced IDPs to return home with security and safety.

X. Discrimination and Marginalized Groups

56. IDPs, especially women and children, suffer from numerous violations of their human rights.
57. SC/Dalits, including women, regularly confront discrimination and violence while trying to access housing and land. They own the lowest percentage of land in rural India (9.23 per cent); the average area owned per SC household is 0.27 hectares.¹¹⁰ In many villages, Dalit settlements are located on peripheries without adequate access to basic services. Purchase of land by SC is difficult and incidents of forcible occupation by other castes of land distributed to SC are common.¹¹¹
58. The share of rural land owned by Scheduled Tribes is 13.06 per cent, while the average area of land owned per ST household is 0.65 hectares. ST have suffered disproportionately from forced land acquisition and displacement. Land has been acquired in tribal areas for projects including mining, industrialization, and other non-agricultural purposes.¹¹² The Fifth and Sixth Schedules of the Constitution protect tribal lands, but are violated. In Tripura, land in Schedule Six areas is being allotted to government agencies, security forces, and non-tribals.¹¹³ Forest-dwelling Particularly Vulnerable Tribal Groups have been rendered landless by declarations of Reserved/Protected Forest.¹¹⁴ Nomadic, semi-nomadic, and denotified¹¹⁵ tribes live in inadequate conditions without tenure security.¹¹⁶ Recommendations for providing housing/land and basic amenities to them are not implemented.¹¹⁷
59. The Sachar Committee (2006) highlighted housing discrimination faced by Muslims in non-Muslim areas and in accessing home loans.¹¹⁸ The Post-Sachar Evaluation Committee (2014) noted poor living conditions of Muslims in urban areas, and the lack of basic services in settlements with high Muslim populations in urban and rural areas.¹¹⁹ Studies highlight 'housing apartheid' faced by Dalits and Muslims.¹²⁰

60. Women face multiple layers of discrimination with regard to access, control, ownership, and inheritance of land, property, and housing. The worst marginalization is experienced by women who are homeless/landless; displaced; SC/ST; single, including widows; migrant; of sexual and religious minorities; and, living with mental illness, HIV/AIDS, disability, and poverty. A larger proportion of female-headed households live in 'no exclusive room' and in 'one room' dwelling units compared to male-headed households. The household size for female-headed households is also smaller than those of male-headed households.¹²¹ While 85 per cent of rural women work in agriculture, only 13 per cent own land.¹²² Despite amendments in law, women face obstacles in exercising property/land rights.¹²³ Single women constitute 8.6 per cent of India's female population and experience several taboos and challenges while accessing housing/land. Land rights of widows of farmers who committed suicide¹²⁴ because of indebtedness are increasingly threatened while they have to address the burden of debt repayment.¹²⁵
61. Eight million children under six years live in approximately 49,000 'slums' across India.¹²⁶ Homeless children, street children, displaced children, and those living in low-income settlements, relief camps, resettlement sites, and other precarious locations, suffer from insecurity, malnutrition, adverse health, increased vulnerability to diseases, and the absence of secure places to play and grow. India, reportedly, has the highest number of street children in the world but no policy for them.
62. While several central and state government schemes attempt to address housing needs of persons with disabilities through reservation, discounted rates, and preferential allotments, they are not adequate given the many obstacles that individuals with disabilities have to confront. Principles for a barrier-free housing policy find mention in some policies,¹²⁷ but are not implemented.¹²⁸
63. Sexual minorities face discrimination, stigma, and atrocities, including with regard to housing. They encounter various obstacles in accessing rental housing and frequently have to change their residence.¹²⁹
64. Former residents of enclaves in India/Bangladesh lost their rights over their land, and live in inadequate conditions in camps without access to water, food, and sanitation.¹³⁰

65. Recommendations:

- Develop a national policy for IDPs and implement the Guiding Principles on Internal Displacement.¹³¹
- Recognize community rights over land and prevent land alienation/displacement. Restore land to released bonded labourers.¹³²
- Protect women's rights to housing/land/property/inheritance. Promote awareness on, and ensure adequate implementation of, the Protection of Women from Domestic Violence Act 2005 and the Hindu Succession (Amendment) Act 2005.
- Amend laws/policies to address housing and other needs of persons with disabilities. Ensure that the Building Bye-laws 2016 protect their rights.
- Rehabilitate enclave dwellers and provide them with tenure security.

XI. Persecution of Housing and Land Rights Defenders

66. People struggling to defend housing and land rights across India are often targeted by the state and subjected to violence, defamation, arbitrary arrests, and illegal detention.¹³³ On 14 April 2015, the police fired at villagers gathered at the Kanhar Dam site to protest the loss of their homes and lands. The firing severely injured nine persons and caused minor injuries to 35 others. On 18 April 2015, the police again fired at locals. On 30 June 2015, the police arbitrarily arrested three women and four men while they were preparing for a rally, on the basis of fabricated cases.¹³⁴ They were held in Mirzapur Jail for two–three months until they were granted bail.¹³⁵
67. Villagers and activists protesting the POSCO project in Odisha have suffered from state violence and repression for the past decade. Almost 400 false cases and 2500 warrants have been issued against them; this has resulted in people being arrested and arbitrarily detained in prison, often for long periods of time. Four persons lost their lives in the struggle.¹³⁶
68. Residents of Mandala, Mumbai, witnessed demolition of their homes and police atrocities in June 2015. During the demolition, the police arrested about 200 people and levied false charges against them. They were arbitrarily detained in five police stations and released later. In August 2016, three evicted women from Rangpuri Pahadi, Delhi were beaten by the police and arbitrarily detained in jail on false charges.
69. The Armed Forces Special Powers (Assam and Manipur) Act 1958 is being used against people resisting projects that threaten their lands and livelihoods. The area around the Mapithel Dam in Manipur is militarized and people opposing the dam have been treated as ‘militants’ and termed ‘anti-national.’¹³⁷

70. Recommendation:

- Implement recommendations of the Special Rapporteurs on human rights defenders and the rights of indigenous peoples.

XII. Access to Justice

71. Avenues to access remedy and justice for the poor in India are limited, including in part to low levels of legal literacy and the absence of adequate legal aid facilities.
72. Progressive laws¹³⁸ are not always implemented while some laws impede access of marginalized communities to justice.¹³⁹
73. The Indian judiciary’s record with regard to housing and land is a mixed one. While certain judgments, including of the Supreme Court of India and the High Court of Delhi have upheld the right to housing as integral to the right to life, stayed evictions, recognized land rights of communities, and protected human rights of the homeless, others have ordered evictions. In Bengaluru, Patna, and Chennai, courts have sanctioned demolitions of low-income settlements. The Supreme Court recently ordered the return of agricultural land acquired for a car factory to the original owners.¹⁴⁰ The lack of consistency in judgments reflects an unresolved conflict between attempting to incorporate the

right to housing in the fundamental rights framework and allowing the state to proceed with its macro-economic policies promoting 'slum-free cities.' Unfortunately, justice for the poor continues to depend on the proclivity of individual judges rather than on the commitment of the judiciary to uphold law, defend rights, and administer justice.

74. Recommendations:

- Implement progressive court judgements and develop monitoring mechanisms for their implementation.
- Promote access to legal aid for low-income groups, women, and marginalized communities.
- Promote human rights education, including of international law/guidelines for government, judicial, and legal officials, and local communities.

XIII. International Cooperation

75. Both UPR I (86.11 and 86.14) and II (138.66 and 138.70) recommended working with the UN system.¹⁴¹

76. India invited the Special Rapporteur on adequate housing on mission in April 2016.¹⁴² In July 2016, India submitted its report for Habitat III.¹⁴³ In October 2016, India ratified the Paris Agreement.

77. Recommendations:

- Implement recommendations of UN Special Procedures, treaty bodies (including the Committee on Economic, Social and Cultural Rights (CESCR) 2008), and UPR. Meet reporting timelines and submit India's overdue report to CESCR.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (UPR II 138.18).
- Integrate the Sustainable Development Goals and corresponding targets (including on housing and land) into policy implementation. Link these goals with corresponding human rights obligations on housing and land.

XIV. General Recommendations

78. Promulgate and implement a national human right to adequate housing law,¹⁴⁴ which also commits to ending homelessness and forced evictions, and provides security of tenure.¹⁴⁵

79. Revise macroeconomic policies to prevent privatization of basic services.

80. Restrict foreign investment and PPP in housing/land. Regulate market forces to prevent evictions, segregation, speculation, and discrimination.

81. Develop better coordination between government ministries working on housing and land issues and with national human rights institutions (NHRIs), as recommended in UPR II (138.58). NHRIs should independently investigate violations of housing and land rights and take action on reparations, and not defer to state government reports.

82. Collect disaggregated data (UPR II 138.71) on housing/land ownership, forced evictions, and displacement, especially with regard to gender.¹⁴⁶

XV. Conclusion

83. The human rights to adequate housing and land are integrally linked to the rights to life, work/livelihood, food, water, sanitation, security of the person and home, health, education, and freedom of movement and residence. It is imperative that states ensure the progressive realisation of these rights for all, without discrimination.

84. The UPR provides an opportunity for India to reflect on its legal and moral obligations; monitor and report on progress in implementing international human rights law/policy/guidelines and recommendations; and, reaffirm commitments to promoting human rights.

85. The UPR also enables states to collaboratively strengthen the UN human rights system and to promote the recognition and realisation of economic, social, and cultural rights, including the rights to adequate housing and land, on par with civil and political rights.

Annexure One

Implementation of UPR I and UPR II Recommendations Related to Housing and Land

Table I: Status of Implementation of UPR II Recommendations

	UPR II Recommendation Report of the Working Group, A/HRC/21/10	Status of Implementation with Regard to Housing and Land Rights
ADEQUATE LIVING CONDITIONS, POVERTY ERADICATION, AND SOCIO-ECONOMIC DEVELOPMENT		
1.	<p>Recommendation 138.137</p> <p>Continue to implement plans adopted in the area of housing and rehabilitation, particularly the plan launched in 2011 aimed at preventing the construction of new slums (Algeria).</p>	<p>Several schemes have been adopted to address housing, but they lack a human rights approach. The 2011 scheme (Rajiv Awas Yojana) has been replaced by the Pradhan Mantri Awas Yojana (Prime Minister’s Housing Scheme) with ambitious targets to construct 20 million houses in urban and 30 million houses in rural areas by 2022 (By 2019, it aims to build 10 million permanent houses in rural areas). While this is a commendable and welcome step, the scheme needs to focus on the realization of the human right to adequate (including affordable) housing for the most marginalized.</p> <p>Financial irregularities have been reported in schemes for rural housing (Indira Awas Yojana) and the urban homeless (National Urban Livelihoods Mission – Scheme of Shelters for Urban Homeless).</p> <p>The ‘slum-free city’ and increasingly, the ‘smart city’ agenda are resulting in demolition of slums and forced evictions/relocation to city peripheries instead of focusing on <i>in situ</i> (on site) upgrading and housing improvement.</p> <p>India passed The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act in 2013. The central government, however, has attempted to dilute its provisions through ordinances and an amendment bill (pending). Some states have also passed their own laws.</p>
2.	<p>Recommendation 138.130</p> <p>Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities (Viet Nam).</p>	<p>While some social sectors received budget cuts, the allocation for the Pradhan Mantri Awas Yojana (Prime Minister’s Housing Scheme) was increased in the financial year 2016–17. Though the allocation to the Ministry of Housing and Urban Poverty Alleviation has increased from the revised estimate of 2015–16, it is less than the budgeted estimate of 2015–16. Of the total budgetary allocation, the share for the Ministry of Housing and Urban Poverty Alleviation is just 0.27 per cent.</p> <p>Under the scheme of Pradhan Mantri Awas Yojana – Gramin (Rural), the government has declared the construction of 10 million dwelling units in rural areas by 2019, for which Rs 120,000</p>

	UPR II Recommendation Report of the Working Group, A/HRC/21/10	Status of Implementation with Regard to Housing and Land Rights
		terrains) of financial assistance will be sanctioned for each unit of construction of a permanent house for the rural homeless and those living in dilapidated houses. (in the plains) and Rs 130,000 (in hilly areas/difficult
3.	<p>Recommendation 138.134</p> <p>Make efforts to eliminate the large gap that exists between the rich and the poor (Chad).</p>	<p>Inequality is increasing, largely as a result of market-driven/ neoliberal economic policies and the absence of human rights approaches to development.</p> <p>Intensive focus on the private sector and public-private partnership (PPP) models, including for housing, dilute state welfare functions, reduce state accountability and responsibility, and further income gaps.</p> <p>Adequate investment in, and enforcement of, housing for economically weaker sections (EWS), despite the rhetoric, is not sufficient.</p> <p>Forced evictions and demolitions of low-income settlements continue to increase the housing shortage, and exacerbate poverty and inequality between the rich and poor.</p> <p>The modalities of the Smart Cities Mission, including the focus on PPP, relocation of low-income settlements from city centres to peripheries, and the creation of a parallel governance structure – the Special Purpose Vehicle – have portents of increasing inequality in access to housing.</p> <p>Land acquisition and large infrastructure projects, especially with regard to large dams and mining, continue to displace the rural poor.</p>
4.	<p>Recommendation 138.141</p> <p>Continue consolidating programmes and socio-economic measures essential to achieve poverty reduction and social exclusion to the utmost well-being of its people.</p>	<p>Several new central government schemes related to housing and urban development have been launched. While some of these have positive provisions in theory and call for convergence, there is no concrete effort to consolidate them, resulting in confusion, overlap, and the possibility of financial leakages and poor implementation.</p> <p>The new schemes are touted as pro-poor but if not implemented within a human rights framework, they could result in increased segregation, exclusion, and denial of human rights to low-income and marginalized populations.</p>
5.	<p>Recommendation 138.142</p> <p>Continue efforts to eradicate poverty and to better living conditions as well as increase job opportunities (Kuwait).</p>	<p>India has the world’s largest number of people, 632 million, living in multidimensional poverty (UNDP, 2014).</p> <p>Though the Government of India has reported a reduction in national poverty, living conditions of the urban and rural poor are worsening in many areas.</p>

	UPR II Recommendation Report of the Working Group, A/HRC/21/10	Status of Implementation with Regard to Housing and Land Rights
6.	<p>Recommendation 138.143</p> <p>Further strengthen the efforts in poverty eradication, paying special attention to the rural population (Myanmar).</p>	<p>Census 2011 recorded a 37.14 per cent decadal growth in the number of 'slum' households. Over 17 per cent of the urban population or almost 14 million households (65-70 million people) live in inadequate settlements without access to basic services. Census 2011 reveals that 36 per cent of households in such settlements do not have basic facilities of electricity, tap water, and sanitation within house premises.</p>
7.	<p>Recommendation 138.144</p> <p>Continue to advance the progress already underway on poverty eradication and improve the enjoyment of the most basic human rights of the people, especially women and children (Singapore).</p>	<p>Rural landlessness, agrarian distress, forced migration, and farmer suicides as a result of increased indebtedness and impoverishment are on the rise.</p> <p>India also has the largest number of homeless and landless persons (over 500 million) in the world. According to the Socio-economic and Caste Census 2011, about 30 per cent (53.7 million) of landless households derive a major part of their income from manual work.</p>
8.	<p>Recommendation 138.145</p> <p>Continue encouraging socio-economic development and poverty eradication (Cuba).</p>	<p>The national rural housing shortage was 40 million households at the end of 2012; 90 per cent of this shortage was for below poverty line families.</p>
EQUALITY AND NON-DISCRIMINATION		
9.	<p>Recommendation 138.47</p> <p>Take adequate measures to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons (Germany).</p>	<p>The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 is seldom used in cases of forced eviction, land alienation/grabbing, and violence against Scheduled Castes/ Scheduled Tribes related to housing and land issues. There is thus no conviction of those responsible for carrying out such violations.</p>
10.	<p>Recommendation 138.83</p> <p>Continue incorporating the gender perspective in programmes and development plans with positive measures to the effective promotion and protection of women's rights (Venezuela – Bolivarian Republic of).</p>	<p>Partially implemented.</p> <p>Laws and policies protecting women's rights to adequate housing, property, land, inheritance, and security are not adequate.</p> <p>Though efforts have been made by the government to register housing/property in the names of women and to accord titles of state-provided housing jointly in the names of women and men, implementation is not always sufficient.</p>
11.	<p>Recommendation 138.86</p> <p>Continue following-up on steps taken to eliminate discrimination against women, including through awareness raising and continuous strengthening of the relevant legal and institutional frameworks (Egypt)</p>	<p>While the Protection of Women from Domestic Violence Act 2005 and the Hindu Succession (Amendment) Act 2005 contain positive provisions for women's rights to housing and property, awareness on these laws is low and implementation is weak.</p> <p>Most of the new schemes related to housing and land, such as Smart Cities Mission and Atal Mission for Rejuvenation and Urban Transformation, do not have a strong gender perspective. The Land Acquisition and Resettlement Act 2013 is also weak on women's rights.</p>

	UPR II Recommendation Report of the Working Group, A/HRC/21/10	Status of Implementation with Regard to Housing and Land Rights
12.	<p>Recommendation 138.79</p> <p>Continue its legal efforts in the protection of women and children’s rights as well as improve measures to prevent violence against women and girls, and members of religious minorities (Iran);</p>	<p>Implementation of laws and policies protecting women’s rights, including recognizing their equal security of tenure are not fully implemented. Often, awareness on these legal provisions is low.</p> <p>Violence, including sexual violence, against homeless women is acute and continues to be unaddressed. Women living in resettlement sites and low-income settlements also face severe violations of their human rights, including to housing, health, water, sanitation, food, safety and security, and livelihood/work.</p>
13.	<p>Recommendation 138.74</p> <p>Address the inequities based on rural-urban divide and gender imbalance (Botswana).</p>	<p>The government has launched a National Rurban Mission with the ostensible aim of increasing investment in rural areas, bridging the rural-urban divide, and creating ‘smart villages.’ The scheme, however, does not mention concrete budgetary allocations and monitoring mechanisms.</p> <p>Pradhan Mantri Awas Yojana – Gramin (Prime Minister’s Housing Scheme - Rural), intended to replace the rural housing scheme Indira Awas Yojana, commits to building 30 million houses in rural areas by 2022. For the next three years (until 2019) it aims to build 10 million houses with a sanctioned budget of Rs 820 billion.</p> <p>Issues of forced land acquisition, displacement, migration, landlessness and agrarian/land reform in rural areas are not being adequately addressed by the state.</p> <p>Discrimination with regard to women’s ownership and control of land and housing is acute. Only about 13 per cent of women in India own land.</p> <p>India has 27 million female-headed households. They constitute 12 per cent of urban households and 10.4 per cent of rural households (Census 2011) but do not receive adequate attention in policy and practice.</p>
14.	<p>Recommendation 138.75</p> <p>Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved (Ghana).</p>	<p>Mechanisms to monitor the progressive realization of the right to adequate housing are absent, including for the Housing for All–2022 scheme and the Smart Cities Mission.</p> <p>Discrimination against Scheduled Tribes and Scheduled Castes with regard to access to housing and land is severe. Over 40 per cent of those displaced from infrastructure projects are Scheduled Tribes while 20 per cent are Dalits/Scheduled Castes.</p> <p>Discrimination against Dalits and Muslims, especially with regard to rental housing, is prevalent. This is resulting in growing ghettoization and deteriorating living conditions in many areas.</p>
15.	<p>Recommendation 138.71</p> <p>Continue its efforts to eliminate discrimination against and empower marginalized and vulnerable groups</p>	<p>Intersectionality results in multiple levels of discrimination especially on intersecting axes of caste, gender, age, and income.</p>

	UPR II Recommendation Report of the Working Group, A/HRC/21/10	Status of Implementation with Regard to Housing and Land Rights
	<p>particularly by ensuring effective implementation of relevant laws and measures through proper and active coordination among line ministries, national and state governments; by extending disaggregated data to caste, gender, religion, status and region; and by increasing sensitization and reducing discriminatory attitudes among law enforcement officers through human rights education and training (Thailand).</p>	
16.	<p>Recommendation 138.72</p> <p>Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens (United States of America).</p>	<p>Partially implemented.</p> <p>While some progressive laws exist, such as the Forest Rights Act 2006, the Prevention of Women from Domestic Violence Act 2005, the Hindu Succession (Amendment) Act 2005, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 1989, and the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act 2013, implementation is weak.</p> <p>LGBTQI communities continue to face discrimination, including in accessing housing; the law criminalizes them.</p>
17.	<p>Recommendation 138.76</p> <p>Continue working on the welfare of children and women (Nepal).</p>	<p>Partially implemented.</p> <p>The feminisation of poverty is increasing in India, especially in rural areas.</p> <p>Women and children suffer the worst impacts of inadequate living conditions, forced evictions, homelessness, and displacement, including loss of livelihoods, education, health and healthcare, and security.</p> <p>Female-earning households are uniformly disadvantaged and disempowered, irrespective of their caste and religion affiliations. The lack of employment opportunities acts as an obstacle toward their financial inclusion. In ‘emerging’ rural areas, the annual income of female-earning households is less than half that of male-earning households (at 46 per cent), while in the ‘underdeveloped’ rural areas it is 69 per cent.</p> <p>Homeless women face the most extreme forms of violence, including sexual assault.</p> <p>Street children witness the worst forms of marginalization and deprivation, but there is no national data or comprehensive policy on street children in India.</p>

	UPR II Recommendation Report of the Working Group, A/HRC/21/10	Status of Implementation with Regard to Housing and Land Rights
18.	<p>Recommendation 138.82</p> <p>Review the budgets and social laws taking into account gender issues (Morocco)</p>	<p>Budgetary allocations to promote women’s rights, especially economic, social, and cultural rights, need to be increased, including for women’s land and housing rights and entitlements, as well as for legal awareness and legal aid for women.</p>
19.	<p>Recommendation 138.167</p> <p>Ensure better protection for persons with disabilities and the elderly (Senegal)</p>	<p>Access to housing and basic services remains a struggle for these groups.</p> <p>While several housing schemes contain provisions for persons with disabilities, including preferential allotment, they are not sufficient and implementation is weak.</p> <p>Provisions to protect housing rights of persons with disabilities and older persons need to be strengthened, including in building codes, and existing provisions need to be implemented.</p>
WATER AND SANITATION		
20.	<p>Recommendation 138.138</p> <p>Ensure that every household enjoys the right to safe drinking water and sanitation.</p>	<p>Partially implemented.</p>
21.	<p>Recommendation 138.139</p> <p>Further accelerate the sanitation coverage and the access to safe and sustainable drinking water in rural areas.</p>	<p>India has the highest number of people practicing open defecation. This especially increases the vulnerability of women and girls to violence, and also impacts their rights to security and to live with dignity. The government launched a large national campaign called Swachh Bharat Mission (SBM or Clean India Mission) in 2014. Its focus is to provide adequate sanitation facilities to all households and make India ‘open-defecation free’ by 2019. While the scheme has noteworthy targets, reportedly, progress is slow. Also sanitation needs to address issues beyond toilet construction. (The Ministry of Water and Sanitation tracks the number of toilets built under SBM: http://sbm.gov.in/sbmdashboard/Default.aspx)</p> <p>Discrimination, especially against Dalits, with regard to access to water and sanitation is acute, especially in rural areas. Instances of violence against Dalits, especially women, are rampant when they try to assert their right to water. Despite the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act 2013, a large number of Dalits, especially women, are employed to do this inhuman work.</p>

	UPR II Recommendation Report of the Working Group, A/HRC/21/10	Status of Implementation with Regard to Housing and Land Rights
NATIONAL COORDINATION		
22.	Recommendation 138.57 Intensify its efforts and measures to consolidate the state of law and its national mechanisms on human rights (Viet Nam)	Implementation is partial. National and state human rights institutions need to be strengthened and should independently investigate violations of housing and land rights and take action, including for reparation, and not just defer to state government reports.
23.	Recommendation 138.58 Further coordination among relevant national authorities and human rights institutions (Egypt).	Coordination among and between various ministries and national human rights institutions needs to improve. The issue of urban housing in India is addressed by the Ministry of Housing and Urban Poverty Alleviation while the Ministry of Rural Development is responsible for rural housing issues. Land issues are mostly dealt with by state governments. There needs to be better coordination among all central government ministries, and state and central governments to ensure a holistic and comprehensive human rights-based approach to housing and land. Rural and urban need to be treated as two ends of the same spectrum with consolidated policies to better address the linkages and inter-related impacts. While national human rights institutions are regularly approached for violations of housing and land rights, they often defer to the reports of government authorities and close cases without conducting independent investigations to verify facts and on-the-ground realities.
INTERNATIONAL COOPERATION		
24.	Recommendation 138.18 Sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights... (Portugal)	Not implemented. India has not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
25.	Recommendation 138.65 Implement Treaty Body recommendations and develop a National Action Plan to eliminate all forms of discrimination (Slovenia).	Recommendations of treaty bodies (especially the 2008 Concluding Observations of the Committee on Economic, Social and Cultural Rights) have not been fully implemented. (See Annexure Two of this report for a list of treaty bodies that have made recommendations to India on housing and land issues.) There seems to be no initiative within the government to develop a national action plan on human rights. The last effort by the National Human Rights Commission in 2008 was abandoned without explanation.

	UPR II Recommendation Report of the Working Group, A/HRC/21/10	Status of Implementation with Regard to Housing and Land Rights
26.	Recommendation 138.68 Implement the recommendations made by the Special Rapporteur on the rights of human right defenders following her visit in 2011, with particular emphasis on recommendations that concern defenders of women’s and children’s rights, defenders of minorities rights, including Dalits and Adivasi, and right to information activists (Norway)	Not implemented. The recommendations related to land and housing rights defenders are not being adequately implemented, as they continue to face repression, arbitrary arrests and detention, and attacks.
27.	Recommendation 138.66 Continue cooperating with Special Procedures and accept in particular requests for visits from Special Rapporteurs (Belgium)	Partially implemented. India invited the Special Rapporteur on adequate housing on an official mission in April 2016. (See Annexure Two of this report for a list of UN Special Procedures that have made recommendations to India on housing and land)
28.	Recommendation 138.70 Continue cooperating with the UN and other International Organizations, and share good experiences and practices with other countries in order to overcome the remaining challenges (Lao People’s Democratic Republic)	Partially implemented. India submitted its National Report for the UN Conference on Housing and Sustainable Urban Development (Habitat III) in July 2016. India’s report to the UN Committee on Economic, Social and Cultural Rights is overdue.
HUMAN RIGHTS EDUCATION		
29.	Recommendation 138.59 Intensify efforts in providing capacity building and training programmes on human rights for its law enforcement officials as well as judicial and legal officials in the rural areas (Malaysia)	There needs to be better human rights education and legal awareness among judicial and legal officials, especially on international human rights law and guidelines as well as on gender-related protections in existing laws/policies.

**Table II: Status of Implementation of UPR I Recommendations
Related to Housing and Land**

	UPR II Recommendation Report of the Working Group, A/HRC/8/26	Status of Implementation With Regard to Housing and Land Rights
1.	<p>Recommendation 86.4</p> <p>Encourage enhanced cooperation with human rights bodies and all relevant stakeholders in the pursuit of a society oriented towards the attainment of internationally recognized human rights goals.</p>	<p>Partially implemented.</p> <p>Cooperation between national and state human rights institutions needs to improve.</p>
2.	<p>Recommendation 86.11</p> <p>Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation.</p>	<p>Not implemented, as there are no efforts to prepare a national action plan for human rights. The process initiated by the National Human Rights Commission seems to have been abandoned in 2008.</p>
3.	<p>Recommendation 86.10</p> <p>Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth and share experiences/ results of best practices in addressing poverty.</p>	<p>Partially implemented.</p> <p>Despite the existence of several schemes, policies for the urban and rural poor, economic and social inequality is still high. This also results from the failure of the state to adequately define poverty.</p>
4.	<p>Recommendation 86.18</p> <p>Continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well fed, well housed, well cared for and well educated (emphasis added) (Tunisia).</p>	<p>Partially implemented.</p> <p>Certain sections of society, especially Scheduled Castes/ Dalits, Scheduled Tribes/indigenous/tribal peoples, religious and sexual minorities, women, persons with disabilities, internally displaced persons, and children continue to face marginalization and discrimination with regard to accessing housing and land.</p>

Annexure Two

Communications and Recommendations to India on Housing and Land by United Nations Treaty Bodies and Special Procedures:¹

	Treaty Body	Source	Year
1.	Committee on Economic, Social and Cultural Rights	Concluding Observations	2008
2.	Committee on the Rights of the Child	Concluding Observations	2000, 2004, 2014
3.	Committee on the Elimination of Discrimination against Women	Concluding Observations	2000, 2007, 2010, 2014
4.	Committee on the Elimination of Racial Discrimination	Concluding Observations	2007
		Communication to the Government of India	2009, 2010, 2011, 2012, 2014
	Special Procedure	Source	Year
5.	Special Rapporteur on Adequate Housing	Press Releases	2004, 2010, 2016
		Communication to the Government of India	2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015
6.	Special Rapporteur on Violence against Women, its Causes and Consequences	Report on Mission to India	2014
		Communication to the Government of India	2016
7.	Special Rapporteur on Minority Issues	Annual Report	2014
8.	Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions	Report on Mission to India	2013
9.	Special Rapporteur on the Situation of Human Rights Defenders	Report on Mission to India	2012
10.	Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes	Report on Mission to India	2010
11.	Special Rapporteur on Extreme Poverty and Human Rights	Annual Report	2010
12.	Special Rapporteur on Freedom of Religion or Belief	Report on Mission to India	2009
13.	Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation	Annual Report	2009
14.	Special Rapporteur on the Right to Food	Report on India	2006
15.	Special Rapporteur on the Rights of Indigenous Peoples	Annual Report	2003
		Communication to the Government of India	2008, 2009

¹ For details, see: *United Nations Documents Related to Housing and Land Rights in India*, Compiled by Housing and Land Rights Network, 2016. Available at: http://hln.org.in/documents/UN_Documents_Housing_Land_India.pdf

	Joint Communications of Special Procedures	Details	Year
16.	Joint Communication of Special Procedures on Arbitrary Detention; Environment; Freedom of Expression; Freedom of Peaceful Assembly and of Association; and, Human Rights Defenders	Communication to the Government of India (on the arbitrary detention of land rights activists)	2015
17.	Joint Communication of Special Rapporteurs on Adequate Housing, and Rights of Indigenous Peoples	Communication to the Government of India (on Mapithel Dam, Manipur)	2015
18.	Joint Communication of Special Procedures on Adequate Housing; Extreme Poverty; Freedom of Peaceful Assembly and of Association; Health; and, Water and Sanitation	Communication to the Government of India (on the POSCO project in Odisha)	2014
19.	Joint Communication of Special Procedures on Adequate Housing; Business Enterprises; Democratic and Equitable International Order; Extreme Poverty; Food; Freedom of Peaceful Assembly and of Association; Health; Human Rights Defenders; and Water and Sanitation	Communication to the Government of India (on the POSCO project in Odisha)	2013
20.	Joint Communication of Special Procedures on Adequate Housing; Freedom of Peaceful Assembly and of Association; Human Rights Defenders; and Water and Sanitation	Communication to the Government of India (on forced eviction in Bangalore)	2013
21.	Joint Press Release	Press Release (on the POSCO project in Odisha)	2013
22.	Joint Communication of Special Rapporteurs on Adequate Housing, and Extreme Poverty	Communication to the Government of India (on the East Parej Open Coal Cast Mine)	2012
23.	Joint communication of Special Rapporteurs on Freedom of Opinion and Expression; Human Rights Defenders; and, Extrajudicial, Summary or Arbitrary Executions	Communication to the Government of India (on killing of a land rights activist)	2012
24.	Joint communication of Special Rapporteurs on Adequate Housing, and Water and Sanitation	Communication to the Government of India (on eviction of farmers in Odisha)	2011
25.	Joint communication of Special Procedures on Arbitrary Detention; Food; Freedom of Opinion and Expression; Freedom of Peaceful Assembly and of Association; and Human Rights Defenders	Communication to the Government of India (on forced eviction in Odisha due to the POSCO project)	2011
26.	Joint Communications of Special Rapporteurs on Adequate Housing, and Violence against Women	Communication to the Government of India (on violence against Dalit women and their land rights)	2008
27.	Joint Communications of Special Rapporteurs on Adequate Housing, and Food	Communication to the Government of India (regarding displacement from the POSCO and Nandigram projects)	2007
28.	Joint Communication of Special Rapporteurs on Adequate Housing, and the Rights of Indigenous Peoples	Communication to the Government of India (regarding an eviction threat in Chhattisgarh)	2007

29.	Joint Communication of Special Rapporteurs on Adequate Housing; Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance; Violence against Women; and, Human Rights Defenders	Communication to the Government of India (on attacks on Dalit communities and women in Sonbhadra, Uttar Pradesh)	2007
30.	Joint Communication of Special Rapporteurs on the Rights of Indigenous Peoples; Adequate Housing; Food; and Human Rights Defenders	Communication to the Government of India (on resettlement issues related to the Sardar Sarovar Project)	2006
31.	Joint Communication of Special Rapporteurs on Adequate Housing, and Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance	Communication to the Government of India (on the burning of Dalit houses)	2006
32.	Joint Communication of Special Rapporteurs on Adequate Housing; Rights of Indigenous Peoples; and, Health	Communication to the Government of India (on the Sardar Sarovar Dam)	2004
33.	Joint Communication of Special Rapporteurs on Adequate Housing, and Food	Communication to the Government of India (on evictions in Delhi)	2004
34.	Joint Communication of Special Rapporteurs on Adequate Housing; Rights of Indigenous Peoples; and Health	Communication to the Government of India (on the Sardar Sarovar Dam)	2003

Annexure Three

List of Organizations Endorsing this Joint Stakeholders' Report

1. Adarsh Seva Sansthan
2. Aman Biradari
3. Amnesty International India
4. Apne Aap Women Worldwide
5. Association for Regional and Tribal Development
6. Banglar Manabdhikar Suraksha Mancha (MASUM)
7. Banyan
8. Banyan Academy of Leadership in Mental Health
9. Beghar Adhikar Abhiyan (Homeless Rights Campaign)
10. Beghar Mazdoor Sangharsh Samiti (Homeless Workers' Struggle Committee)
11. Borock People's Human Rights Organization
12. Business and Community Foundation
13. Campaign for Housing and Tenurial Rights
14. Centre for Holistic Development
15. Centre for Research and Advocacy
16. Centre for Social Equity and Inclusion
17. Centre for the Sustainable Use of Natural and Social Resources
18. Civil Society Forum on Human Rights
19. Committee for the Right to Housing
20. Deen Bandhu Samaj Sahyog
21. Delhi Housing Rights Task Force
22. Delhi Solidarity Group
23. Ekta – Women's Resource Centre
24. Ekta Mahila Manch – Ekta Parishad
25. Ekta Parishad
26. Environics Trust
27. Feminist Learning Partnerships
28. FIAN India
29. Ghar Bachao Ghar Banao Andolan
30. Grameena Mahila Okutta (Rural Women's Collective)
31. Hamara Shahar Mumbai Abhiyan (Our City Mumbai Campaign)
32. Haq: Centre for Child Rights
33. Human Development and Resource Centre
34. Human Rights Defenders Alert India
35. Human Rights Law Network
36. Human Welfare Voluntary Organisation
37. Humana People to People
38. India Alliance for Child Rights
39. Indian Social Institute Bangalore
40. Indo-Global Social Service Society
41. Information and Resource Centre for the Deprived Urban Communities
42. Initiative for Health and Equity in Society
43. Janpahal
44. Janvikas
45. Kannagi Nagar Pothu Nalla Sangam (Kannagi Nagar Residents Welfare Association)
46. Shahri Adhikar Manch: Begharon Ke Saath (Urban Rights Forum: With the Homeless)
47. Karavali Janaabahivridhi Vedhike (Karavalli People's Development Forum)
48. Karnataka Working Group for Habitat III
49. Koshish, Field Action Project on Homelessness and Destitution, Tata Institute of Social Sciences
50. Maarga
51. Maharashtra Housing Forum
52. Mahilaye Pragati Ki Ore (Women for Progress)
53. Mapithel Dam Affected Villages Organization
54. Montfort Social Institute
55. Nagara Vanchithara Vedike (Forum of Urban Deprived Communities)
56. Nari Uthan Samiti (Women's Empowerment Committee)
57. National Campaign on Dalit Human Rights
58. National Centre for Advocacy Studies
59. National Federation of Dalit Land Rights Movements
60. Navnirmaan Manch
61. Nazdeek
62. Nidan
63. Ondede
64. Partners for Law in Development
65. Pehchaan
66. People's Rights and Social Research Centre
67. People's Watch
68. POSCO Pratirodh Sangram Samiti (POSCO Protest Collective)
69. Prakriti
70. Rural Education for Development Society
71. Samata Trust
72. Slum Jagatthu
73. Slum Janara Sanghatanegara Okkoota (Slum Dwellers' Organizations Forum)
74. Social Need Education and Human Awareness
75. Society for Promotion of Integrated Development
76. Tamil Nadu Dalit Women's Forum
77. Tamil Nadu Women's Forum
78. Vigyan Foundation
79. Vimochana Forum for Women's Rights
80. Women in Governance – Northeast India
81. Women's Coalition for Change

Endnotes

- 1 The recommendation made to India in UPR I (86.18) by Tunisia was: “Continue efforts to allow for a harmonious life in a multi-religious, multi-cultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world’s population to be well fed, well housed, well cared for and well educated.” (emphasis added)
The recommendation in UPR II (138.137) by Algeria was: “Continue to implement plans adopted in the area of housing and rehabilitation, particularly the plan launched in 2011 aimed at preventing the construction of new slums.” This recommendation, however, was not accepted by India.
- 2 See Annexure One for tables on UPR I and II recommendations relevant to housing and land, and the status of their implementation in India.
- 3 *Human Rights in India: An Overview*, Joint Stakeholders’ Report, submitted by the Working Group on Human Rights in India and the UN, December 2011.
- 4 *The Human Rights to Adequate Housing and Land in India*: Report to the United Nations Human Rights Council, Mid-term Assessment of Relevant UPR II (2012) Recommendations. Available at: http://www.upr-info.org/sites/default/files/document/india/session_13_-_may_2012/hlrn_india_mid-term_upr_september_2015.pdf
- 5 India’s third Universal Periodic Review will be held in May 2017, in Geneva.
- 6 See statement made by India at the plenary of the Third Preparatory Committee meeting for Habitat III (PrepCom III), Surabaya, July 2016: <https://www.habitat3.org/bitcache/224a3e4887ec0d1c6ec84821e4b5d21a8fb8e85f?vid=585713&disposition=inline&op=view>
- 7 Census of India 2011, Ministry of Home Affairs, Government of India. Available at: <http://censusindia.gov.in/>
- 8 *Human Development Report 2014*. New York: United Nations Development Programme, 2014.
- 9 According to the Socio-economic and Caste Census, 2011 (data for which was released in July 2015), of a total of 243.9 million households, 179.1 million are rural. Of the rural households, 48.5 per cent (86.9 million households) are considered ‘deprived’ (recording at least one of seven parameters of ‘deprivation’), 56.4 per cent (101.4 million households) are landless, and 30 per cent (53.7 million households) are landless labourers, deriving a major part of their income from manual labour. See: <http://secc.gov.in/reportlistContent>
- 10 Report of the Technical Group on Urban Housing Shortage (2012-17) (TG-12), Ministry of Housing and Urban Poverty Alleviation, National Buildings Organisation, Government of India. Available at: <http://www.mhupa.gov.in/writereaddata/urban-housing-shortage.pdf>
- 11 ‘White Paper on Indian Housing Industry,’ RNCOS, 2015. Also see: ‘Urban housing shortage to touch 3.4 cr units by 2022: report,’ *The Hindu Business Line*, 16 February 2015. Available at: <http://www.thehindubusinessline.com/industry-and-economy/real-estate/urban-housing-shortage-to-touch-34-cr-units-by-2022-report/article6901847.ece>
- 12 ‘India’s Urban Awakening: Building Inclusive Cities, Sustaining Economic Growth,’ McKinsey Global Institute, April 2010. Available at: http://www.mckinsey.com/insights/urbanization/urban_awakening_in_india
- 13 See, *Governance by Denial: Forced Eviction and Demolition of Homes in Ejipura/Koramangala, Bangalore*, Housing and Land Rights Network, and People’s Union for Civil Liberties, Bangalore, 2013. Available at: http://hlrn.org.in/documents/Bangalore_Fact_Finding_Mission_Final_Report_June_2013.pdf
- 14 This report uses the term ‘settlements’ instead of ‘slums.’
- 15 Housing Stock, Amenities and Assets in Slums, Census of India 2011, Ministry of Home Affairs, Government of India. Available at: http://www.censusindia.gov.in/2011census/hlo/Slum_table/Slum_table.html
- 16 City Wise Housing Price Index for the Quarter January–March 2015, National Housing Bank, 2015. Available at: <http://www.nhb.org.in/Residex/Data&Graphs.php>
- 17 According to the Socio-economic and Caste Census, 56.4 per cent or 101.4 million rural households are landless. Using the Census of India 2011 average household size of 4.8, this amounts to 486.72 million people. If the number of urban landless is also included, the total would be over 500 million.
The National Sample Survey Office reported that during 2013, around 156 million households lived in rural areas, 7.41 per cent of these were landless households (owning either no land or less than 0.002 hectares).
- 18 Socio-economic and Caste Census 2011, Ministry of Rural Development, Government of India. Available at: <http://secc.gov.in/reportlistContent>

- 19 In response to a question in Parliament on the Socio-economic Caste Census, the Minister of Rural Development, in July 2015, stated that, “The main running theme of deprivation identified is that the landless manual casual workers in rural India are the largest among the deprived households.” See: <http://164.100.47.192/Loksabha/Questions/QResult15.aspx?qref=20679&Isno=16>
- 20 Data received in response to a Right to Information query to the Ministry of Rural Development. See: https://docs.google.com/document/d/1nww_Vm4Ch04lqKiL8RX2iloQAS8sSh1u9aej-c-hv3w/edit?pref=2&pli=1
A slowdown is also evident in the process of taking surplus land from large landholders, as per land ceiling laws. As of December 2015, land declared ‘surplus’ across India stood at 6.7 million acres; the government took over 6.1 million acres; and distributed 5.1 million acres to 5.78 million people. (‘Land Reforms Fail, 5% of India’s Farmers Control 32% of Land,’ *India Spend*, 4 May 2016. Available at: <http://www.indiaspend.com/cover-story/land-reforms-fail-5-of-indias-farmers-control-32-land-31897>)
- 21 Draft National Land Reforms Policy 2013, Ministry of Rural Development, Government of India. Available at: http://rural.nic.in/sites/downloads/latest/Draft_National_Land_Reforms_Policy_July_2013.pdf
- 22 See, Andhra Pradesh Land Pooling Scheme for the creation of the new capital Amravati, and the Rajasthan Land Pooling Policy Scheme Bill 2016.
- 23 Under its land pooling policy, Andhra Pradesh has acquired more than 30,000 acres of agricultural land from 90,000 people, most of whom are marginal farmers, lease-holders, agricultural workers, and fishworkers. Landless displaced families have received only a sum of Rs 2500 as compensation. Agricultural labourers, mostly Dalits, now have to travel distances of over 50 kilometres to find work. This has increased unemployment and impoverishment in the area. (Information from Montfort Social Institute, Hyderabad.) See: <http://www.youtube.com/watch?v=bdaBCuBFInc>
- 24 Indira Awas Yojana is being renamed Pradhan Mantri Awas Yojana–Gramin (Prime Minister’s Housing Scheme–Rural).
- 25 Working Group on Rural Housing for XII Five-Year Plan, Ministry of Rural Development, Government of India, 2011. Available at: http://planningcommission.nic.in/aboutus/committee/wrkgrp12/rd/wgprep_iay.pdf
- 26 Socio-economic and Caste Census 2011, Ministry of Rural Development, Government of India. Available at: <http://secc.gov.in/reportlistContent>
- 27 ‘CAG Report on Indira Awaas Yojana Presented,’ Press Release, Office of the Comptroller and Auditor General of India, New Delhi, 19 December 2014. Available at: http://164.100.176.130/english/home/Public/In%20_Media/37of2014.pdf
- 28 Pradhan Mantri Awas Yojana, Housing for All (Urban), Scheme Guidelines 2015, Ministry of Housing and Urban Poverty Alleviation, Government of India. Available at: http://mhupa.gov.in/writereaddata/01_PMAU_Guidelines_English.pdf
- 29 Information from a Right to Information application filed by Housing and Land Rights Network with the Ministry of Housing and Urban Poverty Alleviation.
- 30 For more information, see Smart Cities Mission, Government of India. Available at: <http://smartcities.gov.in/>
- 31 Forthcoming study by Housing and Land Rights Network, India. Will be available at: www.hlrn.org.in
- 32 Atal Mission for Rejuvenation and Urban Transformation, Mission Statement and Guidelines, Ministry of Urban Development, Government of India, June 2015. Available at: <http://amrut.gov.in/writereaddata/AMRUT%20Guidelines%20.pdf>
- 33 ‘AMRUT Action Plans for 474 cities cleared with a project outlay of 19,170 cr.,’ Press Information Bureau, Government of India, 15 December 2015. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=133300>
- 34 The full name of the Mission is Shyama Prasad Mukherji Rurban Mission. See, ‘Union Cabinet approves Shyama Prasad Mukherji Rurban Mission to drive economic, social and infrastructure development in rural areas,’ Press Information Bureau, Government of India, 15 September 2015. Available at: <http://pib.nic.in/newsite/printrelease.aspx?relid=126934>
- 35 Draft Model State Affordable Housing Policy for Urban Areas, September 2014, Ministry of Housing and Urban Poverty Alleviation, Government of India, Available at: http://mhupa.gov.in/writereaddata/Model_State_Affordable_Housing_Policy_Draft.pdf
- 36 Draft Model Tenancy Act 2015, Ministry of Housing and Urban Poverty Alleviation, Government of India. Available at: http://mhupa.gov.in/writereaddata/Draft_Model_Tenancy_Act_2015.pdf
- 37 This should include land for agriculture, forestry, and non-farming livelihoods.
- 38 Primary Census Abstract, Houseless Population, Census of India 2011, Ministry of Home Affairs, Government of India. Available at: <http://www.censusindia.gov.in/2011-Documents/Houseless%20PPT%2005-12-2013.pdf>

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- 40 *PUCL vs. Union of India and Others*, W. P. (C) 196/ 2001; and *E. R. Kumar and Anr. vs. Union of India and Ors.*, W.P. (C) 55/2003.
- 41 National Urban Livelihoods Mission – Scheme of Shelters for Urban Homeless (Operational Guidelines), Ministry of Housing and Urban Poverty Alleviation, Government of India, December 2013. Available at: http://nulm.gov.in/PDF/NULM_Mission/NULM-SUH-Guidelines.pdf
- 42 '72 flats in seven months, national urban livelihood mission sets an example,' *The Times of India*, 15 July 2016. Available at: <http://timesofindia.indiatimes.com/city/thiruvananthapuram/72-flats-in-seven-months-National-urban-livelihood-mission-sets-an-example/articleshow/53219311.cms>
- 43 'Homeless stay homeless as government wastes 2 years and Rs 20 crore,' *The Sunday Standard*, 17 July 2016. Available at: <http://www.newindianexpress.com/thesundaystandard/Homeless-stay-homeless-as-government-wastes-2-years-and-Rs-20-crore/2016/07/17/article3532765.ece>
- 44 Information from Banyan, Chennai.
- 45 See, *Report of Public Hearing on Violence against Homeless Women in Delhi*, Shahri Adhikar Manch: Begharon Ke Saath, New Delhi, 2014. Available at: http://hlrn.org.in/documents/Public_Hearing_on_Violence_against_Homeless_Women_in_Delhi_Report.pdf
Also see, Chaudhry, Shivani et al. *Violence and Violations: The Reality of Homeless Women in India*, 2014. Available at: http://hlrn.org.in/documents/Violence_and_Violations_Homeless_Women_in_India_2014.pdf; and, 'Homeless Women: Easy Targets,' *Hindustan Times*, 17 August 2016. Available at: <http://www.hindustantimes.com/static/roofless-in-delhi-women/>
- 46 Data from the Zonal Integrated Police Network: <http://zipnet.in>
- 47 These include standards established in the Basic Principles and Guidelines on Development-based Evictions and Displacement, A/HRC/4/18, 2007. Available at: http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf
- 48 See, *Forced to the Fringes: Disasters of 'Resettlement' in India*, Housing and Land Rights Network, New Delhi, 2014. Available at: [http://hlrn.org.in/documents/Forced_to_the_Fringes_\(combined\).pdf](http://hlrn.org.in/documents/Forced_to_the_Fringes_(combined).pdf)
- 49 See submission by Housing and Land Rights Network India to the UN Special Rapporteur on adequate housing, on the Right to Adequate Housing and the Right to Life. Available at: <http://www.ohchr.org/Documents/Issues/Housing/RightLife/070716-%20HLRN-%20India.docx>
- 50 Data compiled by Housing and Land Rights Network, India.
- 51 Supra note 35.
- 52 *From Deprivation to Destitution: The Impact of Forced Eviction in Topsisia*. Apne Aap Women Worldwide, and Housing and Land Rights Network, New Delhi, 2015.
- 53 'Eviction Impact Assessment' conducted by Housing and Land Rights Network in 2012, in order to determine long-term losses resulting from the demolition of homes in Baljeet Nagar by the Delhi Development Authority in March 2011.
- 54 Information from 'Eviction Impact Assessment' surveys conducted by the Delhi Housing Rights Task Force in July 2016.
- 55 Cases of forced eviction for implementation of the Smart Cities Mission have been reported from different cities, including Indore (Madhya Pradesh), Kakinada (Andhra Pradesh), Dharamshala (Himachal Pradesh), and Delhi. The Municipal Corporation of Dharamshala evicted 300 families, approximately 1500 people, in July 2016, rendering families homeless without providing any rehabilitation (*Eviction of Charan Khad Settlement, Dharamshala: A Fact-finding Report*, Women against Sexual Violence and State Repression, and Delhi Forum, 2016. Available at: <https://wssnet.files.wordpress.com/2016/07/6-july-final-dharamshala-eviction-fact-finding-report.pdf>.
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- In Indore, many people are bearing the brunt of the Smart Cities Mission, as they are being evicted for road-widening projects. Reportedly, 50,000 people will be evicted from 24 informal settlements as per the implementation plan of the smart city in Bhubaneswar. See, 'Slum demolition for smart city opposed,' *The Pioneer*, 24 June 2016. Available at: <http://www.dailypioneer.com/STATE-EDITIONS/bhubaneswar/slum-demolition-for-smart-city-opposed.html>

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- 57 Estimate from independent experts working in India.
- 58 Also see, *Pushed Aside: Displaced for 'Development' in India*, Internal Displacement Monitoring Centre, Geneva, 2016. Available at: <http://www.internal-displacement.org/assets/publications/2016/201607-ap-india-pushed-aside-en.pdf>
- 59 Concluding Observations of the Committee on Economic, Social and Cultural Rights: India, E/C.12/IND/CO/5, May 2008, paragraphs 31 and 71.
- 60 Report of the Standing Committee on Rural Development (2011–2012), Ministry of Rural Development (Department of Land Resources), Government of India. Available at: <http://www.prsindia.org/uploads/media/Land20%Acquisition/SCR20%20Land20%Acquisition,20%Rehabilitation20%and20%Resettlement20%Bill202011%.pdf>
- 61 *India Submission to the UN Human Rights Council for India's Second Universal Periodic Review*, National Human Rights Commission, 2012. Available at: <http://nhrc.nic.in/Documents/Reports/UPR-Final%20Report.pdf>
- 62 Report of the Standing Committee on Rural Development (2011–2012), Ministry of Rural Development (Department of Land Resources), Government of India. Available at: [http://dolr.nic.in/dolr/downloads/pdfs/Land%20Acquisition,%20Rehabilitation%20and%20Resettlement%20Bill%202011%20-%20SC\(RD\)'s%2031st%20Report.pdf](http://dolr.nic.in/dolr/downloads/pdfs/Land%20Acquisition,%20Rehabilitation%20and%20Resettlement%20Bill%202011%20-%20SC(RD)'s%2031st%20Report.pdf)
- 63 Report of the Comptroller and Auditor General of India for the Year 2012-13: Performance of Special Economic Zones (SEZs), Office of the Comptroller and Auditor General of India, Department of Revenue, Government of India. Available at: http://www.saiindia.gov.in/sites/default/files/audit_report_files/Union_Performance_Dept_Revenue_Indirect_Taxes_Special_Economic_Zones_SEZs_21_2014.pdf
- 64 'The water warriors,' *The Hindu*, 15 September 2013. Available at: <http://www.thehindu.com/news/national/other-states/the-water-warriors/article5129003.ece>
- 65 'The Maheshwar Dam Project: Factsheet,' Friends of River Narmada. Available at: <http://www.narmada.org/maheshwar/maheshwar.factsheet.html>
- 66 Several Special Procedures have written to the Government of India expressing concern about the Mapithel Dam. These include the Special Rapporteur on the rights of indigenous peoples (communications dated 6 April 2009 and 12 April 2010) and a joint communication by the Special Rapporteur on adequate housing and the Special Rapporteur on the right of indigenous peoples (letter dated 26 March 2015, available at: [https://spdb.ohchr.org/hrdb/30th/public_-_AL_India_26.03.15_\(4.2015\).pdf](https://spdb.ohchr.org/hrdb/30th/public_-_AL_India_26.03.15_(4.2015).pdf))
Also see: <http://unsr.jamesanaya.org/cases-2010/18-india-situation-of-the-mapithel-dam-manipur>
- 67 In March 2014, the Committee on the Elimination of Racial Discrimination wrote to the Government of India with concerns over the construction of the Tipaimukh Dam and Lower Subansiri Hydroelectric Project. In September 2009, the Committee expressed concern over the impacts of dams in the northeast of India.
- 68 'PMO intervenes commissioning of Mapithel Dam,' *Imphal Times*, 31 August 2016. Available at: <http://www.imphaltimes.com/news/item/6627-pmo-intervene-commissioning-of-mapithel-dam>
- 69 Report of the Comptroller and Auditor General of India on Jalayagnam, Government of Andhra Pradesh, 2012. Available at: http://gssaap-cag.nic.in/sites/all/themes/marinelli/Reports/2011-12/Jalayagnam/English/Jalayagnam_Complete_Report_2011-12.pdf
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- The Odisha government passed the Odisha Land Grabbing (Prohibition) Bill 2015, with a stated aim to check illegal encroachment and grabbing of land. Though the Bill makes the act of land grabbing a cognizable offence, it could unfavourably impact residents of informal settlements, landless persons, and forest dwellers.
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- 93 *The Risk of Disaster-Induced Displacement in South Asia*, Internal Displacement Monitoring Centre, Geneva, April 2015. Available at: <http://www.internal-displacement.org/assets/publications/images/2015/201504-ap-south-asia-disaster-induced-displacement-risk-en.pdf>
SC/ST are more vulnerable to disasters because of their marginal social standing and discrimination, as well as their habitation in marginal and precarious locations segregated from the mainstream.
- 94 National Disaster Management Act 2005, National Disaster Management Authority, Government of India. Available at: <http://www.ndma.gov.in/en/disaster.html>
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- 114 For example, in 2009, 245 Baiga families were moved out of the Achanakmar Tiger Reserve in Chhattisgarh, when it was notified under Project Tiger. They received poor alternative accommodation and did not receive the full compensation owed to them under the Project Tiger relocation scheme. The families were relocated to an area where their traditional forest livelihood of collecting Sal and Tendu leaves as well as bamboo was no longer feasible. They also did not receive secure tenure for the farmland provided to them for their subsistence.
- 115 Denotified tribes are communities that, during the British regime, due to specific administrative as well as law and order reasons, were 'notified' as being 'born criminal' by the British Government under a series of laws starting with the Criminal Tribes Act of 1871. After Independence, this Act was repealed in 1952, and the communities were 'denotified,' hence the name.
- 116 According to the report of the Renke Commission (2008) to the National Commission for Denotified, Semi-nomadic and Nomadic Tribes, about 89 per cent of denotified tribes and 98 per cent of nomadic/semi-nomadic communities do not own land while only 11 per cent of nomadic communities and eight per cent of de-notified tribes have habitations on public land. Fifty-seven per cent of families live in tents/temporary structures. The overwhelming majority are deprived of basic amenities, such as water, sanitation, and electricity.
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Housing and Land Rights Network India (HLRN) is a human rights organization based in New Delhi, India. Established in 1999, HLRN works for the promotion, protection, and realization of the human rights to adequate housing and land, especially for the most marginalized. HLRN focuses on issues related to forced evictions, displacement, land rights, agrarian and land reform, rehabilitation and resettlement, disasters, conflict, and housing and land-related law and policy. A particular emphasis of HLRN's work is on promoting women's rights to adequate housing, land, property, and inheritance.

HLRN adopts various strategies to promote its goals. These include: research, fact-finding, advocacy, law and policy engagement, human rights education, and development of human rights-based tools. HLRN has several members from across India, including grassroots organizations and people's movements, and aims to represent their issues and voices to promote the realization of the human rights to adequate housing, land, and related rights.

This report presents a brief assessment of the status of implementation of housing and land-related recommendations made to India by the United Nations Human Rights Council during India's Universal Periodic Review in 2008 and 2012. It also provides an overview of the major challenges related to the realization of housing and land rights in the country while proposing recommendations to the government to overcome obstacles and to ensure the progressive realization of the human rights to adequate housing and land, especially for the most marginalized.



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