
HUMAN RIGHT TO ADEQUATE HOUSING AND ITS REALIZATION UNDER THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016

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ABSTRACT

Housing is not merely a physical shelter but a cornerstone of human dignity and development. Recognized as a component of the right to life, the right to adequate housing forms an essential part of human rights jurisprudence both internationally and nationally. Despite constitutional and legal recognition, millions continue to live in sub-standard or insecure dwellings. This paper examines the legal foundations of the human right to adequate housing and analyses how this right is realized through the Real Estate (Regulation and Development) Act, 2016 (RERA). It discusses relevant international instruments, constitutional provisions, and judicial pronouncements establishing housing as a fundamental right. Further, it explores the role of RERA, particularly the Himachal Pradesh Real Estate Regulatory Authority (HP-RERA), in ensuring transparency and accountability in the real estate sector. The paper concludes by identifying key challenges and proposing measures to strengthen RERA's function as an instrument for the fulfillment of India's human rights obligations relating to housing.

Keywords: Adequate Housing; Human Rights; RERA; Himachal Pradesh; Right to Shelter.

I. Introduction

Housing is one of the most basic needs of human life. It is more than just a physical space where a person lives; it is the foundation of human dignity and social security. A home provides not only shelter from natural elements but also a sense of belonging, safety, and identity. The concept of adequate housing includes access to clean water, sanitation, electricity, and a healthy environment. It also implies that individuals and families should have security of tenure and should not live under the constant threat of eviction or displacement. Without adequate housing, it becomes almost impossible for people to live a life of dignity or to enjoy other fundamental rights such as health, education, and privacy.¹ In modern society, the right to adequate housing is increasingly seen as a part of the broader human rights framework. It is deeply linked to the idea of a decent standard of living, as recognized by several international instruments and constitutional interpretations. A person who lacks secure housing is deprived not only of a roof over their head but also of stability, safety, and the opportunity for personal growth. Thus, housing plays a central role in shaping the social, economic, and emotional well-being of individuals and communities.²

India, being a developing country with a vast population, faces an acute shortage of affordable and secure housing. The problem has been worsened by rapid urbanization, rising land prices, migration from rural to urban areas, and the lack of regulated real estate practices. A large portion of the urban population either lives in informal settlements or faces long delays in obtaining possession of their homes.³ The gap between demand and supply has created serious challenges, making adequate housing a distant dream for many. Recognizing these issues, the Indian Parliament enacted the Real Estate (Regulation and Development) Act, 2016 (hereinafter as RERA), marking a significant milestone in the regulation of the real estate sector.⁴ The primary objective of RERA is to bring transparency, accountability, and fairness

¹ Miloon Kothari, Sabrina Karmal *et.al.*, “Report of the Special Rapporteur on The Human Right To Adequate Housing And Land”, National Human Rights Commission, *available at* <https://nhrc.nic.in/sites/default/files/Housing.pdf> (last visited on October 07, 2025).

² Joint Fact Sheet of the Office of the United Nations High Commissioner for Human Rights and UN-Habitat on The Right to Adequate Housing, Fact Sheet No. 21/Rev.1, *available at* https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf (last visited on October 08, 2025).

³ Vikram Jain, Subhash Chennuri, *et.al.*, “Informal Housing, Inadequate Property Rights : Understanding the Needs of India’s Informal Housing Dwellers” (December 2016) *available at* <https://www.citiesalliance.org/sites/default/files/Informal%20Housing,%20Inadequate%20Property%20Rights.pdf> (last visited on October 08, 2025).

⁴ Real Estate (Regulation and Development) Act, 2016 (Act No. 16 of 2016).

in real estate transactions. It aims to protect the interests of homebuyers and ensure that developers complete and deliver projects on time. In doing so, RERA goes beyond being a mere economic reform—it serves as an important tool to uphold the constitutional promise of the right to shelter. By enforcing transparency and consumer protection, RERA seeks to convert the abstract human right to adequate housing into a practical and enforceable reality. In the Indian constitutional context, the right to housing has been judicially recognized as a part of the right to life under Article 21. The Supreme Court has consistently held that the right to live with dignity includes the right to adequate shelter, clean surroundings, and access to basic civic amenities. RERA thus serves as a bridge between this constitutional ideal and its implementation at the ground level.

This paper examines the evolution of the right to adequate housing through both international and national perspectives and evaluates the role of RERA in realizing this right. The study places special emphasis on the State of Himachal Pradesh, where the geographical terrain, environmental sensitivity, and limited urban spaces present distinct challenges to housing development. The establishment of the Himachal Pradesh Real Estate Regulatory Authority (hereinafter as HP-RERA) provides a useful case study to assess how effectively the goals of RERA are being achieved in smaller and ecologically sensitive states. By exploring the intersection between human rights and real estate regulation, this paper aims to understand how legal and institutional mechanisms like RERA can make the right to housing not merely a moral aspiration, but a living reality for citizens. It also seeks to highlight the remaining gaps and challenges that must be addressed to ensure that the right to adequate housing is truly universal and inclusive in both letter and spirit.

II. International Legal Framework for the Right to Adequate Housing

The recognition of housing as a human right has its roots in international law and the global human rights movement that emerged after the Second World War. The devastation caused by war and mass displacement highlighted the urgent need to ensure that every individual, regardless of nationality or economic status, had access to a safe and secure place to live. It was in this background that the Universal Declaration of Human Rights (UDHR)⁵

⁵ UN General Assembly, *Universal Declaration of Human Rights*, GA Res 217 A (III), GAOR, UN Document A/810, page 71 (December 10, 1948) available at <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english> (last visited on August 14, 2025).

was adopted by the United Nations General Assembly in 1948, laying the foundation for a comprehensive framework of human rights for all people.

Article 25(1) of the UDHR clearly states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care.” This provision was revolutionary for its time because it recognized housing not merely as a social need but as a fundamental human entitlement necessary for a dignified existence. The UDHR, though not a legally binding treaty, served as a moral and political guide for all nations, inspiring a range of subsequent international covenants and conventions that gave legal force to these rights.

One of the most significant among these instruments is the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁶, 1966, which transformed the moral commitments of the UDHR into binding legal obligations for signatory States. Article 11(1) of the ICESCR recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions.” This article places a duty upon States not only to refrain from violating the right to housing but also to take active and deliberate steps to make it a reality for their citizens. India ratified the ICESCR in 1979, thereby committing itself under international law to progressively achieve the full realization of this right through legislative, policy, and administrative measures.

To interpret and clarify the meaning of “adequate housing,” the United Nations Committee on Economic, Social and Cultural Rights (CESCR) issued General Comment No. 4 (1991).⁷ This landmark interpretation emphasized that the term “adequate housing” should not be understood in a restrictive or literal sense. It extends beyond the idea of having a roof and walls, encompassing conditions that allow individuals to live in safety, peace, and dignity. According to the CESCR, adequate housing includes several essential elements—legal security of tenure, availability of basic services, affordability, habitability, accessibility, appropriate location, and cultural adequacy. Each of these elements is crucial to ensuring that housing is

⁶ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, GA Res 2200A (XXI), GAOR, A/RES/2200(XXI) (December 16, 1966) available at https://treaties.un.org/doc/treaties/1976/01/19760103%2009-57%20pm/ch_iv_03.pdf (last visited on August 14, 2025).

⁷ CESCR, *General Comment No. 4: The Right to Adequate Housing*, (Art. 11 (1) of the Covenant) (1991) available at https://hlrn.org.in/documents/CESCR_General_Comment_4.pdf (last visited on August 14, 2025).

not only physically available but also socially and economically sustainable. For instance, *legal security of tenure* means that individuals and families should be protected against forced eviction, harassment, and other forms of arbitrary interference. *Availability of services* refers to access to clean drinking water, sanitation, energy for cooking and lighting, and waste disposal systems. *Affordability* implies that the cost of housing should not compromise other basic needs like food and healthcare. *Habitability* ensures that the structure provides adequate space, protection from weather, and safety from structural hazards. *Accessibility* focuses on ensuring that housing is available to all sections of society, particularly vulnerable groups such as women, the elderly, and persons with disabilities. *Location* requires that housing be situated close to employment, healthcare, education, and social services, while *cultural adequacy* recognizes that housing must respect and reflect the cultural identity of its occupants.

The CESCR further expanded on these principles in General Comment No. 7 (1997), which dealt specifically with the issue of forced evictions.⁸ The Committee made it clear that forced evictions—defined as the removal of individuals or communities from their homes or land without adequate legal safeguards—constitute a gross violation of human rights. States, therefore, have a duty to ensure that any eviction is carried out in accordance with law, following genuine consultation, reasonable notice, and with access to legal remedies and compensation. Moreover, governments must provide alternative housing for those displaced and ensure that no one is rendered homeless or vulnerable to further human rights abuses as a result of eviction.

Over time, several other international instruments have reinforced the right to housing as part of broader human rights obligations. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States to ensure equal rights for women in matters of property and housing.⁹ The Convention on the Rights of the Child (CRC) obliges States to provide adequate living conditions for the development of children.¹⁰ Similarly, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits discrimination in the enjoyment of economic, social, and cultural rights, including

⁸ CESCR, *General Comment No. 7: The Right to Adequate Housing : Forced Evictions*, (Art. 11 (1) of the Covenant) (1997) available at <https://www.refworld.org/legal/general/cescr/1997/en/53063> (last visited on August 14, 2025).

⁹ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women*, GA resolution 34/180 (December 18, 1979) available at <https://www.ohchr.org/sites/default/files/cedaw.pdf> (last visited on August 16, 2025).

¹⁰ UN General Assembly, *Convention on the Rights of the Child*, GA resolution 44/25 (November 20, 1989) available at <https://www.ohchr.org/sites/default/files/crc.pdf> (last visited on August 16, 2025).

the right to housing.¹¹ These conventions have firmly established housing as a universal human right. Taken together, these global instruments form a coherent framework of obligations for all governments. They emphasize that the right to adequate housing is not a privilege that can be enjoyed only by the wealthy, but a basic entitlement of every individual.

In the Indian context, these international standards have greatly influenced constitutional interpretation and legislative reforms. India's ratification of key human rights treaties and its participation in global forums have shaped the domestic understanding of housing as a part of the right to life under Article 21. The enactment of RERA in 2016 can thus be viewed as a step toward meeting India's international commitments. It provides an institutional mechanism to ensure that housing is not only accessible and fair but also built and sold under transparent and accountable conditions. Therefore, the international legal framework on housing serves as both a guide and a benchmark for evaluating national laws and policies. It reminds States that the realization of adequate housing requires not just physical structures but also social justice, equality, and respect for human dignity. Laws like RERA represent a modern response to these long-standing global principles by embedding human rights considerations within the regulatory governance of the housing sector.

III. National Legal Framework in India

The idea of the right to adequate housing in India does not appear as an explicit, standalone provision in the Constitution. Yet, through judicial interpretation and evolving social policy, it has become one of the most firmly established components of the right to life and dignity. The Indian constitutional system, guided by the Preamble's commitment to justice, equality, and fraternity, recognizes that ensuring every citizen a decent home is an essential part of achieving a welfare state. From the early years of independence, the Indian State has recognized the importance of providing shelter to its people. However, the problem of inadequate housing persisted due to rapid population growth, unplanned urbanization, and unequal distribution of resources.¹² The framers of the Constitution, aware of such social and economic challenges, designed a framework that allowed for the gradual realization of socio-

¹¹ UN General Assembly, *Convention on the Elimination of All Forms of Racial Discrimination*, GA resolution 2106 (XX) (December 21, 1965) available at <https://www.ohchr.org/sites/default/files/cerd.pdf> (last visited on August 16, 2025).

¹² Rabin Chandra Paramanik, Achinto Paramanik, "Unplanned Urbanisation And Environmental Degradation" 2 *International Journal of Biological & Pharmaceutical Science* 26-31 (2016) available at https://www.researchgate.net/publication/368556064_UNPLANNED_URBANISATION_AND_ENVIRONMENTAL_DEGRADATION (last visited on March 7, 2024).

economic rights through the Directive Principles of State Policy (DPSPs), while guaranteeing basic civil liberties through Fundamental Rights.

A. Constitutional Provisions Supporting the Right to Housing

Several constitutional provisions¹³ together create a foundation for recognizing housing as a legal and moral obligation of the State:

- Article 14 ensures equality before the law and equal protection of the laws, preventing discrimination in matters of housing and land allocation.
- Article 15(3) empowers the State to make special provisions for women and children, which extends to providing them with adequate housing and protection from homelessness.
- Article 19(1)(e) grants citizens the freedom to reside and settle anywhere in India, making it a basic civil right connected to housing.
- Article 21 guarantees the right to life and personal liberty, which, as interpreted by the Supreme Court, includes the right to live with dignity, health, and adequate shelter.
- Directive Principles of State Policy, especially Articles 38, 39, 42, 46, and 47, direct the State to promote welfare, ensure humane working conditions, prevent exploitation, and improve living standards. Together, they place a duty on the government to make continuous efforts to provide secure and decent housing for its citizens.

Although DPSPs are non-justiciable, they reflect the constitutional vision of a society where every person can live with dignity. When read along with Article 21, these principles give rise to a strong moral and legal duty upon the State to create conditions where everyone can access adequate housing.

B. Judicial Interpretation and Expansion of the Right to Housing

The Indian judiciary has played a transformative role in broadening the meaning of the right to life to include the right to housing. Over the years, the Supreme Court has delivered several landmark judgments that have given concrete shape to this idea, converting moral principles into enforceable rights. In *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*¹⁴, the Court held that the right to life is not restricted to mere physical

¹³ The Constitution of India.

¹⁴ AIR 1981 SC 746.

existence but extends to living with human dignity and all the essentials necessary for that dignity—such as food, clothing, and shelter. This case marked one of the earliest recognitions that housing is a part of the constitutional guarantee of life. Later, in *Olga Tellis v. Bombay Municipal Corporation*¹⁵, the Supreme Court linked the right to livelihood with the right to shelter. It observed that eviction of pavement dwellers without alternative arrangements would deprive them of their means of livelihood, thereby violating Article 21. The Court recognized that for many poor citizens, their place of residence and means of earning are inseparable. This judgment was significant because it treated slum dwellers and informal settlers not as trespassers but as human beings entitled to protection and dignity.

In *Shantistar Builders v. Narayan Khimalal Totame*¹⁶, the Court took another step forward by holding that the right to life includes the right to food, clothing, a decent environment, and reasonable accommodation to live in. The Court emphasized that housing is not a privilege of the rich but a necessity for all, especially children, for their physical and mental development. The most comprehensive judicial statement came in *Chameli Singh v. State of Uttar Pradesh*¹⁷, where the Supreme Court explicitly recognized the right to shelter as a fundamental component of Article 21. The Court observed that shelter is not just a roof over one's head but includes adequate living space, safe surroundings, sufficient light and air, sanitation, and access to civic amenities. It stated that the right to life in a civilized society implies the right to food, water, decent environment, education, and shelter—without which the idea of life itself becomes meaningless. These judicial interpretations have collectively transformed the constitutional understanding of the right to housing. They have also guided the government in framing housing policies, welfare schemes, and legislation aimed at addressing the needs of the poor and vulnerable sections of society.

C. Legislative and Policy Measures

Inspired by constitutional ideals and judicial pronouncements, India has implemented several laws and welfare schemes to promote housing security. Among the most prominent are:

- Pradhan Mantri Awas Yojana (PMAY): A flagship program aiming to provide “*Housing for All*” by 2024, offering financial assistance and subsidies for constructing and

¹⁵ AIR 1986 SC 180.

¹⁶ AIR 1990 SC 630.

¹⁷ AIR 1996 SC 1051.

purchasing homes.

- State Housing Boards and Urban Development Authorities: These bodies have been established to plan, regulate, and develop affordable housing projects across states.
- Slum Rehabilitation and Urban Renewal Policies: Introduced to upgrade slums and integrate informal settlements into planned urban spaces.
- Environmental and Land-Use Regulations: Designed to ensure that housing development is sustainable and environmentally sound.

However, despite these measures, challenges such as land scarcity, high construction costs, and bureaucratic hurdles have continued to affect housing availability. It was against this background that the RERA was introduced. RERA's purpose is to protect homebuyers, ensure accountability among developers, and bring transparency to the real estate sector. In doing so, it also serves as a legislative instrument for fulfilling the constitutional and human rights obligation of providing secure and adequate housing to all.

D. The Right to Housing and the Indian State's Obligations

By ratifying international human rights treaties such as the ICESCR, and by virtue of the constitutional mandate of Articles 21 and 51(c), India is duty-bound to respect and implement the right to housing. Article 51(c) directs the State to "*foster respect for international law and treaty obligations in the dealings of organized peoples with one another.*"¹⁸ This creates a bridge between international commitments and domestic constitutional practice. Through the combined effect of judicial pronouncements, legislative initiatives, and policy frameworks, the Indian legal system has recognized that the *right to adequate housing* is indispensable for achieving social justice and equality. The challenge now lies in ensuring that these legal guarantees translate into tangible outcomes for every citizen, especially the economically weaker sections.

The enactment of RERA represents a major step toward institutionalizing this right. It transforms the housing sector from an unregulated market into a transparent system governed by accountability and fairness. By ensuring that developers meet their obligations and consumers receive what they are promised, RERA gives concrete effect to the constitutional vision of the right to shelter. Thus, the national legal framework in India demonstrates a gradual but determined evolution—from constitutional recognition to judicial protection, and finally to

¹⁸ The Constitution of India, art. 51(c).

legislative realization—of housing as a fundamental human right. This framework provides the moral and legal foundation for examining how effectively RERA has been able to uphold and operationalize the right to adequate housing, particularly in states like Himachal Pradesh.

IV. RERA as an Instrument for Realizing the Right to Adequate Housing

The RERA is one of the most significant legislative developments in India's housing and real estate sector. For decades, homebuyers faced widespread exploitation—projects were delayed indefinitely, builders often diverted funds, and many citizens lost their lifelong savings without ever receiving possession of their homes. This situation created a deep sense of helplessness among ordinary people and reflected a serious gap between the legal recognition of the right to housing and its practical realization. The introduction of RERA sought to bridge that gap by bringing accountability, transparency, and fairness into the housing market.¹⁹ While RERA is often described as an economic reform, it also represents a human rights instrument in action—a tool through which the State fulfills its constitutional and moral obligation to ensure secure and adequate housing. By regulating transactions, mandating disclosure of information, and protecting buyers from exploitation, RERA gives concrete shape to the right to shelter guaranteed under Article 21 of the Constitution.

A. Background and Objectives of RERA

The need for a dedicated real estate regulation law had been felt for a long time. Before 2016, the housing sector was largely unregulated, with minimal accountability. Buyers had little access to accurate information about projects, and contractual terms were heavily tilted in favor of developers. Consumer courts, though available as a remedy, were often slow, and existing laws like the Indian Contract Act or Consumer Protection Act did not adequately address the complex nature of real estate transactions. Recognizing these shortcomings, Parliament enacted RERA to protect the interests of consumers, ensure fair practices, and promote financial discipline among developers. The Act came into full force on 1st May 2017, marking a new era of governance in the housing sector.

The main objectives of RERA include:

¹⁹ Prasanna S, Lavanya P, "Evolving Trends in Real Estate Development Regulations: A Study of RERA (Real Estate Regulation and Development Act)", 1 *ILE Property And Land Law Review* 26 (2023), available at: <https://pllr.iled.edu.in/wp-content/uploads/2024/01/V1I114.pdf> (last visited on January 2, 2024)

1. Protection of homebuyers: Safeguarding the interests of consumers against delays, fraud, and unfair practices.
2. Transparency: Mandating full disclosure of project details, approvals, and timelines through registration.
3. Accountability: Holding promoters, builders, and real estate agents legally responsible for project delivery and quality.
4. Financial discipline: Ensuring that at least 70% of the funds collected from buyers are kept in a separate bank account, used only for that particular project.
5. Establishment of authorities: Creating Real Estate Regulatory Authorities and Appellate Tribunals in each state for speedy grievance redressal.

These objectives clearly reflect a shift from a market-oriented approach to a rights-based one. The Act ensures that the homebuyer's right to secure, affordable, and habitable housing is protected through a well-defined legal framework.

B. Key Provisions that Support the Right to Housing

RERA operationalizes several components of the right to adequate housing as recognized under international and constitutional law. Some of its most important provisions directly contribute to protecting human dignity and ensuring fairness in housing.

1. Project Registration and Information Disclosure: Developers are required to register all new projects with the respective RERA authority before advertising or selling them. They must also disclose project details—such as land status, layout plan, timeline for completion, and approvals—on a public portal. This ensures *transparency* and empowers buyers to make informed decisions.²⁰
2. Financial Safeguards: The Act mandates that 70% of the amount received from allottees must be deposited in a dedicated escrow account, to be used only for construction and land costs. This prevents the diversion of funds and guarantees *financial security* for consumers.²¹
3. Timely Possession and Compensation: RERA obligates developers to complete projects within the declared time and hand over possession to buyers as promised. Delays can

²⁰ *Supra* Note 4, ss. 3–5, 11.

²¹ *Id.* at s. 4(2)(1)(D).

lead to penalties, interest, and compensation to the affected buyers, thereby enforcing *accountability*.²²

4. Defect Liability and Construction Quality: Under RERA, if any structural defects or poor workmanship appear within five years of possession, the builder must rectify them at no extra cost. This provision ensures *habitability*—a key aspect of the right to adequate housing.²³
5. Grievance Redressal Mechanism: The establishment of Real Estate Regulatory Authorities and Appellate Tribunals provides a specialized, speedy, and consumer-friendly platform for dispute resolution. This is a crucial step toward *access to justice*, another human rights principle.²⁴
6. Promotion of Ethical Standards: The Act also regulates real estate agents, requiring them to register and comply with professional norms, thereby improving ethical standards in the sector.²⁵

Through these measures, RERA ensures that homebuyers are not left powerless and that their investments translate into the promised homes. Each of these provisions corresponds closely with the *elements of adequate housing* laid down by the UN Committee on Economic, Social and Cultural Rights—namely, *security of tenure*, *affordability*, *habitability*, and *accessibility*.

C. RERA's Human Rights Dimension

RERA is not only a legal or commercial reform—it embodies the State's duty to respect, protect, and fulfill the human right to housing. By enforcing transparency, prohibiting unfair trade practices, and holding developers accountable, the Act reflects the constitutional goal of ensuring that every citizen can live with dignity. The underlying philosophy of RERA aligns with Article 38 of the Constitution, which directs the State to promote the welfare of the people by securing a social order in which justice—social, economic, and political—prevails. Moreover, the Act strengthens the implementation of Article 21, which, through judicial interpretation, includes the right to shelter as an essential part of life. By establishing mechanisms that guarantee fairness and accountability, RERA effectively transforms abstract

²² *Id.* at s. 18, 19.

²³ *Id.* at s. 14(3).

²⁴ *Id.* at ss. 31–58, 71.

²⁵ *Id.* at ss. 9–10, 62.

constitutional promises into tangible entitlements. The Act demonstrates how a regulatory statute can serve as a vehicle for realizing human rights, bridging the gap between constitutional theory and ground realities.

D. Implementation in Himachal Pradesh

The State of Himachal Pradesh, known for its unique topography, ecological sensitivity, and scattered urban settlements, faced distinctive challenges in housing development. To give effect to the central legislation, the state government notified the Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017²⁶, and established the HP-RERA with its headquarters at Shimla. HP-RERA has played an important role in regulating real estate activities in the state. Despite being a relatively small housing market compared to metropolitan regions, its establishment has been crucial for ensuring fair and lawful practices. Some of its key contributions include:

- Registration of Projects and Agents: HP-RERA made registration compulsory for all major real estate projects and agents, ensuring better accountability and data transparency.²⁷
- Online Platforms: The Authority operates a user-friendly online portal for project registration, public access to information, and complaint filing. This aligns with the principles of transparency and accessibility.²⁸
- Consumer Awareness: The Authority also conducts awareness campaigns and workshops to educate homebuyers about their rights and responsibilities.

However, Himachal Pradesh also faces challenges that are specific to its geography and economy. High construction costs in hilly terrains, limited availability of flat land, environmental restrictions, and slower urban expansion often affect the viability of large-scale housing projects. Additionally, a lack of awareness among small local developers and buyers sometimes results in under-reporting or delayed compliance with RERA norms. Despite these hurdles, HP-RERA has been gradually strengthening its institutional capacity. It provides a model for how RERA can adapt to local realities while upholding the universal principle of *safe, secure, and adequate housing*.

²⁶ Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017.

²⁷ *Id.* at chapters II, III.

²⁸ *Id.* at chapter IV.

E. RERA and the Broader Vision of Housing Justice

In essence, RERA brings a human rights perspective into housing governance. It transforms the relationship between developers and homebuyers from one of imbalance and exploitation to one rooted in accountability and fairness. By giving legal teeth to consumer rights, RERA supports the idea that access to adequate housing is not dependent merely on market forces but is also a matter of justice and equality. The Act also reinforces India's commitment to the Sustainable Development Goals (SDG 11), which call for making cities and human settlements inclusive, safe, resilient, and sustainable.²⁹ It provides the institutional framework to ensure that housing development respects both human dignity and environmental sustainability. Therefore, RERA should not be viewed only as an economic reform but as a legal mechanism that advances social justice. Its success lies not just in regulating real estate but in realizing a vision where every citizen, irrespective of income or status, can aspire to live in a secure and dignified home.

V. Challenges and Gaps

The enactment of the RERA marked a turning point in India's housing sector. It brought long-awaited transparency, accountability, and order to an industry that had been largely unregulated. However, despite its progressive framework and good intentions, the practical realization of RERA's objectives has not been without obstacles. In many ways, the Act's promise of ensuring every citizen's right to adequate and secure housing continues to face numerous institutional, economic, and social challenges. These challenges vary across India depending on the level of urbanization, administrative capacity, and local housing demands. In states like Himachal Pradesh, where geography and demography present unique barriers, the effective enforcement of RERA faces additional difficulties. In summary, while RERA has established a strong institutional framework, several gaps in awareness, affordability, administrative efficiency, and enforcement continue to limit its transformative potential. For Himachal Pradesh and similar states, the challenges are compounded by geographic and economic constraints. To ensure that RERA fulfills its true purpose—of making the right to adequate housing a reality—there is an urgent need to combine legal reforms with social,

²⁹ United Nations, *Goal 11 - Make cities and human settlements inclusive, safe, resilient and sustainable*, (2015) available at <https://www.un.org/sustainabledevelopment/cities/> (last visited on August 27, 2025).

economic, and environmental policies. The focus must shift from mere regulation to genuine empowerment of citizens as right-holders and not just consumers.

VI. Suggestions and the Way Forward

The right to adequate housing is not merely a constitutional or international obligation but a moral and developmental necessity. The RERA has laid a strong foundation for transparency and accountability in India's housing sector. However, realizing this right fully requires continuous reform, administrative coordination, and social awareness. The following measures can strengthen RERA's role as an instrument of housing justice and human dignity.

1. Strengthening Enforcement and Institutional Capacity

The success of RERA depends on its effective implementation. The Regulatory Authorities and Appellate Tribunals must be strengthened with adequate staff, funding, and technical expertise. Dedicated enforcement wings should be created to monitor compliance and ensure prompt recovery of penalties. Strict adherence to timelines for adjudication and execution will enhance public trust and make RERA a more efficient justice mechanism for homebuyers.

2. Promoting Affordability and Inclusive Access

Affordability lies at the heart of the right to housing. RERA should work in close coordination with welfare schemes such as Pradhan Mantri Awas Yojana (PMAY) and State Housing Boards to ensure access for lower-income groups. Developers may be encouraged through tax incentives and subsidies to build affordable and mixed-income housing. States like Himachal Pradesh can introduce cost-reduction measures, simplified approval processes, and promote public-private partnerships to make housing both viable and inclusive.

3. Increasing Public Awareness and Legal Literacy

Awareness is essential for empowerment. Many citizens remain unaware of their rights and remedies under RERA. Regular awareness campaigns, workshops, and outreach programs—conducted with the help of law schools, NGOs, and local media—can help bridge this gap. Multilingual resources and simple digital guides can make legal information accessible to all, ensuring that citizens can hold institutions accountable.

4. Coordination Among Regulatory and Planning Bodies

Effective implementation of RERA requires cooperation between the Authority, town planning departments, and environmental agencies. A single-window clearance system can reduce procedural delays. Regular inter-departmental reviews will promote consistency and efficiency. For Himachal Pradesh, coordination with environmental authorities is especially important to ensure that housing development remains sustainable and safe in ecologically sensitive areas.

5. Ensuring Environmental Sustainability

The right to housing must coexist with the right to a healthy environment. In fragile hill states, sustainable development is non-negotiable. RERA compliance should include environmental audits and the promotion of green building standards. Builders should adopt eco-friendly technologies such as rainwater harvesting and energy-efficient designs. Model eco-housing projects can demonstrate that environmental protection and modern living can go hand in hand.

6. Bridging the Rural–Urban Divide

RERA primarily covers organized urban housing, leaving the rural sector largely unregulated. The principles of transparency and accountability should gradually extend to rural areas through a simplified framework. Incentives for small developers and housing cooperatives in remote areas can encourage sustainable and affordable construction. This would ensure that the benefits of RERA reach all citizens, fulfilling the constitutional vision of inclusive growth.

7. Enhancing Digital Transparency and Accessibility

Online transparency is central to RERA's success. Websites and mobile applications should provide real-time updates on project progress, complaint status, and developer compliance. Digital platforms must be user-friendly and accessible to all, including rural citizens and senior citizens through assisted centers. Transparency, when combined with accessibility, fosters accountability and public confidence.

8. State-Specific Adaptations for Himachal Pradesh

Given its terrain and demography, Himachal Pradesh requires locally tailored policies. HP-RERA can frame guidelines for hillside construction, ensuring safety and environmental compliance. Awareness drives in semi-urban areas and collaboration with local bodies can integrate RERA principles into local planning. Simplified registration processes for small developers will encourage compliance without unnecessary complexity. Such measures can make Himachal Pradesh a model of sustainable and inclusive housing regulation in hill regions.

9. Recognizing Housing as a Core Human Right

All policy and legal reforms must be guided by the principle that housing is a right, not a privilege. RERA already reflects this vision, but its objectives could explicitly refer to the realization of the right to adequate housing. Annual reports of State Authorities may include an assessment of their contribution toward this goal. Courts and policymakers should continue to interpret RERA in harmony with constitutional values of dignity, equality, and justice.

10. The Road Ahead

The journey toward realizing the right to adequate housing is ongoing. RERA has brought structure to a once unregulated sector, but persistent challenges—awareness, affordability, enforcement, and coordination—require continued effort. For Himachal Pradesh, success lies in combining strong legal enforcement with environmental care, citizen awareness, and administrative innovation. If implemented with compassion and foresight, RERA can evolve from a regulatory statute into a living embodiment of Article 21, ensuring that the right to life truly includes the right to shelter and human dignity.

VII. Conclusion

Housing is more than a basic physical necessity — it is the foundation of a dignified life. It provides stability, security, and a sense of belonging, forming the basis for the enjoyment of several other human rights such as health, education, and privacy. Without adequate housing, the promise of equality, liberty, and justice, as enshrined in the Constitution of India, remains incomplete. The international human rights framework, beginning with the Universal Declaration of Human Rights (1948) and elaborated through the International Covenant on Economic, Social and Cultural Rights (1966), establishes the principle that every person has the right to adequate housing. India's constitutional philosophy and judicial interpretation have harmonized with this global vision, reading the right to shelter into the broader guarantee of

the right to life under Article 21. Over time, the Indian judiciary has ensured that this right is not merely theoretical but an enforceable entitlement, binding upon the State to act.

The RERA represents a modern and practical expression of these ideals. It translates constitutional and human rights obligations into a structured mechanism of regulation, accountability, and consumer protection. By enforcing transparency, mandating fair financial practices, and creating dedicated regulatory authorities, RERA has brought much-needed discipline to an unregulated sector. It has empowered homebuyers, promoted ethical conduct among developers, and enhanced trust in the real estate market. However, as this paper has shown, several challenges continue to obstruct the full realization of the right to adequate housing. Lack of public awareness, affordability issues, coordination gaps, and delays in adjudication remain persistent barriers. In states like Himachal Pradesh, geographical constraints, high construction costs, and environmental sensitivities add further layers of complexity. Yet, these challenges should not be seen as obstacles, but as opportunities to strengthen the system and adapt it to local realities.

The way forward lies in expanding RERA's vision beyond regulation toward a holistic approach that integrates human rights, sustainability, and social inclusion. This means enhancing institutional capacity, promoting affordability, improving digital access, and ensuring that every decision under RERA aligns with the constitutional promise of dignity and justice. The inclusion of environmental and rural housing perspectives is equally important to ensure that housing development does not compromise ecological balance or exclude marginalized communities. At its core, RERA embodies the constitutional philosophy that governance must serve people, not markets alone. It operationalizes the idea that housing is not a commodity but a human right — one that the State must respect, protect, and fulfill. By making builders accountable, empowering homebuyers, and establishing institutional safeguards, RERA provides a legal bridge between the promise of Article 21 and the lived realities of citizens.

If implemented with sustained commitment and human sensitivity, RERA can become a transformative force — not merely regulating transactions but reshaping the idea of housing in India into one that is inclusive, equitable, and dignified. For Himachal Pradesh and other states, its success will depend on balancing development with sustainability, ensuring that every citizen, regardless of geography or income, enjoys a secure and adequate home. Ultimately, the right to housing is a reflection of the right to life itself. Laws like RERA reaffirm

that in a just and civilized society, every human being deserves not only a roof over their head, but also the peace, safety, and dignity that come with calling a place their own.