

Conceptualizing “Sheltered in Injustice”: A Socio-Legal Inquiry into Housing Rights and the Urban Poor

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Abstract

The intersection of housing rights and urban poverty is a critical issue that sheds light on the systemic injustices faced by the urban poor in accessing adequate housing. The concept of being "sheltered in injustice" encapsulates the paradox of housing policies that aim to provide shelter while simultaneously perpetuating social and economic exclusion. This research study aims to critically examine the relationship between housing policies and urban poverty, with a focus on understanding the ways in which housing policies perpetuate inequality and exclusion. By doing so, it seeks to contribute to a deeper understanding of the complex issues surrounding housing rights and urban poverty. The significance of this study lies in its potential to inform policy debates and advocacy efforts aimed at promoting housing justice and human rights for all.

The urban poor face significant challenges in accessing adequate housing due to unaffordable prices, discriminatory practices, and inadequate social housing programs. Neo-liberalization of housing policies has further exacerbated these challenges, prioritizing market-driven solutions over social welfare. This has resulted in precarious and insecure housing conditions, with severe consequences for health, well-being, and dignity. Housing policies often prioritize economic growth over social welfare, perpetuating inequality and exclusion. Recognizing housing as a fundamental human right is essential for promoting social justice and human dignity. A rights-based approach to housing would prioritize the needs and dignity of individuals and communities, ensuring that housing policies are designed to promote social justice and human dignity. Addressing housing insecurity among the urban poor requires a commitment to creating a more equitable and just housing system. By prioritizing the needs and rights of the urban poor, we can work towards a future where everyone has access to safe, affordable, and dignified housing.

Key words

Housing Rights, Urban Poverty, Housing Affordability, Homelessness, Housing Policy, Inequality, Exclusion

1. Introduction

The issue of housing insecurity and inequality is a pressing concern globally, affecting millions of people worldwide. Rapid urbanization, population growth, and economic disparities have contributed to a significant housing crisis, particularly in urban areas. Many individuals and families struggle to access

safe, affordable, and secure housing, leading to a range of social, economic, and health problems. Marginalized communities, including the urban poor, women, children, and minority groups, are disproportionately affected by housing insecurity. These populations often face significant barriers in accessing housing, including discriminatory practices, lack of affordability, and inadequate legal protections. As a result, they may be forced to live in precarious and substandard conditions, vulnerable to exploitation, violence, and other forms of harm.

The concept of "Sheltered in Injustice" highlights the paradoxical nature of housing insecurity, where individuals and families may have a physical shelter but lack security, safety, and dignity. This concept underscores the need to examine the complex interplay between housing, law, and social justice, and to identify the systemic injustices that perpetuate housing insecurity. This study aims to contribute to a deeper understanding of the socio-legal dynamics that shape housing experiences and outcomes for marginalized communities. By exploring the lived experiences of these populations and analyzing the legal and policy frameworks that govern housing, this research seeks to:

- to develop a nuanced understanding of the concept of "Sheltered in Injustice" and its implications for housing policy and practice
- to identify the key challenges and barriers faced by marginalized communities in accessing and maintaining safe, affordable, and secure housing
- to examine the role of law and policy in perpetuating housing insecurity and marginalization
- to inform policy and practice reforms that promote greater social justice and equality in housing

This study holds significant importance as it advances our understanding of housing insecurity by exploring the concept of "Sheltered in Injustice." By delving into this complex issue, the research contributes to a deeper comprehension of the dynamics that shape the experiences of marginalized communities in relation to housing. The study's findings have the potential to inform policy and practice reforms aimed at promoting greater social justice and equality in housing. By identifying gaps and challenges in current policies and practices, the research can provide valuable insights that can be used to improve the lives of vulnerable populations. Furthermore, this study highlights systemic injustices that perpetuate housing insecurity, shedding light on the role of law and policy in exacerbating these issues. By examining the intersections of housing, law, and social justice, the research underscores the need for critical examination and reform of existing frameworks. In promoting human rights, particularly the right to adequate housing, this study contributes to the broader discourse on human dignity and well-being. By amplifying the voices and experiences of marginalized communities, the research empowers these populations to advocate for their rights and interests. The socio-legal approach employed in this study provides interdisciplinary insights, bridging the gap between law, sociology, and other relevant fields. This comprehensive understanding of housing insecurity can inform efforts to address the root causes of housing insecurity and promote more equitable and just housing systems.

2. Developing the Conceptual Framework

2.1 Underpinning Housing Rights: The concept of housing rights as human rights has gained significant attention in recent years, with many advocating for the recognition of housing as a fundamental human right. This perspective is grounded in the understanding that housing is essential for human dignity, security, and well-being. However, the implementation and realization of housing rights remain a significant challenge globally.

The **Human Rights Framework** emphasizes that housing is a fundamental human right, essential for human dignity and well-being. The Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognize the right to housing as a fundamental human right. This framework emphasizes the importance of dignity, security, and non-discrimination in accessing housing. This framework also obliges states to ensure that everyone has access to adequate housing, including security of tenure, availability of services, and affordability.

The **Social Justice Framework** focuses on promoting equitable distribution of housing resources and addressing systemic inequalities and injustices. Distributive justice is a key concept, emphasizing the need for fair distribution of housing resources and opportunities.

The **Feminist Framework** highlights the intersectionality of housing rights with gender, emphasizing the impact of housing insecurity on women and marginalized groups. Analyzes the intersectionality of housing rights with other forms of oppression.

The **Critical Theory Framework** analyzes power dynamics, institutional racism, and classism in shaping housing policies and outcomes. Recognizes that power is exercised and maintained through housing policies and practices, often perpetuating systemic inequalities.

Implementation and enforcement of housing rights are significant challenges. Many countries have laws and policies that recognize housing rights, but lack effective implementation and enforcement mechanisms. Defining and ensuring adequate housing is also a challenge, encompassing not only physical structure but also availability of services, security of tenure, and affordability.

2.2 Urban Poverty and Housing: Urban poverty and housing are complex and interconnected issues affecting millions worldwide. Rapid urbanization has led to an influx of people moving to cities, but many are forced to live in informal settlements and slums due to lack of affordable housing options. Urban areas face significant challenges related to housing affordability, with many low-income households struggling to access decent and affordable housing.

Key Issues:

- **Informal Settlements and Slums:** Characterized by poor living conditions, lack of basic services, and insecurity of tenure.
- **Displacement and Eviction:** Urban renewal projects and gentrification often lead to displacement and eviction of low-income communities, exacerbating poverty and inequality.
- **Housing Policies:** Prioritize economic growth and profit over social welfare, leading to a lack of affordable housing options for low-income households.

A critical examination reveals the need for a paradigm shift towards more inclusive, equitable, and sustainable approaches. Housing policies should prioritize social welfare and human rights. Community-led initiatives should be supported and empowered. Urban planning practices should be inclusive, participatory, and responsive to the needs of all stakeholders.

2.3 National Housing Policies and Laws: National housing policies and laws play a crucial role in shaping the availability, affordability, and accessibility of housing. Inclusive and equitable policies that prioritize affordability, accessibility, and social inclusion are essential for addressing housing needs. Participatory approaches that involve communities in policy-making and implementation are also critical.

- **National Housing Strategies:** Countries with successful housing policies and laws often prioritize national housing strategies that address housing needs comprehensively.

- Affordable Housing Targets: Set targets for affordable housing delivery and involve communities in policy-making and implementation.
- Innovative Financing Mechanisms: Used to support affordable housing.

Housing policies face several challenges in implementation and effectiveness. Adequate funding is a significant challenge, as insufficient funding can hinder the effectiveness of housing policies. Additionally, outdated regulatory frameworks can hinder housing development, while corruption and inefficiency in housing administration and management can undermine the impact of housing policies.

2.4 Role of Courts in Protecting Housing Rights: Courts play a crucial role in protecting human rights, including housing rights. Through their decisions, courts can interpret and enforce laws, setting important precedents that shape the development of housing policies and practices. Courts have made significant decisions that have advanced housing rights. They have interpreted constitutional rights to housing, ensuring that governments prioritize affordable and adequate housing. Courts have also ruled against unlawful evictions and enforced housing standards, holding landlords and governments accountable for providing safe and habitable living conditions.

The impact of judicial decisions on housing rights has been substantial. Courts have advanced housing rights by interpreting laws and setting important precedents. They have held governments accountable for their obligations to provide affordable and adequate housing and protected vulnerable populations from housing insecurity and discrimination. Despite the significant contributions of courts to protecting housing rights, challenges remain. Many individuals and communities face barriers in accessing justice, including lack of legal representation and awareness of their rights. Courts must also maintain their independence and impartiality in deciding housing rights cases. Courts play a vital role in protecting housing rights, and their decisions have a significant impact on the development of housing policies and practices. By interpreting laws, enforcing rights, and holding governments accountable, courts can advance housing rights and protect vulnerable populations.

3. Experiences of the Urban Poor

3.1 Lived Experiences of Urban Poor Communities: The urban poor face numerous challenges, including housing insecurity and marginalization. Inadequate housing infrastructure is a significant issue, with homes often lacking proper lighting, ventilation, and sanitation facilities, with homes often lacking proper lighting, ventilation, and sanitation facilities. Overcrowding is also prevalent, with multiple families sharing small spaces. The urban poor are also vulnerable to eviction and displacement, leading to loss of livelihoods and social support networks. Limited access to basic services like clean water, sanitation, and healthcare exacerbates their situation. Social exclusion and stigma are also significant challenges, with slum dwellers facing prejudice and marginalization.

Research studies have documented the experiences of urban poor communities, highlighting the struggles they face in accessing basic services, secure housing, and livelihoods. These communities often live in substandard housing conditions, with inadequate water, sanitation, and waste management facilities, leading to health problems and economic vulnerability. The urban poor face complex and interconnected challenges that require comprehensive and inclusive solutions to address their housing, livelihood, and social needs. Addressing these challenges will require a multifaceted approach that prioritizes affordable housing, access to basic services, and economic opportunities.

3.2 The Intersectionality of Poverty, Gender, and Housing: Women in urban poverty face unique challenges that intersect with their experiences of poverty and housing insecurity. The intersectionality of poverty, gender, and housing is a critical area of study that highlights the ways in which women's experiences are shaped by multiple forms of oppression.

Women's Experiences of Housing Insecurity:

- Women are disproportionately affected by housing insecurity due to factors such as lower incomes, limited access to education and employment opportunities, and caregiving responsibilities.
- Women are more likely to experience homelessness, housing instability, and overcrowding, which can exacerbate health problems and limit their access to education and employment opportunities.
- Women in urban poverty often face significant challenges in accessing affordable and safe housing, which can perpetuate cycles of poverty and vulnerability.
- Gender-based violence is a significant concern for women in urban poverty, who may face violence and harassment in their homes, neighborhoods, and workplaces. Housing insecurity can exacerbate women's experiences of gender-based violence, as they may be forced to live in unsafe or precarious housing situations.

Addressing the intersectionality of poverty, gender, and housing requires a comprehensive approach that takes into account the multiple forms of oppression that women experience. This includes providing affordable and safe housing options, supporting women's economic empowerment, and addressing the root causes of gender-based violence. By understanding the complex relationships between poverty, gender, and housing, we can develop more effective policies and programs to support women in urban poverty and promote more equitable and just outcomes.

3.3 Children's Rights to Housing: A Neglected Dimension of Urban Poverty: Children in urban poverty face unique challenges that affect their well-being, development, and future prospects. Despite being a vulnerable group, children's rights to housing often remain a neglected dimension of urban poverty. Inadequate housing conditions can have severe consequences for children's physical and mental health, education, and overall quality of life. Urban poverty exposes children to numerous risks, including inadequate housing, poor sanitation, and limited access to basic services. These conditions can lead to health problems, developmental delays, and reduced opportunities for education and future employment. Moreover, children in urban poverty often experience stress, anxiety, and trauma, which can have long-lasting effects on their mental health and well-being.

The Right to Housing is essential for children's well-being and development. Adequate housing provides children with a sense of security, stability, and belonging, which is critical for their emotional and psychological development. However, many children in urban areas lack access to safe, secure, and affordable housing, perpetuating cycles of poverty and disadvantage. To address the needs of children in urban poverty, policymakers and practitioners must prioritize their right to housing. This includes providing affordable and adequate housing options, improving access to basic services, and creating safe and supportive environments that promote children's development and well-being. By recognizing and addressing the housing needs of children, we can help break the cycle of poverty and ensure a brighter future for urban children.

4. Community-Led Initiatives and Participatory Approaches

4.1 Community-Led Initiatives: Community-led housing initiatives have emerged as a promising approach to addressing urban housing challenges. By empowering local communities to take charge of their housing needs, these initiatives can provide more effective and sustainable solutions. Community-led initiatives foster a sense of ownership and accountability among residents, leading to better maintenance and management of housing projects. Community participation in housing initiatives can lead to improved housing conditions, increased community cohesion, and enhanced social capital. By allowing communities to identify and address their unique needs and priorities, these initiatives can result in more effective solutions that truly benefit the community.

Despite the benefits, community-led initiatives face challenges such as limited access to funding, lack of technical expertise, and regulatory barriers. However, these challenges also present opportunities for innovation, collaboration, and policy reforms that can support community-led housing initiatives. By learning from the experiences of community-led initiatives, we can develop more inclusive and responsive housing policies that support the needs of urban communities. This approach has the potential to create more sustainable and equitable housing solutions that benefit everyone involved.

4.2 Participatory Approaches to Housing Policy and Planning: Participatory approaches to housing policy and planning involve engaging communities in the decision-making process to create more inclusive and responsive policies. This approach recognizes that communities are best placed to identify their own needs and priorities. By involving communities in the planning process, governments and policymakers can create policies that are more effective and sustainable. Various successful models of participatory approaches to housing policy and planning have been implemented globally. These models involve community-led planning, participatory budgeting, and collaborative governance. They have been effective in promoting community engagement, building trust, and creating more equitable and sustainable housing solutions.

Participatory approaches can lead to better outcomes by incorporating community knowledge and perspectives. This approach fosters a sense of ownership and accountability among community members, which is critical for the long-term success of housing projects. By creating inclusive and accessible spaces for community members to participate in decision-making processes, governments can ensure that diverse voices are heard. Overall, participatory approaches have the potential to transform the way housing policies are designed and implemented, leading to more sustainable and equitable outcomes for communities.

4.3 The Role of Civil Society Organizations in Promoting Housing Rights: Civil society organizations (CSOs) play a crucial role in promoting housing rights, particularly for marginalized and vulnerable communities. They work to address the housing needs of the urban poor, advocating for policies and programs that prioritize affordability, accessibility, and security of tenure. By raising awareness about housing rights, CSOs empower communities to demand their rights and advocate for policy changes that benefit low-income communities. CSOs mobilize communities to take action and demand their housing rights, providing support and resources to help them organize and negotiate with authorities. This community-led approach enhances their capacity to advocate for themselves, creating more sustainable and equitable housing solutions. By documenting community experiences and struggles, CSOs inform advocacy efforts and amplify the voices of marginalized communities. Through partnerships with other organizations, governments, and international agencies, CSOs can share knowledge, resources, and

expertise to strengthen efforts to promote housing rights. By working together with communities and other stakeholders, CSOs can help advance the realization of housing rights for all, ultimately contributing to more just and equitable societies.

5. Reform and Recommendations

5.1 Reforming Housing Policies and Laws: Reforming housing policies and laws through a rights-based approach involves recognizing the right to adequate housing as a fundamental human right. This approach prioritizes the needs and dignity of individuals and communities, ensuring that housing policies promote equality, non-discrimination, and participation. By adopting this approach, governments can create more just and equitable housing systems. A rights-based approach to housing reform requires the development of inclusive and equitable housing policies, laws, and programs. Governments must ensure that housing policies address the needs of marginalized and vulnerable populations, including women, children, and minority groups. This involves designing policies that prioritize the most vulnerable and address the root causes of housing insecurity.

Implementing a rights-based approach to housing reform requires a commitment to policy and legislative change. Governments must review and revise existing laws and policies to ensure they align with human rights standards. This process should involve participation from communities and stakeholders, ensuring that their voices are heard and their needs are taken into account. By prioritizing human rights in housing policy reform, governments can promote the dignity and well-being of all individuals and communities. This approach can help create more sustainable and equitable housing solutions that benefit everyone.

5.2 Implementing Housing Rights: Implementing housing rights is a complex task that requires a multifaceted approach. Despite progress in recognizing the right to adequate housing, many obstacles remain, including inadequate policies, lack of affordable housing, and discriminatory practices. Ensuring that housing policies and programs address the needs of marginalized and vulnerable populations is a primary challenge. Addressing the root causes of housing insecurity, such as poverty and inequality, is essential for sustainable solutions. This requires a commitment to participatory approaches, community engagement, and human rights-based planning. By leveraging international human rights frameworks and promoting community-led initiatives, governments and practitioners can work towards creating more just and equitable housing systems.

Effective implementation of housing rights involves policy reform, community engagement, and capacity building. It also requires recognizing the intersectional nature of housing rights, acknowledging that housing is linked to other rights, such as health, education, and employment. By adopting a comprehensive and integrated approach, governments and practitioners can make meaningful progress in realizing the right to adequate housing. Ultimately, advancing the realization of housing rights for all will require a sustained commitment to policy change, community engagement, and human rights-based practice. By working together, governments, practitioners, and communities can overcome the challenges and create more just and equitable housing systems.

Conclusion

Promoting housing rights and reducing urban poverty requires a sustained commitment to policy change, community engagement, and human rights-based practice. By working together, governments, practitioners, and communities can create more just and equitable housing systems that support the needs



of all individuals and communities. Prioritizing community-led initiatives, supporting inclusive and equitable housing policies, and addressing the root causes of housing insecurity are essential steps forward. Leveraging international human rights frameworks, promoting participatory approaches, and building capacity for human rights-based practice can help drive progress. A comprehensive and integrated approach is needed to address the complex challenges of housing insecurity and urban poverty. By adopting this approach, we can make meaningful progress in promoting housing rights and reducing urban poverty. Strengthening partnerships between governments, civil society, and communities is critical to future success. Collaborative approaches to policy development, implementation, and monitoring can help create more effective and sustainable solutions to housing challenges. By working together, we can promote more equitable and just cities for all. Ultimately, promoting housing rights and reducing urban poverty requires a long-term commitment to creating more just and equitable societies. By prioritizing human rights and community-led approaches, we can build a brighter future for all.

Key Concepts

Adequate Housing is a fundamental concept in the discussion of housing rights, and it encompasses a range of factors that go beyond mere shelter. Defining and measuring adequate housing involves considering access to basic services such as water, sanitation, and electricity, as well as security of tenure and affordability. Adequate housing also implies that the dwelling is safe, secure, and habitable, with adequate space and amenities. However, measuring adequacy can be complex, as it depends on various factors such as cultural and social norms, environmental conditions, and individual needs. Nevertheless, ensuring adequate housing is essential for human dignity, health, and well-being.

Housing Affordability is a pressing issue in many parts of the world, with millions of people struggling to access decent and affordable housing. The debate around housing affordability centers on the impact of market forces, government policies, and economic conditions on housing costs. Some argue that market forces drive housing prices, while others contend that government policies contribute to unaffordability. Economic conditions, such as income levels, interest rates, and employment opportunities, also play a significant role in determining housing affordability. The consequences of unaffordable housing are far-reaching, including housing insecurity, poverty, and inequality.

Homelessness is a complex and multifaceted issue that affects millions of people worldwide. Understanding the causes and consequences of homelessness requires a nuanced analysis of the interplay between housing policy, poverty, mental health, and other factors. While housing policy can play a critical role in addressing homelessness, it is often linked to broader issues such as poverty, unemployment, and lack of access to social services. Mental health is also a significant factor, as many people experiencing homelessness struggle with mental illness or substance abuse.

Gentrification is a contentious issue in urban studies, referring to the process of wealthier, more affluent individuals moving into previously low-income neighborhoods, leading to displacement, cultural erasure, and economic marginalization of existing residents. The effects of gentrification can be devastating, as long-time residents are priced out of their homes and communities, losing access to affordable housing, cultural amenities, and social networks. Gentrification often reflects broader trends in urban development, including the prioritization of economic growth and profit over social equity and community needs.

Right to the City emphasizes the need for participatory urban planning, community control, and equitable development. This approach recognizes that cities are not just physical spaces but also social and economic systems that require democratic governance and community engagement. The right to the city implies that all residents, regardless of income, race, or social status, have a right to participate in shaping their urban environment and to benefit from the opportunities and resources that cities provide.

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