**Submission from: Rashtriya Awas Adhikar Abhiyaan, India**

**To: The Special Rapporteur on Adequate Housing**

 **Call for Inputs: Protecting the right to housing in the context of the COVID-19 outbreak**

**Introduction**

In this submission to the Special Rapporteur on the Right to Adequate Housing, members of the Rashtriya Awas Adhikar Abhiyaan[[1]](#footnote-1) have put together a glimpse of the situation of housing and other related human rights amidst COVID-19 in 9 states in India. These cases are not comprehensive but offer an insight into some measures undertaken to protect the rights of vulnerable groups with regard to housing, and the lacunae in the same. The pandemic and resultant lockdown has exposed existing fault lines in the right to adequate housing in India.

The Government of India declared COVID-19 as a Notified Disaster on 14th March 2020[[2]](#footnote-2). With the number of cases escalating the government soon announced a 21 day complete lockdown with exceptions on essential goods and services.[[3]](#footnote-3) The lockdown was announced during the Prime Minister’s address to the nation at 8 pm on 24th March 2020. The lockdown was thereafter further extended twice on April 15th and May 3rd 2020. At the time of this submission, the country is in a phase of gradually ‘unlocking’ the lock down on case by case basis.

COVID-19 and the resultant lockdown since then has brought to the fore many inherent problems. It has visibilised the housing crises in the major cities of India where informal workers and their families were left with no food, no work and mainly, no shelter.[[4]](#footnote-4) The government’s delayed response to ameliorate the situation resulted in the people trying all ways and means to travel back to their villages and hometowns. It took the government more than a month of the lockdown to realize the plight of migrant workers who were returning home by foot with the Ministry of Railways announcing the start of special ‘shramik’ trains to allow migrant workers to travel back home.[[5]](#footnote-5)

It is also important to note that the lack of food and wage insecurity has led to increased housing insecurity. The central and state government have been ineffective in releasing strong orders and circulars to secure the right to housing during this period. Notifications that have been released have weak implementation mechanisms which have failed in providing security to those living in informal settlements.

**Has your country declared a prohibition on evictions? Have evictions continued to take place during the pandemic? If yes, when, where and who was affected and has adequate alternative accommodation been provided? and**

1. **Please provide any information about other legal or financial measures aimed to ensure that households do not lose their home if they cannot pay their rent or mortgage?**

There was no clear notification from the Government of India prohibiting evictions in the country during between March 14th (India notifies COVID-19 as Notified Disaster) to June 14th 2020. However, some state governments have issued notifications requesting landlords to prohibit eviction of tenants in case of non-payment of monthly rent.

**Maharashtra**

**Evictions:** The Bombay High Court in its order dated 19th March 2020 suggested to the Municipal Corporation of Greater Mumbai and to all other Municipal Corporations in Maharashtra to consider having a general directive not to demolish, evict and/or hold auction of properties[[6]](#footnote-6). *Similarly states like Tamil Nadu, and Delhi have also taken similar efforts*.[[7]](#footnote-7) In continuation the Government of Maharashtra announced the deferment of rent payments and there will be no eviction due to non-payment of rent.[[8]](#footnote-8) Implementation of this however has been poor. Many people have vacated their rental houses as they were unable to afford the rent. This has been a crucial force that has driven people to return to their villages in rural India.[[9]](#footnote-9)

In Mumbai, no evictions have been witnessed while Navi Mumbai has seen one instance of demolition of settlements in Jai Durga Mata Nagar which is situated on Forest land. In Nagpur too, no instances of evictions have been witnessed, rather the officials have been busy containing the spread of the coronavirus, where their main focus has been on healthcare.

**Delhi**

**Evictions**: There were no particular evictions of settlements in Delhi during the phase but there were incidents of fire in three settlements, one of the biggest was in Tughlakabad and Aya Nagar. The Chief Minister of Delhi had made a request to the landlords for being considerate about the payment of rents.

**Odisha**

**Evictions**: On 31 May 2020, 134 houses were evicted in the Niladri Vihar area giving way to a Public-Private Partnership project. Out of the displaced families, 120 were recognised by the government and hence, received some support and were sent transit camps. The families that did not make the beneficiaries list were left in the lurch. Also, since the lockdown was relaxed and certain workplaces were allowed to function, eviction took place on 4 days - 6, 19, 20, 21 May 2020. The properties demolished included shops and homes. After demonstrations and approaching the authorities, evictions have now been halted temporarily in Odisha.

In other cases, where evictions were carried out pre-lockdown, rehabilitation and resettlement arrangements were still not provided to people. One such instance is the eviction drive carried out in Puri, Odisha in 2017 where 34 houses were demolished. Before the lockdown, 15 people were given land but with no proper water and electricity supply. The remaining families were not even provided the bare minimum.

With regards to rented accommodation, the Odisha government released a circular stating a one month moratorium on house rent. However, the implementation on ground played out quite differently. Hardly few of the landlords deferred the rent payable.

**Gujarat**

**Evictions**: Ahmedabad in Gujarat became a hotspot due to the rise in COVID-19 cases, informal settlements near the Sabarmati area received a 7-day eviction notice.

Notification regarding providing moratorium on house rent was declared by the state government. Additionally, circulars mentioning moratoriums on EMI payments were also released by the government. However, implementation of both circulars were not clearly put forth. Hence, in case of house rent, many landlords did not defer the rent payable but postponed the payment stating that the rent can be paid after a few months in instalments. For EMI payments as well, banks set up their own process of collection and deferment. These methods of implementation were seen as dilution of the provisions made in the government circular.

In Surat, under an upcoming state government project - PAAR - 122 villages are to be evicted. No rehabilitation and resettlement efforts have been planned yet. Also, in February, under a Public-Private partnership, houses were demolished and the affected families were promised rent by the government. No rent payments have been received till date.

**Telangana**

**Evictions:** In Telangana, with regards to evictions, no specific notifications were released by the two state governments. In Siddipet, located 100 kms away from Hyderabad city, under an upcoming irrigation project, 30 houses were demolished without the provision of rehabilitation and resettlement to the displaced families. As a matter of fact, no proper land acquisition and rehabilitation measures as per the 2013 Act were done.[[10]](#footnote-10)

The Government of Telangana had released a circular stating that no rent should be collected during the lockdown and post-lockdown, the rent can be collected by the landlord in instalments. If the landlord forces the tenant to pay the rent during the lockdown, the tenant can approach the police. However, there is no data available with the government on how many such calls have been made and attended to.

**Andhra Pradesh**

**Halt on provision of housing:** In Andhra Pradesh, the government work on provision of affordable housing has come to a halt. The present government has ordered a CBI inquiry, post which the work is said to resume. The Chief Minister of Andhra Pradesh had also declared that the homeless, below poverty line (BPL) families would receive land which they can mortgage and sell after 5 years. This received a lot of negative criticism and post a direct order from the High Court, it was decided that the land can be mortgaged but not sold until and unless a housing structure is built on the land.

**Madhya Pradesh**

**Evictions**: It is important to note that when major announcements regarding the COVID-19 crisis, including the country-wide lockdown, were made, the state did not have a stable government. Thus, with respect to making state-level announcements and taking precautionary measures, there have been a few delays. The evictions witnessed have been mostly politically motivated, where for instance, the eviction of a certain settlement was part of the candidate’s political manifesto and was realised as soon as the candidate came into power. Few instances of evictions have been witnessed in the state. 68 households in Rewa Madhya Pradesh were evicted as their houses were demolished.[[11]](#footnote-11) Another instance of demolition was seen where around 150 residential flats were identified and demolished. 15 households in the Harda district of Madhya Pradesh had also received eviction notices during lockdown. No ‘large scale’ evictions have occurred. One way to see it is that both Municipal and Assembly elections are round the corner and the government is ensuring that they do nothing wrong to spoil its chances of winning the elections.

With regard to rental accomodation, irrespective of whatever the government has stated, the tenant has ensured that they do not default on the rent payment as there have been instances where the landlord has asked tenants to vacate the premises after two months of non-payment of rent.

**Tamil Nadu**

**Evictions**: There have been instances of eviction drives in Coimbatore, Erode under the Smart Cities project and in Erode and Salem under an infrastructure project which focused on building an alternate highway.

In general most of the low income housing is private, is occupied by tenants and the number of people staying far exceeds the capacity the house can accommodate. People have left these houses as they are not able to afford the rent anymore. On the other hand, the owners of such properties who are dependent on the rent for their income, are suffering greatly. There are residential flats which are built for resettlement of displaced fishing communities. But due to COVID-19, these flats have been converted into quarantine centres leaving the displaced families in the lurch.

**Karnataka:** Karnataka has witnessed exploitation of bondage labour at the hands of the government - contractor - construction builders’ nexus that resulted in cancellation of trains that were ferrying them home[[12]](#footnote-12). This resulted in the construction sites being concentration camps where workers and their families were forced to stay without provision of proper necessary facilities. After much criticism, the Government was forced to allow the travel of migrant workers[[13]](#footnote-13).

**Jharkhand:** Jharkhand has not faced any big eviction issue during lockdown. However, a major population living in forests had to face very detrimental conditions during lockdown.

**Chattisgarh**: More than 500 houses were demolished in the Bilaspur city of Chhattisgarh for beautification.

**Assam**: Households in the Amchang valley of Guwahati in Assam received eviction notices during this period[[14]](#footnote-14)

1. **Have any measures been taken to ensure that households are not cut-off from water, heat or other utility provision when they are unable to pay their bills?**

**Rajasthan**: Specific notifications were issued for deferment for the payment of water bills and electricity bills in the state[[15]](#footnote-15) [[16]](#footnote-16).

**Delhi**: Delhi had made electricity fee adjustments much before and a major part of Delhi’s population do not have to pay electricity bills till certain units.

**Gujarat:** In Ahmedabad a notification regarding moratorium on payment of electricity bills was released and is valid till the month of June 2020.

**Andhra Pradesh:** With regards to notification declared by the government on electricity provision in the state, it was announced that no bills would be generated during the lockdown. But now, as the lockdown is being relaxed, the electricity bills received are of inflated amounts as the calculation of units consumed is not correctly done.

**Madhya Pradesh:** Specific notifications regarding moratorium on payment of electricity bills, house rent was not declared. However, some municipal corporations have agreed to supply water even if the payment is not made.

**Jharkhand**: There were oral requests by the government for deferment of rents but no notifications were issued.

1. **What measures have been taken by authorities to ensure that migrant and domestic workers continue to have access to secure housing during the pandemic and in its aftermath?**

Most states, especially Gujarat, Maharashtra, Haryana and Tamil Nadu did not pay heed to the plight of migrant workers for more than a month. In the Mumbai Metropolitan Region, specifically for migrant workers shelters were built or created in the month of April. Provisions of community kitchens and providing ration without ration cards was done in some cities. States like Delhi and Chhattisgarh had initiated this through providing rations by generating temporary e-coupons.[[17]](#footnote-17)

As far as government support with ration is concerned, the help provided has been quite skewed. In Indore (Madhya Pradesh) for example, families residing in Basic Services for Urban Poor sites were given a priority while the informal settlements were not provided much attention and support.

Many issues regarding employment of domestic workers have also come forth where they have been asked to discontinue work as the employers say that the women visit multiple households which make them potential carriers of the coronavirus.

A. Majority of the 30 million Domestic Workers in the country have lost their work since the dawn of Covid and the lock down. They are threatened with evictions since they are not able to pay their rents in many cases. Even after the lock down is lifted, many employers are not willing to accept them back to work, because of the suspicion of them being carriers of the virus.

In Telengana, orders were issued that Domestic Workers have to get a No Objection Certification (NOC) if they are admitted to work. Given the lockdown, getting an NOC is next to impossible. Even more tragically, the announcement of the Mayor of Hyderabad on television on 7th May 2020 regarding the NOC created a panic situation among employers. This has prevented them from taking back their domestic workers for work. This situation is likely to continue for a long time. This makes access to housing for Domestic Workers who live on rent very precarious.

Except Meghalaya no other states had independently discussed the protection of livelihood of domestic workers but in different programs of states, they may benefit from[[18]](#footnote-18).

With regard to wage cuts, every state as well as central government have made appropriate announcements in this regard. The Home Ministry in its first notification announced there will be no wage cut for the workers, employees.[[19]](#footnote-19) Similarly the Labour Ministry had also released a circular saying that there will be no wage deduction and salary cut as well as no layoffs and staff reduction during lockdown.[[20]](#footnote-20) [[21]](#footnote-21) [[22]](#footnote-22)

1. **What measures have been taken to ensure protect older persons, persons with disabilities, migrants, women, and children from the pandemic, abuse, neglect or violence at the place where they are living or have been asked to stay? Please specify in particular measures taken to protect persons housed in institutions, shelters, care homes, psychiatric hospitals or detention.**

No such special notifications were issued, however some states like Delhi had announced that there will be special provisions for the care and services of persons with disabilities and people with mental health problems.[[23]](#footnote-23) Also there will be a facility of counsellors at all the relief camps, shelter for urban homeless and quarantine centres.[[24]](#footnote-24)

Transgender persons have lost their livelihoods that a majority of them were engaged in: begging and sex work. Unable to pay their rents, many are threatened with eviction.

1. **What measures have been taken to protect persons living in informal settlements, refugee or IDP camps, or in situations of overcrowding from COVID-19?**

There were no specific announcements for people living in informal settlements in regard to housing security as the biggest population walking back home were from informal settlements. They had to suffer the biggest livelihood loss and lack of food. Informal settlements across the country had to seek support from civil society organisations and individuals along with government run community kitchens for food.

There was a petition in Delhi High Court regarding the situation of refugees in the capital. In which the court had directed to take care of every person in the state equally.[[25]](#footnote-25)

1. **Have any measures been taken to provide safe accommodation for persons in situations of homelessness during the pandemic and in its aftermath?**

Most of the states have announced affirmative care for homeless people with creating facilities of news shelter homes, food, medical care, counsellors, social security and awareness about COVID-19.[[26]](#footnote-26) As many as 6 states had announced new shelter homes, more than 12 states have announced measures for food, sanitation and health care but only one state has made facilities for cash transfer for the homeless[[27]](#footnote-27). Homeless people in general had to go through a lot of difficulty in many parts of the country as the announcements made were limited to big cities and accessed by fewer.

**Maharashtra:** Due to the pandemic, homeless shelters were created in Mumbai and the homeless groups were asked to move into these shelters voluntarily. With regards to homeless shelters in Nagpur, the city has in all approximately 40 shelters, out of which 3 or 4 of them were functional. Many of those living in these shelter have left the city now.

**Delhi:** Delhi has one of the largest numbers of shelters for urban homeless and it acquired more buildings to accommodate urban homeless and migrant workers during lockdown. The shelter home facilities in Delhi are quite effective but the drawback identified was that these shelters were not accepting new migrants. Thus, some families were left without support from the state.

**Gujarat (Ahmedabad):** With regards to homeless shelters, the Ahmedabad Municipal Corporation, converted the public places which were non-functional due to the lockdown, into shelters. There were 28 existing shelters and another 7 homeless shelters were added. Due to the rise on COVID-19 cases in the city, the Municipal Corporation officials were focused on containing the spread of the virus rather than providing housing facilities to the poor.

**Telengana:** The homeless shelters were set up by the government with the provision of basic ration, electricity and water. This holds true for informal settlements located near Osmania University. No such instances of government support has been heard of with regards to other settlements in the state.

**Madhya Pradesh:** Shelter arrangements for 6000-7000 homeless, beggars and migrants in Indore city were made by the government keeping in mind proper social distancing measures along with provision of food and other necessities.

1. **Have you relied on the** [**COVID-19 guidance notes**](https://www.ohchr.org/EN/Issues/Housing/Pages/COVID19RightToHousing.aspx) **developed by the previous Special Rapporteur in your work? Would you have any additional recommendations to protect the right to adequate housing during the pandemic and in its aftermath?**

The Government of India announced an Affordable Rental Housing Scheme under the ‘Housing for All’ scheme as part of the COVID Relief economic package[[28]](#footnote-28). The details of this scheme have not yet been detailed but is a long term directive to states to implement rental housing schemes. A group of civil society organizations have submitted a proposal to the Government of India on how this can be imagined given the dire need for rental housing in India and people’s paying capacities.

**Organizations that have contributed to this document include:**

Adarsh Seva Sansthan

Basti Suraksha Manch, Odisha

CHATRI, Hyderabad

Human Rights Advocacy and Research Forum, Tamil Nadu

Indo Global Social Service Society

Madhya Pradesh Nirman Manch

Montfort Social Institute, Hyderabad

SAATH Charitable Trust

Shehar Vikas Manch, Nagpur

Youth for Unity and Voluntary Action

1. *Rashtriya Awas Adhikar Abhiyan* is a national campaign consisting of representatives from civil society organisations, activists, advocates, academicians and community leaders working on the right to adequate housing. [↑](#footnote-ref-1)
2. <https://economictimes.indiatimes.com/news/politics-and-nation/india-declares-covid-19-a-notified-disaster/articleshow/74631611.cms?from=mdr> [↑](#footnote-ref-2)
3. <https://pib.gov.in/PressReleasePage.aspx?PRID=1608009> [↑](#footnote-ref-3)
4. <https://www.thehindu.com/news/cities/Delhi/migrant-workers-continue-march-home/article31186975.ece> [↑](#footnote-ref-4)
5. <https://pib.gov.in/PressReleasePage.aspx?PRID=1620027> [↑](#footnote-ref-5)
6. <https://economictimes.indiatimes.com/news/politics-and-nation/bombay-hc-restrains-municipal-corporations-from-carrying-out-demolitions-and-evictions/articleshow/74731160.cms?from=mdr> [↑](#footnote-ref-6)
7. <https://images.assettype.com/barandbench/2020-03/1cffe701-1d87-4457-a8d7-36199782f21a/A1___Fateh_CHSL____Anr_v_Municipal_Corporation_of_Greater_Mumbai__pdf.pdf> [↑](#footnote-ref-7)
8. <https://twitter.com/MahaDGIPR/status/1251082847571472385/photo/1> [↑](#footnote-ref-8)
9. [https://medium.com/@yuvaonline/an-unimaginable-and-uncertain-journey-home-bcd845464d50](https://medium.com/%40yuvaonline/an-unimaginable-and-uncertain-journey-home-bcd845464d50) [↑](#footnote-ref-9)
10. <https://www.thenewsminute.com/article/evicted-during-lockdown-telangana-villagers-forced-out-reservoir-project-123166> [↑](#footnote-ref-10)
11. <https://vindhyatimes.com/rewa-news-263> [↑](#footnote-ref-11)
12. <https://timesofindia.indiatimes.com/city/bengaluru/karnataka-govt-cancels-inter-state-trains-for-migrant-workers/articleshow/75565392.cms> [↑](#footnote-ref-12)
13. <https://timesofindia.indiatimes.com/city/bengaluru/under-fire-karnataka-does-u-turn-will-resume-trains-for-migrants/articleshow/75614188.cms> [↑](#footnote-ref-13)
14. <https://www.outlookindia.com/newsscroll/amid-covid19-outbreak-assam-issues-eviction-notices-to-30-families-living-near-protected-forest/1830330> [↑](#footnote-ref-14)
15. <https://prsindia.org/files/covid19/notifications/1793.RJ_Electricity_Water_Dept_Measures_Apr%202.pdf> [↑](#footnote-ref-15)
16. <https://prsindia.org/files/covid19/notifications/6363.RJ_Relief_Extn_Power_Bill_May%2030.pdf> [↑](#footnote-ref-16)
17. <https://timesofindia.indiatimes.com/city/delhi/delhi-government-will-give-free-ration-to-poor-without-ration-cards-too/articleshow/74903942.cms> [↑](#footnote-ref-17)
18. Indo Global Social Service Society (IGSSS) Publications. 2020; Seeking Justice for the Informal Sector During the Covid 19 Lockdown [↑](#footnote-ref-18)
19. <https://www.mha.gov.in/sites/default/files/PR_MHAOrderrestrictingmovement_29032020.pdf> [↑](#footnote-ref-19)
20. https://labour.gov.in/sites/default/files/file%201.pdf [↑](#footnote-ref-20)
21. <https://pib.gov.in/PressReleasePage.aspx?PRID=1607625> [↑](#footnote-ref-21)
22. <https://www.financialexpress.com/india-news/salary-cut-during-lockdown-supreme-court-home-ministry-order-private-companies-balance-sheet/1981053/> [↑](#footnote-ref-22)
23. <https://prsindia.org/files/covid19/notifications/3281.DL_pwd_measures_apr_3.pdf> [↑](#footnote-ref-23)
24. <https://prsindia.org/files/covid19/notifications/3353.DL_counsellors_visiting_apr_2.pdf> [↑](#footnote-ref-24)
25. <https://www.businessinsider.in/india/news/providing-adequate-ration-to-rohingya-refugees-during-covid-19-lockdown-aap-govt-to-hc/articleshow/75642122.cms> [↑](#footnote-ref-25)
26. <https://www.indiaspend.com/1-77mn-indians-are-homeless-40-of-them-are-getting-no-lockdown-relief/> [↑](#footnote-ref-26)
27. <https://www.indiaspend.com/1-77mn-indians-are-homeless-40-of-them-are-getting-no-lockdown-relief/> [↑](#footnote-ref-27)
28. <https://www.cnbctv18.com/economy/govt-to-launch-affordable-rental-housing-scheme-for-migrant-workers-and-urban-poor-5923291.htm> [↑](#footnote-ref-28)