

# 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

REPRINTED WITH RELEVANT RECOMMENDATIONS FROM INDIA'S THIRD  
UNIVERSAL PERIODIC REVIEW



HOUSING AND LAND RIGHTS NETWORK

**Joint Stakeholders' Report Submitted to the United Nations Human Rights Council in September 2016 by Housing and Land Rights Network, India**

on behalf of 81 organizations, community groups, social movements, and networks  
(List of endorsing organizations in Annexure Four)

**Suggested Citation:**

*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 [With Relevant Recommendations]*,  
Housing and Land Rights Network, New Delhi, 2018

**Published by:**

Housing and Land Rights Network  
G-18/1 Nizamuddin West  
Lower Ground Floor  
New Delhi – 110013, INDIA  
Phone: +91-11-4054-1680  
contact@hlrn.org.in  
www.hlrn.org.in

**First print: December 2016**

**Reprint (With Relevant Recommendations): July 2018**

New Delhi

**ISBN: 978-81-935672-0-3**

# **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**

**REPRINTED WITH RELEVANT RECOMMENDATIONS FROM INDIA'S  
THIRD UNIVERSAL PERIODIC REVIEW IN MAY 2017**



**HOUSING AND LAND RIGHTS NETWORK  
INDIA**



# 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 three cycles of the UPR – in 2008 (UPR I), 2012 (UPR II), and most recently in 2017 (UPR III). In order to prepare for a country's assessment at the Human Rights Council, the UN encourages civil society organizations to submit information, which is summarized along with other stakeholders' reports by the Office of the UN High Commissioner for Human Rights (OHCHR). This compilation of stakeholders' reports forms a part of the official review of a state in addition to its national report and an OHCHR compilation of UN information on the state under review.

In this regard, Housing and Land Rights Network, India (HLRN) coordinated the preparation and submission of a joint stakeholders' report focused on the human rights to adequate housing and land. As India received only one recommendation at both UPR I and UPR II on housing and no recommendation on land, HLRN's report assessed the status of implementation of recommendations related to reducing poverty and inequality, eliminating discrimination, promoting gender equality, and improving urban and rural living conditions – with a specific focus on housing and land issues. The report to the Human Rights Council also provided an overview of the major challenges related to the realization of housing and land rights in the country, and proposed 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 stakeholders' report for India's third UPR was endorsed by 81 organizations, including social movements and community-based groups, from across the country. We are grateful to them for their contribution and support. Submitted to the Human Rights Council in September 2016, the joint stakeholders' report was first published in December 2016 with the intention of spreading awareness on the UPR process as well as on important housing and land issues, and on encouraging constructive engagement with different actors to promote the realization of housing and land rights in India, especially for the most marginalized. The report is being reprinted in July 2018 with relevant recommendations from UPR III, in order to encourage their implementation and monitoring before India's next UPR in 2022 and its mid-term review in 2019.

In May 2017, during its third UPR, India received 250 recommendations from 112 UN member states, including three specific recommendations on the right to housing. No country made specific recommendations to India on the issue of land or land rights, 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. However, several UPR III recommendations on housing, environmental policy, farmers' rights, and sustainable development relate to land and need to be viewed and implemented through the lens of the 'indivisibility of human rights.'

We, at HLRN, would like to commend the Government of India for accepting UPR III recommendations related to sustainable rural and urban development, poverty eradication, and the human rights to adequate



housing, land, water, sanitation, food, and the environment (*see Annexure One of this report for a list of the relevant UPR III recommendations accepted by India and corresponding Sustainable Development Goals and targets*). This signifies an important step for India in meeting its commitments under international law, including the 2030 Agenda for Sustainable Development and the Paris Agreement. The UPR III recommendations accepted by India also align with those made by other UN bodies and Special Procedures, including the UN Committee on Economic, Social and Cultural Rights, and the UN Special Rapporteur on Adequate Housing. A number of these recommendations, however, have yet to be implemented by India. This is a good opportunity for the government to use the UPR III recommendations as a point of convergence and to develop human rights-based indicators to implement and link UPR recommendations, the Sustainable Development Goals, and targets of national schemes. The adoption of a human rights approach to national missions, schemes, policies, and laws related to sustainable development, housing, land, water, and related human rights in the country would further help promote the realization of these human rights, especially for the most marginalized.

Implementing the UPR III recommendations would also improve the execution of national schemes, including the Pradhan Mantri Awas Yojana (Housing for All–2022), Atal Mission for Rejuvenation and Urban Transformation (AMRUT), Swachh Bharat Mission, Smart Cities Mission, and the National Urban Livelihoods Mission, while meeting India’s constitutional and other national legal obligations.

We believe 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 engage constructively with the UN human rights system and to work with local and national governments to meet national and international human rights commitments. We look forward to a positive and participatory national process related to India’s implementation of recommendations made at its third UPR. We also hope that the UPR mechanism continues to strengthen its focus on economic, social, and cultural rights, including housing and land rights, in the broader struggle for human rights and social justice across the world.

**Shivani Chaudhry**

*Executive Director, Housing and Land Rights Network*

New Delhi, July 2018

# Table of Contents

|       |  |    |
|-------|--|----|
| I.    | Introduction                                     | 1  |
| II.   | Inadequate Living Conditions                     | 1  |
| III.  | Homelessness                                     | 3  |
| IV.   | Forced Evictions                                 | 4  |
| V.    | Project-induced Displacement                     | 5  |
| VI.   | Land Acquisition by Armed Forces                 | 7  |
| VII.  | Failed Resettlement                              | 7  |
| VIII. | Impacts of Disasters                             | 8  |
| IX.   | Conflict-induced Displacement                    | 9  |
| X.    | Discrimination and Marginalized Groups           | 9  |
| XI.   | Persecution of Housing and Land Rights Defenders | 11 |
| XII.  | Access to Justice                                | 11 |
| XIII. | International Cooperation                        | 12 |
| XIV.  | General Recommendations                          | 12 |
| XV.   | Conclusion                                       | 13 |

## Annexures

|      |  |    |
|------|--|----|
| I.   | Relevant Recommendations from India's Third Universal Periodic Review and Related Sustainable Development Goals        | 14 |
| II.  | Recommendations to India on Housing and Land by United Nations Treaty Bodies and Special Procedures                    | 23 |
| III. | Implementation of Recommendations Related to Housing and Land from India's First and Second Universal Periodic Reviews | 26 |
| IV.  | List of Organizations Endorsing this Joint Stakeholders' Report  | 35 |

## Endnotes

36





# 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;<sup>1</sup> 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.<sup>2</sup>
2. Housing and Land Rights Network (HLRN) contributed to a stakeholders' report for UPR II<sup>3</sup> and submitted a mid-term assessment of India's implementation of UPR II recommendations.<sup>4</sup> This submission is a joint stakeholders' report, endorsed by 81 organizations, for India's third UPR.<sup>5</sup>
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.<sup>6</sup> 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.<sup>7</sup>
5. India has the world's largest number of people (632 million) living in multidimensional poverty.<sup>8</sup> It also records the world's largest number of homeless persons, urban and rural poor, and landless households.<sup>9</sup>
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).<sup>10</sup> This is projected to increase to 34 million units by 2022.<sup>11</sup> Families unable to afford a house could reach 38 million by 2030.<sup>12</sup> 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.<sup>13</sup>
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'<sup>14</sup> in official discourse. Thirty-six per cent of these houses do not have basic facilities of electricity, tap water, and sanitation within their premises.<sup>15</sup>
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.<sup>16</sup>

9. India has the largest number of landless persons (over 500 million)<sup>17</sup> 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,<sup>18</sup> who face the worst deprivation.<sup>19</sup> 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.<sup>20</sup> The draft National Land Reforms Policy 2013<sup>21</sup> has not been finalized. Instead, land pooling policies are being promoted,<sup>22</sup> which result in loss of tenure, and in many instances, increased marginalization of landless agricultural labourers.<sup>23</sup>
10. Despite the existence of a rural housing scheme<sup>24</sup> operational since 1985, the national rural housing shortage was 40 million households; 90 per cent for 'below poverty line' households.<sup>25</sup> Over 13 per cent (23.7 million) of rural households live in one room with *kutcha* (mud/temporary) walls and roof.<sup>26</sup> 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.<sup>27</sup>
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.<sup>28</sup> 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.<sup>29</sup>
13. India has allocated Rs 480 billion (USD 7.5 billion) for the Smart Cities Mission (SCM),<sup>30</sup> 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 Proposals<sup>31</sup> 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.<sup>32</sup> 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.<sup>33</sup> 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 Mission<sup>34</sup> 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,<sup>35</sup> and the draft Model Tenancy Act.<sup>36</sup> 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.<sup>37</sup>
- 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.<sup>38</sup> Independent experts, however, estimate the number to be much higher.<sup>39</sup> 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.<sup>40</sup> 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.<sup>41</sup> 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 months<sup>42</sup> while Delhi failed to utilize Rs 206 million allocated for the homeless.<sup>43</sup>
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.<sup>44</sup>
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.<sup>45</sup> 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;<sup>46</sup> 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,<sup>47</sup> 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.<sup>48</sup>
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.<sup>49</sup>
26. Between 2012 and 2016, over 209,000 people in urban areas have been evicted forcefully.<sup>50</sup> 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.<sup>51</sup> 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,<sup>52</sup> while in Baljeet Nagar, Delhi, each evicted family suffered a loss of over Rs 150,000.<sup>53</sup> Between June and July 2016, over 200 families in Delhi lost their homes valued at between Rs 70,000–200,000.<sup>54</sup> 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.'<sup>55</sup>

## 28. Recommendations:

- Impose a moratorium on forced evictions.
- Implement UN guidelines on evictions and displacement.<sup>56</sup>
- 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).<sup>57</sup> These include the construction of dams, ports, and roads; thermal power, irrigation, and mining projects; industrial development; and Special Economic Zones (SEZs).<sup>58</sup> This issue was raised by the Committee on Economic, Social and Cultural Rights.<sup>59</sup> Of those displaced, 40 per cent are indigenous/tribal peoples while 20 per cent are SC/Dalits.<sup>60</sup> 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”<sup>61</sup> while a parliamentary committee reported that, “Only a third of displaced persons of planned development have been resettled.”<sup>62</sup>
30. A CAG report on SEZs<sup>63</sup> 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.<sup>64</sup> In October 2015, the National Green Tribunal prohibited closing of the Maheshwar Dam gates until completion of rehabilitation of all project-affected people.<sup>65</sup>
32. Several dams in northeast India, including Mapithel Dam<sup>66</sup> and Tipaimukh Hydel Power Project (Manipur), Subansiri Lower Hydroelectric Power Project<sup>67</sup> 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.<sup>68</sup>
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 report<sup>69</sup> 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,<sup>70</sup> 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.<sup>71</sup>
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.<sup>72</sup> 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.<sup>73</sup>
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.<sup>74</sup> 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).<sup>75</sup> 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.<sup>76</sup>
37. In August 2013, members of the Dongria Kondh community in Odisha—in a historic referendum—rejected Vedanta Alumina's<sup>77</sup> 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.<sup>78</sup>
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.<sup>79</sup> 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.<sup>80</sup>
39. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act 2013<sup>81</sup> 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.<sup>82</sup> Contrary to government claims, only eight per cent of projects have been stalled as a result of problems related to land acquisition.<sup>83</sup>

#### 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.<sup>84</sup> Compensation to land-owners has been nominal/unpaid. The army occupied horticultural land in Shopian, adversely affecting livelihoods and the ecosystem.<sup>85</sup> 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.<sup>86</sup>

## 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.<sup>87</sup> 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.<sup>88</sup> In Indore, inadequate conditions in resettlement sites have resulted in the death of 35 persons.<sup>89</sup>

#### 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.<sup>90</sup>



## 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).<sup>91</sup> In 2015, disasters displaced 3.7 million people in India, the second highest in the world and the highest in South Asia.<sup>92</sup> 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.<sup>93</sup>
46. While India passed the National Disaster Management Act in 2005<sup>94</sup> 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.<sup>95</sup>
48. India faces a high risk from the impacts of climate change.<sup>96</sup> While India has ratified the Paris Agreement and its Intended Nationally Determined Contribution (INDC) document<sup>97</sup> 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 sites<sup>98</sup> on the outskirts of Chennai. Floods in 2016 displaced two million people in Bihar<sup>99</sup> and 1.2 million in Assam.<sup>100</sup> 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.<sup>101</sup>
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.<sup>102</sup>
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.<sup>103</sup>

### 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.<sup>104</sup> 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.<sup>105</sup> 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.<sup>106</sup> Conflicts in northeast India resulting from land alienation, influx of outsiders, and struggle for natural resources, have caused widespread displacement.<sup>107</sup> As of June 2016, over 34,000 Bru people displaced from Mizoram were still living in Tripura.<sup>108</sup>
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.<sup>109</sup>

### 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.<sup>110</sup> 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.<sup>111</sup>
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.<sup>112</sup> 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.<sup>113</sup> Forest-dwelling Particularly Vulnerable Tribal Groups have been rendered landless by declarations of Reserved/Protected Forest.<sup>114</sup> Nomadic, semi-nomadic, and denotified<sup>115</sup> tribes live in inadequate conditions without tenure security.<sup>116</sup> Recommendations for providing housing/land and basic amenities to them are not implemented.<sup>117</sup>
59. The Sachar Committee (2006) highlighted housing discrimination faced by Muslims in non-Muslim areas and in accessing home loans.<sup>118</sup> 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.<sup>119</sup> Studies highlight 'housing apartheid' faced by Dalits and Muslims.<sup>120</sup>

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.<sup>121</sup> While 85 per cent of rural women work in agriculture, only 13 per cent own land.<sup>122</sup> Despite amendments in law, women face obstacles in exercising property/land rights.<sup>123</sup> Single women constitute 12 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 suicide<sup>124</sup> because of indebtedness are increasingly threatened while they have to address the burden of debt repayment.<sup>125</sup>
61. Eight million children under six years live in approximately 49,000 'slums' across India.<sup>126</sup> 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,<sup>127</sup> but are not implemented.<sup>128</sup>
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.<sup>129</sup>
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.<sup>130</sup>

#### **65. Recommendations:**

- Develop a national policy for IDPs and implement the Guiding Principles on Internal Displacement.<sup>131</sup>
- Recognize community rights over land and prevent land alienation/displacement. Restore land to released bonded labourers.<sup>132</sup>
- 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.<sup>133</sup> 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.<sup>134</sup> They were held in Mirzapur Jail for two–three months until they were granted bail.<sup>135</sup>
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.<sup>136</sup>
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.’<sup>137</sup>

### 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 laws<sup>138</sup> are not always implemented while some laws impede access of marginalized communities to justice.<sup>139</sup>
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.<sup>140</sup> 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.<sup>141</sup>

76. India invited the Special Rapporteur on adequate housing on mission in April 2016.<sup>142</sup> In July 2016, India submitted its report for Habitat III.<sup>143</sup> 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,<sup>144</sup> which also commits to ending homelessness and forced evictions, and provides security of tenure.<sup>145</sup>

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.<sup>146</sup>

## **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 realization 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 realization of economic, social, and cultural rights, including the rights to adequate housing and land, on par with civil and political rights.

# Annexure One

## Relevant Recommendations from India's Third Universal Periodic Review (UPR III, May 2017) and Related Sustainable Development Goals

| UPR III RECOMMENDATION <sup>1</sup>  | RELATED SUSTAINABLE DEVELOPMENT GOALS AND TARGETS <sup>2</sup>  |
|--|---|
| <b>PROTECTION OF HUMAN RIGHTS (GENERAL)<sup>3</sup></b>  |   |
| <b>161.61</b> Continues its endeavours in promoting and protecting the human rights of all its citizens in an inclusive manner.  | All goals <sup>4</sup>  |
| <b>161.62</b> Adopt a National Plan on Human Rights.   | All goals <sup>5</sup>  |
| <b>HUMAN RIGHTS TO ADEQUATE HOUSING AND LAND</b>   |   |
| <b>161.155</b> Implement a human-rights based, holistic approach to ensure access to <b>adequate housing*</b> as well as to adequate water and sanitation, also for marginalized groups, including Dalits/scheduled castes, homeless, landless, scheduled tribes, religious and ethnic minorities, persons with disabilities, and women. | <b>Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable</b><br><br><b>Target 11.1</b> By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums   |
|  | <b>Goal 5: Achieve gender equality and empower all women and girls</b><br><br><b>5.a</b> Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws  |
|  | <b>Goal 6: Ensure availability and sustainable management of water and sanitation for all</b><br><br><b>6.1</b> By 2030, achieve universal and equitable access to safe and affordable drinking water for all<br><br><b>6.2</b> By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations |

1 Report of the Working Group on the Universal Periodic Review, A/HRC/36/10, July 2017. Available at: [https://www.upr-info.org/sites/default/files/document/india/session\\_27\\_-\\_may\\_2017/a\\_hrc\\_36\\_10\\_e.pdf](https://www.upr-info.org/sites/default/files/document/india/session_27_-_may_2017/a_hrc_36_10_e.pdf)

2 For more information on 'Targets and Indicators' related to the Sustainable Development Goals, please see: <https://sustainabledevelopment.un.org/sdgs>

Also see, Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development, A/RES/71/313 E/CN.3/2018/2.

3 The recommendations listed in this table were accepted by the Government of India on 21 September 2017 at the UN Human Rights Council. The classification presented here, according to different human rights, has been done by Housing and Land Rights Network India.

4 See, Transforming our World: The 2030 Agenda for Sustainable Development, A/RES/70/1, 25 September 2015. Available at: [http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_70\\_1\\_E.pdf](http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf)

5 Ibid.



| UPR III RECOMMENDATION   | RELATED SUSTAINABLE DEVELOPMENT GOALS AND TARGETS  |
|--|--|
|  | <p><b>Goal 10: Reduce inequality within and among countries</b></p> <p><b>10.2</b> By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other</p> <p><b>10.3</b> Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard</p>   |
| <p><b>161.156</b> Expand the “Housing for all” scheme to realise the <b>right to adequate housing*</b> for vulnerable people and eliminate homelessness by 2030.</p>   | <p><b>Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable</b></p> <p><b>11.1</b> By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums</p>  |
| <p><b>161.157</b> Continue the Housing for All policy led by the Government to eradicate by 2030 the problem of homelessness, in conformity with Goal 11 of the 2030 Agenda.</p>                                   | <p><b>Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable</b></p> <p><b>11.1</b> By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums</p>  |
| <p><b>HUMAN RIGHT TO DEVELOPMENT (SOCIO-ECONOMIC AND SUSTAINABLE DEVELOPMENT) AND POVERTY ERADICATION</b></p>  |  |
| <p><b>161.166</b> Continue efforts to reduce poverty, improve the well-being of the people, protect and enforce the rights of vulnerable groups of the population.</p>   | <p><b>Goal 1: End poverty in all its forms everywhere</b></p> <p><b>1.1</b> By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day</p> <p><b>1.2</b> By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions</p> <p><b>1.3</b> Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable</p> <p><b>1.4</b> By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance</p> <p><b>Goal 10: Reduce inequality within and among countries</b></p> <p><b>10.2</b> By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status</p> |
| <p><b>161.173</b> Continue promoting sustainable economic and social development and raising the living standard of its people so as to lay down a firm basis for the enjoyment of human rights by its people.</p> | <p><b>Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</b></p> <p><b>8.1</b> Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 per cent gross domestic product growth per annum in the least developed countries</p>   |

| UPR III RECOMMENDATION   | RELATED SUSTAINABLE DEVELOPMENT GOALS AND TARGETS  |
|--|--|
| <b>RURAL DEVELOPMENT AND RIGHTS OF FARMERS/PEASANTS</b>  |  |
| <p><b>161.154</b> Continue its programmes for the promotion of socio-economic development, with a particular focus on the countries' rights-based approach to food security targeting the most vulnerable groups.</p>  | <p><b>Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture</b></p> <p><b>2.1</b> By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round</p> <p><b>2.2</b> By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons</p> |
| <p><b>161.160</b> Continue efforts and measures aimed at enhancing social security and labour policies, and expand the development model in rural areas.</p>   | <p><b>Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</b></p> <p><b>8.8</b> Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment</p>   |
|  | <p><b>Goal 10: Reduce inequality within and among countries</b></p> <p><b>10.4</b> Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality</p>  |
| <p><b>161.172</b> Implement further actions in promoting social and work security as well as efforts to spread the country's growth model in rural areas.</p>  | <p><b>Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</b></p> <p><b>8.8</b> Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment</p>   |
|  | <p><b>Goal 10: Reduce inequality within and among countries</b></p> <p><b>10.4</b> Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality</p>  |
| <p><b>161.178</b> Continue its efforts to ensure that the universal health care scheme covers disadvantaged groups, including persons with disabilities and persons living in remote rural areas that still face obstacles in accessing basic healthcare services.</p> | <p><b>Goal 3: Ensure healthy lives and promote well-being for all at all ages</b></p> <p><b>3.7</b> By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes</p> <p><b>3.8</b> Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all</p>   |
|  | <p><b>Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</b></p> <p><b>8.5</b> By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value</p>  |

| UPR III RECOMMENDATION   | RELATED SUSTAINABLE DEVELOPMENT GOALS AND TARGETS   |
|--|---|
| <p><b>161.194</b> Continue its efforts to ensure women's equal participation in the workforce and generate employment opportunities for women in rural areas.</p>                          | <p><b>Goal 5: Achieve gender equality and empower all women and girls</b></p> <p><b>5.a</b> Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws</p> <p><b>5.c</b> Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels</p> <hr/> <p><b>Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</b></p> <p><b>8.5</b> By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value</p>   |
| <p><b>161.245</b> Continue strengthening the policies in favour of the rights of peasants and other persons working in the rural areas.</p>  | <p><b>Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture</b></p> <p><b>2.a</b> Increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks in order to enhance agricultural productive capacity in developing countries, in particular least developed countries</p> <hr/> <p><b>Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</b></p> <p><b>8.5</b> By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.</p> <p><b>8.8</b> Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment</p> |
| <b>HUMAN RIGHT TO FOOD</b>   |   |
| <p><b>161.153</b> Continue strengthening efforts aimed at promoting <b>food security*</b> and eradicate all forms of malnutrition, in particular among children under the age of five.</p> | <p><b>Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture</b></p> <p><b>2.1</b> By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round</p> <p><b>2.2</b> By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons</p>  |

| UPR III RECOMMENDATION  | RELATED SUSTAINABLE DEVELOPMENT GOALS AND TARGETS  |
|---|--|
| <p><b>161.154</b> Continue its programmes for the promotion of socio-economic development, with a particular focus on the countries' <b>rights-based approach to food security*</b> targeting the most vulnerable groups.</p>   | <p><b>Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture</b></p> <p><b>2.1</b> By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round</p> <p><b>2.2</b> By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons</p> <p><b>2.3</b> By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment</p> |
| <p><b>161.168</b> Continues its fight against poverty, lack of <b>adequate food,*</b> safe water and sanitation, while paying special attention to the need to introduce a child rights-based approach in all policies.</p>   | <p><b>Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture</b></p> <p><b>2.1</b> By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round</p> <p><b>2.2</b> By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons</p> <p><b>2.3</b> By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment</p> |
| <b>HUMAN RIGHTS TO WATER AND SANITATION</b>   |  |
| <p><b>161.155</b> Implement a human-rights based, holistic approach to ensure access to adequate housing as well as to <b>adequate water and sanitation,*</b> also for marginalized groups, including Dalits/scheduled castes, homeless, landless, scheduled tribes, religious and ethnic minorities, persons with disabilities, and women.</p> | <p><b>Goal 6: Ensure availability and sustainable management of water and sanitation for all</b></p> <p><b>6.1</b> By 2030, achieve universal and equitable access to safe and affordable drinking water for all</p> <p><b>6.2</b> By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations</p> <p><b>6.b</b> Support and strengthen the participation of local communities in improving water and sanitation management</p>  |

| UPR III RECOMMENDATION   | RELATED SUSTAINABLE DEVELOPMENT GOALS AND TARGETS   |
|--|---|
| <p><b>161.168</b> Continue its fight against poverty, lack of adequate food, <b>safe water and sanitation</b>,* while paying special attention to the need to introduce a child rights-based approach in all policies.</p> | <p><b>Goal 6: Ensure availability and sustainable management of water and sanitation for all</b></p> <p><b>6.1</b> By 2030, achieve universal and equitable access to safe and affordable drinking water for all</p> <p><b>6.2</b> By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations</p>  |
| <p><b>161.170</b> Continue increasing access to safe and sustainable drinking water in the rural areas and to improve sanitation coverage, especially for women and girls.</p>   | <p><b>Goal 6: Ensure availability and sustainable management of water and sanitation for all</b></p> <p><b>6.1</b> By 2030, achieve universal and equitable access to safe and affordable drinking water for all</p> <p><b>6.2</b> By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations</p>  |
|  | <p><b>Goal 10: Reduce inequality within and among countries</b></p> <p><b>10.2</b> By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status</p> <p><b>10.3</b> Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard</p>   |
| <b>HUMAN RIGHT TO A CLEAN AND HEALTHY ENVIRONMENT</b>  |   |
| <p><b>161.90</b> Establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards.</p>                                | <p><b>Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all</b></p> <p><b>7.1</b> By 2030, ensure universal access to affordable, reliable and modern energy services</p>  |
|  | <p><b>Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</b></p> <p><b>8.3</b> Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services</p> <p><b>8.4</b> Improve progressively, through 2030, global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10-year framework of programmes on sustainable consumption and production, with developed countries taking the lead</p> <p><b>8.5</b> By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value</p> <p><b>8.7</b> Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms</p> |

| UPR III RECOMMENDATION | RELATED SUSTAINABLE DEVELOPMENT GOALS AND TARGETS  |
|------------------------|--|
|                        | <p><b>Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation</b></p> <p><b>9.1</b> Develop quality, reliable, sustainable and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all.</p> <p><b>9.2</b> Promote inclusive and sustainable industrialization and, by 2030, significantly raise industry’s share of employment and gross domestic product, in line with national circumstances, and double its share in least developed countries.</p> <p><b>9.4</b> By 2030, upgrade infrastructure and retrofit industries to make them sustainable, with increased resource-use efficiency and greater adoption of clean and environmentally sound technologies and industrial processes, with all countries taking action in accordance with their respective capabilities.</p> <hr/> <p><b>Goal 13: Take urgent action to combat climate change and its impacts</b></p> <p><b>13.2</b> Integrate climate change measures into national policies, strategies and planning</p> <p><b>13.3</b> Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning</p> <p><b>13.b</b> Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities</p> <hr/> <p><b>Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development</b></p> <p><b>14.4</b> By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics</p> <p><b>14.b</b> Provide access for small-scale artisanal fishers to marine resources and markets</p> <hr/> <p><b>Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss</b></p> <p><b>15.2</b> By 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally.</p> <p><b>15.3</b> By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world.</p> <p><b>15.a</b> Mobilize and significantly increase financial resources from all sources to conserve and sustainably use biodiversity and ecosystems.</p> |

| UPR III RECOMMENDATION  | RELATED SUSTAINABLE DEVELOPMENT GOALS AND TARGETS   |
|---|---|
| <p><b>161.91</b> Continue its efforts in relation to its <b>environmental policies</b>.*</p>  | <p><b>Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</b></p> <p><b>8.4</b> Improve progressively, through 2030, global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10-Year Framework of Programmes on Sustainable Consumption and Production, with developed countries taking the lead</p> <p><b>Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss</b></p> <p><b>15.1</b> By 2020, ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements</p> <p><b>15.2</b> By 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally</p> <p><b>15.9</b> By 2020, integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts</p>   |
| <p><b>161.92</b> Provide access to clean and modern energy to all its people and develop <b>climate-friendly green cities</b>.*</p> | <p><b>Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable</b></p> <p><b>11.6</b> By 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management</p> <p><b>11.a</b> Support positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning</p> <p><b>11.b</b> By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030, holistic disaster risk management at all levels</p> <p><b>Goal 13: Take urgent action to combat climate change and its impacts</b></p> <p><b>13.2</b> Integrate climate change measures into national policies, strategies and planning</p> <p><b>Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development</b></p> <p><b>14.1</b> By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution</p> <p><b>14.c</b> Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of The Future We Want</p> |



| UPR III RECOMMENDATION   | RELATED SUSTAINABLE DEVELOPMENT GOALS AND TARGETS  |
|--|--|
|  | <p><b>Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss</b></p> <p><b>15.1</b> By 2020, ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements</p>  |
| <p><b>161.93</b> Continue implementing its international commitments to achieve its Nationally Determined Contributions (NDC) under the Paris Agreement of 2015.</p> | <p><b>Goal 13: Take urgent action to combat climate change and its impacts</b></p> <p><b>13.1</b> Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries</p> <p><b>13.a</b> Implement the commitment undertaken by developed-country parties to the United Nations Framework Convention on Climate Change to a goal of mobilizing jointly \$100 billion annually by 2020 from all sources to address the needs of developing countries in the context of meaningful mitigation actions and transparency on implementation and fully operationalize the Green Climate Fund through its capitalization as soon as possible</p> <p><b>13.b</b> Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities</p> |
| <p><b>161.94</b> Continue its efforts to effectively enforce its environmental policies and further <b>increase the growth of forest cover*</b> in the country.</p>  | <p><b>Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss</b></p> <p><b>15.2</b> By 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally</p>   |

*[\*emphasis added]*

# Annexure Two

## Recommendations to India on Housing and Land by United Nations Treaty Bodies and Special Procedures:<sup>1</sup>

|     | 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  | Report on Mission to India               | 2017   |
|     |   | Press Releases                           | 2004, 2010, 2016   |
|     |   | Communication to the Government of India | 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015 |
|     |   | Annual Reports                           | 2001, 2002, 2004, 2005, 2008, 2011, 2012, 2013, 2015, 2016, 2017 |
| 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   |

<sup>1</sup> For complete details, see *United Nations Documents Related to Housing and Land Rights in India*, Housing and Land Rights Network, New Delhi, 2017. Available at: [http://hlrn.org.in/documents/UN\\_Documents\\_on\\_Housing\\_and\\_Land.pdf](http://hlrn.org.in/documents/UN_Documents_on_Housing_and_Land.pdf)  
This table was updated in July 2018.

|     | <b>Special Procedure</b>  | <b>Source</b>  | <b>Year</b>      |
|-----|---|--|------------------|
| 13. | Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation   | Annual Report  | 2009             |
|     |   | Mission to India, Press Statement  | 2017             |
| 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, 2017 |
|     | <b>Joint Communications by Special Procedures</b>   | <b>Details</b>   | <b>Year</b>      |
| 16. | Working Group on Human Rights and Transnational Corporations and Other Business Enterprises; and the Special Rapporteurs on the Right to Food; Human Rights Defenders; and, Indigenous Peoples  | Communication to the Government of India (regarding construction of boundary walls on the lands of 22,000 people, including tribals, in Jagatsinghpur, Odisha, after POSCO's exit from the area) | 2018             |
| 17. | Joint Communication of Special Rapporteurs on Arbitrary Detention; Rights of Indigenous Peoples; Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health; Adequate Housing; Human Rights Defenders; Internally Displaced Persons; and, Extreme Poverty and Human Rights | Communication to the Government of India (on forced eviction and displacement of 40,000 families due to the Sardar Sarovar Dam project, and arrest of human rights defenders)                    | 2017             |
| 18. | Joint Communication of Special Rapporteurs on Arbitrary Detention; Adequate Housing; Human Rights Defenders; and, Violence against Women  | Communication to the Government of India (on forced eviction and demolition of homes in Delhi)   | 2016             |
| 19. | Joint Communication of Special Rapporteurs on Adequate Housing and Rights of Indigenous Peoples   | Communication to the Government of India (on Mapithel Dam, Manipur)  | 2015             |
| 20. | 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             |
| 21. | 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             |
| 22. | 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             |

|     | <b>Joint Communications by Special Procedures</b>  | <b>Details</b>  | <b>Year</b> |
|-----|--|---|-------------|
| 23. | 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        |
| 24. | Joint Press Release  | Press Release (on the POSCO project)  | 2013        |
| 25. | 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        |
| 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 Right to 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 Chhatisgarh)                            | 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 Sonebhadra, Uttar Pradesh) | 2007        |
| 30. | Joint Communication of Special Rapporteurs on Adequate Housing; Rights of Indigenous Peoples; and, Right to Health   | Communication to the Government of India (on the Sardar Sarovar Dam)  | 2004        |
| 31. | Joint Communication of Special Rapporteurs on Adequate Housing; and Right to Food  | Communication to the Government of India (on evictions in Delhi)  | 2004        |
| 32. | Joint Communication of Special Rapporteurs on Adequate Housing; Rights of Indigenous Peoples; and Right to Health  | Communication to the Government of India (on the Sardar Sarovar Dam)  | 2003        |

# Annexure Three

## Implementation of Recommendations Related to Housing and Land from India’s First and Second Universal Periodic Reviews

**Table I: Status of Implementation of UPR II Recommendations**

|  | UPR II Recommendation<br>Report of the Working Group, A/HRC/21/10  | Status of Implementation with Regard to<br>Housing and Land Rights   |
|--|--|--|
| <b>ADEQUATE LIVING CONDITIONS, POVERTY ERADICATION, AND SOCIO-ECONOMIC DEVELOPMENT</b> |  |  |
| 1.   | <p><b>Recommendation 138.137</b></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><b>Recommendation 138.130</b></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>  |

|    | <b>UPR II Recommendation<br/>Report of the Working Group, A/HRC/21/10</b>   | <b>Status of Implementation with Regard to<br/>Housing and Land Rights</b>   |
|----|---|--|
|    |   | 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><b>Recommendation 138.134</b></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><b>Recommendation 138.141</b></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><b>Recommendation 138.142</b></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>  |

|  | <b>UPR II Recommendation<br/>Report of the Working Group, A/HRC/21/10</b>  | <b>Status of Implementation with Regard to<br/>Housing and Land Rights</b>   |
|--|--|--|
| 6.                                     | <p><b>Recommendation 138.143</b></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><b>Recommendation 138.144</b></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><b>Recommendation 138.145</b></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>   |
| <b>EQUALITY AND NON-DISCRIMINATION</b> |  |  |
| 9.                                     | <p><b>Recommendation 138.47</b></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><b>Recommendation 138.83</b></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><b>Recommendation 138.86</b></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> |



|     | <b>UPR II Recommendation<br/>Report of the Working Group, A/HRC/21/10</b>   | <b>Status of Implementation with Regard to<br/>Housing and Land Rights</b>   |
|-----|---|--|
| 12. | <p><b>Recommendation 138.79</b></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><b>Recommendation 138.74</b></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><b>Recommendation 138.75</b></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><b>Recommendation 138.71</b></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>   |

|     | <b>UPR II Recommendation<br/>Report of the Working Group, A/HRC/21/10</b>  | <b>Status of Implementation with Regard to<br/>Housing and Land Rights</b>  |
|-----|--|---|
|     | <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><b>Recommendation 138.72</b></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><b>Recommendation 138.76</b></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<br>Report of the Working Group, A/HRC/21/10 |   | Status of Implementation with Regard to<br>Housing and Land Rights  |
|---|---|---|
| 18.   | <b>Recommendation 138.82</b><br>Review the budgets and social laws taking into account gender issues (Morocco)                                    | 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.  |
| 19.   | <b>Recommendation 138.167</b><br>Ensure better protection for persons with disabilities and the elderly (Senegal)                                 | Access to housing and basic services remains a struggle for these groups.<br><br>While several housing schemes contain provisions for persons with disabilities, including preferential allotment, they are not sufficient and implementation is weak.<br><br>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.   |
| <b>WATER AND SANITATION</b>                                       |   |   |
| 20.   | <b>Recommendation 138.138</b><br>Ensure that every household enjoys the right to safe drinking water and sanitation.                              | Partially implemented.<br><br>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:<br><a href="http://sbm.gov.in/sbmdashboard/Default.aspx">http://sbm.gov.in/sbmdashboard/Default.aspx</a> ) |
| 21.   | <b>Recommendation 138.139</b><br>Further accelerate the sanitation coverage and the access to safe and sustainable drinking water in rural areas. | 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.   |

|                                  | <b>UPR II Recommendation</b><br>Report of the Working Group, A/HRC/21/10   | <b>Status of Implementation with Regard to Housing and Land Rights</b>  |
|----------------------------------|--|---|
| <b>NATIONAL COORDINATION</b>     |  |   |
| 22.                              | <p><b>Recommendation 138.57</b></p> <p>Intensify its efforts and measures to consolidate the state of law and its national mechanisms on human rights (Viet Nam)</p>     | <p>Implementation is partial.</p> <p>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 reparations, and not just defer to state government reports.</p>  |
| 23.                              | <p><b>Recommendation 138.58</b></p> <p>Further coordination among relevant national authorities and human rights institutions (Egypt).</p>                               | <p>Coordination among and between various ministries and national human rights institutions needs to improve.</p> <p>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.</p> <p>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.</p> <p>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.</p> |
| <b>INTERNATIONAL COOPERATION</b> |  |   |
| 24.                              | <p><b>Recommendation 138.18</b></p> <p>Sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights... (Portugal)</p>                | <p>Not implemented.</p> <p>India has not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.</p>  |
| 25.                              | <p><b>Recommendation 138.65</b></p> <p>Implement Treaty Body recommendations and develop a National Action Plan to eliminate all forms of discrimination (Slovenia).</p> | <p>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.)</p> <p>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.</p>  |

|                               | <b>UPR II Recommendation<br/>Report of the Working Group, A/HRC/21/10</b>  | <b>Status of Implementation with Regard to<br/>Housing and Land Rights</b>   |
|-------------------------------|--|--|
| 26.                           | <p><b>Recommendation 138.68</b></p> <p>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)</p> | <p>Not implemented.</p> <p>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.</p>   |
| 27.                           | <p><b>Recommendation 138.66</b></p> <p>Continue cooperating with Special Procedures and accept in particular requests for visits from Special Rapporteurs (Belgium)</p>  | <p>Partially implemented.</p> <p>India invited the Special Rapporteur on adequate housing on an official mission in April 2016.</p> <p>(See Annexure Two of this report for a list of UN Special Procedures that have made recommendations to India on housing and land)</p> |
| 28.                           | <p><b>Recommendation 138.70</b></p> <p>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)</p>  | <p>Partially implemented.</p> <p>India submitted its National Report for the UN Conference on Housing and Sustainable Urban Development (Habitat III) in July 2016.</p> <p>India’s report to the UN Committee on Economic, Social and Cultural Rights is overdue.</p>        |
| <b>HUMAN RIGHTS EDUCATION</b> |  |  |
| 29.                           | <p><b>Recommendation 138.59</b></p> <p>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)</p>  | <p>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.</p>                               |

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

|    | <b>UPR II Recommendation<br/>Report of the Working Group, A/HRC/8/26</b>  | <b>Status of Implementation With Regard to<br/>Housing and Land Rights</b>  |
|----|---|---|
| 1. | <p><b>Recommendation 86.4</b></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><b>Recommendation 86.11</b></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><b>Recommendation 86.10</b></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><b>Recommendation 86.18</b></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 Four

## 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 Three 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](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 was 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://nbo.nic.in/Images/PDF/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](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](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](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](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](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 Amaravati, 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 has been 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/wgref\\_1ay.pdf](http://planningcommission.nic.in/aboutus/committee/wrkgrp12/rd/wgref_1ay.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](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: <https://hudco.org/writereaddata/PMAY.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. See: [www.hlrn.org.in](http://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: [https://smartnet.niuia.org/sites/default/files/resources/Model\\_State\\_Affordable\\_Housing\\_Policy\\_Draft.pdf](https://smartnet.niuia.org/sites/default/files/resources/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://mohua.gov.in/upload/uploadfiles/files/3Draft\\_Model\\_Tenancy\\_Act\\_2015.pdf](http://mohua.gov.in/upload/uploadfiles/files/3Draft_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>

- 39 Several organizations claimed that the homeless census was not comprehensive and accurate. See, 'The Homeless Census,' *The Times of India*, 5 March 2011. Available at: <http://timesofindia.indiatimes.com/city/delhi/The-census-of-the-homeless/articleshow/7636456.cms>
- 40 *PUCL vs. Union of India and Others*, W. P. (C) 196/ 2001; and *E. R. Kumar and Anr. v. 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](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](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](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](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>.  
Also see, 'Dharamshala's 'Smart City' 'inhuman' eviction of 1500 homeless slum dwelling migrant workers,' *India Today*, 01 August 2016. Available at: <http://www.indialivetoday.com/dharamshalas-smart-city-inhuman-eviction-homeless-slum-dwellers/16942.html>.  
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>

- 56 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](http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)
- 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](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](http://gssaap-cag.nic.in/sites/all/themes/marinelli/Reports/2011-12/Jalayagnam/English/Jalayagnam_Complete_Report_2011-12.pdf)
- 70 'Rs 186,000 crore illusion,' *Down to Earth*, June 2012. Available at: <http://www.downtoearth.org.in/coverage/rs-186000-cr-illusion-38549>
- 71 'Strategic Analysis of India's River Linking Project,' CPWF Project Report, 2009. Also see, 'Interlinking of Rivers in India: Dimensions of Social Impacts,' South Asia Network on Dams, Rivers & People, 2007. Available at: [http://sandrp.in/riverlinking/DRR\\_paper\\_0107.pdf](http://sandrp.in/riverlinking/DRR_paper_0107.pdf)
- 72 *Sasan Ultra Mega Power Project, Singrauli, Madhya Pradesh - A Brief Report*, Bank Information Center Trust in association with Srijan Lokhit Samiti, 2013. Available at: <https://lokhitsamiti.files.wordpress.com/2013/10/sasan-report-final.pdf>
- 73 'UP Government Continues Forcible Land Acquisition, Arrests Protesting Activists and Project Affected,' National Alliance of People's Movements, 2015. A 2012 Allahabad High Court order asked for due process to be followed for land acquisition and return of forcibly acquired land to families affected by the Karchana power plant, if they returned the compensation given to them. The state, however, allegedly has continued acquiring land forcefully and is not implementing The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

- 74 'India's coal mining ambition hurts indigenous groups, says Amnesty,' *Thomson Reuters Foundation*, 13 July 2016. Available at: <http://in.reuters.com/article/india-coal-displacement-tribals-mining-idINKCNOZTOYP>
- 75 *When Land Is Lost, Do We Eat Coal?: Coal Mining and Violations of Adivasi Rights in India*. Amnesty International India, Bangalore, 2016. Available at: [http://www.amnestyusa.org/sites/default/files/report\\_final.pdf](http://www.amnestyusa.org/sites/default/files/report_final.pdf)
- 76 'Rs 2,237-crore revenue generated from 74 coal mines: Government,' *The Economic Times*, 25 July 2016. Available at: <http://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/rs-2237-crore-revenue-generated-from-74-coal-mines-government/articleshow/53378547.cms>
- 77 The company is now called Sterlite.
- 78 'Supreme Court quashes Odisha's plea on Niyamgiri,' *Business Standard*, 6 May 2016. Available at: [http://www.business-standard.com/article/current-affairs/supreme-court-quashes-odisha-s-plea-on-niyamgiri-116050601256\\_1.html](http://www.business-standard.com/article/current-affairs/supreme-court-quashes-odisha-s-plea-on-niyamgiri-116050601256_1.html)
- 79 'Project in Odisha is over, says Posco,' *Business Standard*, 9 April 2016. Available at: [http://www.business-standard.com/article/companies/project-in-odisha-is-over-says-posco-116040801130\\_1.html](http://www.business-standard.com/article/companies/project-in-odisha-is-over-says-posco-116040801130_1.html)
- 80 'Villagers demand back land granted to Posco,' *The Hindu*, 8 July 2016. Available at: <http://www.thehindu.com/todays-paper/tp-national/villagers-demand-back-land-granted-to-posco/article8821308.ece>
- 81 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act 2013. Available at: <http://indiacode.nic.in/acts-in-pdf/302013.pdf>
- 82 A strong nation-wide resistance resulted in the central government agreeing to retain the 2013 Act. It, however, suggested that states could form their own land acquisition laws, which would defeat the purpose of a national law and risk dilution of its progressive provisions. Meanwhile, the onus of developing rules for the 2013 Act lies with state governments, several of which have attempted to draft business-friendly rules. The states of Telangana, Gujarat, Rajasthan, Tamil Nadu, Kerala, and Goa have passed/are in the process of developing their own land acquisitions laws. Gujarat's Act also permits the acquisition of one kilometre of land on both sides of railway projects, highways or road corridors.
- 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.
- For more information, see, *Housing and Land Rights in India: Status Report for Habitat III*, Housing and Land Rights Network, New Delhi, 2016. Available at: [http://hlrn.org.in/documents/Housing\\_and\\_Land\\_Rights\\_in\\_India\\_Report\\_for\\_Habitat\\_III.pdf](http://hlrn.org.in/documents/Housing_and_Land_Rights_in_India_Report_for_Habitat_III.pdf)
- Also see, 'Land Acquisition Bill Implies Deep Trouble,' *DNA*, 27 March 2015. Available at: <http://www.dnaindia.com/india/report-land-acquisition-bill-implies-deep-trouble-207222>
- 83 'RTI reveals only 8 per cent projects stalled due to land acquisition,' *The New Indian Express*, May 2015. Available at: <http://www.newindianexpress.com/nation/RTI-Reveals-Only-8-Percent-Projects-Stalled-Due-to-Land-Acquisition/2015/05/16/article2817794.ece>
- 84 'In Kashmir 10.5 lakh kanal land under army occupation,' *The Milli Gazette*, 31 January 2013. Available at: <http://www.milligazette.com/news/6153-in-kashmir-10-5-lakh-kanal-land-under-army-occupation>
- 85 Information from Human Welfare Voluntary Organisation (HWVO), Kashmir.
- 86 'How Tosamaidan was reclaimed,' *The Hindu*, 29 September 2013. Available at: <http://www.thehindu.com/news/national/how-tosamaidan-was-reclaimed/article6455134.ece>
- 87 For instance, the 'cut-off date' in Mumbai is 2000, while in Delhi the individual/family should have been living in the city before 1 January 2015 while the settlement in which they live should have existed before 2006.
- 88 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)
- 89 Information from Deen Bandhu Samaj Sahyog, Indore. Between May 2013 and March 2016, almost 24,000 people were relocated from 22 settlements in Indore, Madhya Pradesh to multiple resettlement sites located on the peripheries of the city. Particularly, relocation from Chander Prabhas Shekhar Nagar to the Bada Bangarda resettlement site has resulted in the death of 35 people due to inadequate living conditions and the lack of basic infrastructure and services.
- 90 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](http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)
- 91 'Global Figures: Disaster-induced Displacement,' Internal Displacement Monitoring Centre, Geneva, 2015. Available at: <http://www.internal-displacement.org/global-figures#natural>



- 92 *On the Grid - Global Report on Internal Displacement*, Internal Displacement Monitoring Centre, Geneva, 2016. Available at: <http://www.internal-displacement.org/globalreport2016/#ongrid>
- 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>
- 95 Performance Audit of Civil Disaster Preparedness in India, Report No. 5 of 2013, Comptroller and Auditor General of India, Ministry of Home Affairs, Government of India, April 2013. Available at: [http://saiindia.gov.in/sites/default/files/audit\\_report\\_files/Union\\_Performance\\_Civil\\_Ministry\\_Home\\_Affairs\\_Sector\\_5\\_2013.pdf](http://saiindia.gov.in/sites/default/files/audit_report_files/Union_Performance_Civil_Ministry_Home_Affairs_Sector_5_2013.pdf)
- 96 See, Climate Change Vulnerability Index, and Global Climate Risk Index 2016.
- 97 'India's Intended Nationally Determined Contribution: Working towards Climate Justice,' Available at: <http://www4.unfccc.int/submissions/INDC/Published%20Documents/India/1/INDIA%20INDC%20TO%20UNFCCC.pdf>
- 98 These include the large resettlement sites of Perumbakkam and Ezhil Nagar.
- 99 'Death toll mounts to 37 in flood-ravaged Bihar,' *The Hindu*, 25 August 2016. Available at: <http://www.thehindu.com/news/national/other-states/many-die-in-floods-in-bihar-up/article9027594.ece>
- 100 'Assam floods affect eight lakh people across 14 districts,' *Firstpost*, 3 August 2016. Available at: <http://www.firstpost.com/india/assam-floods-affect-eight-lakh-people-across-14-districts-2933244.html>
- 101 'Drought 2015–2016: Lessons from Desolation,' ActionAid Association, August 2016. Available at: [http://actionaid.org/sites/files/actionaid/drought2015-16\\_report\\_ebook.pdf](http://actionaid.org/sites/files/actionaid/drought2015-16_report_ebook.pdf). The report also states that in Telangana 1.4 million people have migrated as a result of drought while in Odisha, drought-related migration has doubled from the state's average.
- 102 Information from Association for Rural and Tribal Development, Visakhapatnam.
- 103 *Equality in Aid: Addressing Caste Discrimination in Humanitarian Response*, International Dalit Solidarity Network, Copenhagen, 2013. Available at: [http://idsn.org/wp-content/uploads/user\\_folder/pdf/New\\_files/Key\\_Issues/Disaster\\_response/EqualityInAid\\_web\\_version.pdf](http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Key_Issues/Disaster_response/EqualityInAid_web_version.pdf)  
Also see, *Leaving Vulnerable Behind: Findings from Immediate Needs Assessment and Monitoring Responses towards Affected Dalit Communities in Tamil Nadu Floods 2015*, Dalit Watch – Tamil Nadu, 2016.
- 104 'India: Country Information 2015,' Internal Displacement Monitoring Centre, Geneva, 2015. Available at: <http://www.internal-displacement.org/database/country/?iso3=IND>
- 105 'Rehabilitation of Kashmiri Pandits,' Press Information Bureau, Government of India, 15 July 2014. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=106628>
- 106 Information from Janvikas, Ahmedabad.
- 107 Report of the High Level Committee on Socio-economic, Health and Educational Status of Tribal Communities of India, Ministry of Tribal Affairs, Government of India, May 2014. Available at: <http://www.indiaenvironmentportal.org.in/files/file/Tribal%20Committee%20Report,%20May-June%202014.pdf>
- 108 'MHA sends senior official to end Mizoram Bru refugee impasse,' *PTI*, 4 June 2016. Available at: <http://www.deccanchronicle.com/nation/current-affairs/040616/mha-sends-senior-official-to-end-mizoram-bru-refugee-impasse.html>
- 109 'As Modi government in India proceeds with economic development agenda, new map tracking land disputes shows disturbing pattern of conflicts with local people,' Rights and Resources Initiative, November 2014. Available at: <http://www.rightsandresources.org/publication/as-modi-government-in-india-proceeds-with-economic-development-agenda-new-map-tracking-land-disputes-shows-disturbing-rise-in-conflicts-with-local-people/>
- 110 'Household Ownership and Operational Holdings in India,' National Sample Survey, 70<sup>th</sup> Round, January–December 2013, National Sample Survey Office, Ministry of Statistics and Programme Implementation, Government of India, 2015. Available at: [http://mospi.nic.in/mospi\\_new/upload/Report\\_571\\_15dec15.pdf](http://mospi.nic.in/mospi_new/upload/Report_571_15dec15.pdf)
- 111 *Strategies Towards Combating Dalit Marginalisation*, Proceedings of a National Symposium, 11–12 July, 2014, Centre for Agrarian Studies and Disaster Mitigation, National Institute of Rural Development and Panchayati Raj. Available at: [http://www.nird.org.in/NIRD\\_Docs/newsletters/july14.pdf](http://www.nird.org.in/NIRD_Docs/newsletters/july14.pdf)
- 112 'Acquisition of Tribal Land,' Press Information Bureau, Government of India, Ministry of Tribal Affairs, 15 March 2015. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=116797>

- 113 Also, the Tipaimukh Hydel Power Project will displace 60,000 people in Manipur, including the indigenous Zeliangrong and Hmar communities, while the proposed Imphal Ring Road, will adversely impact indigenous communities, including in the Langthabal and Langol Hills.
- 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.
- 117 'Gist of Recommendations of the Renke Commission,' Press Information Bureau, Government of India, 23 April 2015. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=118570>  
The Renke Commission (2008) recommended that: "The Government should immediately bring into effect a 'Right to Minimum Land Holding Act' according to which each Nomadic family (of not more than five persons, larger families getting more allocation in that proportion) may be allotted at least one acre of cultivable land on nominal lease basis with assured irrigation." Report available at: <http://socialjustice.nic.in/writereaddata/UploadFile/NCDNT2008-v1635730742463990703.pdf>
- 118 'Social, Economic and Educational Status of the Muslim Community of India: A Report,' Prime Minister's High Level Committee, Government of India, November 2006. Available at: [http://minorityaffairs.gov.in/sites/upload\\_files/moma/files/pdfs/sachar\\_comm.pdf](http://minorityaffairs.gov.in/sites/upload_files/moma/files/pdfs/sachar_comm.pdf)
- 119 Report of the Post-Sachar Evaluation Committee, Ministry of Minority Affairs, Government of India, September 2014. Available at: [http://iosworld.org/download/Post\\_Sachar\\_Evaluation\\_Committee.pdf](http://iosworld.org/download/Post_Sachar_Evaluation_Committee.pdf)
- 120 'Urban Rental Housing Market: Caste and Religion Matters in Access,' *Economic and Political Weekly*, June 2015. 'Why segregated housing is thriving in India,' *BBC News*, 10 December 2014. Available at: <http://www.bbc.com/news/world-asia-india-30204806>  
Also see, press statement and preliminary observations of the Special Rapporteur on adequate housing after her mission to India in April 2016. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19861&LangID=E>
- 121 Census of India 2011.
- 122 'What is Preventing Women from Inheriting Land?' Landesa, 2014. Available at: <http://www.landesa.org/wp-content/uploads/What-is-Preventing-Women-from-Inheriting-Land-Sircar-Pal-March-2014.pdf>
- 123 'Barely one in ten women own land, brothers most anti sisters inheriting land: Survey,' *The Times of India*, 4 March 2014. Available at: <http://timesofindia.indiatimes.com/india/Barely-one-in-ten-women-own-land-brothers-most-anti-sisters-inheriting-land-Survey/articleshow/31403305.cms>
- 124 Data from the National Crime Records Bureau (NCRB) reveals that thousands of farmers commit suicide annually. While the methodology of recent data collection by NCRB is being questioned, it is estimated that over 300,000 farmers in India have committed suicide since 1995.
- 125 Forthcoming study by Prakriti and Housing and Land Rights Network on the land rights of widows of Vidharba, Maharashtra.
- 126 *Forgotten Voices: The World of Urban Children in India*, Save the Children and PwC India, 2015. Available at: <http://www.pwc.in/assets/pdfs/publications/urban-child/urban-child-india-report.pdf>
- 127 These include the Building Bye-laws of 2005, and the Central Public Works Department Guidelines and Space Standards for Barrier Free Built Environment for Disabled and Elderly Persons. Pradhan Mantri Awas Yojana (Prime Minister's Housing Scheme – Housing for All –2022) also claims to give preference to housing for persons with disabilities.
- 128 Information from Centre for Disability Studies, NALSAR University of Law, Hyderabad.



- 129 'The Invisible Ones: Sexual Minorities,' *Indian Journal of Medical Research*, 137, January 2013.
- 130 In November 2015, 918 people (189 families) from Indian enclaves in Bangladesh were brought to India by the government and settled in three temporary rehabilitation camps in Dinahata, Mekhliganj, and Haldibari in the district of Cooch Behar. On 7 May 2015, the Parliament of India passed the 119<sup>th</sup> constitutional amendment and the subsequent Land Boundary Agreement (LBA) between India and Bangladesh – to facilitate citizenship rights for enclave dwellers and to enable them to settle in the country of their choice. Till November 2015, these former enclave dwellers were living in extremely inadequate conditions in the rehabilitation camps. Each family was provided a space of 10 feet by 10 feet covered with corrugated sheets, and had no access to adequate food, drinking water, and sanitation facilities. Till date, they have been denied citizenship, compensation, and rehabilitation. In India, after the LBA 2015, the erstwhile Bangladeshi enclave dwellers who had titles over their land lost ownership, as all lands of the enclaves were converted to government land.
- 131 Guiding Principles on Internal Displacement, Report of the Representative of the Secretary-General, E/CN.4/1998/53/Add.2, February 1998. Available at: <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx>
- 132 The Bonded Labour System Abolition Act 1976 should be implemented. Despite its existence, a large number of rural workers are employed as bonded labour. They work on land in exchange for meagre food grains and do not receive adequate wages and other benefits.
- 133 This was also highlighted in the report of the Special Rapporteur on the situation of human rights defenders, Mission to India, A/HRC/19/55/Add.1, February 2013. Available at: <http://www.ohchr.org/Documents/Issues/Defenders/A-HRC-19-55-Add1.pdf>
- 134 See joint communication of Special Procedures to the Government of India on this issue, 12 August 2015 (reported in A/HRC/31/79, February 2016).
- 135 For more information, see, 'Oppression of women who defeated Naxalism continues, media remains silent,' *The Times of India*, 27 August 2015.' Available at: <http://blogs.timesofindia.indiatimes.com/Introspection/oppression-of-women-who-defeated-naxalism-continues-media-remains-silent/>
- 136 Information from POSCO Pratirodh Sangharsh Samiti, Odisha.
- 137 The state government imposed Section 144 of the Indian Code of Criminal Procedure in the area, thereby banning a congregation of more than five people in a location, in order to prevent assembly/protest. The UN Special Rapporteur on the rights of indigenous peoples condemned the militarization associated with Mapithel Dam in the context of promulgation of the Armed Forces Special Powers Act in Manipur.
- 138 These include the Panchayat (Extension to Scheduled Areas) Act 1996, and the Forest Rights Act 2006.
- 139 These include anti-begging/anti-vagrancy laws across the country.
- 140 'Return Singur land to farmers, SC orders West Bengal govt.,' *The Hindu*, 31 August 2016. Available at: <http://www.thehindu.com/news/national/supreme-court-quashes-singur-land-acquisition/article9055140.ece>
- 141 See Annexure Two of this report for a table on housing and land rights-related recommendations made to India by UN treaty bodies and Special Procedures.
- 142 See press statement of the Special Rapporteur on adequate housing after her mission to India, 22 April 2016. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19861&LangID=E>  
The report of the Special Rapporteur's mission to India will be presented to the Human Rights Council in March 2017.
- 143 *India: Habitat III National Report*, Ministry of Housing and Urban Poverty Alleviation, Government of India, 2016. Available at: <https://www.habitat3.org/bitcache/32bdb91c56577eec10568b8368802f5d8f4435ad?vid=585624&disposition=inline&op=view>
- 144 See preliminary observations of the Special Rapporteur on adequate housing after her mission to India. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19861&LangID=E>
- 145 See Guiding Principles on Security of Tenure for the Urban Poor, A/HRC/25/54, 2014. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/StudyOnSecurityOfTenure.aspx>
- 146 This was also noted in the Concluding Observations of the Committee on Economic, Social and Cultural Rights: India, E/C.12/IND/CO/5, May 2008.





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.



**HOUSING AND LAND RIGHTS NETWORK**

Housing and Land Rights Network  
G-18/1 Nizamuddin West  
Lower Ground Floor  
New Delhi – 110013, INDIA  
+91-11-4054-1680  
[contact@hlrn.org.in](mailto:contact@hlrn.org.in)  
[www.hlrn.org.in](http://www.hlrn.org.in)

**ISBN: 978-81-935672-0-3**