



Right to Shelter as Fundamental Right

For Prelims: [Supreme Court](#), [Right to Shelter](#), [Railway](#), [Right to Life](#), [Article 21](#), [Housing](#), [Privacy](#), [Due Process of Law](#), [Land Ceiling](#), [Article 19\(1\)\(e\)](#), [Pradhan Mantri Awas Yojana \(PMAY\)](#), [National Urban Housing Fund \(NUHF\)](#), [National Rural Livelihood Mission](#), [Deen Dayal Antyodaya Yojana-National Urban Livelihoods Mission \(DAY-NULM\)](#), [Forest Resources](#), [Real Estate \(Regulation and Development\) Act, 2016 \(RERA\)](#), [Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013](#)

For Mains: Balancing Between Economic Development and Fundamental Right of Individuals.

[Source: TH](#)

Why in News?

The [Supreme Court](#) called for a **balance** between developing [railway infrastructure](#) in Haldwani, and the [fundamental right to shelter](#) for people accused of illegally occupying railway land.

- The court further said that its orders cannot also be **misinterpreted** as a note of encouragement for **future encroachments** on public land.

What is Right to Shelter and Important Constitutional Provisions Involved?

- The **Right to Shelter** in India is recognised as a **fundamental right** under the broader ambit of the [Right to Life](#) guaranteed by [Article 21](#) of the Indian Constitution.
 - This right ensures that every citizen has access to **adequate housing**, which is considered essential for living a **life with dignity**.
 - It implies **not** just a **roof** over one's head but also includes **adequate privacy**, space, security, lighting, ventilation, basic infrastructure, and proximity to workplaces and social amenities.
- **Forced evictions** without proper **rehabilitation** and due process violate the **Right to Shelter**.

What are Ethical Considerations Regarding Eviction of People?

- **Human Rights Violations:** Every person has the right to a **secure home**, and **evictions** without adequate alternative arrangements **undermine** this right.
- **Disproportionate Impact:** Evictions disproportionately affect **marginalised groups**, including the **poor, disabled** and **elderly**, who may have fewer resources to relocate or adapt.
- **Lack of Alternatives:** Evictions are sometimes executed **without offering alternative** housing solutions or support services, leaving people without a place to go.

What are the Associated Judicial Verdicts Regarding Right to Shelter?

- **Olga Tellis v. Bombay Municipal Corporation (1985):** Slum dwellers filed a PIL arguing

against **eviction** without alternate accommodation. The court held that eviction breached the **right to livelihood**, emphasising the State's duty to secure **adequate means of livelihood** and avoid depriving people of their rights.

- **State of Maharashtra v. Basantibhai Khetan (1986):** The Supreme Court upheld [land ceiling laws](#), stating they do not violate fundamental rights. However, the State is responsible for providing **rehabilitation** and **resettlement**.
- **Chameli Singh v. State of UP (1995):** Justice Ramaswamy held that the **right to shelter** is a fundamental right under **Article 21** and the [right to residence \[Article 19\(1\)\(e\)\]](#).
- **Ahmedabad Municipal Corporation v. Ahmed Singh and Gulab Singh (1996):** Similar to **Olga Tellis case**, the court allowed the eviction of pavement dwellers on the condition that they were provided with **alternate accommodation**.
- **Sudama Singh and others v. State of Delhi and others (2010):** Petitioners sought **relocation** from slum clusters. The Delhi High Court ruled that any eviction must include adequate **compensation** or **alternate accommodation**.

What are Government Initiatives to Provide Shelter to People?

- **Pradhan Mantri Awas Yojana (PMAY):** It is a [credit-linked subsidy](#) scheme by the government of India to facilitate access to **affordable housing** for the low and moderate-income residents of the country.
- **National Urban Housing Fund (NUHF):** It provides **financial assistance** to **states** and **Union Territories** for the implementation of [housing schemes](#).
- **National Rural Livelihood Mission:** It aims to reduce poverty by enabling the poor households to access [gainful self-employment](#) and **skilled wage employment** opportunities, resulting in appreciable improvement in their livelihoods on a **sustainable** basis.
- **Deen Dayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM):** It focuses on providing **shelter** equipped with **essential services** to the urban homeless.
- **Slum Rehabilitation Authority (SRA) Scheme:** Particularly active in Maharashtra, this scheme focuses on rehabilitating **slum** dwellers by providing them with housing.

What Laws are Made to Support the Right to Shelter in India?

- **Slum Areas (Improvement and Clearance) Act, 1956:**
 - It authorises the government to **clear slum areas** that are unfit for habitation due to health and safety risks.
 - In such cases, **redevelopment plans** are formulated to replace substandard housing with better, more durable structures.
- **The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006:**
 - It provides the right to hold and live in forest land under **individual** or **common occupation** for habitation or self-cultivation for livelihood.
 - It also recognizes the rights of forest communities to use and manage [forest resources](#).
- **Real Estate (Regulation and Development) Act, 2016 (RERA):**
 - It regulates the [real estate sector](#) to ensure transparency, accountability, and timely delivery of housing projects.
 - It protects homebuyers by mandating registration of projects and providing a grievance redressal mechanism.
- **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013:**
 - It includes detailed provisions for **resettlement** and **rehabilitation** of those affected by [land acquisition](#).
 - This ensures that displaced families receive support to relocate and rebuild their lives, including housing.
- **Model Tenancy Act, 2021:**
 - It seeks to establish a speedy adjudication mechanism for **dispute resolution**, regulate renting of premises, and **protect interests** of landlords and tenants.

How Balance between Development Projects and Right to Shelter can be

Maintained?

- **Alternative Housing Solutions:** Provide adequate [alternative housing options](#) for those **displaced** by development projects.
- **Legal Protections and Fair Procedures:** Ensure that evictions, if necessary, are conducted in a **lawful and just manner**, with appropriate compensation and support.
- **Community Development and Integration:** Incorporate community development programs into the project to enhance **local infrastructure**, services, and economic opportunities.
- **Long-Term Planning:** Develop long-term strategies for [urban planning](#) and **housing** that integrate development goals with the need for affordable and accessible housing.

Conclusion

The Supreme Court has linked the right to shelter with the right to life, emphasising its fundamental nature and its recognition as a human right by the United Nations. While the State is duty-bound to work towards providing affordable housing, this does not mean it must construct all housing or prevent all displacement. The right to shelter, distinct from the right to land, highlights the need for clear understanding and realistic expectations. By recognizing its true essence, individuals can better advocate for their rights and seek judicial redress when necessary.

Drishti Mains Question:

Q. Development and fundamental rights of individuals are often in conflict with each other. Do you agree? Give examples.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Mains

Q. Discuss the various social problems which originated out of the speedy process of urbanisation in India. (2013)

Q. The basis of providing urban amenities in rural areas (PURA) is rooted in establishing connectivity. Comment (2013)