**Report of the UN Special Rapporteur on the right to adequate housing to the
52nd session of the Human Rights Council**

**The right to adequate housing and climate change**

**Questionnaire**

Name of submitting entity, organisation or individual: National Human Rights Commission, India

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***Impact of climate change on the right to adequate housing***

*In real life*

1. In your country, what have been the main effects of the climate crisis, on the enjoyment of the right to adequate housing?  Please specify whether there have been any climate-induced impacts on the security of tenure, availability, affordability, accessibility, habitability, location and cultural adequacy of housing, including climate crisis related displacement.

India is a country with diverse geographical topography. It has coastal border in the southern and central region, upland plain (Deccan Plateau) in the south, flat to rolling plain along the Ganges, deserts in the west, Himalayas in north. With such diverse terrain the effect of the climate crisis is even more challenging. In recent years, the number of cyclones, extreme floods, earthquakes, landslides, etc is on a consistent rise. Some of the recent cyclones such as Jawad, Gulaab, Tauktae, Yaas, Nisarga, Amphan, Bulbul, etc have badly affected the coastal states. In addition most of the cities in the plain area and in mountains are affected with heavy floods and landslides respectively. Cyclone Bulbul alone has damaged around 1 lakh houses in West Bengal. As reported in a reply to a Parliamentary question 297013, houses/ huts got damaged in 2020-21 due to heavy floods in the state of Maharashtra. Due to climate change there is no impact on security of tenure.  Government schemes are in place for temporary/permanent resettlement.  Accessibility to houses is impeded due to floods.  Shelter places are provided for displaced persons.  Alternative arrangement is affordable as mostly it is free of cost.  Such houses are habitable and on safe locations.  No effect of cultural relation as relocation, temporary or otherwise is in close vicinity.

1. Are there differences how the climate crisis affects the right to adequate housing in urban and rural areas? If yes, is there an interrelationship between the two?

In rural and urban area similar treatment is given to the affected persons.  In addition, India has scheme for providing free housing to those having no place of residence.

1. Are there groups distinctly affected in the enjoyment of their right to adequate housing as a result of the climate crisis? Please describe in what way.

Migration patterns continue to be monitored by the Central and State Governments. However, no specific data is available for the number of citizens and their socio-economic profile affected and forced to migrate due to the natural disasters, droughts and other weather events.

1. How is the right to adequate housing ensured for persons that have been internally or internationally displaced by the climate crisis? How and under what conditions is their right to voluntarily return ensured?

The primary responsibility for disaster management, including undertaking disbursal of relief to the affected people, rests with the State Governments concerned. The State Governments undertake relief measures in the wake of natural disasters from the State Disaster Response Fund (SDRF), already placed at their disposal, in accordance with Government of India’s approved items and norms. Additional financial assistance is provided from National Disaster Response Fund (NDRF), as per laid down procedure in case of disaster of ‘severe nature’, which includes an assessment based on the visit of an Inter-Ministerial Central Team (IMCT). Funds are released from NDRF after the approval of the High Level Committee (HLC), subject to the adjustment of 50% of balance available in the SDRF account of respective States as on 1st April of the financial year. Further, the financial assistance under SDRF/ NDRF, in the wake of notified natural disasters, is given by way of immediate relief/ restoration.

1. When housing has been damaged or lost due to climate-induced events, what has been the related impact on the lives, health and livelihoods of the affected populations?

It is apparent that loss of housing impacts one’s life, health and livelihood. However, there are not many studies available on this in India. However, there is a study titled “Determinants of household livelihood vulnerabilities to climate change in the himalayan foothills of West Bengal, India” by IIT, Kharagpur, India. The results of this study show that mainly non-concrete and semi-concrete houses are responsible for household vulnerability to climate change. Several households have adopted new resilient crop varieties. Further, the results of the present study also suggest that the low adaptive capacity of the rural households of this region, such as low-income opportunities and inadequate infrastructure are the primary reasons for most livelihood vulnerabilities. Disaster management is one of the best in India.

1. How have people been able to access redress and compensation for damages to or loss of their housing as a result of the climate crisis and extreme weather events? What are the main obstacles to accessing timely redress and compensation, and what could be effective solutions?

The relief, recovery, and rehabilitation are governed inter alia by the relevant provisions of the Disaster Management Act, 2005 and the guidelines, directives, and orders of the National Disaster Management Authority and the State Disaster Management Authorities. The constitutional, legal and administrative provisions relevant to disaster management and disaster risk reduction adequately address the management of disasters in the country. The State Governments undertake relief measures in the wake of natural disasters from the State Disaster Response Fund (SDRF) already placed at their disposal in accordance with the extant norms. Additional assistance is extended from the National Disaster Response Fund (NDRF) as per established procedure. The assistance approved under SDRF/NDRF norms is provided in the form of relief.

1. Please indicate any key rulings of national courts and tribunals protecting tenants and homeowners from the impact of the climate crisis or on their right to adequate housing or related to climate induced displacement? Please also describe their outcome and impact?
2. Human and Civil Rights of Homeless and Destitute Persons –
3. For shelterless persons in Delhi, pursuant to Supreme Court of India direction, the Government extended the support in the project of monitoring the scheme of night shelters where the homeless eligible persons are entitled to get renewable ration cards, community kitchen. (PUCL vs. Union of India (2010) 5 SCC 318).
4. Right to food, shelter and basic amenities is the basic human rights under Article 21.  Supreme Court issued urgent instructions to the Government for making provision of temporary / permanent shelter in a time-bound manner –
5. All those who are without shelters would be provided shelter on priority basis;
6. In the shelter homes, basic amenities such as blanket, water and mobile toilets would be provided;
7. Necessary arrangements would be made and on electronic media and other modes, the people would be informed about the location of the shelter homes where they could go and take shelter [PUCL vs. Union of India (2010) 5 SCC 423].
8. Right to life includes right to livelihood, shelter and food which cannot be deprived without just and fair procedure –

Every country during its historical evolution has faced the problem of squatter settlemement and most countries of the underdeveloped world faced this problem even today.  Highly developed affluent societies may also face the same problem though with their larger resources and smaller population, their task is less difficult.  The forceful eviction of squatters even if they are resettled in other sites, totally disrupts the economic life of the household.  It is highly deplorable. [Olga Tellies vs. Bombay Municipal Corporation – AIR 1986 SC 180].

1. Human and civil rights for homeless and destitute persons –

Supreme Court directed various State Governments to ensure night shelters for shelterless people in urban areas. [PUCL vs. Union of India (2010) 4 SCC 607) & E.R. Kumar & Anr. Vs. Union of India & Ors.  (2017) 12 SCC 779].

1. Rehabilitation and resettlement of displaced persons –

Narmada dam project affected families opted for special rehabilitation package scheme and some opted land in lieu of land. However, 681 families approximately are yet to be extended any compensation or relief.  Supreme Court directed to pay compensation @ market value of 2 ha. of land (entitlement of each family) was calculated as Rs. 60 lakhs directed to be paid after taking undertaking as to full and final settlement. [ Narmada Bachao Andolan vs. Union of India (2018) 14 SCC 507] & Narmada Bachao Andolan vs. Union of India & Ors. (2000) 10 SCC 664]

1. Article 21 comprehends right to shelter –

Right to life to take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in.  The difference between need of an animal and a human being for a shelter has to be kept in view.  For the animal, it the bare protection of the body, for a human being it has to be a suitable accommodation which would allow him to grow in every aspect – physical, mental and intellectual [ M/s. Shantistar Builders vs. Narayan Khimalal Totame & Ors. – (1990) 1 SCC 520].

1. Homeless and destitute persons –

About the shelter for shelterless persons in various urban areas, life of homeless people must be properly protected and preserved.  Importance of enactment of proper rules and regulations for monitoring night shelters with statutory force is stressed.  Draft manual undertaken to be prepared by petitioner’s counsel.  Time-frame fixed for scrutiny, suggestions and response from all concerned Comprehensive rules and regulations to be prepared by the various States and the Union Territories. [People’s Union for Civil Liberties (Night Shelter Matters) vs. Union of India and Others - (2013) 11 SCC 505].

1. Right to shelter is a fundamental right under Article 21 –

To make the right meaningful to the poor, the State has to provide facilities and opportunity to build a hose.  Acquisition of the land to provide house sites to the poor homeless is a public purpose as it is a constitutional duty of the State to provide house sites to the poor. [State of Karnataka & Ors. Vs. Narasimhamurthy & Ors. (1995) 5 SCC 524].

1. Right to food, shelter basic amenities under human and civil rights-

Human and civil rights consist right to food, shelter and basic amenities.  Supreme Court was satisfied with the efforts made by States of Bihar and U.P. to address human problem of shelterless people in the States in correct perspective.  Detailed guidelines were issued to urban local bodies. 140 night shelters were made operational with basic amenities and facilities. States were complimented on having taken problem of shelterless people in its proper perspective. Supreme Court directed to construct remaining night shelters as expeditiously as possible with the fixed time frame. [People’s Union of Civil Liberties (Night Shelter Matters) vs. Union of India & Ors.- (2011) 14 SCC 129 & People’s Union of Civil Liberties (Night Shelter Matters) vs. Union of India & Ors. (2011) 14 SCC 661).

1. Right of displaced persons  -

Under the Resettlement of Displaced Persons (Land Acquisition) Act, 1948, a person is entitled to get the compensation where it has been held once acquisition in respect of land is completed, right if any, of the owner or his successor; in interest can only be extended to compensation under the Act and no right of possession could be claimed [ A.P. Nayyar s. Rehabilitation Ministry with Employees – (2006) 9 SCC 453].

1. Environmental protection –

Right of access to clean water is a fundamental to the life and duty lies on the State to provide clean drinking water to the citizens – [A.P. Pollution Control Board II vs.  Prof. M.V. Nayudu (Retd.) & Ors.  [(2001 2 SCC 62].

1. Please explain how energy efficiency, green urban planning, climate mitigation and adaptation policies and programmes take into account the right to adequate housing. What measures have been taken to ensure that they do not have any (unintended) discriminatory impact on particular population groups?

The trusted plan is prepared for the urban area that takes care of green planning. Adequate housing, climate aspect and impact are also considered. Objectives are identified, and then plans are finalized and acted upon.  No discriminatory impact is caused on any population group, even slum dwellers have right of resettlement under the schemes.

1. Please explain how natural disaster preparedness, response and recovery/reconstruction strategies and plans ensure non-discrimination?

All the relief measures and strategies mentioned in the Answer no. 4 are non-discriminatory. In fact, to give an example, the state of  Odisha which often encounters a number of cyclones and floods is lauded for its natural disaster preparedness, response and recovery/reconstruction strategies and plans.

Further, Indian Meteorological Department has one of the best Early Warning Services in the world related to Cyclones.IMD has demonstrated its capability to provide early warning for Cyclones with high precision. As a result, the vulnerable population gets evacuated from the damage prone areas in a timely manner to safe shelters thereby reducing the human death toll to a bare minimum, in recent years. It is noteworthy that death due to cyclones has been reduced to less than 100 in recent years.

To support the Disaster Management Authorities, there are continuous efforts towards vulnerability assessment & resilience building related to cyclones. Towards this, the Government of India (GoI) has initiated the National Cyclone Risk Mitigation Project (NCRMP) with a view to address cyclone risks in the country. The overall objective of the Project is to undertake suitable structural and non-structural measures to mitigate the effects of cyclones in the coastal states and UTs of India. National Disaster Management Authority (NDMA) under the aegis of Ministry of Home Affairs (MHA) will implement the Project in coordination with participating State Governments and the National Institute for Disaster Management (NIDM). The Project has identified 13 cyclone prone States and Union Territories (UTs), with varying levels of vulnerability.

All these measures are inclusive and are formulated while considering the benefit of all sections of the society, especially those which are more prone to such disasters and are non-discriminatory.

1. What are the main barriers to addressing and mitigating the adverse impacts of climate change on the realisation of the right to adequate housing?

Ensuring the right to adequate housing is itself a big challenge for a country with such a huge population and diverse topology. And when the externality factor of climate change and its impact is intricate, it becomes even more challenging. Further, there is a great variance in the needs and preferences of our country's people.

1. In metro and tier-II cities the dwelling pattern is uneven. Huge proportion of the population lives in slums and temporary settings where implementing mitigating measures is difficult. On the other hand these settings face greater impact of climate crisis such as floods, cyclones, storms, etc compared to permanent settings.
2. People who live in informal settlements lack security of tenure.
3. Cost of building greener infrastructure and limited financial resources is also a major challenge.

***Impact of housing on climate change***

1. How does the housing sector in rural and urban areas contribute to climate change? It may be helpful to think in terms of:
* energy consumption for heating, cooling, cooking, lighting of housing;
* urban sprawl and related climate impacts (soil sealing, commuter traffic etc.);
* increase of average per capita living space;
* water use;
* emission of pollutants;
* climate impact of construction and used construction materials;
* deforestation, desertification and loss of biodiversity caused by housing development projects.

Please provide as well any statistical information on the climate impact of the housing sector compared to other sectors in your country.

The growing urban population and a housing deficit needs for the establishment of more cities and housing. The challenge is that the impact of constructions and human activities is contributing a great deal to climate change. Housing and Urban Development Roadmap identified and taken care of the challenges in housing development such as natural environment, adequate land use planning, biodiversity, deforestation, desertification, soil erosion and pollution of land, air and water etc. Pollution control boards are doing the job effectively, construction Rules and bye laws are in place to reduce pollution, water contamination is also taken care of and emphasis is on water harvesting. Housing result in cutting of trees, but conditions are put to plant more trees than cut for the purpose.  However, growing housing impacts the climate change and loss of biodiversity as well to some extent. Courts have also issued directions in this regard from time to time.

1. What measures are being implemented in rural and urban areas to reduce and eliminate the adverse impacts of the housing sector on the climate? How successful have been these programmes?

The steps taken by the Government of India to reduce and eliminate the adverse impacts of the housing sector on the climate in Housing for All/Affordable Housing Plan are following:

1. Under Pradhan Mantri Awas Yojana – Urban (PMAY-U) scheme, a Technology Sub-Mission (TSM) has been set up to facilitate adoption of modern, innovative and green technologies and building materials for faster and quality construction of houses. TSM facilitates the preparation and adoption of layout designs and building plans suitable for various geo-climatic zones. It also assists States/Cities in deploying disaster resistant and environment friendly technologies.
2. Under Global Housing Technology Challenge-India (GHTC-India) initiative which was initiated by MoHUA in 2019, 54 innovative and alternate technologies from across the world were shortlisted in six broad categories. Technologies shortlisted include Sandwich panel system, Glass Fibre Reinforced Panel System (GFRP), Expanded Polystyrene (EPS) Core Panel System, Light gauge steel structure with insulated panels which have good thermal insulation property leading to operational energy saving during service life of buildings. Further, Light House Projects (LHPs) are being constructed using the shortlisted six distinct innovative technologies in six States namely Gujarat (Rajkot), Madhya Pradesh (Indore), Tamil Nadu (Chennai), Tripura (Agartala), Jharkhand (Ranchi) and Uttar Pradesh (Lucknow) with about 1,000 houses and related infrastructure. These LHPs address the requirement of Thermal Comfort/Cooling and green rating by Green Rating for Integrated Habitat Assessment (GRIHA) of Tata Energy Resource Institute (TERI). Energy efficiency is one of the important parameters of GRIHA rating.

1. The Central Public Works Department (CPWD) has brought out “Guidelines for Sustainable Habitat” to evaluate use of sustainable technologies and choice of material based on sustainable index. The objective of these guidelines is to help the Architect/Engineers while making decisions on choice of architectural design/materials/machines/equipment.
2. Government schemes and policies such as Swachh Bharat mission, Pradhan Mantri Awas Yojana, Smart Cities, Pradhan Mantri Jan Dhan Yojana, Deen Dayal Upadhyay Gram Jyoti Yojana and Pradhan Mantri UjjwalaYojana, among others, are all contributing towards eliminating the adverse impacts of the housing sector on the climate.
3. Under the Pradhan Mantri Ujjwala Yojana scheme, more than 8.5 crore gas connections were given to women of below poverty line families. There is shift from wood fuel to gas connection. This has contributed to cleaner air and has also resulted in a drastic reduction of respiratory disease and untimely deaths as per recent medical reports.
4. Further, with a view to abate dirt and related air pollution from the construction and demolition activities, the Commission for Air Quality Management has directed the Central Pollution Control Board, the State Pollution Control Boards to constitute special teams and launch inspection drives in the premises, processes and transportation of materials related to C&D activities.

1. What are the main barriers to reducing and eliminating the adverse impacts of the housing sector on the climate?

The following can be some of the barriers in reducing and eliminating the adverse impacts of the housing sector on the climate:

1. Barriers experienced by individuals: There is a lack of awareness and knowledge about climate change and its mitigating strategies. The larger section still is not so sure about climate change and the impact it is causing in the world. Therefore, they don’t think that any action is required to be taken individually or collectively as of now. However, having no surety about its happening does not necessarily mean to avoid implementing these measures.
2. Barriers experienced by organisations:
3. Capacity gaps: Organisations often have limited financial, technical and human resources to plan for a complex and contested issue such as adapting to climate change. They also have many competing issues that may take more immediate priority.
4. Uncertainty about the risks: While there is a broad consensus that the climate is changing, there is uncertainty around the scale of these changes.
5. Limited local information: A lack of locally relevant and practical information about potential climate impacts may be compounded by a lack of technical expertise to interpret climate change projections for the local area.
6. Limited financial resources: Small to medium-sized organisations, including local governments, often have limited funds to spend, and these are often prioritised to more immediate issues.

1. Barriers specific to local governments:
2. Regulatory and institutional frameworks: Local government requires strong and clear support from state government in order to progress adaptation, and this lack of support is a barrier to action.
3. Legal uncertainty: The risk of legal liability – and uncertainty about what is legally defensible – has been a strong concern for councils with respect to the issue of sea-level rise. Some councils are concerned about the legal implications of allowing development on a vulnerable coastline; other councils are concerned about litigation arising from restrictions on development; yet others have experienced legal repercussions from rethinking their coastal defences.
4. Organisational buy-in and leadership: A council may lack leadership from its elected officials or senior management to adapt to the risks of climate change.
5. Community context: Community values, beliefs and aspirations affect how councils operate and influence a council’s mandate for action. A council with a highly conservative community might feel it lacks the public support to lead or invest (spend ratepayers’ money) in planning for climate change.

***Towards a just transition to a rights-compliant, climate-resilient and carbon-neutral housing***

1. What specific legislation, policies, or programmes have been adopted to put in place and finance a just transition to a rights-compliant, climate-resilient and carbon-neutral housing for all, without discrimination?

India’s Cooling Action Plan launched in March 2019 seeks to reduce cooling demand across sector by 20% to 25% by 2037-38 with benefits of thermal comfort for all provisions for cooling for Economically Weaker Section (EWS) and Low Income Group (LIG) housing.Under PMAY-U, use of thermal and energy efficient building materials and construction practices are being promoted along with use of passive architecture,which will help in reducing cooling demand in affordable housing sector. The Cooling Action Plan promoting passive architecture will impact on energy efficiency of buildings by reducing the need for active cooling in buildings, which will substantially reduce the energy demand.

1. What measures have been taken to ensure that the costs of green transition in the housing sector are fairly shared between public authorities, taxpayers, homeowners, and tenants/renters or other affected interest groups, and to ensure the continued affordability of housing?

Most of the green infrastructure policies and schemes are run with public investment. Government also provides subsidies on various eco-friendly measures and initiatives. The initiatives mentioned in the Answer no. 12 are some of the examples of measures taken for green transition which are financed by the Government(s). Therefore, it is diligently ensured that the burden of green transition does not affect the poor disproportionately. Business houses also contribute to the schemes to reduce environmental degradation.  The continued affordability of housing is also ensured.

1. What adaptation strategies are needed to ensure the continued habitability of housing in the face of the climate crisis? (protection from e.g. heat, flooding, extreme weather, etc.)

**Use Bioretention to collect stormwater runoff**

Bioretention is an adapted landscape feature that provides onsite storage and infiltration of collected stormwater runoff. Stormwater runoff is directed from surfaces to a shallow depression that allows runoff to the pond prior to infiltration in an area that is planted with water-tolerant vegetation. As runoff accumulates, it will pond and slowly travel through a filter bed (pictured on the right) where it either infiltrates into the ground or is discharged via an underdrain. Small-scale bioretention areas are often referred to as rain gardens.

**Use Blue Roof to hold precipitation after a storm event and discharge it at a controlled rate**

A blue roof is designed to hold up to eight inches of precipitation on its surface or in engineered trays. It is comparable to a vegetated roof without soil or vegetation. After a storm event, precipitation is stored on the roof and discharged at a controlled rate. Blue roofs greatly decrease the peak discharge of runoff and also allow water to evaporate into the air prior to being discharged.20 Precipitation discharge is controlled on a blue roof through a flow restriction device around a roof drain. The water can either be slowly released to a storm sewer system or to another GI practice such as a cistern or bioretention area.

**Use Permeable pavement to allow runoff to flow through and be temporarily stored prior to discharge**

Permeable pavement includes both pavements and pavers with void space that allow runoff to flow through the pavement (pictured left). Once runoff flows through the pavement, it is temporarily stored in an underground stone base prior to infiltrating into the ground or discharging from an under drain. Permeable pavers are highly effective at removing heavy metals, oils, and grease in runoff. Permeable pavement also removes nutrients such as phosphorus and nitrogen. Soil and engineered media filter pollutants as the runoff infiltrates through the porous surface. The void spaces in permeable pavement surfaces and reservoir layers provide storage capacity for runoff. All permeable pavement systems reduce runoff peak volume.

**Use extended detention wetlands to reduce flood risk and provide water quality and ecological benefits**

Extended detention wetlands may be designed as a flood mitigation strategy that also provides water quality and ecological benefits. Extended detention wetlands can require large land areas, but come with significant flood storage benefits. Extended detention wetlands can be created, restored (from previously filled wetlands), or enhanced existing wetlands. Wetlands typically store flood water during a storm and release it slowly, thereby reducing peak flows. An extended detention wetland allows water to remain in the wetland area for an extended period of time, which provides increased flood storage as well as water quality benefits. Extended detention wetlands are distinct from preservation of existing wetlands, but the two practices often are considered together as part of a watershed-based strategy.

**Provide training for municipal staff on green infrastructure**

Training can help to better equip staff to assess green infrastructure proposals. For example, EPA offers a Green Infrastructure Webcast Series. EPA and other federal agencies and nongovernmental organisations have formed the Green Infrastructure Collaborative, a network to help communities more easily implement green infrastructure.

**Publicise a list of "certified or qualified" green infrastructure contractors and engineers**

Creating such a list can help connect experienced professionals with potential projects that could benefit from alternative design solutions.

1. How are different interest groups, including marginalized communities, homeowners and tenants, being consulted, and able to participate in the design, implementation, monitoring and evaluation of:
* legislation, policies, or programmes been adopted that provide for specific measures to ensure the realization of the right to adequate housing in the face of the climate crisis;
* natural disaster preparedness, response and reconstruction, as well as in mitigation and adaptation efforts;
* measures to reduce and eliminate the adverse impacts of the housing sector on climate.

The process of formulation of legislation, public policy or programmes in India does include consultation with stakeholders, experts and even the common public. Any new draft policy or legislation is kept in public domain for their suggestion and inputs for at least a month before finalisation.

The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013, is an act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition.

1. What is the role of international cooperation, technology transfer and development assistance of States and multilateral agencies to ensure a just transition?

India has signed Memorandum of Understanding (MoU) on climate change with Governments of Italy, Canada, Denmark, Norway and China regarding cooperation on climate change including clean development mechanism projects.

While the MoUs signed with Italy, Canada, Denmark and Norway are intended to stimulate development and bilateral cooperation in the field of clean development mechanism (CDM), the Agreement signed with China focuses on promotion of mutual understanding and coordination of each other's position on climate change related issues including international negotiations and bilateral cooperation in areas relating to energy efficiency, renewable, power, clean coal and other sectors of mutual interest.

1. What are the main barriers to achieving such a just transition?

Same as Answer no. 13

***Other issues***

1. Please use this space to indicate any issue that should be considered for this report.

Intervention by the Apex Courts in India have ensured protection of civil rights of the homeless, right to livelihood, shelter, rehabilitation of the displaced persons. These are as follows:-

1. **Human and Civil Rights of Homeless and Destitute Persons** –
2. For shelterless persons in Delhi, pursuant to Supreme Court of India direction, the homeless eligible persons are entitled to get renewable ration cards, community kitchen under the scheme of night shelter. (**PUCL vs. Union of India (2010) 5 SCC 318**).
3. Under Article 21. Supreme Court issued urgent instructions to the Government for making provision of temporary / permanent shelter in a time-bound manner.
4. **Right to life includes right to livelihood, shelter and food which cannot be deprived without just and fair procedure** –

The forceful eviction of squatters even if they are resettled in other sites, totally disrupts the economic life of the household. It is highly deplorable. Direction was also issued to prepare scheme for resettlement. [**Olga Tellies vs. Bombay Municipal Corporation – AIR 1986 SC 180**].

1. **Human and civil rights for homeless and destitute persons –**

Supreme Court directed various State Governments to ensure night shelters for shelterless people in urban areas. [**PUCL vs. Union of India (2010) 4 SCC 607)** & **E.R. Kumar & Anr. Vs. Union of India & Ors. (2017) 12 SCC 779**].

1. **Rehabilitation and resettlement of displaced persons** –

Supreme Court ensured compliance with the conditions on which clearance of the Sardar Sarovar Project was given including completion of relief and rehabilitation work and taking of ameliorative and compensatory measures for environmental protection in compliance with the scheme framed by the Government thereby protecting the rights of displaced persons under Article 21 of the Constitution. [**Narmada Bachao Andolan vs. Union of iNdia & Ors. – (2000) 10 SCC 664].**

1. **Article 21 comprehends right to shelter** –
2. Right to life to take within its sweep the right to a reasonable accommodation to live in. For a human being, it has to be a suitable accommodation which would allow him to grow in every aspect – physical, mental and intellectual [ **M/s. Shantistar Builders vs. Narayan Khimalal Totame & Ors. – (1990) 1 SCC 520**].
3. **Homeless and destitute persons** –

About the shelter for shelterless persons in various urban areas, life of homeless people must be properly protected and preserved. [**People’s Union for Civil Liberties (Night Shelter Matters) vs. Union of India and Others - (2013) 11 SCC 505].**

1. **Right to shelter is a fundamental right under Article 21** –

To make the right meaningful to the poor, the State has to provide facilities and opportunity to build a house. [**State of Karnataka & Ors. Vs. Narasimhamurthy & Ors. (1995) 5 SCC 524].**

1. **Right to food, shelter basic amenities under human and civil rights**-

Supreme Court issued detailed guidelines to urban local bodies. 140 night shelters were made operational with basic amenities and facilities. [**People’s Union of Civil Liberties (Night Shelter Matters) vs. Union of India & Ors.- (2011) 14 SCC 129 & People’s Union of Civil Liberties (Night Shelter Matters) vs. Union of India & Ors. (2011) 14 SCC 661).**

1. **Environmental protection** –

Right of access to clean water is a fundamental to the life and duty lies on the State to provide clean drinking water to the citizens – [**A.P. Pollution Control Board II vs. Prof. M.V. Nayudu (Retd.) & Ors. [(2001 2 SCC 62**].