**Q.1 What obligations have States under international human rights law to ensure that housing is accessible and affordable to all without discrimination?**

Individuals falling under the Economically Weaker Section (EWS) category with an annual income less than INR 3 hundred thousand, and the Low-Income Group (LIG) category with an annual income between INR 3-6 hundred thousand are eligible for the affordable housing scheme in India

Housing affordability is measured by the relationship between household income and the cost of housing, either rented or owned. Rental housing is generally considered affordable if rent is less than 30 percent of household income: a household is rent-burdened, if it spends 30 percent or more of income on rent. Housing affordability for ownership purposes is generally measured by the median multiple, that is, the ratio of median house price to median household income. It measures middle-income housing affordability, considers housing prices to be affordable if the median multiple is 3 and under, moderately unaffordable if it is between 3.1 and 4, seriously unaffordable if it is between 4.1 and 5, and severely unaffordable if it is 5.1 or above.

**International Laws**

1. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) provides in Article 43(1)(d) that migrant workers shall not be discriminated against in terms of access to housing.

2. The International Convention relating to the Status of Refugees provides in Article 21 similar protection against discrimination for refugees.

**The Hon’ble Supreme Court orders on Affordable Housing in India**

**1. People’s Union for Civil Liberties vs. Union of India (UOI) & Ors. 2010 (2) KLJ 544**

In this case Supreme Court highlighted the critical issue of migrant workers. Most of the workers come to cities in search for jobs, but start living in very poor conditions under flyovers and poor shelters due to the shortage of affordable housing.

**2. P.G. Gupta vs. State of Gujarat & Ors. 1995 Supp. (2) SCC 182**

The Supreme Court through this case established that the right to affordable housing is an important part of the ‘right to life’ under Article 21.Further the Court held that it is not merely providing shelter but it is the positive obligation of the State to fulfill it. This case highlights the difficulty in the land use in cities were resources are scarce. It recognizes the positive obligation of the State to formulate government policies such that affordable housing will be ensured to all its dwellers.

**National Policies on affordable housing in India**

* The first National Housing Policy was formulated in 1988. It was followed by the formulations of National Housing Policy in 1994, National Housing and Habitat Policy (NHHP) in 1998 and follow-up of 74th Constitution Amendment of 1992.
* Jawaharlal Nehru National Urban Renewal Mission (JNNURM) in Dec, 2005
* The National Urban Housing and Habitat Policy were announced in December 2007.
* National Urban Housing & Habitat Policy 2007
* Integrated Housing and Slum Development Programme (IHSDP)
* Basic Services for the Urban Poor (BSUP)
* Rajiv Awas Yojana
* National Urban Housing Mission (NUHM), 2015
* Guidelines for Affordable Housing in Partnership by Ministry of Housing & Urban Poverty Alleviation- 2015

 **State Policies on affordable housing in India**

* Policy for Housing for All in Urban Areas, Odisha, 2015

In the Context of Odisha State, a low-income state in east-India with a population of over 43 million, has witnessed an annual urban growth of 27% per annum over the last decade. This rapid urbanization has posed several challenges for the city, including an estimated shortage of 410,000 homes. With approximately 23% of people in Odisha residing in slums in the capital city of Bhubaneswar, there is an estimated shortage of 80,000 housing units, specifically among low-income families.Inspite of different International laws, the Hon’ble Supreme court’s order, National and State policies the poor vulnerable class still deprived form Affordable Housing in Odisha.

**Q.2 What happens to you when you cannot afford anymore your home?**

The growth of rapid urbanization in state capital Bhubaneswar. People form neighoubouring state and other part of state comes to the city in searching of livelihoods , While revenues from real estate have accumulated, our cities have become increasingly unaffordable for [women](https://www.ohchr.org/EN/Issues/Housing/Pages/WomenAndHousing.aspx), religious and ethnic minorities, [indigenous peoples](https://www.ohchr.org/EN/Issues/Housing/Pages/AdequateHousingIndigenous-Peoples.aspx), [persons with disabilities](https://www.ohchr.org/EN/Issues/Housing/Pages/Therighttohousingofpersonswithdisabilities.aspx), [migrants and refugees](https://www.ohchr.org/EN/Issues/Housing/Pages/Migration.aspx), for which they  face discrimination in relation to housing or live in the most appalling conditions. Due to unavailability of affordable housing ,these homeless people force to stay in all weathers at footpath, Bus stand, Railway Stations, under the over bridges & tree and some of them staying under polythene sheets which are leading to set up informal slums near by the drains in unhygienic environments and also there is a threat to eviction or displacement at any time . These residents deprived from equal access to public services, Health Service, Adequate safe drinking water, education, transportation and other opportunities and facing some threats in day to day life i.e.

* Local criminals, politicians, Local Administrations and police officers regularly harass them.
* Deprived from Safe drinking water and notorious food which threats to right to life
* Forced eviction due to increased demand for land for economic development.

### Land less and deprived from adequate housing and shelter

### Loss of social networks

* Deprived form basic services and amenities due to lack of documents
* Due to migration caused stress, despair, anxiety, and psychological distress
* Deprived form to access common property resources
* Access to health care was also affected
* It is also increased the burden on caregivers and parents who were struggling to care for their children.
* Children’s Education disturbed due to no proper shelter
* Infectious disease outbreaks among the Slum dwellers, as they forced to live in crowded and unsanitary conditions.
* Privacy of adolescent girl and Women disrupted are feeling insecure due to homeless, particularly pregnant women are facing gravious problems.

**Q.3. Who is at particular risk to experience housing cost overburden?**

Overcrowding leads to a problem of the shortage of housing in urban areas. This problem is specifically more acute in those urban areas where there are a large number of unemployed or underemployed immigrants who have no place to live in when they enter cities/towns from the surrounding areas.

The socially economically vulnerable classes and marginalized communities i.e.- [women](https://www.ohchr.org/EN/Issues/Housing/Pages/WomenAndHousing.aspx), religious minorities, The Schedule cast(SC) and Schedule tribe(ST), [indigenous peoples](https://www.ohchr.org/EN/Issues/Housing/Pages/AdequateHousingIndigenous-Peoples.aspx), disabilities, Slum dwellers, Domestic worker, Sweeper working under Bhubaneswar Municipal Corporation, Construction labourers, Street vendors, Fruit and vegetable sellers, Rickshaw puller, Employees of petty shop & Malls, Beggars, Hotel boys , Traditional workers,  [migrants and refugees](https://www.ohchr.org/EN/Issues/Housing/Pages/Migration.aspx) are at risk to due to un affordable housing cost.

**Q.4 What are the consequences of housing unaffordability for the enjoyment of human rights?**

The unaffordability of adequate housing violates human rights. These include the:

* Right to adequate housing;
* Rights to security of the person, and security of the home;
* Right to health;
* Right to food;
* Right to water;
* Right to work / livelihood;
* Right to education;
* Right to freedom from cruel, inhuman and degrading treatment;
* Right to freedom of movement;
* Right to information; and,
* Right to participation and self-expression.

**Q.5 What have States, local Governments, and development cooperation agencies, housing providers, town planners, architects and civil society organizations done to ensure that housing is affordable to all without any discrimination?**

**State Government**

The state government passed a Policy for Housing for All in Urban Areas, Odisha, 2015. Due to political biasness, malfunctioning of administration, no proper survey and the residents have no possession over land which is manipulated by the urban local bodies (ULB).The housing policy in India only allots "10% to 15% of land in every public/private housing project for EWS/LIG housing," despite the fact that EWS account for the vast majority of the country's housing need (95%).

The Local Government formed Housing Board and Bhubaneswar Development Authority (BDA) to provide affordable housing for Economically Weaker Sections (EWS)/Low Income Group (LIG) Categories

**National Government**

In pursuance of the Government’s vision of facilitating housing to all by 2022, the Government launched the “Pradhan Mantri Awas Yojana (PMAY) – Housing for all (HFA) (Urban)” Mission on 25.6.2015 with the aim to provide assistance to States/UTs in addressing the housing requirement of the slum dwellers and urban poor, Economically Weaker Sections (EWS)/Low Income Group (LIG) Categories through following four verticals:

* “In situ” Slum Redevelopment through private participation using land as resource;
* Credit Linked Subsidy Scheme (CLSS);
* Affordable Housing in Partnership; and
* Subsidy for beneficiary - led individual house construction or enhancement.

**Housing Providers**

There are many encroachments on public spaces, as well as violations of zoning and construction bylaws by significant builders, developers, and private property owners. Illegal conversion of agricultural land for use as a business or residence. However, in the planned city developed by the wealthy and middle class, these unlawful activities are frequently made legal through official of ULBs, giving the impression that the city is primarily comprised of unlawful activities. Contrary to unlicensed structures in planned city, which may be regularized and protected by the state, the urban poor in state must always live in fear of intentional eviction and dispossession by the state.

Civil society organization does regular campaigns regarding access and affordable housing for the urban poors.

**Q.6 What laws, policies, programmes and practices have been successful to reduce the unaffordability of housing?**

## Relevant National/State Policies &Schemes

* [National Urban Housing and Habitat Policy (2007)](http://mhupa.gov.in/policies/duepa/HousingPolicy2007.pdf)
* [Rajiv Awas Yojana](http://mhupa.gov.in/ray/02-RAY-Guidelines.pdf)(RAY)
* Valmiki Ambedkar Awas Yojana (VAMBAY)
* Integrated Housing & Slum Development Programe(IHSDP)
* Basic Service to Urban poor (BSUP)
* Indira Awas Yojana(IAY).
* Pradhan Mantri Awass Yojona for Urban (PMAY-U) .