

## Swachha Bharat Abhiyan and Affordable Housing for the Slum dwellers and EWS: Legal Challenges

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### Abstract

*Shelter and Sanitation have remained major challenges before the Government of India. The growing trend of urbanisation has further presented problems for the poor people in terms of place of residence and cleanliness. This Article examines the recent initiatives of Government of India relating to 'Affordable Housing for All', 'Swachh Bharat Abhiyan' with respect to the latest rules framed for solid waste management, namely Solid Waste Management Rules, 2016. It examines the legal challenges relating to applicability of solid waste management rules with special reference to slum dwellers and to economically weaker sections of people. The central argument in this article is that the legal challenges in the application of new rules on solid waste management are real and need to be removed.*

**Key Words:** Swachh Bharat Abhiyan, Affordable Housing, Solid Waste Management, Slum Dwellers, E.W.S.

### I. Introduction

Shelter (or Housing in practical term)-the third limb of the proverbial 'Roti KapdaaurMakan'(bread, clothing, and shelter) -is a basic human requirement. Only a negligible percentage of more than one billion population of India, as of now, can afford to live in a decent residential accommodation of their own. Affordable Housing can be defined in terms of the number of households in different income ranges who can afford housing as provided by the market within that price range irrespective of the quality of housing.<sup>2</sup> The same definition is applicable to housing for the urban poor too. Since the affordability levels of our population are very low, the market provides them with housing which is characterized by insecure tenure, small size, unhygienic environment

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<sup>2</sup>In the U.S. for instance, the Department of Housing and Urban Development defines affordable housing by the expenditure approach, under which housing is deemed affordable if it costs less than 30% of the household income.

and non-existent infrastructure. Non-availability of affordable housing is as much a problem of the middle income groups as it is of the lower income groups.<sup>3</sup> In their inability to find appropriate house, many medium or lower income groups are forced to opt for sub-standard housing. Therefore, many people opt for cheaper/subsidized housing provided by the state for the poor.

In this article, researcher explains Swachha Bharat Abhiyan and its salient features. After that, affordability and housing needs of poor people are examined. Subsequently, it elaborates upon the affordable housing scheme of the Government of India. Most importantly thereafter, it examines the legal aspects of shelter, housing needs of poor and sanitation requirement. Lastly, it examines the application of solid waste rules in the affordable housing. It examines whether the affordable housing scheme includes the collection, segregation, treatment facilities of solid waste management or not to achieve the objectives of Clean India Mission.

## **II. Swachha Bharat Abhiyan (SBA)/Clean India Mission**

Sanitation has been a roadblock to India's development goals. Since 1980s, the Government of India has taken many efforts to provide toilets to each household and make the streets, public places of the cities clean. Its latest sanitation scheme is called 'Swachh Bharat Abhiyaan (SBA)' which was launched on 2<sup>nd</sup> October 2014 on the birth anniversary of Mahatma Gandhi. This mission covered 4041 cities/towns of India. One of its primary aims is to achieve universal sanitation coverage and use by 2 October 2019. An incentive of 12,000 INR was given to those rural households living below the poverty line (BPL) and also to persons with disabilities and widows if they construct a toilet. The Government of India declared on 2<sup>ns</sup> October 2019 that 'all villages, Gram

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<sup>3</sup>According to the World Bank, low income group means a person having income less than Rs 5800 a month; whereas the middle -income group means a person having income between Rs 5800 a month to Rs 70,000 a month. See, [https://www.business-standard.com/article/economy-policy/india-stays-lower-middle-income-nation-while-sri-lanka-gets-richer-report-119070400113\\_1.html](https://www.business-standard.com/article/economy-policy/india-stays-lower-middle-income-nation-while-sri-lanka-gets-richer-report-119070400113_1.html) (accessed on 22.03.2020)

Panchayats, districts, States, and Union Territories are open-defecation free'.<sup>4</sup> However, the claim of Government of India has been subjected to counter claims too.<sup>5</sup>

Next important aim of this mission was to improve solid waste management in urban and rural India. One of the stated objectives of SBA is to ensure door-to-door garbage collection and proper disposal of municipal solid waste in all the 83000 wards in urban areas by 2019.<sup>6</sup> Spitting in the open, throwing garbage on the public spaces, open landfills had been a perennial problem in modern India. No segregation and recycling were done by the households and municipal bodies. The mission provided financial backup and political will to remove these obstacles. Concerned citizens filed public interest litigations in the higher Courts in India and the response has been also very positive when it comes to solid waste management. The Supreme Court held in a case that the Government of India is duty bound to make a nationwide law on solid waste management.<sup>7</sup>

### **III. Definition of Affordability and Housing Needs of Different Income Groups**

Affordability is generally viewed as a ratio of price/rent of housing to income of household. The ratio differs for different income groups. Lower income groups can afford to pay much less proportion of their income for housing than that of

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<sup>4</sup>Ministry of Jal Shakti, Department of Drinking Water & Sanitation Government of India, available at <https://swachhbharatmission.gov.in> (last accessed on 23<sup>rd</sup> May 2020)

<sup>5</sup>Annop Jain, Ashley Wagner, Claire Snell-Rood & Isha Ray, Understanding Open Defecation in the Age of Swachh Bharat Abhiyan: Agency, Accountability and Anger in Rural Bihar', 17(4) *International Journal of Environmental Research and Public Health* (2020) 1384

<sup>6</sup>Sadhan Kumar Ghosh, 'Swachha Bharat Mission (SWM)- A Paradigm Shift in Waste Management and Cleanliness in India', 35 *Procedia Environmental Sciences* (2016) 15-27

<sup>7</sup>*Al Mitra H. Patel v Union of India* (1998) 2 SCC 416

higher income groups. Deepak Parekh Committee<sup>8</sup> report defines the affordability ratio for different income groups as follows:-

**Table 1: Affordability Ratio of Different Income Groups**

Income Groups	Size	EMI/Rent Income Ratio	Cost of Housing to Income Ratio
EWS – LIG	300-600 sq.ft	> 30% of household's gross monthly income	> 4 times households gross annual income
MIG	> 1200 sq.ft	> 40% of household's gross monthly income	> 5 times households gross annual income

There is another category of urban poor which is also (or ought to be) part of government's inclusive policy of providing Affordable Housing for all namely BPL (Below Poverty Line). This category needs to be considered separately and not as part of EWS. The affordability level of households in this category would be no more than 5 per cent of the income. The income categories and affordability levels thus can be defined as follows:-

**Table 2: Affordability levels and Income Categories**

Income Category (in Rs)	Affordability to Pay EMI/Rent (% of income)	Affordability to Pay cost of house (multiple of annual income)
BPL<=2690	5	2
EWS 539 – 3300	20	3
LIG 3301 – 7300	30	4
MIG 7301 – 14500	40	5

Affordability is to be defined not only in terms of purchase price of the house (in case of ownership housing) or rent but must also include other charges/fees (registration charge, search cost etc.) payable at the time of purchase/renting of

<sup>8</sup>This Committee was constituted in 2008 by the then Prime Minister Dr. Manmohan Singh. Deepak Parekh had a rich experience in serving with Ernst and Young, Grindlays Bank, and Housing Development Finance Corporation.

the house as also recurring cost over the lifetime of stay in the house. These would include taxes, maintenance cost.

### **A. Affordable Housing Scheme**

The Government was making effort to provide low-cost housing had been made for many years, for example-National Urban Housing and Habitat Policy, 2007, JNURM (BHSP, IHSDP): Basic Services for Urban Poor (BHSP),RajivAwasYojana etc. A technical study conducted by the government of India in 2011 estimated housing shortage at 18.76 million units in urban areas. The Pradhan MantriAwasYojanawaslaunched in 2015, which gave a fresh impetus to affordable housing scheme.<sup>9</sup> The PMAY-Urban (PMAY-U) subsumes all the previous urban housing schemes for the urban areas and aims at 'Housing for All' to be achieved by the year 2022. The unmet housing needs of the urban poor people could be addressed through the PMAY-U.<sup>10</sup> The mission has four components:

1. *In-situ* slum<sup>11</sup> redevelopment (ISSR): This uses land as a resource. The scheme aims to provide houses to eligible slum dwellers by redeveloping the existing slums on public/ private land. A grant of INR 1 lac per house is provided by the central government to the planning and implementing authorities of the states/UTs under this scheme.
2. Credit-linked subsidy scheme (CLSS): This scheme facilitates easy institutional credit to EWS, LIG and MIG households for the purchase of homes with interest subsidy credited upfront to the borrower's account routed through

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<sup>9</sup>See, Ministry of Housing and Urban Affairs, Government of India, available at <https://pmay-urban.gov.in/about> (last visited on 22.03,2020)

<sup>10</sup>'Housing Shortage in Urban Areas Down at 10 million units : Government', The Economic Times, Delhi, November 2017, available at [https://www.google.co.in/amp/s/m.economictimes.com/wealth/personal-finance-news/housing-shortage-in-urban-areas-down-at-10-million-units-government/amp\\_article/show/61657624.cms](https://www.google.co.in/amp/s/m.economictimes.com/wealth/personal-finance-news/housing-shortage-in-urban-areas-down-at-10-million-units-government/amp_article/show/61657624.cms) (last visited on 22.03.2020)

<sup>11</sup>'Slum' means a cluster of hutments with dilapidated and infirm structures having common or no toilet facilities, suffering from lack of basic amenities, inadequate arrangement for drainage and disposal of solid wastes and garbage. See, 'State of Slums in India: A Statistical Compendium', (2013) National Building Organization, Ministry of Housing and Urban Poverty Alleviation, Government of India

primary lending institutions (PLIs). This effectively reduces housing loan and equated monthly instalments (EMI).

3. Affordable housing in partnership (AHP): This aims to provide financial assistance to private developers to boost private participation in affordable housing projects; central assistance is provided at the rate of INR 1.5 lac per EWS house in private projects where at least 35% of the houses are constructed for the EWS category.

4. Beneficiary-led construction or enhancement (BLC): This scheme involves central assistance of INR 1.5 lakh per family for new construction or extension of existing houses for the EWS/ LIG.<sup>12</sup>

### ***Legal Aspects of Shelter and Sanitation in Affordable Housing***

Shelter is a basic need of human being. The problem of modern shelter in India has been direly felt by the planners and political mandarins. The evolution of human rights at the global level along with the writing of our own Constitution promulgated a new charter in India for the fundamental and other statutory rights of the people. Courts at the top level in India have also pronounced important judgments by which these international developments and the Constitution have been not only noticed but also interpreted broadly. The following international, national and judicial instruments and decisions show that shelter has been made a legal necessity.

### **Universal Declaration on Human Rights, 1948**

One of the first human rights instruments at the international level was Universal Declaration on Human Rights (UDHR), adopted by the General Assembly of the United Nations in 1948.<sup>13</sup> It provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, and housing.<sup>14</sup> It means that right to adequate housing was accepted by most of the nations in the United Nations more than 70 years ago. Still, the reality in India is that a negligible percentage of population have adequate standard of living.

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<sup>12</sup>See, Ministry of Housing and Urban Affairs, Government of India, available at <https://pmay-urban.gov.in/about> (last visited on 22.03,2020)

<sup>13</sup>GA Resolution A/Res/217 (iii) , adopted on 10 December 1948

<sup>14</sup>Article 25, Universal Declaration on Human Rights

**International Covenant on Economic, Social, and Cultural Rights, 1966:**

The legal instrument to operationalize Universal Declaration on Human Rights in the field of economic, social and cultural rights was adopted by the General Assembly in 1966.<sup>15</sup> It came in force on 3<sup>rd</sup> January 1976. It stipulates that the States Parties to the Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing.<sup>16</sup> Almost 30 years passed after the adoption of Universal Declaration on Human Rights when the States Parties to the United Nations Charter recognized the right of its citizens to adequate housing. It is another tragedy that after 40 years of signing this Covenant by India, millions of citizens, in particular, in urban India, do not own their own household.

**Sustainable Development Goals (SDG), 2030<sup>17</sup>**

The Member States of the General Assembly of the United Nations have agreed to achieve sustainable development goals by the year 2030. There are 17 goals listed in it, which are an urgent call for action by all Member States. Out of these 17 goals, Goal 6 deals with ensuring availability and sustainable management of water and sanitation for all. It noted that at a global level, only 28% of total global population had been provided with sanitation services in 2000 when Millennium Development Goals were agreed to by the international community. The goal of the nations of the world is to collectively overcome this problem and provide sanitation service to all. According to the latest update, the percentage of global population having access to sanitation services has increased to 45% in 2017.<sup>18</sup> Apart from that, Goal 11.1 provides that by 2030, access to safe and affordable housing would be ensured to all. It further sets the goal to ensure basic services and upgrade the slums. Funding for the sustainable goals has also been provided by the international community collectively.

**Constitution of India, 1950**

One of the most progressive fundamental instruments to govern our country is our Constitution, which was adopted by the Constituent Assembly in 1949 and

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<sup>15</sup>GA Res 2200A (XXI), adopted on 16 December 1966

<sup>16</sup>Article 11(1), International Covenant on Economic, Social, and Cultural Rights

<sup>17</sup>GA Res 70/1, 25 September 2015

<sup>18</sup>Sustainable Development Goals Knowledge Platform of the United Nations, available at <https://sustainabledevelopment.un.org/sdg6#>

given to the people in 1950. It contains a whole chapter on the fundamental rights. It stipulates that all citizens have the right to reside and settle in any part of the territory of India.<sup>19</sup> It further provides that State has the power, nevertheless, to make a law imposing reasonable restrictions on the exercise of such a right in the interests of the general public or for the protection of the interests of any Scheduled Tribe.<sup>20</sup> Even more important fundamental right is guaranteed by the Constitution in Article 21, which provides that a person's life and liberty cannot be taken away by the State except according to procedure established by law. From these provisions of the Constitution, it was difficult to derive whether a citizen of our country has got the fundamental right to shelter or not. On this point, the role of our Supreme Court is laudable as it has laid down several important judgments relating to the enjoyment of this right.

### **Olga Tellis v Bombay Municipal Corporation<sup>21</sup>**

Around 5 million people of Mumbai reside in the slum areas even after two decades of the 21<sup>st</sup> century. When this case came before the Supreme Court of India in the 1980s, Olga Tellis and others lived on the pavements and in the slums of Mumbai. In 1981, the State of Maharashtra and Municipal Corporation of Bombay decided to forcibly evict all pavement and slum dwellers and to remove them to their respective places of origin or to places outside the city. Some of the pavement dwellers challenged the order of the municipal corporation by filing a public interest litigation in the Supreme Court. Ms. Indira Jaising, a famous lady advocate from Mumbai, fought for the pavement dwellers' cause. Justice YeshwantChandrachud, of the Supreme Court held that the right to life includes the right to livelihood. Forcible eviction of pavement dwellers would lead to loss of livelihood and deprivation of life. Without depriving the power of the municipal corporation to evict an encroacher on public land, the Supreme Court prioritized the right to livelihood of the poor *vis-a-vis* power of Municipal Corporation to evict the pavement and slum-dwellers.

### **State of Karnataka v Narsimhamurthy<sup>22</sup>**

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<sup>19</sup> Article 19(1)(e), Constitution of India

<sup>20</sup> Article 19(5), Constitution of India

<sup>21</sup> AIR 1986 SC 180

<sup>22</sup> AIR 1996 SC 90



The State of Karnataka passed a law in 1972 by which the Government could acquire private land for granting house sites to the poor.<sup>23</sup> Invoking the power under Section 3(1), the government acquired the land of petitioner without mentioning his name in the acquisition notification. Dealing with the question whether the omission to mention the name of the respondent in the notification vitiates its validity or not, the Supreme Court reiterated that right to shelter is a fundamental right under Article 19(1) of the Constitution. 'To make the right meaningful to the poor, the State has to provide facilities and opportunities to build house. Acquisition of the land to provide house sites to the poor houseless is a public purpose as it is a constitutional duty of the State to provide house sites to the poor.'<sup>24</sup>In the context of urban India, providing land sites to the homeless may not be possible due to the scarcity of land. However, building multi-storeyed residential colonies for the poor and homeless would fulfil the constitutional requirement of right to shelter.

**Chameli Singh v State of U.P.**<sup>25</sup>

In the district of Bijnore in Uttar Pradesh, the State Government acquired around 6 bighas of Chameli Singh and others' land in 1979 by exercising the power of eminent domain under Land Acquisition Act, 1894. The land was acquired to provide housing to the Scheduled Caste ('Dalits') of the State. The notification of acquisition was published in the State Gazette in July 1983. Chameli Singh and others challenged the acquisition without holding proper inquiry on many grounds, including the right to livelihood. JJ. K. Ramaswamy, Faizan Uddin, B.N. Kirpal of the Supreme Court held that the right to shelter includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation.<sup>26</sup> The Court further held that the right to shelter does not mean a right to roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being.<sup>27</sup>As a result, the Court could not give any relief to

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<sup>23</sup> The name of law passed by the Legislature of Karnataka was 'Karnataka Acquisition of Land for Grant of House Sites Act'.

<sup>24</sup> As per K. Ramaswamy J., paragraph 6 of the Order

<sup>25</sup> AIR 1996 SC 1050

<sup>26</sup> *Id.*, paragraph 8

<sup>27</sup> *Id.*

Chameli Singh as it held that individual's right of an owner must yield place to the larger public purpose.

**Rajesh Yadav v State of U.P.<sup>28</sup>(2019)**

In Ballia district of Uttar Pradesh, complaint about encroachment of public land by poor and landless people was filed in the court by way of public interest litigation. In fact, residential leases of very small plots were granted by the competent authorities to these poor and landless, who belonged to Scheduled castes, and backward class. They built their huts since then in 1995. Petitioner complained that these pieces of land were public property and meant for public purposes. The Allahabad High Court came to the rescue of these people by giving a new interpretation of Articles 19(1)(e), 21, 38, 39 of the Constitution. Justice Surya Prakash Kesarwani reaffirmed the precedent laid down in *Olga Tellis*, *Chameli Sing*, *Narsimhamurthy*, *Nawab Khan Gulab Khan* cases and took notice of Article 25(1) of the UDHR, Article 11 of the International Covenant on Civil and Political Rights, and various resolutions passed by the General Assembly of the United Nations.<sup>29</sup> He observed, 'shelter for a human being is not a mere protection of his life and limb, but it is home where he has opportunities to grow physically, mentally, intellectually and spiritually'. He further observed, 'right to shelter includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation, and other civic amenities'. It may be noticed here that the word 'sanitation' was also included in Justice Kesarwani's interpretation of right to shelter. Lastly, he stated that 'the State has the constitutional duty to provide adequate facilities and opportunities by distributing its wealth and resources for settlement of life and erection of shelter over their land to make the right to life meaningful, effective and fruitful'. His judgment was widely acclaimed by scholars and jurists. Professor UpendraBaxi wrote, 'Justice Kesarwani added a new chapter in the interpretative history of Article 21 of the Constitution'.<sup>30</sup>

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<sup>28</sup>(2019)6 All LJ 644

<sup>29</sup>GA Res.35/76 (1980), GA Res. 37/221 (1987)

<sup>30</sup>UpendraBaxi, 'Housing for the Impoverished: A Basic Human Right', INDIA LEGAL (July 28, 2019), available at <https://www.indialegallive.com/viewpoint/housing-for-the-impoverished-a-basic-human-right-69818>

**Almitra H. Patel v Union of India (1998)**<sup>31</sup>

A Bangalore based lady activist, Al Mitra H. Patel, filed a public interest litigation on solid waste management in the Supreme Court in 1996. At that time, Justice J.S. Verma was on the bench. Her high quality education was shown in her pleadings and arguments. She prayed to the Court to issue suitable directions to the Government of India to make rules on proper municipal solid waste management in the cities and towns. Due to her efforts, Justice Verma issued a direction to the Government to constitute an expert committee to examine all aspects of municipal solid waste in Class I cities (having a population of over 1 lakh). The Committee's terms of reference included reviewing municipal laws, formulating standards and regulations for the management of municipal solid waste. It was entrusted with the task of giving suggestions on suitable practices and proven technologies for the sorting, collection, transport, disposal, recycling and reuse of municipal solid waste in an eco-friendly manner. Almitra Patel was also a member of the Committee. This Committee submitted its report in 1999. On the basis of the recommendations of this Committee, the Government of India notified the Municipal Solid Waste (Management and Handling) Rules, 2000.

**SWM Rules, 2016**

Due to the constant monitoring of the municipal solid waste by the Supreme Court and due to the loopholes in the MSW Rules of 2000, the Government of India notified new Solid Waste Management Rules in April 2016. This notification revised all previous rules on solid waste management. According to the new rules, the waste generator of a residential area is duty bound to adhere to it.<sup>32</sup> Every waste generator is duty bound to segregate and store the waste generated by them in three separate bins- biodegradable, non-biodegradable, and domestic hazardous waste. These waste generators are further mandated to handover the segregated wastes to waste pickers<sup>33</sup> or authorized waste collectors.<sup>34</sup> These rules further prescribe that every waste generator is duty bound not to throw, burn, or bury the solid waste generated by him on streets,

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<sup>31</sup>(1998)2 SCC 416

<sup>32</sup>Section 2, Solid Waste Management Rules, 2016

<sup>33</sup>Waste pickers are informally engaged in the collection of solid waste to earn their livelihood as per Section 2 (58), SWM Rules, 2016

<sup>34</sup>Sec. 4(1)(a), *Id.*

open public space outside his premises, or in the drain or water bodies.<sup>35</sup> Where the residents of a society are organized into resident welfare associations(RWA), these RWAs are duty bound, in partnership with local body, to ensure segregation of waste at source by the generators.<sup>36</sup> These associations must facilitate collection of wastes in three separate bins and handover the recyclable material to authorized recyclers or waste pickers.<sup>37</sup>

Resident welfare associations of economically weaker sections are also now under a duty to do composting of biodegradable waste themselves. Composting requires space and organic materials, which are very difficult for the slumdweller and economically weaker sections of the society. As the slumdweller is unable to compost the biodegradable waste, the waste can be dumped into landfills or would be handed over to waste collectors after paying fine, which is again a distinct possibility.

Waste generators are obliged to pay a nominal user fee<sup>38</sup>, which would be imposed by the local bodies. As per the provisions of the North Delhi Municipal Corporation Byelaws, 2018, the minimum amount payable by the waste generator is INR 50.<sup>39</sup> Keeping in view the economic condition of the slumdweller, it may become difficult for them to pay this monthly fee to the local bodies.

#### **IV. Solid Waste Management in Affordable Housing and Slums**

Affordable housing provided by the public or private sector in the cities and towns is multi-storeyed. Assuming that poor people shift to affordable houses, it would be seen whether they would manage the waste generated by them properly according to the new rules or not. Whether affordable house scheme

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<sup>35</sup>Sec. 4(2), *Id.*

<sup>36</sup>Sec. 4(6), *Id.*

<sup>37</sup>*Id.*

<sup>38</sup>'User fee' means a fee imposed by the local body any other entity mentioned in Rule 2, on the waste generator to cover full or part cost of providing solid waste collection, transportation, processing and disposal service.

<sup>39</sup>Schedule I, North Delhi Municipal Corporation Solid Waste Management Byelaws, 2018

has included the integrated solid waste management concept?The untreated waste dumped into open in the slum areas affects our air, land and water. Therefore, the management plan of solid waste must be started at very first instance from where it is generated. Therefore, it is required that in every society it is collected in segregated form. So, the affordable housing scheme must include segregation facility. As a result of which the recovery and treatment of collected waste become easy and very less amount of waste dumped in to landfills.

As the SWM Rules of 2016 mandate a resident welfare society to provide space for composting facilities as well as segregation facility, these societies would be having a financial burden on their shoulders.<sup>40</sup> As per the construction plan of the public or private builders, the space for composting and segregation of waste is not properly kept in mind. Private builders are not much interested in providing housing to BPL and EWS people.<sup>41</sup> Due to the reported loopholes, a few governments have directed the private builders to transfer EWS category flats to the government.<sup>42</sup>

As far as slums are concerned, it is very difficult to apply SWM Rules, 2016 there. Slums have very small hutments and there are few basic amenities provided by the government there. Waste from the slums is mostly biodegradable. Failure to pay user-fee by the slum-dwellers may result in absence of collecting vans going to these areas. If the waste collecting vans would not go these areas, the solid waste generated in the slums would be either dumped in the open or drained out in the sewers. In both these cases, the Swachh Bharat Abhiyan would fail in its objective. According to the plan of the government, in-situ development of the slums is in the offing. However, it is better said than done. Assuming that in-situ development in the slum takes place, whether the slum-dwellers segregate the waste themselves and hand it over to authorised collecting vans provided by the municipal authorities. Financing slum redevelopment is a major challenge compared to providing affordable housing

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<sup>40</sup>Rule 4, Solid Waste Management Rules, 2016

<sup>41</sup>Swastik Harish, 'Urban Development, Housing and 'Slums', 43 (3/4) *India International Centre Quarterly* (2017) 184-198

<sup>42</sup>'Haryana Government directs builders to transfer EWS homes to housing board', *Magicbricks*, September 11, 2018

to EWS or LIG. There needs to be a comprehensive financial strategy to enhance capability of slum dwellers to access housing finance. It may be a strategy implementation proven elsewhere in the globe or a completely new strategy. It's not only an economic but social issue. Economic participation from slum dwellers enables belongingness to their shelter and more attention to transform it into habitat from housing only. These are the real challenges before the government which can be tackled only when these poor people are provided space in a multi-storeyed building on the site of the slums.

## **V. Conclusion**

Much water has flown since the time when many poor people lived in slums of cities and slum dwellers were forcibly evicted by the civic authorities. Now, the situation has improved a lot after the intervention of civil society and the Court. The Constitution of India has ensured the poor too a right to life. Right to life has been expanded to include right to shelter. Homeless people should be provided with shelters where the sanitation facilities are also available. Slums present challenges to the provision of sanitation according to SWM Rules, 2016 and according to the guidelines of Swachha Bharat Abhiyan. Private builders are not interested in EWS and BPL housing sector. The Government must come forward and bridge the gap between the homeless and the modern living in which basic sanitation facilities are also available.