

Life in The Slums: Decoding The Reality

***Yashodhara Pattanaik¹, Dr. Jayadev Pati², Dr. Madhubrata Mohanty³**

**1. Research Scholar, Faculty of Legal Studies, SOA National Institute of Law, Siksha O Anusandhan (Deemed to be) University, Bhubaneswar, Odisha, India.*

2. Senior Professor, Faculty of Legal Studies, SOA National Institute of Law, Siksha O Anusandhan (Deemed to be) University, Bhubaneswar, Odisha, India.

3. Associate Professor, Faculty of Legal Studies, SOA National Institute of Law, Siksha O Anusandhan (Deemed to be) University, Bhubaneswar, Odisha, India.

**¹yashodharapattanaik25@gmail.com, ²JPati007@gmail.com,*

³madhubratamohanty@soa.ac.in

Corresponding Author:

Yashodhara Pattanaik,

*Research Scholar, Faculty of Legal Studies, SOA National Institute of Law,
Siksha O Anusandhan (Deemed to be) University, Bhubaneswar, Odisha, India*

Email: yashodharapattanaik25@gmail.com

Abstract:

The slums are always visualized as places of unhealthy, unhygienic environment where people live mostly out of compulsion rather than choice. Successive Governments has launched many schemes to cater the needs of the slum-dwellers, but less has been done in changing their lifestyles. Lack of basic amenities impacts the health and financial capacity of the slum dwellers severely. Focus of the government is more towards making provisions for infrastructural development that will become their future homes in complete ignorance to their present conditions. The paper highlights the challenges faced by the slum dwellers due to lack of basic amenities and thereby affecting their rights to live in a healthy and pollution-free environment. The paper further highlights the effects of absence of basic amenities in the slum like, clean and safe drinking water, decent and hygienic toilets, properly functional sewage system, adequate presence of electricity, proper waste collection and management, and good quality, weather proof roads. The paper has further narrowed down on some suggestions couple of which, if used wisely might be able to become income generating tools, uplifting the slums economically. Some of the landmark cases have been focused on to shed light on the deplorable condition of the slum dwellers due to the absence of basic amenities. Overall, the paper intends to reflect that, changes in the living condition of the slums are needed, and this need is an extension of their right to shelter. The right to a decent housing structure will be provided which will take time, but the present living condition should be dealt with adequate measures without fail.

Keywords: *right to shelter, slum, slum dwellers, basic amenities, living conditions.*

1. Introduction:

Urbanization has led to a rapid migration towards cities or urban areas, the epicentre of opportunities. It is the cause of economic development and economic development is the outcome of urbanization (Edelman & Mitra, 2007)[6]. The significant rise in population and massive influx of people toward areas of opportunity created an imbalance between housing availability, their demand and the number of people so demanding. The latter outweighing the former is what has caused the formation of a slum. Slums came into existence as a cheap alternative to housing when there was no affordable housing option available. The UN-Habitat has defined slum as a dense settlement with inadequate housing and basic services¹. The poor financial condition and lack of affordable housing options saw a way out when people instead of demanding houses, just made one. It would not be wrong to say that slum is the by-product of urbanization coupled with population growth, poverty and lack of affordable housing options.² The lack of accountability to provide decent and affordable housing structures has led to the growth of slums. That makeshift dwelling which is their home and which we call the slum, is not just unsafe and unstable, but also overcrowded having no land rights and lacking in basic services. According to the Slum Population Global 2025 forecast, Asia shall be home to 56.9% of the global slum population compared to the rest of the world.³

2. Objectives

- i. To figure out the factors that led to the lack of basic amenities despite being promised.
- ii. To understand the problems faced due to the lack of basic amenities in the slums.

3. Hypothesis

- I. Lack of basic infrastructure affects the living condition of the slum dwellers.
- II. Poor quality of infrastructure limits the access to basic services and opportunities.

4. Methodology:

Research methods: A mix of both qualitative and quantitative methods will be seen in the research paper.

Data collection: The method opted for collection of data for this research article is a questionnaire technique and a non-participant observation method. For the questionnaire technique, a set of 20 questions was meticulously prepared and that included its translation in the local language following which it was shared amongst the sample size to gather information. The sample size for this research is 40. Apart from that, a non-participant observation of the slum was also carried out to come to a conclusion.

Sampling Technique: The Random Sampling technique is used to collect data. The purpose of sampling is to gather data regarding the absence of basic amenities in the urban slum. Male and female above the age of 20 years were taken in as subjects of the sampling.

¹ UN-Habitat (2018) SDG Indicator 11.1.1 Training Module: Adequate Housing and Slum Upgrading. United Nations Human Settlement Programme (UN-Habitat), Nairobi

² The Challenge of Slums: Global Report on Human Settlement, 2003, United Nations Human Settlements Programme

³ Ibid 1

Participants: Recorded respondents are people of the slum with low to no knowledge of their legal rights. They do not understand the English language. They were able to answer the questions written in the questionnaire only after translation of it in the local language following which their responses were recorded (Author is fluent in the local language). The participants voluntarily participated in the process of collection of data, answering the questions without any compulsion.

5. Review of the Literatures:

Slum is one of the products of poor socioeconomic conditions and uncontrolled growth in population (Sinthia, 2020)[26]. The paper highlights the challenges of urbanisation faced by the slum dwellers, along with discussing the need to improve the living and infrastructural condition in the urban slum. Urbanization has led to the growth of urban slum settlements (Demehin, 2022)[4]. Population growth has also led to the growth of slums, an informal and unlawful settlement in the urban area (Kaibarta et al., 2022)[9]. The drive for better life along with opportunities and better amenities is what attracts people towards urban areas. Urbanization has also been a key factor of the development of slum (Ghosh & Chakrabati, 2021)[7]. The existence of slum has led to exclusion of people on various aspects of life due to their identity as slum dwellers. The paper elaborates on the presence of urban inequality and lack of basic services in the slums due to exclusion and shift of slums from city centre to the periphery.

Even after so many years of slum existence, schemes and policies to assist the slum dwellers, there is yet to be a clear eligibility criterion regarding access to the beneficial schemes (Dupont & Gowda, 2020)[5]. The paper narrates the plight of the slum dwellers due to the flawed eligibility criteria which has led to the exclusion of many deserving beneficiaries and the absence of slum members' participation during the design of schemes and policies.

The expansion of slum outweighs the availability of housing (Shekhar, 2020)[25]. The need for a better life and opportunity for it is what brings migrants to urban areas. The urban areas though provide opportunities, lack housing availability. The lack of affordable housing is felt majorly by the people of lower economic strata. The slum expansion is not limited to the metropolitan areas, but also to second tier cities. The paper in a detailed manner highlighted the importance of a robust slum mapping system and discussed ways in which community participation could help design better housing structures to avoid scarcity of houses.

Slums show mutual deprivation of basic amenities (Padhi et al., 2022)[18]. Uneven slum developmental projects leads to uneven development within the slum causing differences. The inter-regional disparity is gradually becoming a significant cause of persistence of slums. Within the slum category, there are some which are notified and some which are non-notified (Nayak & Jatav, 2023)[15]. The clear difference between notified and non-notified slum is seen is the presence and accessibility of basic services.

The slums often see poor environment and slum dwellers have to face problem due to the nature of their dwelling (Chhetri, 2023)[2]. The paper discusses the effects of overcrowding and natural disasters in the slum and further goes on to highlight the need of a multifaceted approach to counter the problems faced by the slum dwellers sustainably. When it comes to slum legislations and policies, the one size fits all concept has always been used.

The size in the context is Delhi, and it has been used as a model to formulate legislations and policies for slums, creating the knowledge hegemony (Palat Narayanan, 2020)[19]. The problem with these policies is that they have used Delhi as a template, which is an urban metropolitan area and is also politically highlighted. The government's one size fits all policy has never worked in slum (Killemsetty et al., 2022)[11]. The paper highlights the failure of the one size fit all policies and the challenges faced by the slum dwellers due to absence of housing and basic services. The paper suggests the importance of community participation to enlighten the government regarding the varied needs in the slum. The schemes and policies devised for the slum dwellers often assume similar needs of all the slum population, which is a false reality (Rigon, 2022)[29]. The paper emphasizes on addressing the varied needs of the slum population by actively seeking their participation.

The basic analysis of informal settlement gave an idea of slum household to be a house where there are more than two occupants in a room (Nix et al., 2020)[17]. The paper analysed the inadequate access of the most basic physical structure needed for an adequate standard of living. Slum sees mainly two categories of houses, which are kutchha and pucca houses. The existence of pucca house is perceived as development, but a detailed analysis of housing conditions of informal settlements brings a clear picture of why not to include such pucca buildings of slums in the list of development.

The slums see backlogs in the provision of basic services by the government (Chikozho et al., 2019)[3]. The paper does admit that there is a slow improvement in the section of sanitation and waste disposal in the slum, but there has been a decrease in the quality of water. This highlights the need for an overall improvement of basic services in slum rather than individual services. Slums have poor, unsanitary and unhygienic environment, which is a health damaging setting (Alaazi & Aganah, 2020)[1]. Slums though have a poor environment and living condition, provide cheap and affordable housing options. This is what leads to the growth of slum population despite its poor condition.

Lack of quality road affects the growth and development of an area (Sewell, 2016)[24]. The paper highlights the effects of underdeveloped roads which hinder their growth and livelihood prospects. The lack of proper road leads to loss on many benefits and opportunities of better life. Women are the worst victims of this, as they have to head load things and walk. Walking miles to attend school has resulted in a large number of dropout students. Due to these unpaved or under paved roads, people are facing difficulty in accessing healthcare and are being wheel barrowed.

Slums also face the effects of climate changes where the loss of property is very much noticeable (Pandey et al., 2018)[20]. The effect of climate and climate induced disasters is an area less focused on when it comes to the slum dwellers rights. The effect of climate increases vulnerability on top of other existing issues. This effect is not just limited to the slums of urban areas, but also on the slums of rural and mountain regions. The paper addresses the need to explore the slum socio- ecology to mitigate disasters and enhance community participation for an inclusive planning.

The slums suffer from climate change and climate based disasters more than others (Habeeb & Javaid, 2019)[8]. The paper talks about lack of in depth study of the effects of climate change and natural disasters on the slum and slum dwellers. The lack of adequate assistance during such unforeseen situations along with poor adaptive capability needs to be addressed seriously.

The slums see environment based vulnerability and socioeconomic struggle (Khan et al., 2024)[10]. The already poor sanitation and environment becomes worse during the monsoon and incase of natural disaster.

The socioeconomic construct of the slum favours shared sanitation facilities, as it removes financial constraint and allows access to every individual in the area (Lee, 2023)[14]. The question of availability, cleanliness, functionality and safe access still persists. This condition is even worse for the non notified slums as they are legally not recognised.

Electricity access in slums is a debatable topic, as some slums get proper authorised access to it, some get the same inadequately and some do not get electricity at all. Some slums or slum household have to resort to informal access of electricity access due to lack thereof (Yaguma et al., 2022)[28]. Presence of electricity significantly affects the quality of life and household. It not just helps in easing day to day work, but also provides safety which in turn improves the quality of life. Due to lack of electricity, many women in slum refuse to go out after the sunset. The poor quality road in the slum causes accidents as nothing is visible in the dark. The Shibayoni case discussed in the article is a path breaking judgment stating electricity as a part of an individual's right to human dignity. The paper discusses the role of stakeholders in accessing electricity by the slum dwellers. The right to human dignity also includes right to access and use electricity (Ngwenyama, 2023)[16].

The lack of community participation leads to poor address of slum dwellers preference (Killemsetty & Patel, 2024)[12]. The paper suggests the need to consider the preference of slum dwellers during policy making for the policy to actually make an impact in improving the quality of life and housing.

6. The Indian Slum:

Slum is a stigmatized word, which often projects the idea of a place that is unsanitary and has poverty. The people living there are frequently isolated by society in general due to them being from the slums. What the society usually forgets is that those people are the ones doing work that eases our lives, such as domestic house helpers, garage mechanics, rickshaw pullers, coolies, garbage collectors, etc. According to the World Bank, nearly 49 % of Indian urban population lives in slum.⁴

⁴ World Bank Population living in slum (% in urban population)
(https://data.worldbank.org/indicator/EN.POP.SLUM.UR.ZS?locations=IN-CD-AF-MM-KE-NG-HT-GT-PK-BD-NP-XM-XN&most_recent_value_desc=true)

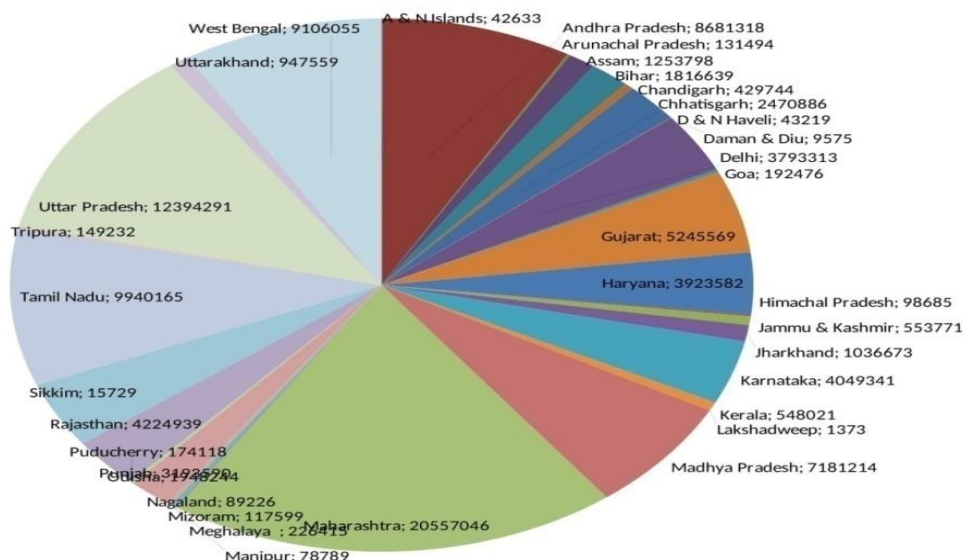


Fig. I Indian slum population of the year 2017 shown state wise⁵

Under the Indian law, the National Sample Survey Office has defined slum as “a compact settlement with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitary and drinking water facilities in unhygienic conditions.”⁶ Odisha Land Rights to Slum Dwellers Act gave a rather simple yet, clear definition of slum in sec. 2 (r) where “slum or slum area means a compact settlement of at least twenty households with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitary and drinking water facilities in unhygienic conditions, which may be on the State Government land in an urban area”⁷ Further in sec. 2 (s), the Act defined slum dweller as “any landless person in occupation within the limits of a slum area.”⁸

6.1 Causes of slum formation

The intense competition for an affordable housing coupled with poor financial condition leaves the homeless no option but to move to slums as they are more affordable and less hassle. Following are some major causes of slum formations.

- I. The expeditious growth of industrialization and urbanization led to migration as both the phenomenon provided job opportunities. The unregulated growth in population due to migration caused strain on the urban areas. The urban areas did not anticipate such a mass and was not able to facilitate them. Due to lacking in education and skills, the opportunity for a better life and economic situation was enticing enough for the migrants to stay and continue with trying for a better possibility in job sector.
- II. Due to migration there was a big gap in supply and demand of housing. The urban areas lacked in providing affordable housing that could fit the need and economic limits of the migrants. The urban area also lacked in investment concerning expansion, development, planning, limited land and resource availability for the poor urban.

⁵ Slum population state wise of the year 2017: Report of the Committee on Slum Statistics/Census, Ministry of Housing & Urban Poverty Alleviation Directorate (NBO) & OSD (JNNURM & RAY (https://nbo.gov.in/pdf/REPORT_OF_SLUM_COMMITTEE.pdf))

⁶ Report of the Committee on Slum Statistics/ Census, 2011 nbo book (mohua.gov.in)

⁷ Odisha Land Rights to Slum Dwellers Act, 2017

⁸ Ibid

- III. The migrants come in search of better economic support and opportunities but, settle down with low income jobs in informal sectors due to high competition and less options. Due to this, the employers are able to exploit them by paying meager amount of money for a cumbersome task. This does not changes their financial circumstance rather, pushes them down to continue their life in slum.
- IV. The last two decades have seen the government's initiative to provide housing and other basic infrastructure and amenities fail due to lack of resources. The crunch in financial resources can be traced back to corruption in the high level. In the lower level, it is continuously seen how political influence can be a factor to land a person in the land/ housing allotment list despite not qualifying in the criterias. This eventually strips the worthy of their chance and perpetuating the slum cycle.

7. Right to shelter and the right to an adequate standard of living

Article 21 of the Indian Constitution has laid down right to life as a fundamental right of every citizen⁹. The Judiciary has not limited this right to just the animal need and has further expanded by interpreting 'life' and what comes under its purview in various cases. Right to shelter and right to an adequate standard of living are two such fundamental rights that are a part of right to life as interpreted by the courts. Right to shelter and right to an adequate standard both are dependent on each other for a decent living condition and development of a man.

7.1 Right to shelter:

Shelter is necessary for the safety and development of an individual and his family. With the increase in poverty and homelessness, the question of right to shelter comes into the play. Globally, this right is recognized as a human right by the Universal Declaration of Human Rights 1948 in article 25¹⁰ and by International Covenant on Economic, Social, and Cultural Rights 1966 in article 11¹¹. In India, right to shelter was not explicitly a fundamental right, but became one through judicial interpretations. The shelter as a necessity was first highlighted in the case of, *Olga Tellis and Others v. Bombay Municipal Corporation and Others*¹², where the municipality forcibly removed people who have constructed their dwellings on the pavement citing citizen's right to way. The court in this case berated the municipality for its act and stated that eviction without following the procedure of law violates their fundamental rights. The 5 judge bench diversified the right to life as given under article 21 and interpreted livelihood as an integral part of right to life and laid down the foundation of shelter as a right. The case was of pavement dwellers eviction without follow up of due process of law during the monsoon. The dwellers were already in a mess as monsoon in Bombay is really bad. During this time, the municipality evicted them from the only place they lived and worked from to earn money without any consideration. The Court stated that right to live and right to work go hand in hand and eviction without due process violates this right as they are an important part of right to life with dignity.

⁹ The Constitution of India

¹⁰ The Universal Declaration of Human Rights (UDHR)

¹¹ The International Covenant on Economic, Social and Cultural Rights (ICESCR)

¹² 1985 (3) SCC 545

Later, in *Shantistar Builders v. Narayanan Khimalal Totame and others*¹³, the bench very carefully presented a stark contrast between human need and animal need that should be kept in mind. The bench stated that in a civilized society, right to life means more than just food, clothing and shelter. Its ambit expands to right to clothing, livelihood and decent living environment where one can grow, ensuring an overall development. A home does not have to be comfortably crafted infrastructure rather, a reasonable and decently build home with safe and habitable standard of living would suffice. This case interpreted that right to life also includes right to shelter and an adequate standard of living, thus expanding article 21, and solidifying citizens' right to shelter as a fundamental right.

7.2 Right to an adequate standard of living:

Article 11 of International Covenant on Economic, Social, and Cultural Rights 1966 and Article 25 of Universal Declaration of Human Rights 1948 both advocate for a better life of the people around the globe. This right has further been ingrained in the Indian law through judicial interpretations in article 21. This interpretation of law is required to include every aspect of life without any discrimination or economic disparity. In *Chameli Singh v. State of UP*¹⁴, the bench stated that, the right to life in article 21 includes a right to life with dignity. This case ensured that right to shelter does not just means meeting the animal needs, but rather a basic human need that will ensure development of the people. A basic and reasonably constructed home with access to basic amenities would ensure that an adequate standard of living is met. Additionally, in case of slum dwellers, eviction without follow up of due process of law and without providing alternate accommodation breaches their right to life with dignity. It is the responsibility of the government to ensure that the slum dwellers rights are not violated in the eve of development. This case ensured that right to shelter does not just means meeting the animal needs, but rather a basic human need that will ensure development of the people. Right to an adequate standard of life was solidified by this interpretation to be an aspect of article 21, the right to life. Clearly, a house alone would not suffice if the living environment, basic amenities such as water, toilet, electricity, sanitation, roads and access to basic civic services are not there. Without the basic amenities and access to civic services, no decent standard of living is ever fulfilled.

7.3 Causes of the lack of housing and basic amenities

Despite legislative enactments and judicial pronouncements, there are still numerous slums and rehabilitated colonies that lack in decent housing infrastructure and basic amenities. Due to multiple factors, there has been lack of adequate standard of living in those places which directly violates citizens' right to life with dignity. Listed below are some of the factors:-

The lack of basic amenities in slums is a complex issue is influenced by various factors. Here are the key reasons:

- i. Migration of large number of people towards urban areas is one the biggest cause of lack of decent housing and basic amenities. The urban area is not able to cope up with the large number of demand as there is already strain in providing basic services and housing infrastructure to the already existing people.
- ii. The economic disparity is the second biggest factor. People with poor economic condition have to make do with whatever is available to them with its quality becoming immaterial.

¹³ AIR1990 SC 630

¹⁴ AIR 1996 SC 1050

The slum dwellers are a part of the economically weaker section. The low income makes it difficult for them to access basic necessities of a human life, forcing them to settle with cheap and poor quality alternatives.

- iii. There are many slums that lack legal recognition by the municipality. They fall in the category of non-notified slums. This cuts off their chances of getting any assistance from the government and they are not able to take benefit of any assistance schemes provided for them by the government. Lack of legal recognition seriously affects the access to basic amenities and civic services.
- iv. Slum dwellers are heavily dependent on assistance from politicians regarding their recognition and aid in getting services namely, housing, water, sanitation, electricity, and healthcare. Politically, slum is relevant till the elections, only to get the votes of the slum dwellers in their favor. Post election, the commitments made becomes meaningless to those politicians. The slum dwellers have always been treated as vote banks by them. They are promised with the earth and moon, but as of now, nothing has been fruitful. The lack of political representation affects their right to better services and resources in a small amount.
- v. Lack of funds and poor management of the allotted funds limits the capacity of amenities provision and infrastructure. This shortage is topped with rampant corruption and misuse of the existing infrastructure for personal benefits. The slum dwellers live in a poor condition, waiting for some sort of assistance either from the government, NGOs, civil societies or relief from the court.

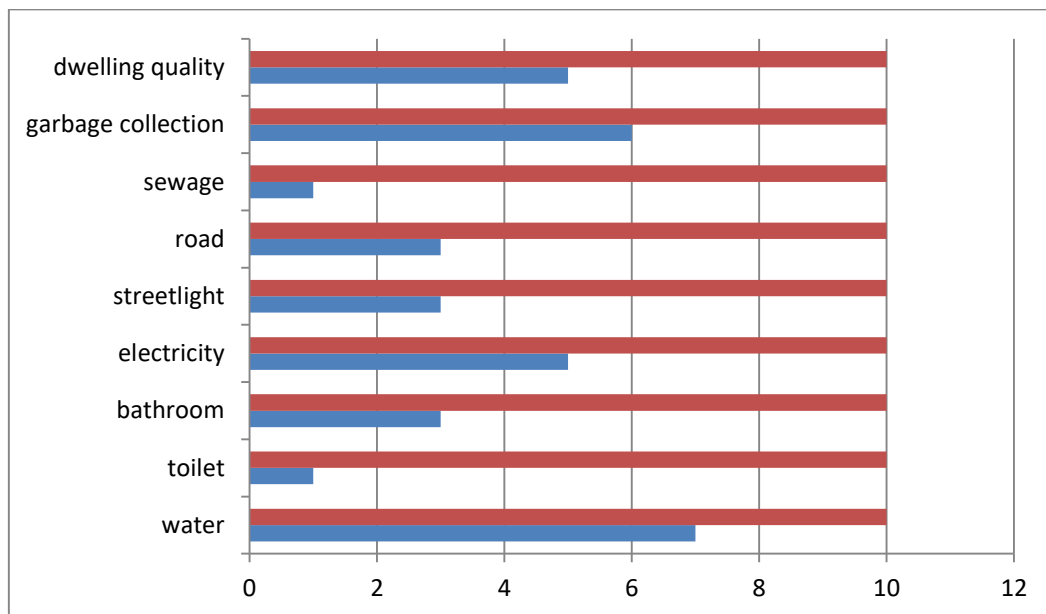


Fig. II shows the rating given by the slum dwellers on the basis of their to access basic amenities.

8. Discussion:

The Global Sustainable Report shows that the Sustainable Development Goals 2030 are far from accomplished.¹⁵ The implementations by the government relating to poverty eradication, one of the SDGs, have faced setbacks following the pandemic. The absence of basic infrastructure in the slums is a concerning topic. The slum dwellers would not be moving from the slum area without being provided with proper rehabilitation or any other alternate accommodation, and the housing allotment procedure is time-consuming. Until then, the least that can be provided to the slum dwellers is a decent living environment with basic amenities, the condition of which is not adequate in the slum. The slums see numerous problems every day. Some have become so frequent that they are now a part of the struggle in the slum dwellers' daily lives. The biggest problem with the infrastructure is that it lack severely in providing a decent habitable environment. The dwellings are overly crowded due to lack of space and are not safe. The units are not fire and disaster resistant, this eventually puts lives in danger. The dwellings lack in every basic amenities and are also far away from their employment area impacting their economic stability.

9. Findings:

More than the average number of slums faces the absence of basic amenities, completely or partially. Some slums see better access to one type of amenities, while some slums will see better access to some other amenities. The absence of basic amenities such as toilets, clean and drinkable water, electricity, decent roads, sewage systems, and waste management systems severely deteriorates the quality of life in the slum. The lack of consideration for the slum dwellers regarding weather and fire safety is another topic that needs serious discussion.

- Urbanization and population growth are the key factors in the emergence of slums. Slums are often overcrowded due to the large number of migrants and the absence of affordable housing. The house not just lacks in space but also in privacy. The shortage of area leads to many family members adjusting to the small space available.
- The dwellings in the slum are often makeshift due to the nature of their existence and the economic struggle of the people. The slum infrastructures are usually constructed from affordable and cheap materials that are readily available, for example, tarpaulin, asbestos, straw thatches, bamboo, and cardboard which are unsafe and uninhabitable. The poor economic condition of the slum dwellers forces them to make a home out of whatever material they can afford.
- The land that the slum dwellers have constructed their dwellings on does not belong to them. The land either belongs to the government or belongs to a private entity. At any given time, they can be asked to vacate or get evicted without any notice or follow-up of due process of law. This increases the threat of eviction. The lack of tenure insecurity among those people creates disputes regarding their right to shelter on land that does not belong to them, along with lack of adequate standard of living which mostly sticks with land rights.
- The sources of water in slums are groundwater, tube wells, and government-provided water from taps. In some areas, the groundwater is contaminated by faulty sewage pipes, forcing

¹⁵ The Sustainable Development Goals Report 2023: Special edition Towards a Rescue Plan for People and Planet (<https://unstats.un.org/sdgs/report/2023/The-Sustainable-Development-Goals-Report-2023.pdf>)

the slum dwellers to rely on government provided water taps. The water from those taps is not readily available at any time of the day. Women have to stand in long queues to get water which comes at some stipulated times only. The need for water to be consumable is a basic human need. The absence of drinkable water shows how deplorable the state of slum dwellers is, so much so that the most basic human need is not being properly and adequately accessible by them.

- Due to lack of recognition from the municipality, not every slum has toilets. The slums notified by the municipality have community toilets. The available toilets are either in unsanitary conditions or are completely unfit to use due to infrastructural issues. The poor quality maintenance has led to scarcity in the already scarcely available toilets in the slums. This leaves people with no choice but to defecate in the open. Male members and children can often be seen bathing in the open, while women struggle for a decent shower and usually go days without it. In some cases, a makeshift bath is crafted out of sarees or tarpaulin for pregnant women and elderly to use for bathing.
- The sewage system either do not exist at all or wherever exist are not constructed properly, leading to overflow of sewage water to the surface and contaminating the groundwater, which is a source of drinking water for slum dwellers. Waste management is also poor in the slums, leading to large pileup of waste in the surrounding eventually becoming a home of diseases. This leads to environmental degradation, foul smell and the poor health of the slum dwellers.
- Slums see a high number of health-related issues. The poor quality and unsanitary environment, unhygienic toilets and contaminated water are the main reasons behind the deplorable health status of slum dwellers. Waste is seen to be disposed of out in the open or in the drain available nearby. Lack of concern towards waste management in the slum has reduced it to be drenched in waste. The pileup of waste has led to the place becoming a breeding ground for diseases, causing health-related risks and damaging the environment. Waste management body comes around the slum only once a week which is definitely not sufficient. The waste, being disposed of improperly leads to environmental pollution and degradation.
- Some slums despite falling under the registered and notified category face the absence of electricity, completely or partially. The condition of non-notified slums is even worse as they are not notified or registered by the municipality, and due to this, they have no access to electricity. The lack of electricity leads to disruption in their day-to-day lives, which not only affects their daily work but also has a negative influence on their education, livelihood activities and health aspects. In some slums, access to toilet by women after sunset depends on the availability of electricity.
- There is also absence of street lights in the slums, thereby forcing them to rely on alternative energy sources. The use of alternative means like kerosene or firewood not only affects the environment but also affects the health of those people, causing respiratory-related health issues.
- Some slums exist in and around areas which do not have roads or lack decent quality roads. The quality of roads in the slums is either poor or in a deplorable situation where walking on foot is the only way out. The slums are mostly disaster-prone since the houses are not made of solid materials, throwing people to fend for themselves during natural disasters like floods.

10. Legislative Analysis

10.1 Government Initiatives:

There are many initiatives extended by the government to provide housing and basic amenities to the urban poor in central and state level. The Pradhan Mantri Awas Yojana, the Rajiv Awas Yojana and the Basic Services for the Urban Poor are three such initiatives that have helped lay the foundation for transformation of the living conditions of many homeless people. However, there are still many serious issues that need to be addressed to make these initiatives be effective for the needy.

The Pradhan Mantri Awas Yojana has classified a beneficiary family as a family of four i.e., husband, wife, unmarried son and unmarried daughter¹⁶. The sheer ignorance to assume that a family consists of 4 members only is appalling. To an utter dismay, families with elderly and adult dependent members do not seem to qualify for housing under this scheme. The need to reevaluate such criteria and have a proper survey with adequate community participation that would consider the family dynamic is an absolute necessity. Projecting solutions based on surface-level problems has never and will never cater to the actual situation. The Rajiv Awas Yojana, as mentioned in their guideline, focuses on slums within the cities¹⁷. The absence of mention of slums in the urban outskirts, rural and remote areas in the housing policy is a concerning issue. These policies have an improper implementation, which causes financial loss and lack of proper planning and providing basic amenities, having become another factor for the growth of slums of unsatisfied slum dwellers. The Basic Services for the Urban Poor is an initiative of Jawaharlal Nehru National Urban Renewal Mission, whose aim is to provide affordable house, basic amenities and civic services to the urban poor living in slum settlements. This sub-mission however, was class apart in its implementation. This mission was available in selective cities only. The failed attempt to address the basic needs of the urban poor is due to the lack of knowledge on ground reality. The initiative did not have sufficient community participation to address the actual need of the poor. Coupled with lack of funding and poor planning as its drawback, this initiative that could have been able to provide a decent life to the urban poors but failed brutally.

10.2 The Judicial Commitment:

It is to be noted that, a large part of the slum population consists of people who are poorest of the poor. In Article 38 of the Indian Constitution, it has been mentioned that the state shall promote welfare and minimize inequality. Further, the state shall also work to promote and meet the economic and educational needs and strive to protect the Scheduled Caste and Scheduled Tribes from exploitation and injustice; and this is mentioned in Article 46. In Article 47, the Constitution has talked about raising the standard of life, public health and nutrition. These articles collectively highlighted that, it is the responsibility of the government to provide for its citizen and uplift them ensuring their overall well-being and development. Despite everything, there continues to be growth in the slum population for various reasons. Sadly, even after several promises, poverty and inequality still persists in the society and this can be predominantly seen in the slum.

¹⁶ PMAY, HFA Mission Guidelines, 2021

¹⁷ RAY Scheme Guidelines 2013-2022

Judiciary has always been greatly concerned of the slum dwellers rights. Below are some case laws that highlight judiciary's care for the poor.

- In, *Municipal Council, Ratlam v. Shri Vardhichand and other*¹⁸, the bench addressed that, it is the duty of the municipality to preserve the health of the citizens and manage its finances. A decent budget has been allocated for the same and the municipal council cannot give an excuse of insufficient finance for lack of decent, working drain. The lack of proper working drain cannot be owed to inadequate finances. It is the duty of the municipality to provide drains that are in working condition for which a budget is already allocated. The court clearly mentioned that the lack of proper working drain cannot be owed to inadequate finances. It is the duty of the municipality to provide drains that are in working condition for which decent budget is already allocated.
- In, *L.K. Koolwal v. State of Rajasthan and Others*¹⁹, the Court highlighted that every individual has a right to enjoy a healthy environment as it is a segment of right to life. The Court further stated that, the right to a healthy environment is a fundamental right under the scope of article 21. It is the duty of the state to provide clean environment, free from pollution irrespective of whether there is sufficient funds or staff. The bench further stated that the municipality should perform its duty and raise resources if need be and insufficient funds and staffs should not be a plea.
- In, *the State of Himachal Pradesh and Another v. Umed Ram Sharma and Others*²⁰, the bench enunciated that a decent quality road is a need to enjoy quality life. They explained that, a decent quality road is needed to enjoy the right to life and denying people of a reasonable quality road would in a way deny the people of their right. This case suggested that roads are an integral part of life and are extremely important form of communication. This further interpreted Article 21 in the context that, right to life also includes having decent roads as they are a pathway for a better and improved quality of life.
- In, *Virendra Gaur and Ors v. State of Haryana and Ors*²¹, the bench st that, every individual has the right to enjoy a clean and healthy environment, free from pollution. This right comes under the purview of right to life and this ensures that citizens live a healthy life. This case expanded article 21 to also include hygienic environment as an aspect of right to life. The Court held that it is the duty to government to control pollution and prevent it as it negatively affects the health and quality of life.
- In *Subhash Kumar v. State Of Bihar and Ors*²², the Court gave an interpretation of article 21 which stated that pollution free air and water is also a part of right to life. The bench further added that, a pollution free environment, especially air and water is an essential fragment of quality of life. This interpreted that article 21 also included the citizens right to a pollution free environment. The bench also stated that it is the duty of the government to ensure that the citizens are able to enjoy this right and sufficient steps are taken to control pollution.
- In, *Almitra H. Patel v. Union Of Indian*²³, the bench mentioned that, it the duty and responsibility of the Government to ensure that citizens get to enjoy a clean and healthy

¹⁸ 1980 AIR 1622

¹⁹ (1986) 09 RAJ CK 0109

²⁰ AIR 1986 SC 847

²¹ 1994 SUPPL. (6) SCR 78

²² 1991 AIR 420

²³ 2000 (2) SCC 679

environment. The authorities responsible should do their duties diligently and fulfill the obligation of keeping the environment clean and healthy. This case strengthened the fact that right to clean and healthy environment is indeed a basic right of every human being.

- In, *Pani Haq Samiti & Ors. Vs. Brihan Mumbai Municipal Corporation & Ors.*²⁴, the High Court opined that even if the dwellings are of illegal nature that does not take away the slum dwellers basic rights. The Court further affirmed that water is the most basic human right that every individual has the right enjoy and this right cannot be denied by the state. The court further cleared that, fundamental rights of life such as water stands strong and cannot be taken away even in case where dwelling are constructed illegally.

11. Suggestions:

There is a need for more pro-poor policies and legislation specifically focusing on slums, which demands active community participation and consideration for slums existing not just in urban areas but also in rural and remote areas. Ample thought should be given to the slums existing in the rural and remote areas, as their terrain and climate differ vastly from that of the urban areas. Adequate water supply, electricity, toilets, sanitation and quality roads are also their basic needs. However, they seem to have always been excluded due to their low presence in the survey. If not specifically seeking them out, they are often left out of the slum developmental programmes and policies. The non-notified dwellers also share a similar situation. The municipality should take proper measures to notify and register those slums to legalize their existence. Only after being legally recognized will they be able to access the benefits provided for them.

The assessment of slums throughout the country and from all terrains is an important factor for pro-poor slum policies. This can be done with the collective effort of the Government and Non-Governmental Organizations that specifically work to alleviate the position and situation of slums and slum dwellers. Small groups should be formed to assess the situation in every ward of every municipality and every village in every gram panchayat that exists in a block and forward the result of the assessment to the district level of the National Building Organization and Committee on Slum Statistics/ Census. The assessment reports from the districts can be used to reflect on the slum situation of not just the urban areas but also the rural and remote areas, providing a reality check to the existing policies. This can further be forwarded to the State Housing and Urban Development Department to understand the slum situation of the slums. It is to be noted that the above assessment of slums should be a general assessment, including all the notified and non-notified slums. This assessment will not just give a state-level analysis of slums but also the facts regarding the widespread presence of slums in rural and remote areas.

Slum houses many people from economically weaker sections and low-wage sections. Adequate investment should be made in improving basic services like sanitation, water supply, electricity, roads and housing within the slums. Reliance on the government for its effectiveness becomes a time-consuming aspect. Apart from that small maintenance should be done by the community members themselves.

²⁴ 2014 Public Interest Litigation No. 10 of 2012, Chamber Summons (Lodg.) No. 362 of 2014 and Chamber Summons No. 74 of 2012

Skill development programs should be conducted to address the issues of small repairs, basic construction and maintenance of provided utilities. This won't just reduce the slum dwellers' dependence on the government for everything, but will also solve their problem and might become a source of income. The government should start public private partnership to deal with financial crunch and gather better incentives for the needy.

- Building houses is a time-consuming effort but, development in the living standard while still living in the slum is an absolute requirement. Building of homes should include active participation of the slum dwellers. They are aware of their needs and their needs should be given preference. The houses should also be built with the capability to withstand natural calamity and fire hazards, ensuring safety. Community participation should be made mandatory when it comes to any life changing decision or action for the slum dwellers.
- Water is the biggest concern of any slum. Ensuring clean and safe drinking water from qualified sources should be the government's priority while fixing the living conditions of the slum. The biggest issue that needs immediate address is that of water contamination. Admittedly, the government has provided water pipelines and access through community taps. But some of these taps do not function due to being damaged and not being repaired. This automatically shifts the focus on the available working taps, arousing long queues from women to get decent quality water. There is a dire need to repair the existing damaged pipelines or install new ones to supply adequate water in the slums. This simple repairing skill can cause less reliance on the part of the government and can be moulded as a definitive job, aiding in uplifting the infrastructural and economic condition of the slums.
- Swach Bharat Abhiyan is an initiative which intends to make the country cleaner. This drive was started to curb open defecation and provide an adequate number of toilets. This mission would have been very successful if a sufficient approach had been taken to discuss providing sufficient toilets and baths and their maintenance. The lack of adequate number of toilets, its maintenance and unhygienic condition of the toilets forces people towards open areas for defecation. Due consideration should be given to fix the sanitary infrastructure and follow up with proper maintenance to maintain the hygiene standards. If done correctly, this issue can provide sanitation-related jobs. Educating and creating awareness regarding hygiene practices in slums is extremely important to reduce health issues caused by it.
- The sewage system should be adequately constructed in slum areas and should be checked, cleaned and maintained regularly. This would help fix the issue of contamination from the sewage water with available water resources. Many times, sewage pipes get blocked because of foreign substances, causing an overflow of dirty water. Drain pipes should be cleaned regularly to avoid waste deposits and water logging. Slum dwellers should be educated, and awareness should be created to not dispose of waste in the sewage and clog the drains. New drainage pipelines should be constructed if need be. Proper maintenance will ensure no such incident occurs as it negatively affects the environment and health of the slum dwellers. A collective effort from the residents will reduce their dependence on the municipality.
- The foreign substances mentioned above are usually waste that is not disposed of properly. There is a need for awareness regarding waste disposal in the slums. Garbage collection by the municipality needs to include slum areas as well.

Designated bins should be placed in different parts of the slum, and the emphasis should be on educating people and creating awareness about using them. If doorstep collection of waste is not possible, stress should be given on regular streets by street waste collection. Proper storage of waste in homes and locality should be encouraged so that the slum areas remain clean and hygienic. Adequate education should be provided on recycling and composting waste to reduce the waste load generated in the slums. Proper education and awareness regarding waste collection, disposal and management can help transform the environment of the slums.

- Electricity in and out of the slum dwelling carries equal importance. The presence of streetlights in the slum area would change the quality of living. Women would be able to move around freely after sunset. People returning home late from work would not suffer due to poor quality roads and the absence of electricity. Electricity should be provided to the slum dwellers at a reasonable rate, owing to their poor financial conditions. Non-notified slums should be provided with the same electricity benefits as that of their notified counterparts. In India, there has been some development in the sustainable energy domain, and progress regarding its use in the slums to help slum dwellers counter the absence of electricity is ongoing. A little experiment has been made regarding the use of solar energy at present however; its absolute use would help eradicate electricity absence in slums.
- Government should pave quality roads to reduce marshy areas frequently found during the monsoon season and due to water logging. The absence of quality roads in slums leads to daily problems in accessing amenities located out of the slums, like schools, hospitals, going out for jobs, etc. The slum does not have individual household water pipelines. Women have to carry water from the nearby water sources back home, mostly on their heads or on their waist. Having decent-quality roads reduces the stress those water containers put on the bodies of those women. People returning home from work late at night face considerable problems due to the swamp conditions of the slums. Quality roads will enhance the standard of living of the slum dwellers, allowing smooth access to job locations, educational institutions and healthcare services.
- Collaboration is needed between multiple stakeholders, such as the Government, the NGOs, the Civil Societies, municipalities and utility companies, to extend connection of basic amenities to the slum areas. The government should ensure decent amount of resources are allocated to uplift the poor and needy people and careful observation on the implementation of those resources should be made mandatory. Government should also encourage public-private partnership to increase financial capacity. Adequate education and awareness should be provided regarding sustainable alternatives to electricity, water conservation, maintenance of sewage and toilets to minimize the damage from the peoples' part. This will not just help the slum dwellers improve their lives but will also help in addressing and promoting environmental sustainability.

12. Conclusion

Urbanization and population growth have led to the formation of slums. For slum dwellers, owning a house carries huge significance. Importance was given to providing the slum dwellers with housing, which will happen in the future. Conversely, those plans have taken over the present need. The lack of thoughtfulness regarding the absence of an adequate standard of living at the present times is concerning. There is no idea how much time the housing construction and allotment will take and until then, the slum dwellers are going to be living in the slums with deplorable living conditions if no adequate action will be taken. There is a need to reflect on the absence of a decent standard of living for the people in the slums such as quality drinking water, clean toilets, availability of electricity, properly functioning sewage system, proper waste management and quality roads, which are the needs for a decent living and development for a man. All these basic amenities collectively form an extension of the right to shelter, where the present shelter- the slum, lacks access to basic amenities. Much time has passed, now the government should also focus on the present living conditions while preparing for the larger goal of providing slum dwellers with housing.

Conflict of Interest: Nil

Funding details: None provided for this research.

References:

1. Alaazi, D. A., & Aganah, G. A. M. (2020). Understanding the slum-health conundrum in sub-Saharan Africa: a proposal for a rights-based approach to health promotion in slums. *Global health promotion*, 27(3), 65–72. <https://doi.org/10.1177/1757975919856273>.
2. Chhetri, B. (2023). Assessing the urban sustainability of the slum settlements in the hill resorts of India: a case study of Darjeeling town. *GeoJournal*, 88(2), 1807–1828. <https://doi.org/10.1007/s10708-022-10728-y>.
3. Chikozho, C., Kadengye, D. T., Wamukoya, M., & Orindi, B. O. (2019). Leaving no one behind? Analysis of trends in access to water and sanitation services in the slum areas of nairobi, 2003–2015. *Journal of Water Sanitation and Hygiene for Development*, 9(3), 549–558. <https://doi.org/10.2166/washdev.2019.174>.
4. Demehin, M. O. (2022). Urbanization, Urban-Slum Settlements and its Implications on Health: An Insight from Lagos State, Nigeria. *International Journal of Social Sciences: Current and Future Research Trends*, 13(1), 117–132. Retrieved from https://ijsscfrjournal.isrra.org/index.php/Social_Science_Journal/article/view/996.
5. Dupont, V., & Gowda, M. M. S. (2020). Slum-free city planning versus durable slums. Insights from Delhi, India. *International Journal of Urban Sustainable Development*, 12(1), 34–51. <https://doi.org/10.1080/19463138.2019.1666850>.
6. Edelman, B., & Mitra, A. (2007). Slums as Vote Banks and Residents' Access to Basic Amenities: The Role of Political Contact and its Determinants. *Indian Journal of Human Development*, 1(1), 129-150. <https://doi.org/10.1177/0973703020070107>.
7. Ghosh, S., & Chakrabarti, S. (2021). Urbanization and Exclusion: A Study on Indian Slums. *International Critical Thought*, 11(3), 450–479. <https://doi.org/10.1080/21598282.2021.1966820>.

8. Habeeb, R., & Javaid, S. (2019). Social Inclusion of Marginal in the Great Climate Change Debate: Case of Slums in Dehradun, India. *SAGE Open*, 9(1). <https://doi.org/10.1177/2158244019835924>.
9. Kaibarta, S., Mandal, S., Mandal, P., Bhattacharya, S., & Paul, S. (2022). Multidimensional poverty in slums: an empirical study from urban India. *GeoJournal*, 87, 527–549. <https://doi.org/10.1007/s10708-021-10571-7>.
10. Khan, S., Rathore, D., Singh, A., Kumari, R., & Malaviya, P. (2024). Socio-economic and environmental vulnerability of urban slums: a case study of slums at Jammu (India). *Environmental Science and Pollution Research*, 31(12), 18074–18099. <https://doi.org/10.1007/s11356-023-30630-5>.
11. Killemsetty, N., Johnson, M., & Patel, A. (2022). Understanding housing preferences of slum dwellers in India: A community-based operations research approach. *European Journal of Operational Research*, 298(2), 699–713. <https://doi.org/10.1016/j.ejor.2021.06.055>
12. Killemsetty, N., & Patel, A. (2024). Slum-dwellers as experts: A problem structuring approach to understand housing challenges in slum communities of India. *Journal of Urban Affairs*, 46(5), 1020–1038. <https://doi.org/10.1080/07352166.2022.2099283>
13. Leckie, S. (1989). The UN Committee on Economic, Social and Cultural Rights and the Right to Adequate Housing: Towards an Appropriate Approach. *Human Rights Quarterly*, 11(4), 522. <https://doi.org/10.2307/762090>.
14. Lee, Y. J. J. (2023). Understanding the use of shared sanitation facilities in Delhi's slums. *Development in Practice*, 33(8), 874–886. <https://doi.org/10.1080/09614524.2022.2156479>.
15. Nayak, S., & Jatav, S. S. (2023). Are livelihoods of slum dwellers sustainable and secure in developing economies? Evidences from Lucknow, Uttar Pradesh in India. *Heliyon*, 9(9). <https://doi.org/10.1016/j.heliyon.2023.e19177>.
16. Ngwenyama, L. R. (2023). Access to Electricity for ESTA Occupiers: TM Sibanyoni and Sibanyoni Family v Van Der Merwe and Any Other Person in Charge of Farm 177, Vaalbank Portion 13 Hendrina, Mpumalanga (LCC 119/2020) [2021] ZALCC 33 (7 September 2021). *Potchefstroom Electronic Law Journal*, 26. <https://doi.org/10.17159/1727-3781/2023/v26i0a15453>.
17. Nix, E., Paulose, J., Shrubsole, C., Altamirano-Medina, H., Davies, M., Khosla, R., ... Wilkinson, P. (2020). Evaluating Housing Health Hazards: Prevalence, Practices and Priorities in Delhi's Informal Settlements. *Journal of Urban Health*, 97(4), 502–518. <https://doi.org/10.1007/s11524-020-00442-w>.
18. Padhi, B., Mishra, U. S., & T, T. (2022). Assessment of living condition of urban slum dwellers in India in the New Millennium. *Urban Research and Practice*, 15(4), 604–626. <https://doi.org/10.1080/17535069.2021.1887923>.
19. Palat Narayanan, N. (2020). The Delhi Bias: knowledge hegemony of India's slum governance. *Singapore Journal of Tropical Geography*, 41(1), 105–119. <https://doi.org/10.1111/sjtg.12306>.
20. Pandey, R., Alatalo, J. M., Thapliyal, K., Chauhan, S., Archie, K. M., Gupta, A. K., ... Kumar, M. (2018). Climate change vulnerability in urban slum communities: Investigating household adaptation and decision-making capacity in the Indian Himalaya. *Ecological Indicators*, 90, 379–391. <https://doi.org/10.1016/j.ecolind.2018.03.031>.

21. Porter, B. (2021). The Right to Adequate Housing in Canada. In *National Perspectives on Housing Rights* (pp. 107–139). Brill | Nijhoff. https://doi.org/10.1163/9789004482128_011.
22. Rao P., S., Royo-Olid, J., & Turkstra, J. (2022). Tenure security and property rights: the case of land titling for ‘slum’ dwellers in Odisha, India. *International Journal of Urban Sustainable Development*, 14(1), 349–367. <https://doi.org/10.1080/19463138.2022.2054815>.
23. Raut Rameshwar babasaheb. (2019). THINK INDIA (Quarterly Journal). *Think India (Quarterly Journal)*, 22(3), 1–7.
24. Sewell, S. J. (2016). The impacts of undeveloped roads on the livelihoods of rural women. *Review of Social Sciences*, 1(8). <https://doi.org/10.18533/rss.v1i8.40>.
25. Shekhar, S. (2020). Effective management of slums- Case study of Kalaburagi city, Karnataka, India. *Journal of Urban Management*, 9(1), 35–53. <https://doi.org/10.1016/j.jum.2019.09.001>.
26. Sinthia, S. A. (2020). Analysis of Urban Slum: Case Study of Korail Slum, Dhaka. *World Academy of Science, Engineering and Technology International Journal of Urban and Civil Engineering*, 14(11), 416–430. Retrieved from <https://www.researchgate.net/publication/352785100>.
27. Towards vibrant green urban slums- India, United Nations Climate Change, Climate action, 2023 UN Global Climate Action Awards, Winning Projects, Activity Database UNFCC.INT.
28. Yaguma, P., Parikh, P., & Mulugetta, Y. (2022). Electricity access in Uganda’s slums: multi-stakeholder perspectives from Kampala. *Environmental Research Communications*, 4(12). <https://doi.org/10.1088/2515-7620/aca9ad>.
29. Rigon, A. (2022). Diversity, justice and slum upgrading: An intersectional approach to urban development. *Habitat International*, 130. <https://doi.org/10.1016/j.habitatint.2022.102691>.