**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: Indian Institute of Technology Bombay

Type of Entity\*

National Government or federal governmental ministry/agency

Inter-governmental organization or UN agency

Local or regional government, agency, representative or mayor

Association, tenant union or housing cooperative

NGO network, umbrella organization

Community-based NGO

Academia

Foundation

National human rights organization, ombudsperson

Real estate, urban planning or construction

Real estate investor or investment fund

Trade Union

Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

Public administration

Advocacy

Funding

Legal Assistance

Networking

Policy

Research

Technical Assistance

Training

N/A

Other:

3. City/Town: Mumbai

4. State/Province: Maharashtra

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); India

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* People of African Descent, or Roma
* Racial, caste, ethnic, religious groups/minorities or other groups
* Migrants, foreigners, refugees, internally displaced persons
* Women, children or older persons
* Indigenous peoples
* Persons with disabilities
* LGBTQ persons
* Low income persons, including people living in poverty
* Residents of informal settlements; persons experiencing homelessness
* Other social groups, please specify

1. **Caste and religious groups/minorities:** Housing supply in India, both homeownership and rental, is fully market based. The private players involved in production of the housing stock are totally profit oriented as per the market logics. There is less control of government on the day-to-day housing market transactions that does not necessarily come under the social justice purview of government. Discrimination along caste and religious lines is evident more so in urban regions with high population densities. Thorat et. al., (2015) examined form of housing discriminations along caste and religious lines in the five metropolitan areas of National Capital Region of Delhi. The study found that, the urban rental housing markets and the homeowners renting out the houses operate discriminatorily against Dalits and Muslims. These findings challenge the common assumption that the invisible hand operating in the market vouches only for efficiency and demand-supply stability ignoring the other behavioural factors. The prejudices of landlords and property dealers are rooted in the specific preferences held by these entities that work against Dalits and Muslims. Caste and religious identity defy the logics of markets in the rental housing sector and breeds social discrimination against specific groups.

Thorat et. al. (2015) can be accessed at: https://www.jstor.org/stable/24482557?seq=1#metadata\_info\_tab\_contents

1. **Low income persons, including people living in poverty**: Low income households in urban areas get priced out of the housing markets as the prices are too high. Also, the scarcity of land, high population densities, and high speculative potential of land parcels push the land and house prices beyond the capacity of many low-income and middle-income households.
2. **Residents of informal settlements; persons experiencing homelessness**: Households from informal settlements are especially caught in between the informal nature of their tenure and highly formalizing tendencies of the state. The informal settlements attract a lot of urban poor migrants due to the low housing costs and easy and fast access to homes. Even though one vertical of Pradhan Mantri Awaas Yojana – Urban (PMAY-U) named In-Situ Slum Rehabilitation (ISSR) targets informal settlements, the uptake of the scheme is very low owing to the multiple stakeholders and their interests.

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

**Accessibility:**

As discussed earlier the Dalit and Muslim community faces discrimination in rental housing access.

Indian state has so far neglected the plight of homeless citizens especially in the urban areas. The homeless people are treated as second-class citizens as they do not possess legally traceable citizenship documents. The housing schemes under which some homeless shelters we built are in a poor and uninhabitable condition.

**Habitability:**

Indian slum areas house around 65 million individuals who live in poor and uninhabitable conditions facing overcrowding, lack of access to public utilities most importantly sanitation. The notified slums where the residents have legal tenure are in comparatively better condition than non-notified slums. They have access to public utilities like water, electricity, sanitation, and most importantly they live without the fear of eviction. In non-notified slums, the residents constantly live in fear of evictions and face lack of stable supply of basic utilities. The slum residents sometimes end up paying multiple times of the basic municipal rates for utilities like water. For instance, a study by Subbaraman & Murthy (2015) undertaken in the Kaula Bandar, Mumbai, a non-notified slum, the residents paid up to 40 times of the standard municipal water charges.

Study available at: <https://www.who.int/bulletin/volumes/93/11/15-155473.pdf>

**Affordability:**

The supply of affordable housing in India is fully market based. The scheme of Affordable Housing in Partnership (AHIP) also needs private player participation for implementation of the scheme. The price points at which the affordable housing is sold in India is beyond the affordability capacity of many low-income households. As per the research by K Manav (2019), only 2 % of the total household population in India earns annual income more than INR 0.5 million, and they are the ones whose demand is fully catered to by private market. They have the highest affordability amongst all the income groups owing to the higher incomes.

Study available at: https://www.researchgate.net/publication/350894425\_AFFORDABLE\_HOUSING\_CONTINUUM\_FOR\_ASSESSING\_HOUSEHOLD\_NEEDS\_AND\_POLICY\_OUTCOMES\_IN\_URBAN\_INDIA

Discrimination towards low-income and poor households by housing finance lending institutions is widespread in India. The profit orientation of lending companies pushes them to design the institutional and structural framework behind lending more suitable for credit profile of high income customers. This leads to systemic exclusion of low-income and poor customers as they are unable to fit into the lending criteria of private lenders. The study by Bhanot et.al. (2020) demonstrated that the lending by private companies has disproportionately gone into the favour of high income customers and substantially lowered in low-income groups.

Study available at: DOI: 10.1080/02673037.2019.1614538

Investigating the Credit Linked Subsidy Scheme (CLSS) that is an interest subvention scheme directed at improving the housing affordability of low-income beneficiaries reveals that this scheme is also perpetuating exclusionary policy. The scheme was earlier directed at low-income beneficiaries but eventually due to the lesser and lesser uptake of the scheme, the policymakers included middle-income groups as beneficiaries. As indicated in the study by Kundu & Kumar (2017) the scheme has raised the income limits for eligibility of loans and included the middle-income group, diluting its core agenda of being “pro-poor.” This step has increased the chances of appropriation of subsidy benefits by the middle-income groups.

Study available at: <https://www.epw.in/journal/2017/52/notes/housing-urban-poor.html>

**Security of tenure:**

This is also an impending policy concern especially for urban poor as the people living in notified and non-notified slums get a differential treatment from the government. The notified slum residents are better off as compared to non-notified slum residents when it comes to the access too water, electricity, and sanitation. Even, for receiving benefits through the housing scheme of In-Situ Slum Rehabilitation (ISSR) that targets households in informal settlements, people have to produce land title and other formal tenure documents. Many residents from non-notified slum are rendered ineligible for the slum rehabilitations schemes.

Additionally, there is always threat of eviction from the local planning authorities. Even during the pandemic, there have been almost 83 cases of eviction in India as per the Housing and Land Rights Network (HLRN) report. This is an extreme case of violation of Right to Adequate Housing amidst the ravaging pandemic. As per the HLRN report Between 15 March 2020 and 31 October 2020, at least 83 incidents of forced eviction and home demolition by central and state government authorities in 22 states and Union Territories across urban and rural India were recorded that affected over 54,000 people.

Report available at: <https://www.hlrn.org.in/documents/Press_Release_Evictions_COVID19_November_2020.pdf>

**Location**:

Generally, the location of the house is the decision of the homeowners. Sometimes, some of the households may decide to buy or build their home near some industrial area. But, in the case of some Resettlement and Rehabilitation policies the location of the new houses has jeopardize the health of the affected families by moving them near environmentally sensitive areas. For instance, the rehabilitation of households in Mahul, Mumbai, which is surrounded by oil refineries. ‘Toxic hell’, ‘human dumping ground’, ‘gas chamber’, ‘hellhole’ are some of the names given to Mahul village in Chembur, situated on the eastern coast of Mumbai, which is surrounded by three refineries and 16 chemical factories. Almost 5500 families (almost 30,000 residents) were “rehabilitated” to Mahul as per the Bombay High Court Order of [2009](https://barandbench.com/wp-content/uploads/2016/07/Janhit-Manch.pdf).

Article available on: <https://www.mumbailive.com/en/infrastructure/guest-article-on-mahul-rehabilitation-housing-rights-human-rights-in-mumbai-35335>

9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

Click here to enter text.

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

Click here to enter text.

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

Click here to enter text.

**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

There are some studies like Bharathi et.al. (2021), Singh et.al. (2019), and Vithayathil & Singh (2012), which have studied the residential (spatial) segregation of caste in urban India. These studies report palpable levels of residential segregation on ward level in urban cities and it remains more or less similar to the patterns that are found in villages. The studies can be accessed at: (1) Bharathi et.al. (2021): <https://www.sciencedirect.com/science/article/pii/S0305750X21000097?casa_token=ZOVkM5jfci0AAAAA:CYGp2N2N1QgIeGl5cTAT3xSFJgBKkK8mtXd_ayd44swafA7rE8Q_dxdjB2D7AnZ53GpE66y9Ww> (2) Singh et.al. (2019): <https://journals.sagepub.com/doi/pdf/10.1177/0956247818812330> (3) Vithayathi & Singh (2012): https://www.jstor.org/stable/41720139

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

Click here to enter text.

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

Click here to enter text.

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

The social structure of Indian caste system is at the root of residential segregation and the widespread social inequality prevalent in India. It is one of the most oppressive forms of social structures that divide people into multiple castes with a preconceived hierarchy. This in a way legitimizes the systemic oppression of people or communities that are down the hierarchy at the hand of those who are on the higher level of hierarchy.

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

Historically, the people belonging to lower castes were devoid of capital and wealth due to the caste system widely practiced across India. These people while moving to any city for livelihood look for places where the cost of living is minimal. Only slums and informal settlements offer this kind housing arrangement which is flexible and low cost. Therefore, these migrants and urban poor voluntarily choose informal settlements for living. This is also corroborated by the fact that the lower-caste household are heavily represented in slum area as compared to non-slum areas.

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

Click here to enter text.

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

Click here to enter text.

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

Click here to enter text.

20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

Click here to enter text.

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

The National Urban Housing and Habitat Policy 2007 is a national level policy that targets equal access to housing to all groups and especially the marginalized groups.

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

Click here to enter text.

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

NO

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

Media is useful in portraying the daily struggles faced by the discriminated communities in India in the context of housing.

25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

Affected people take up legal recourse.

26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

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27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

Click here to enter text.

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

Click here to enter text.

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

Studies on spatial segregation:

(1) Bharathi et.al. (2021): <https://www.sciencedirect.com/science/article/pii/S0305750X21000097?casa_token=ZOVkM5jfci0AAAAA:CYGp2N2N1QgIeGl5cTAT3xSFJgBKkK8mtXd_ayd44swafA7rE8Q_dxdjB2D7AnZ53GpE66y9Ww>

(2) Singh et.al. (2019): <https://journals.sagepub.com/doi/pdf/10.1177/0956247818812330>

(3) Vithayathi & Singh (2012): <https://www.jstor.org/stable/41720139>

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

Click here to enter text.