

Reinterpreting the Housing Rights: A Comparison of the Rights of Indian Slum Dwellers with European Housing Poverty

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Abstract:

The structural circumstances of slum dwellers in Indian states like Maharashtra and Odisha, as well as the expressions of housing poverty in various European locations, are the main subjects of this paper's critical examination of the diverse but overlapping trajectories of housing rights in India and Europe. The study examines how the "right to housing" is conceived and applied in two different socioeconomic circumstances, drawing on legislative frameworks, policy interventions, and current scholarly evaluations. Housing in India is enshrined in a rights-based constitutional framework that is derived from Article 21 and strengthened by judicial activism; nonetheless, it is still threatened by forceful evictions and poor governance. While regional inequities and spatial segregation still exist, especially in Southern and Eastern Europe. European welfare regimes institutionalize housing as a social entitlement. This study uses a comparative analytical method to illustrate the dichotomy of welfare provision without fairness in Europe and rights recognition without material realization in India. It contends that both situations highlight a common spatial justice problem in which legal and regulatory frameworks fall short in balancing human dignity with urban expansion. In order to achieve inclusive and sustainable housing justice, the study ends by promoting an integrated, rights-based, and participatory model that combines European social infrastructure with Indian constitutional principles.

Key words: Housing rights; Slum dwellers; Spatial justice; Urban poverty; Comparative analysis.

Introduction:

Modern urbanism is typified by extreme polarities between affluence and insecurity, and no better example can be given than of informal communities like Dharavi in Mumbai or the former Yamuna Pushta in Yamuna river in Delhi. These areas which are often depicted as an urban disorder, are actually deeply entrenched in the political economy of capitalist urbanisation. According to Mahmud (2011), slums are the commodification of surplus humanity, meaning, people that are disposable yet essential to the process of urbanization. UN-Habitat estimates indicate the global south is projected to consume almost 55 per cent of the urban population by 2050, which implies slums have the capacity to absorb most of the population, hence the rush to address housing as an issue of dignity and not a mere infrastructure.

The issue of slums is not merely a matter of deprivation of rights but of poverty. Eviction-led urbanism as discussed by Ramanathan (2005) is one of the ways in which the state tends to take aesthetics, capital and legality over constitutional rights to life and dignity. These forced evictions are often perpetuated by a series of disasters such as health crises due to overcrowding, lack of sanitation and exposure to the environment (Sclar, Garau and Carolini, 2005). These are aggravated with gendered exclusions in which women in slums experience disproportionate insecurity through tenure informality and unprincipality access to services (Singh, 2011). Combined, these dimensions indicate the housing insecurity as a multidimensional human rights violation.

Theorisation of slums goes way back to the colonial land regimes which criminalised informality and are perpetuated by neoliberal restructuring which commodifies urban land. Mahmud (2011) locates slums in the context of accumulation by dispossession as developed by Harvey in which urban space is being converted to a location of capital extraction as opposed to social reproduction. The concept of the right to the city by Lefebvre that Bhan (2009) applies helps re-brand slum dwellers as a rightful member and citizen of the city, instead of an encroacher. Thanks to this, the notion of dead capital introduced by de Soto emphasizes the inability of slum residents to escape the vagaries of tenure due to the absence of legal and financial protection, which finds reflection in the modern insights into the impact of land titling reforms, like the Odisha JAGA Mission (Mohapatra, 2022).

The literature empirically shows that slums are not temporary and accidental. European research, such as Kraff et al. (2022) and Ivan (1992) demonstrates that housing poverty and spatial segregation occurs even in welfare states, making the argument that informality is structurally constructed in a variety of settings a valid one. The study takes these insights to synthesise legal entitlements, determine obstacles to implementation and scale up and participatory housing models. In so doing, it complies with the general objectives of Sustainable Development Goals 11 and 16, and it is part of the policy discussions on inclusive urban futures in an age of an increasingly climate-driven migration (UN DESA, 2011).

Literature Review:

The literature on urban informality and housing rights has continuously stressed the point that slums and housing poverty are not the results of mere historical, political, and economic events but a consequence of historical, political, and economic processes. The policies of the colonial land establishments formed the basis of unequal urban land distribution, criminalization of informality, and marginal populations were denied legal tenure. Based on the theory of accumulation by dispossession put forward by Harvey, Mahmud (2011)¹ concludes that neoliberal urbanisation deepens such exclusions by turning urban land into a commodity, which gives rise to what he calls surplus humanity, the populations needed by urban economies, but systematically deprived of secure settlement. This framing disputes the narratives which claim slums are caused by personal or political failure, or poor planning, and places them in contexts of structural inequality of the capitalist city development.

Lefebvre conceptualisation of housing as citizenship and dignity is further supported by the idea of right to the city which requires not only access to shelter but also a part in the city life and decision making (Bhan, 2009)². In this view, slum inhabitants are legal urban citizens but not illegal occupants. Alongside this rights-based approach, the notion of dead capital by de Soto illuminates why slum residents cannot use the property of land and housing as economic capital and strengthens the process of poverty, which perpetuates poverty (Mohapatra, 2022)³. Combined, these theoretical models make the slums spaces of exclusion produced structurally and not a transitional or temporary anomaly (Lieberherr-Gardiol, 2006)⁴.

The study of law and policy has indicated a continued disconnect between normative commitments and practice. In the Indian case, Sugirtham (2024)⁵ shows that constitutional rights in Art. 21, international rights concerning the ICESCR and housing schemes like the PMAY offer a solid legal basis of secure housing, but

¹ Tayyab Mahmud, 'Surplus Humanity and the Margins of Legality: Slums, Slumdogs, and Accumulation by Dispossession' (2011) 14 *Chapman Law Review* 1

² Gautam Bhan, 'This Is No Longer the City I Once Knew': Evictions, the Urban Poor and the Right to the City in Millennial Delhi (2009) 21(1) *Environment and Urbanization* 127

³ Mugdha Mohapatra, *Land Rights for Urban Slum Dwellers: A Case Study of Odisha* (2022) Centre for Policy Research Working Paper

⁴ Flurina Lieberherr-Gardiol, *Globalisation, Urbanisation and the Persistence of Slums* (2006) United Nations Human Settlements Programme (UN-Habitat), Nairobi

⁵ Beryl Sugirtham, *An Analysis of Slum Dwellers and Their Land Rights* (2024) *International Journal for Multidisciplinary Research*

its enforcement is low and poorly recorded. Ramanathan (2005)⁶ condemns the slow transformation of the judiciary to a welfare perspective of the interpretation of the housing rights, as was applied in the *Olga Tellis v. Bombay Municipal Corporation* (1985), in favour of a more regulatory method that is more and more criminalising informality without sufficient rehabilitative strategies. An analysis of the JAGA Mission in Odisha by Mohapatra (2022) mentions that one of the key policy innovations in land titling is identified but the analysis warns that the presence of executive discretion, the inability to transfer it extensively, and the unavailability of gender-disaggregated data limits its transformative capacity. Equally, Wagle (2022) reveals that social economic rights, including access to water are frequently provided as discretionary exceptions as opposed to being an enforceable right, especially where tenure insecurity continues to prevail.

The European literature disputes the fact that the problem of housing insecurity is only a Global South problem. Surveys of the housing policy in Germany indicate that the system is welfare focused and is typified by a large rental market, high levels of tenant protection and housing benefits⁷. Social housing requirements are however time-limited thus resulting in a gradual reduction of affordable housing stock and increased pressure on affordability. Although segregation rates are rather low, segregation still exists in isolated areas of deprivation especially in large housing developers and post-socialism areas. Kraff et al. (2022)⁸ also determine the existence of hidden slums in Europe, including refugee settlements and degrading urban clusters, which proves that even in highly developed welfare systems, housing poverty is still evident.

The interconnection between housing and health also reveals the limitations of the welfare-based systems. The empirical studies about Germany indicate that renters are much more likely to report poorer health than homeowners regardless of income or employment status. This relationship is mediated by poor housing quality, environmental pollution and poor neighbourhood social ties showing that welfare provision by itself cannot eradicate any health disparities due to housing tenure. These results are in line with Sclar et al. (2005)⁹, who associate overcrowding and poor infrastructure with increased health risks, and Singh (2011)¹⁰, who points to the gendered nature of the resilience and vulnerability in informal housing environments.

All in all, the literature comes down to the realization that both constitutional and welfare approaches have structural shortcomings. Whereas in Indian scholarship, rights recognition is in the future without actualisation, European studies show welfare delivery without equity and empowerment. There are still several gaps in intersectional analysis, longitudinal impact, and models of participatory governance. To fill these gaps, it is important to have an integrated framework that integrates legal enforceability, welfare infrastructure and community participation to further housing justice as an issue of dignity, health, and urban citizenship.

Violations, Barriers and right realization:

Urban informality is one of the most inexhaustible contradictions of modern days development. Although cities are glorified as drivers of economic growth and development, they at the same time generate spatial exclusion, tenure insecurity and systematic denial of basic rights to millions of dwellers in informal settlements. This analytical core looks into the regulations of eviction, service deprivation, and failure of governance are structural obstacles to the achievement of housing and allied rights. Based on Indian legal studies and European comparative legal studies evidence, especially that of Germany, this paragraph points out the fact that housing is not just shelter but a gateway right making of health, citizenship, and dignity.

⁶ Usha Ramanathan, 'Demolition Drive' (2005) 40(27) *Economic and Political Weekly* 3607

⁷ Volker Busch-Geertsema, *Housing Policy in Germany (Working Paper for the EUROHOME-IMPACT Project, Association for Innovative Social Research and Social Planning (GISS), Bremen, 2000)*

⁸ Nicolas J. Kraff, Hannes Taubenböck and Stefan Wurm, *Housing Forms of Poverty in Europe* (2022) *Applied Geography* 149

⁹ Elliot D. Sclar, Pietro Garau and Gabriel Carolini, *The 21st Century Health Challenge of Slums and Cities* (2005) *The Lancet* 365(9462) 901

¹⁰ Shalini Singh, *Women, Slums and Urban Poverty: Gender Dimensions of Informality* (2011) *Indian Journal of Gender Studies* 18(3) 345

Eviction and tenure insecurity refers to inequitable practices by landlords that deprive tenants of the assurance of ongoing tenure within their properties.

3.1 Eviction and Tenure Insecurity

This is a malpractice by landlords that denies tenants the security of permanent tenure to their premises. The most evident and the most violent form of tenure insecurity in informal sphere is eviction settlements. In India, there have been changes in legal and policy over the last three decades which are progressive. repackaged informal residents of urban citizens with rights to occupants of illegality, which makes it possible to do this on a mass-scale destructions in the name of city regeneration. Bhan and her masterpiece work on the world class city of Delhi. project reveals that evictions were rationalised as the need to become global competitors, distorting the realities of the displaced people. They were not isolated incidences of demolitions systematic plans of spatial purges that regained the control of the elite over urban territories.

Ramanathan (2005) theorizes about the concept of demolitions as the kind of state produced poverty, in which the state actively destroys infrastructures of survival homes, livelihoods, and social networks, but without rehabilitation of any worth. This was a withdrawal into welfare-oriented cities governance and is a transition towards disciplinary planning in place of redistributive justice in which legality is applied selectively on the poor. This criticism is reinforced by the current constitutional analysis. Sugirtham (2024) believes that forced evictions that are not accompanied by rehabilitation amount to direct contravention of Article 21 of the Indian Constitution, sacrifices the right to life with dignity. Judges are becoming more aware that housing is irreducible to livelihood, health and personal security. But still unequally we have this jurisprudence implemented on the ground. On the policy level, Mohapatra (2022) draws attention to such laws as the Odisha Liveable Residential. Tenure is a granted privilege (OLRSDA)¹¹ but not an entitlement in Slum Areas Development Act enforceable right. Such form of discretion strengthens precarity, where recognition is based on administrative as opposed to legal right.

Insecurity is further deteriorated by structural barriers. Eligibility cut off dates do not allow new migrants and the urban poor who were evicted before. Bureaucratic and corruption opacity Wagle (2022)¹² documents, rent seeking and arbitrary exclusion are possible by virtue of opacity rehabilitation schemes. Such practices turn tenure security into a commodity which is negotiated instead of a universal right. The effects of tenure stability are highlighted in comparative evidence of Germany. The Housing and Health in Germany study illustrates that renters especially those of bad quality experience many problems in housing. This again has very low health outcomes, and worse than homeowners even when this is controlled for income and education. Nevertheless, Germany does not have the same tenant protection as India and has region-wide strong tenant protections regulated rental market reduce the eviction risks. The difference between the two is that tenure security is a not an economic necessity but a policy choice. To overcome these infractions, titling reforms cannot be carried out through symbolic ownership. Secure, gender sensitive, collective titles have the capacity to improve economic agency, access to credit and minimize exposure to displacement, providing the basis of rights based urban inclusion.

3.2 Water, Health, and Gendered Livelihoods

Availability of the basic services especially water and health services serves as an effective indicator of urban citizenship. Denial of service is a tool of governance that is frequently applied in informal settlements strengthen the illegality and legitimize eviction. In a study of Mumbai, Wagle (2022) indicates how access to is attained municipal water connections is regulated by the discretionary practices, which turn water into a common good into a tool of discrimination. Such deprivation has grave health effects. According to Sclar et al. (2005), the number is more than one. The health risks experienced by billion slum dwellers across the world

¹¹ *The Odisha Land Rights to Slum Dwellers Act, 2017, Act No. 10 of 2017, Government of Odisha*

¹² *Prashant Wagle, 'Human Right to Water of Slum-Dwellers in Mumbai: A Case Study of Bombay High Court's Intervention' (2022) Indian Journal of Law and Justice*

are tenfold more than the formal because of overcrowding, unclean water, lack of sanitation. These conditions are not accidental but are structurally generated through planning regimes that do not want to accommodate informal settlement to urban infrastructural networks. This can be educatively compared to the German evidence. Housing and Health in Germany report creates a definite connection between self, neighbourhood environment and housing conditions rated health. The quality of housing, pollution, and social weakness is important in mediating health outcomes. Notably, these results substantiate the fact that health disparities are spatialized, strengthening the thesis that policy oversights are the cause of slum health crises and not individual's behaviour. One more aspect that comes out through a gendered lens is layered vulnerabilities. Singh (2011) records the bearing of women unbalanced shares of water shortage and unhygienic environments, hours spent in gathering water, the household health management and dealing with dignity issues like lack of privacy. These invisible labour expenses have direct implications to the livelihood of women, their safety and their involvement the urban economy. These trends are supported by European scholarship. Weziak Bialowolska (2021)¹³ singles out spatial burying heaps of poverty and ill health into cities in the EU, proving that even in developed welfare when housing and services are not evenly distributed, states, territorial inequalities do exist. However, European policy responses are distinctive in including housing, health, and unlike the Global South, more social cohesion by means of coordinated funding. Informal exclusion mechanisms that deprive services on the Global South are considered as barriers basis of tenure status. According to Lieberherr Gardiol (2006), this kind of exclusions lingers even in the case that there is an infrastructure, which is actually a failure in governance and not a technical limit. One direction to go is on the integrated routes of alignment like that of PMAY (Pradhan Mantri) of India (Awas Yojana) with style of situ upgrading of JAGA Mission as recommended by Sugirtham (2024). By such models can connect housing supply to water, sanitation and health infrastructure turn informal settlements into habitable neighbourhoods and not managed neglect locations.

3.3 Participatory Governance and World Contradictions

The core of urban exclusion is the lack of democracy in the city making. The concept of the "Right to the City" by Mahmud (2011) and operationalized by Bhan (2009) is a normative antidote to exclusionary planning. It claims that urban residents, not only property ownerships right to influence the city space, resource access and ownership together decision making. Nevertheless, participatory principles tend to contravene neoliberal urbanism. Steinbrink's (2012)¹⁴ analysis of slum tourism demonstrates this contradiction: such projects increase awareness about urbanism in the world poverty, they also trade deprivation, which makes power imbalances between observers and the observed The European experience gives both warning and positive lessons. Kraff (2022) emphasizes the significance of morphological categories in the explanation of urban marginality, with the argument that spatial form is a determinant of policy reactions. The concept of geopolitical slums by Ivan (1992) also brings forth the effect of how marginal spaces are developed by larger political-economic processes, rather than local failures According to Housing Policy in Germany, the German housing model shows much on how the strong it is. Extreme segregation can be avoided by tenant protections, social rental housing and regulated markets. Even though Germany is experiencing a difficulty due to the decline in the social housing stock, it is focusing on it long term tenure stability and municipal intervention is directly opposite to market driven eviction regimes in the Global South. But there are still barriers everywhere. Neoliberal courts tend to be biased in favor of property rights and investment above social justice, evicting all in the name of development. Data gaps, defined by UN DESA (2011), marginalize informal settlements because they make them even more marginalized, invisible, statistically, and undermining demands of resources and recognition. In order to find a solution to these contradictions, a multi-pronged reform agenda is needed:

¹³ Dorota Weziak-Białowolska, 'Quality of Life, Health and Housing Conditions in Europe' (2021) *Applied Research in Quality of Life*

¹⁴ Malte Steinbrink, "We Did the Slum!"—Urban Poverty Tourism in Historical Perspective' (2012) 44(2) *Tourism Geographies* 213

1. CLTs: CLTs are decommodifiable (as Mohapatra, 2022, argues) land, guarantee security of collectivity in tenure, and avoid displacement and permit community led development.
 2. Intersectional Audits: Singh (2011) highlights the necessity of audits that examine the policies affect women, migrants, and other marginalized subjects differently and makes urban equity embedded governance.
 3. Models of Cohesion Funding around the world: The model is based on the example of EU cohesion funds (Weziak). The Global South needs redistributive, long-term urban funding (Bialowolska, 2021) mechanisms to solve the spatial inequalities instead of interventions that are project based in pieces.
- In both contexts, the evidence boils down to one major point: housing is not just a mere physical property but a basis of rights accomplishment. Eviction, denial of service and exclusionary governance does not represent the consequences of urban development but the byproduct of intentional policy decisions. Lessons in Germany indicate that tenure security, combined services, and participatory governance will go a long way in ensuring that inequality in urban areas is alleviated. For India and the Global South, informal settlements need to be converted into spaces of exception instead of locations of exception full citizenship-based on dignity, equity and the right to the city.

CASE STUDY:

Mumbai- Slums, Law and politics of urban citizenship

Mumbai is one case of the most complicated slum governmental regimes in the Global South, where the population living in informal settlements is almost 42-45 percent regardless of holding less than 10 percent of the city's land. Slums in Mumbai are not only deficits of housing, but actually created spaces developed through state regulations, judicial discretion and political favors.

The Law that regulates Slums in Mumbai: On the state level, the main law is the *Maharashtra Slum Areas (Improvement, Clearance. and Redevelopment) Act, 1971*. This Act gives powers to the state to declare regions as slums, and carry out refurbishment, or clear them out and redevelop them. Although it was presented in the form of a welfare law, its essence was quite different loophole of discretionary notification--notified slums only are exempted against eviction and access to basic services. Even if the slums are not notified, they are always vulnerable to the law irrespective of the time taken of residence The *Bombay Municipal Corporation Act, 1888* also adds to the difficulty of accessing the services. It treats water as movable property, the Municipal Corporation of Greater Mumbai (MCGM) is allowed to do so dispose of water even to unauthorized structures--but not in such a manner that they are suggested to supply it equally. This provision has permitted inequality of prices and denial, which strengthens infrastructural inequality instead than universal access. On the central level, there is no one all-inclusive slum law. Instead, fragmented schemes govern housing rights like *Pradhan Mantri Awas Yojana (PMAY-Urban)* is concerned with affordable housing to a great extent which privileges formal ownership and developer led redevelopment. The *National Urban Livelihoods Mission (NULM)* deals with livelihoods but is poorly developed combined with accommodation and services. *Environmental and land legislation (Railways Act, Forest Act, Coastal Regulation Zone notifications)* often supercede the rehabilitation claims, and allow evictions without resettlement.

Cut Off Dates and Tenure Insecurity:

The slum administration of Mumbai is designed in a very special way based on cut off dates, with the most special one being 1 January. To ascertain eligibility to rehabilitation and access of water, 1995, subsequently up to 1 January 2000. They are not neutral administrative tools but political as Deekshit and Sumbre (2022) demonstrate mechanisms that are closed to migrants and urban poor turning citizenship into a lottery of time. This stratification has been strengthened in courts. *In Pani Haq Samiti v. MCGM (2014)*, the Bombay High Court acknowledged water as a right to life in the Article 21, but at the same time, court did not exclude the use of differential discriminations against the slum dwellers who are not legal--stronger charges and un-piped water supply. This established what is known among scholars as a graded fundamental right, watering down universality.

Water, Health and Informal Exclusion:

The example of Mumbai slums is an example of what Deekshit (2022) identifies as hydrological apartheid - systematic denial obscure criteria like land ownership, NOCs and settlement of municipal water status. Even decades of activism have not helped to reduce the number of more than 2 million residents, especially central residents government or privately owned land--are not to be connected to water formally. Health outcomes are the reflection of this exclusion. As the world slum research suggests, the slum dwellers have to endure insecure. There is an exponential increase in disease burdens in tenure and poor services. The Mumbai case concurs with European results that housing and health inequalities are spatial clusters, but contrary to. The regulated rent and welfare system of Germany is used whereas in Mumbai, it is at discretion.

Key Loopholes:

1. Discretionary slum notification -1971 act.
2. Cut off dates without post migrant population.
3. Disjointed centre plans without rights to enforce.
4. Courts may be open to different rights.
5. Delivery of services based on land legality and not human need.

Odisha- Land Titling, Rights Recognition and Structural Loopholes:

The explicit change of Odisha is a unique example of the slum governance in India. between slum betterment and land titling, which is, their recognition of rights. Although Odisha's urban slum population is lower in comparison with metropolitan states, fast urbanisation and coastal exposure have increased tenure insecurity especially in small and medium towns. State Level Legal Framework *Odisha Land Rights to Slum Dwellers (OLRSD) Act* is the cornerstone of the approach of Odisha. The right of landless slum dwellers to hereditary and mortgageable is legally recognized in 2017 residential rights in land. Trustworthy households are granted a Land Rights Certificate under the Act. Free (LRC) of up to 30 sq. m, and subsidised rates on up to 60 sq. m. Significantly, it is a departure since the Act reformulates slum dwellers as right holders and not encroachers of centric governance by eviction. The OLRSD Act is executed via the *Odisha livable habitat mission (OLHM)* which combines tenure security and infrastructure upgrading, participatory mapping and housing and construction support. This integrated solution recognizes the criticisms that tenure in itself is incapable of supporting the lack of services, livelihoods, and institutional access. Central Laws and Schemes in the slum governance at Odisha is at the central level and it is associated with: Pradhan Mantri Awas Yojana- Urban (PMAY U) especially, Beneficiary Led Constructions (BLC) vertical, the subsidies of housing offered as soon as a land tenure is obtained. *The National Urban Livelihoods Mission (NULM)* is targeted at skilling and informal employment. Article 21 of the Constitution which is safeguarded by the Indian courts under the interpretation that includes housing and dignity. Nevertheless, none of these core tools birthright a justiciable right to land or housing and thus, the state of Odisha is also isolated institutionally as well as exceptional. Key Loopholes and Barriers The OLRSD Act has severe structural limitations, even though it has a progressive motive. To begin with,

- Economic agency is greatly undermined by non-transferability of land titles. Although titles are theoretically mortgageable, banks decline loans on routine basis because of prohibition on sale and transfer, crippling the De Soto-type assumption that titling is a means to access credit.
- Second, enumeration errors in terms of exclusion remain. In households when surveys were conducted, migrants, and linguistically marginal communities (including especially Telugu speaking fishing communities) were left off and reproduction of informal insecurity within a right is impossible without any clear system of grievance redress-based framework.
- Third, it is still not evenly implemented across urban hierarchies. The Act has not been extended to large urban centres like Bhubaneswar and Cuttack, where the price of land is high and competition in

development claims are increased. This presents a geographically discriminatory right, which is against the rights of the citizenship that is implied universality.

- Fourth, the introduction of the PMAY U to the debt presents new risks. Construction expenses are regularly excessive. Subsidies then drives beneficiaries to the informal lending. “Sahi” Tenure As it is recorded in Sai Baba Sahi. long term financial precarity is frequently compromised to provide security.

Analytical Significance of this case study is that the experience of Odisha shows that it is possible to have legal recognition but institutional alignment often reproduce new exclusions. At the same time, the OLRSD Act promotes the constitutional promise of dignity and security. However, its loopholes, non-bankable titles, administrative opaqueness, and selectivity coverage restricts complete rights realisation. This case of Odisha therefore highlights a very important lesson of slum. The rights should be secured by law, monetarily exploitable and administratively available to be truly transformative. **Romania: Housing Fragmented rights and Market-driven:**

According to the legal transitions that influenced the housing regime after the communist rule, the housing law of Romania is marked by the focus on property restitution and marketisation, which left much to be desired in terms of enforceable housing rights. Even though Article 47 of the Romanian Constitution obliges the state to provide the decent living conditions, the right to housing is not acknowledged as the justiciable constitutional right. Housing policy is rather based on Housing Law No. 114/1996 that declares free and unrestricted access to housing and housing construction as one of the national priorities. These commitments are however more of a far-fetched-dreams and have minimal binding requirements on the state. The Housing Law No. 114/1996 classifies social housing as accommodation with subsidies provided to those who are not capable of accessing the market because of economic reasons. Victims of eviction, the persons with disabilities, elderly citizens and young adults are the priority groups. In reality, provision of social housing is highly minimal. The construction is low, the eligibility is restrictive and the waiting lists are long, which leads to extreme access bottlenecks to vulnerable populations. The legal system is complemented with emergency ordinances, including Ordinance No. 40/1999 that provides some protection to tenants and Ordinance No. 57/2008 that alters the eviction process. However, it is poorly and unevenly enforced. More importantly, forced eviction is not well banned in the Romanian law and proper alternative housing is not required. This is a loophole that goes against the international human rights standards that are ratified in Romania. Amnesty International has also reported instances where Roma communities have been forcefully displaced and moved to segregated regions that do not have basic amenities to support discrimination patterns and spatial alienation. In Romania, institutionally, there is a long-term lack of social housing and the lack of the development of the rental market where political landlords prevail. Insecurity is also increased by rising housing prices, tenancy practices that are not formalized and ineffective tenant protection is found. There are initiatives like the National Housing Agency and youth housing programmes but they are limited in their coverage. In general, despite the official acknowledgement of housing principles and social categories of housing by the housing laws, the absence of effective eviction protection, low supply of affordable housing, and operationalisation of constitutional promises of decent living conditions affect the effectiveness of the housing laws in Romania.

Germany: Regulated Mark to Market with New Market Stresses:

The housing legal framework of Germany is based on extensive protections of tenants. in the German Civil Code (Bürgerliches Gesetzbuch, BGB) and gaining force gradually. by means of statutory amendments. One of the interventions is the Tenancy Law Amendment Act of 2015, the Mietpreisbremse (rent control or rent brake). Under this provision, with specified labels of strained housing market, first-time rents on new contracts cannot be greater more than 10 percent by definite exceptions, comparative rents. This rent limit is to control the inflation of rents in speculative ways and to safeguard the tenants in the big cities whereby the demand of the housing surpasses supply. The German legal system also has great eviction protections: landlords are required to obtain eviction orders by the court, and tenants are afforded very broad procedural rights like

protection against unreasonable dismissal. Communal and social housing are also still important. increasing the long term stability of low-income renters. These protections have been undermined however by loopholes and market dynamics. In Berlin and other landlords are now going around rent controls by providing temporary furnished units or a short term lease that is not liable to rent brake legislation and may fetch a much higher rent, rising the general index of the market. Also, the law of rent control has a limitation, in that it does not apply to areas owned by the guardian, extension and expiry cycles is a political struggle; the existing coalition has suggested. renewal of the regime to 2029 although landlords claim that this will discourage investment and new construction. The system in Germany benefits the tenants with solid statutory safeguards, controlled rents within the country. specialized space, and organizational control. But drawbacks are intricate exemptions, vulgarities permitting de facto deregulation, and lack of supply to the urban demand, with a consequence. in cost-of living pressures in even legal areas.

Policy Changes to be introduced: Indianization of the German Welfare Housing Model:

India has a housing crisis that is not just an issue of shortage, but one of institutional design where housing is used as a commodity and not a social good. The welfare-oriented housing system in Germany is instructive on how to restructure the Indian urban housing governance to be rights based with stability, realization, and inclusion. A major characteristic of the German model is its robust system of rental welfare, which is rooted in long-term security of tenancy at a term, rent control and corporate responsibility to affordability. Unlike India, where ownership centric schemes prevail and Germany accepts rental housing as a valid and stable tenure form, backed by the tenant protection legislations of the Civil Code and housing. directly-subsidizing allowances (Wohngeld) that subsidize households but not developers. India can adapt this through increasing control over rental housing especially to informal and low-income families, by imposing enforceable tenancy rights, restrictions on eviction at will and rent regulation in high pressure urban markets.

Second, the model of financing the social housing in Germany, in which housing is constructed under government subsidies but controlled by different players due to social constraints under time-bound liabilities can enlighten the slum in India's redevelopment policies. The schemes set in place in the present India like PMAY put a lot of dependence on the private developers and will frequently lead to displacement and debt. Shifting subsidies to municipal and cooperative housing, which has supportable affordability terms and distributional rights to urban local authorities would decay speculative redevelopment and enhance local responsibility.

Third, the incorporation of housing into the welfare systems of Germany, such as the health, social, security systems. and income support- shows the benefits of housing stability to larger social results. There is empirical research conducted in Germany that depicts a lesser segregation and improved health indicators in controlled rental conditions. India can follow suit by making the housing programs legally connected with health missions in the city, water supply and livelihood programs, and housing serves as an assurance of a social ladder not an independent property. Overall, the transformation of welfare housing principles in Germany should be carried out by modifying tenure security and rental legitimacy of municipal leadership, and integration of welfare would help India to move out of market led fragmentation and the housing delivery being brought to a rights based, people centred urban housing system which is able to resolve the inequalities in the real world.

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