



HOUSING FOR ALL: A COMPARATIVE ANALYSIS OF PAKISTAN'S LEGAL FRAMEWORK VIS-À-VIS UN- HABITAT STANDARDS

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Abstract

The right to adequate housing constitutes a fundamental human right recognized under international law and central to the UN-Habitat agenda. For developing nations such as Pakistan, aligning domestic legal frameworks with these global standards presents a formidable challenge. This article provides a comprehensive comparative analysis of Pakistan's legal framework governing the housing industry against the benchmarks established by UN-Habitat for "adequate housing." Drawing upon constitutional provisions, statutory instruments, judicial precedents, and policy documents, the study examines the extent to which Pakistani law addresses the seven core elements of housing adequacy: security of tenure, affordability, habitability, accessibility, location, availability of services, and cultural adequacy. The analysis reveals that while Pakistan has made constitutional commitments to housing through the Principles of Policy and has enacted various legislative instruments, a significant chasm remains between legal provisions and UN-Habitat benchmarks. Recent initiatives such as the draft National Housing Policy 2025 and proposed legal reforms demonstrate policy recognition of housing challenges, yet implementation remains hampered by institutional weaknesses, unclear land titles, and judicial delays. The article concludes that Pakistan's housing framework remains fundamentally incompatible with the UN-Habitat vision of "Housing for All" until housing is elevated from a charitable commodity to a legally enforceable right with clear state obligations, supported by comprehensive land reforms and robust regulatory mechanisms.

Keywords: *Adequate Housing, Affordable Housing, Building Codes, Housing Rights, Legal Framework, Pakistan Housing Law, Tenure Security, UN-Habitat.*

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1. Introduction

Housing occupies a unique position in the hierarchy of human needs, serving not merely as physical shelter but as the foundation for social cohesion, economic participation, and human dignity. The significance of housing extends beyond individual welfare to encompass broader societal stability and sustainable development. As John M. Gries observed, "to produce better citizenship in a state no other element helps more towards achieving a good civilization than to provide housing units to the citizens by a Government in a state" (Gries, 1925, as cited in Baig, 2021, p. 50). This recognition has propelled housing to the forefront of international development agendas, culminating in the UN-Habitat's vision of "Housing for All."

Pakistan, as a signatory to the UN-Habitat agenda and the Istanbul Declaration on Human Settlements, has committed to "the full and progressive realization of the right to adequate housing" (Baig, 2021, p. 50). Despite these international commitments, Pakistan faces a severe housing crisis characterized by a cumulative shortfall estimated at over 10 million housing units, with an annual demand of 570,000 units against a supply of merely 300,000 units, resulting in a recurring annual deficit of 270,000 units (Baig, 2021, p. 50; UN-Habitat, 2025). This shortage is compounded by extreme congestion, with international standards indicating 3.4 persons per room, while Pakistan averages 6.7 persons per room (Baig, 2021, p. 48).

The housing challenge in Pakistan is further exacerbated by rapid urbanization, population growth, and systemic weaknesses in the legal and regulatory framework governing the housing industry. The Medium Term Development Framework 2005-2010 acknowledged that "due to haphazard manner of housing activity the quality of life has deteriorated, pollution has increased, lack of solid waste management facilities, water pollution and lack of clean drinking water and poor sanitation situation has become a common phenomenon in the housing industry of Pakistan" (Planning Commission of Pakistan, 2005, as cited in Baig, 2021, p. 293).

The Constitution of the Islamic Republic of Pakistan, 1973, does not explicitly recognize housing as a fundamental right, rendering it unenforceable through courts in the same manner as other fundamental rights (Baig, 2021). Key legislative instruments including the Pakistan Housing Authority Act (1988), provincial housing and town planning acts, and the Katchi Abadi Act (1987) provide a patchwork of regulations but lack statutory teeth or financial mechanisms for effective enforcement. The study identifies critical deficiencies in tenure security for informal dwellers, inadequate affordability mechanisms, weak enforcement of building codes, and the absence of climate-resilient construction mandates. According to recent UN-Habitat data, Pakistan faces a housing backlog exceeding 10 million units, with over half of the urban population residing in informal settlements (UN-Habitat, 2025).

This article undertakes a comprehensive comparative analysis of Pakistan's legal framework relating to the housing industry against the benchmarks established by UN-Habitat for adequate housing. The analysis is structured around UN-Habitat's seven criteria for housing adequacy: security of tenure, availability of services, affordability, habitability, accessibility,

location, and cultural adequacy. By examining constitutional provisions, statutory instruments, judicial precedents, policy documents, and institutional frameworks, the study aims to identify gaps, challenges, and opportunities for reform.

The significance of this study lies in its potential to inform policy development and legal reform in Pakistan's housing sector. As the country grapples with a growing housing crisis, understanding the deficiencies in the legal framework and their implications for achieving the goal of "Housing for All" is essential for policymakers, legal practitioners, and development partners. The study also contributes to the broader discourse on housing rights in developing countries and the challenges of implementing international standards in domestic legal systems.

2. Methodology

2.1. Research Design

This study adopts a qualitative, doctrinal research methodology to analyze Pakistan's legal framework relating to the housing industry in comparison with UN-Habitat standards for adequate housing. Doctrinal legal research involves the systematic analysis of legal texts—including constitutions, statutes, regulations, and judicial decisions—to identify, interpret, and evaluate legal principles and their application (Chynoweth, 2008). This approach is particularly suited to examining the legal dimensions of housing rights and the extent to which domestic law aligns with international standards.

2.2. Data Sources

The study draws upon multiple sources of data:

2.2.1. Primary Legal Sources

The Constitution of the Islamic Republic of Pakistan, 1973

The Pakistan Housing Authority Act, 1988

Provincial housing and town planning acts (including the Punjab Housing and Town Planning Act, 1976)

The Katchi Abadi Act, 1987

The Land Acquisition Act, 1894

The Registration Act, 1908

Provincial private housing scheme regulations and rules

2.2.2. Secondary Legal Sources

Judicial decisions from the Supreme Court of Pakistan and High Courts interpreting housing rights under Articles 9, 14, and 38 of the Constitution

Academic articles, law review publications, and legal commentaries on housing law in Pakistan

Policy documents including the National Housing Policy (2001), the Medium Term Development Framework 2005-2010, and the draft National Housing Policy 2025

2.2.3. International Sources

UN-Habitat publications on adequate housing standards

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

UN-Habitat agenda documents and declarations

2.3. Analytical Framework

The analysis employs UN-Habitat's seven criteria for adequate housing as the primary analytical lens:

Security of Tenure – Legal protection against forced evictions and harassment

Availability of Services – Access to safe drinking water, sanitation, energy, and other essential services

Affordability – Housing costs that do not exceed 30% of household income

Habitability – Structural safety, adequate space, and protection from health hazards

Accessibility – Accessibility for persons with disabilities and vulnerable groups

Location – Proximity to employment, healthcare, education, and other services

Cultural Adequacy – Respect for cultural identity and lifestyle

Each criterion is examined against the relevant provisions of Pakistani law, judicial interpretations, and policy frameworks. The analysis identifies areas of compliance, partial compliance, and non-compliance, and assesses the practical implementation of legal provisions.

2.4. Limitations

This study acknowledges certain limitations. First, the analysis focuses primarily on federal and provincial legal frameworks, with limited examination of local government regulations due to the diversity of local laws across Pakistan's districts. Second, the study relies on publicly available legal texts and judicial decisions, and may not capture unpublished or unreported cases. Third, the analysis is primarily legal and doctrinal, rather than empirical, and does not include primary data collection from affected communities or housing practitioners. Despite these limitations, the study provides a comprehensive legal analysis of Pakistan's housing framework against internationally recognized standards.

3. Theoretical Framework: Un-Habitat's Adequate Housing Standards

3.1. The Right to Adequate Housing in International Law

The right to adequate housing is recognized in multiple international human rights instruments. Article 25 of the Universal Declaration of Human Rights (UDHR) affirms 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, housing and medical care" (UN General Assembly, 1948). Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) further elaborates that States Parties recognize "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" (UN General Assembly, 1966).

Pakistan acceded to the ICESCR in 2008, thereby undertaking obligations to progressively realize the right to adequate housing. Additionally, Pakistan is a signatory to the UN-Habitat agenda and the Istanbul Declaration on Human Settlements (1996), which

promised "the full and progressive realization of the right to adequate housing" (Baig, 2021, p. 50). These international commitments impose obligations on Pakistan to align its domestic legal framework with international housing standards.

3.2. The Seven Elements of Adequate Housing

UN-Habitat defines adequate housing not merely as a roof over one's head, but as a bundle of rights encompassing seven key elements (UN-Habitat, n.d.):

3.2.1. Security of Tenure

Security of tenure refers to legal protection against forced evictions, harassment, and other threats. Tenure can take various forms, including rental, owner-occupancy, cooperative housing, and informal settlements. UN-Habitat emphasizes that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, whether from their home or land. This protection should apply regardless of tenure type, including those living in informal settlements (UN-Habitat, n.d.).

3.2.2. Availability of Services, Materials, Facilities, and Infrastructure

Adequate housing must include access to safe drinking water, adequate sanitation, energy for cooking and heating, and other essential services. This dimension encompasses not only the physical availability of services but also their affordability and accessibility. UN-Habitat emphasizes that the provision of basic services is essential for health, dignity, and quality of life (UN-Habitat, n.d.).

3.2.3. Affordability

Housing costs should not exceed 30% of household income. Affordability is assessed in relation to the total cost of housing, including rent or mortgage payments, utilities, maintenance, and transportation. UN-Habitat recognizes that housing is unaffordable when costs significantly undermine the ability to meet other basic needs, such as food, healthcare, and education (UN-Habitat, n.d.).

3.2.4. Habitability

Adequate housing must provide inhabitants with adequate space and protect them from cold, damp, heat, rain, wind, and other threats to health and structural hazards. Habitability encompasses structural safety, adequate ventilation, and protection from disease vectors. UN-Habitat emphasizes that housing should be fit for human habitation and meet building codes and safety standards (UN-Habitat, n.d.).

3.2.5. Accessibility

Housing must be accessible to persons with disabilities, the elderly, and other vulnerable groups. Accessibility encompasses physical accessibility (e.g., wheelchair access), affordability for low-income groups, and accessibility to services and employment. UN-Habitat emphasizes that housing policies should take into account the special needs of disadvantaged and marginalized groups (UN-Habitat, n.d.).

3.2.6. Location

Adequate housing must be located in areas that provide access to employment opportunities, healthcare services, schools, and other social facilities. Location should not isolate inhabitants from economic opportunities or essential services. UN-Habitat emphasizes that housing should be situated in areas that support the social and economic integration of residents (UN-Habitat, n.d.).

3.2.7. Cultural Adequacy

Housing must respect and take into account the expression of cultural identity and diversity. The way housing is constructed, the materials used, and the design of housing should reflect the cultural identity and lifestyle of inhabitants. UN-Habitat emphasizes that housing policies should respect cultural diversity and the right to choose one's living environment (UN-Habitat, n.d.).

3.3. The Legal Nature of Housing Rights

The legal status of housing rights varies significantly across jurisdictions. In some countries, housing is recognized as a fundamental or constitutional right, enforceable through courts. In others, housing is addressed through policy directives that are not legally enforceable. The UN Committee on Economic, Social and Cultural Rights (CESCR) has emphasized that the right to adequate housing should not be understood narrowly, but as a right that carries legal obligations on States to respect, protect, and fulfill (CESCR, 1991).

The distinction between justiciable rights (enforceable through courts) and non-justiciable policy directives is central to understanding Pakistan's legal framework. As this analysis demonstrates, the placement of housing rights within Pakistan's constitutional framework has significant implications for their enforcement and realization.

4. Pakistan's Constitutional and Legislative Framework For Housing

4.1. Constitutional Provisions on Housing

The Constitution of the Islamic Republic of Pakistan, 1973, provides the foundational legal framework for housing rights in Pakistan. The Constitution does not explicitly recognize the "right to housing" as a fundamental right under Articles 8-28. However, housing is addressed through several constitutional provisions.

4.1.1. Article 9: Right to Life

Article 9 of the Constitution provides that "no person shall be deprived of life or liberty save in accordance with law." While this provision does not explicitly mention housing, Pakistani courts have expansively interpreted the right to life to include the right to shelter and adequate living conditions. As Baig (2021) notes, "Right to life includes right to livelihood, right to acquire, hold and dispose of property and right to acquire suitable accommodation. Right to life includes food, water, healthy environment to spend life and shelter (housing)" (p. 399).

The Supreme Court of Pakistan has recognized in various judgments that the right to life encompasses the right to live with dignity, which includes access to adequate shelter (Malik

& Ullah, 2018). In *The Employees of Pakistan Law Commission Islamabad v. Ministry of Works* (1994 SCMR 1548), the Supreme Court recognized the right to alternative shelter under Articles 2A and 9 of the Constitution, requiring the government to provide accommodation to employees who were being evicted from government-owned land (Malik & Ullah, 2018). Similarly, in *Nasreen Riaz v. Lahore Development Authority* (1998 CLC), the High Court held that public functionaries were liable to provide compensation or rehabilitation to displaced populations (Malik & Ullah, 2018).

4.1.2. Article 14: Inviolability of Human Dignity

Article 14 provides that "the dignity of man and, subject to law, the privacy of home, shall be inviolable." This provision has been interpreted to support the right to housing as essential to human dignity. The right to live with dignity is recognized as a fundamental right of every citizen under Article 9 of the Constitution, which includes the right to shelter (Baig, 2021, p. 399).

4.1.3. Article 38: Principles of Policy

Article 38(d) of the Constitution, falling under the Principles of Policy, provides that the State shall secure the well-being of the people by "providing basic necessities of life, such as food, clothing, housing, education and medical relief." However, as Baig (2021) explains, "Principles of policy under the Constitution of Islamic Republic of Pakistan 1973 are guiding poles for the future Governments and not binding on the Governments i.e. not enforceable by the courts of law" (p. 397).

The distinction between fundamental rights and principles of policy is crucial for understanding the legal status of housing rights in Pakistan. Fundamental rights are justiciable—they can be enforced through constitutional petitions under Articles 199 and 184(3) of the Constitution. Principles of policy, by contrast, are non-justiciable—they provide guidance for state policy but do not confer enforceable legal rights on individuals (Baig, 2021, p. 397).

4.1.4. Articles 23 and 24: Right to Property

Articles 23 and 24 of the Constitution protect the right to acquire, hold, and dispose of property and provide for the protection of property rights against compulsory acquisition except for public purposes with compensation. As Baig (2021) explains:

"Under the present scheme of Constitution of Islamic Republic of Pakistan 1973, housing and property rights have been protected to this an extent that those who are already in possession of housing units or property are protected under the Constitution of Islamic Republic of Pakistan that nobody including Government of Pakistan can deprive that person from the enjoyment of that property or housing unit except in one case when property or housing unit is required by the Government for some public purpose after payment of compensation." (p. 308)

This protection applies to those who already possess housing units. However, for those who do not have housing units, "this right has been acknowledged under the principles of policy which are not binding on the Government" (Baig, 2021, p. 309).

4.2. Key Legislative Instruments

4.2.1. The Pakistan Housing Authority Act, 1988

The Pakistan Housing Authority (PHA) was established under the Pakistan Housing Authority Act, 1988, to develop and finance housing schemes. The PHA is mandated to plan, develop, and manage housing projects, particularly for low-income groups. However, Baig (2021) notes that the PHA's focus has been on urban middle-class development rather than affordable shelter for the poor (p. 50). The Act provides the regulatory framework for public sector housing development but does not mandate affordability or inclusionary zoning.

4.2.2. Provincial Housing and Town Planning Acts

Each province has its own housing and town planning legislation. The Punjab Housing and Town Planning Act, 1976, governs urban planning and land subdivision in Punjab province. Similar legislation exists in other provinces. These Acts regulate the approval of housing schemes, building by-laws, and development standards. However, as Baig (2021) observes, these Acts lack stringent enforcement on affordability or inclusionary zoning (p. 50).

4.2.3. The Katchi Abadi Act, 1987

The Katchi Abadi Act, 1987, provides a legal framework for regularizing informal settlements (katchi abadis) in Pakistan. The Act empowers the government to regularize settlements on government land, providing security of tenure to residents. However, as Baig (2021) notes, the process of regularization is slow, politically volatile, and covers less than half of urban slums, creating a perpetual state of precariousness (p. 50).

4.2.4. The Land Acquisition Act, 1894

The Land Acquisition Act, 1894, governs the compulsory acquisition of land for public purposes. This colonial-era legislation remains in force and is used to acquire land for housing projects. Baig (2021) discusses various judicial interpretations of the Act regarding the acquisition of land for cooperative housing societies and private companies (pp. 288-289). The Act provides for compensation to land owners but does not address the housing needs of displaced populations.

4.2.5. Provincial Private Housing Scheme Regulations

Provincial regulations, such as the Punjab Private Housing Schemes and Land Subdivision Rules, 2010, regulate the registration and development of private housing schemes. These regulations impose conditions for the approval of housing schemes, including ownership of a minimum percentage of land (e.g., 90% under the 2010 Rules). Baig (2021) argues that these conditions are problematic, as they require developers to own 90% of the land before approval, which leads to land price inflation and discourages cooperative housing societies (p. 289-290).

4.2.6. The Eviction of Trespassers Act

This archaic law facilitates government-backed evictions of informal settlements, directly conflicting with UN-Habitat's principle of security of tenure (Baig, 2021, p. 50). The Act provides for summary eviction of persons occupying public lands without lawful authority, often leading to the displacement of informal dwellers without adequate rehabilitation.

4.3. Judicial Activism and the Right to Shelter

Despite the absence of an explicit constitutional right to housing, Pakistani courts have played a significant role in expanding the scope of the right to life to include the right to shelter. Malik and Ullah (2018) observe that "the Courts of Pakistan were not reticent to give liberal meanings to the constitutional provisions of right to life, particularly, its quality" (p. 2).

Key judicial decisions include:

The Employees of Pakistan Law Commission Islamabad v. Ministry of Works (1994 SCMR 1548): The Supreme Court recognized the right to alternative shelter under Articles 2A and 9 of the Constitution, requiring the government to provide accommodation to employees evicted from government land (Malik & Ullah, 2018).

Nasreen Riaz v. Lahore Development Authority (1998 CLC): The High Court held that public functionaries were liable to provide compensation or rehabilitation to displaced populations (Malik & Ullah, 2018).

Ameer Bano v. S. E. Highways (PLD 1996 Lahore 592): The Lahore High Court held that the breakdown of the sewerage system that threatened public health was a violation of the right to life under Article 9, directing the government to remedy the situation (Global Health Rights, n.d.).

In re Earthquake Victims (2022): The Supreme Court of Pakistan responded to a case regarding earthquake victims of Islamabad, obliging the "Authority to provide accommodation temporarily to the displaced families of the towers" (Malik & Ullah, 2018).

Constitutional Petition No. S-878 of 2014: The Supreme Court clarified that state land is the property of the people of Pakistan, and illegal orders regarding disposal of such property shall not have binding effect (Baig, 2021, p. 49).

Malik and Ullah (2018) conclude that "the sustained approach of the constitutional Courts of Pakistan shows that they never hesitated to recognize 'right to shelter' as an inalienable fundamental right, under Article 9 of the Constitution" (p. 6). However, they also note that individual fundamental rights must be subordinate to larger public interest, and courts have sometimes preferred principles of policy like social justice to personal fundamental rights (p. 5).

5. Analytical Comparison: Pakistan's Legal Framework Vs. Un-Habitat Standards

This section systematically examines Pakistan's legal framework against each of UN-Habitat's seven criteria for adequate housing. The analysis identifies areas of compliance, partial compliance, and non-compliance, drawing upon constitutional provisions, statutory instruments, judicial decisions, and policy documents.

5.1. Security of Tenure

5.1.1. UN-Habitat Standard

UN-Habitat requires legal protection against forced evictions and harassment for all tenure types, including informal settlements. States must ensure that all persons possess a degree of security of tenure that guarantees legal protection against forced eviction (UN-Habitat, n.d.).

5.1.2. Pakistan's Legal Framework

Pakistan's legal framework provides mixed protection for tenure security. On one hand, Articles 23 and 24 of the Constitution protect property rights, ensuring that those who possess housing units cannot be deprived of their property except through lawful process with compensation (Baig, 2021, p. 309). The Supreme Court has recognized that "a state land is the property of people of Pakistan" and that the authority is custodian of such rights (Iqbal Hussain v. Province of Sindh, 2008 SCMR 105, as cited in Baig, 2021, p. 49).

On the other hand, Pakistan lacks comprehensive legal protection for informal dwellers. The Katchi Abadi Act, 1987, provides a mechanism for regularization of informal settlements, but the process is slow and covers less than half of urban slums. Recent data from UN-Habitat indicates that over half of Pakistan's urban population resides in informal settlements, highlighting the scale of tenure insecurity (UN-Habitat, 2025).

The Eviction of Trespassers Act continues to facilitate forced evictions, directly conflicting with UN-Habitat standards. Additionally, the legal system does not adequately protect tenants, as security of tenure is primarily linked to property ownership rather than occupancy.

5.1.3. Assessment

Pakistan's legal framework provides partial compliance with UN-Habitat's security of tenure standard. Property owners enjoy strong legal protections, but informal dwellers and tenants face significant tenure insecurity. The lack of comprehensive land rights policy for informal settlements and the continued use of eviction laws constitute major deficiencies.

5.2. Affordability

5.2.1. UN-Habitat Standard

UN-Habitat recommends that housing costs not exceed 30% of household income. Housing is unaffordable when costs significantly undermine the ability to meet other basic needs (UN-Habitat, n.d.).

5.2.2. Pakistan's Legal Framework

Pakistan's formal housing market is prohibitively expensive for most citizens. According to World Bank data, housing-account-to-GDP ratio in Pakistan is only one percent, compared to seven percent in India (Baig, 2021, p. 48). This reflects the limited formal housing market and the dominance of informal housing.

The legal framework does not mandate affordability in housing development. Provincial housing and town planning acts do not require developers to include affordable units in new developments. Building codes do not contain provisions for low-cost housing. As Baig

(2021) notes, "the low-cost housing sector is virtually non-existent in the legal framework, as current building codes do not mandate affordable units in new developments" (p. 50).

The Pakistan Housing Authority Act, 1988, does mandate the development of low-income housing, but in practice, the PHA has focused on middle-class housing. The National Housing Policy, 2001, explicitly stated that "Government of Pakistan cannot perform the role of a developer to provide housing units directly to the homeless persons" (Baig, 2021, p. 48). This policy approach relies on the private sector for housing provision, but the legal framework does not provide adequate incentives or mandates for affordable housing development.

5.2.3. Assessment

Pakistan's legal framework provides minimal compliance with UN-Habitat's affordability standard. The absence of affordable housing mandates, weak financing mechanisms, and reliance on the private sector without regulatory safeguards result in housing that is unaffordable for a significant portion of the population. The housing-account-to-GDP ratio of one percent reflects the limited scale of formal housing activity.

5.3. Availability of Services and Habitability

5.3.1. UN-Habitat Standard

UN-Habitat requires adequate housing to include access to safe drinking water, adequate sanitation, energy for cooking and heating, and other essential services. Housing must provide inhabitants with adequate space and protect them from health threats and structural hazards (UN-Habitat, n.d.).

5.3.2. Pakistan's Legal Framework

Pakistan's legal framework addresses services and habitability through building by-laws and town planning regulations. Provincial housing and town planning acts specify standards for water supply, sewerage, roads, and other civic amenities. Baig (2021) notes that:

"The present laws relating to town planning and housing are focused on physical features of the housing schemes without paying attention to social, economic and environmental sustainability." (p. 293)

However, enforcement of these standards is weak. The Medium Term Development Framework 2005-2010 acknowledged that "due to haphazard manner of housing activity the quality of life has deteriorated, pollution has increased, lack of solid waste management facilities, water pollution and lack of clean drinking water and poor sanitation situation has become a common phenomenon in the housing industry of Pakistan" (Planning Commission of Pakistan, 2005, as cited in Baig, 2021, p. 293).

The absence of a uniform National Building Code until recently has meant that structural safety is often compromised. Even where building codes exist, enforcement is inconsistent. The Lahore High Court has recently recognized that electricity is a basic necessity of life and its denial amounts to a violation of Article 9 of the Constitution (Lahore High Court, 2025). This recognition extends the right to life to include essential services, but enforcement of service provision remains weak.

5.3.3. Assessment

Pakistan's legal framework provides partial compliance with UN-Habitat's services and habitability standards. While laws exist specifying standards for essential services and building safety, enforcement is weak. The absence of a uniform National Building Code and weak regulatory mechanisms result in compromised habitability and service provision.

5.4. Accessibility

5.4.1. UN-Habitat Standard

UN-Habitat requires housing to be accessible to persons with disabilities, the elderly, and other vulnerable groups. Housing should be physically accessible, affordable for low-income groups, and accessible to services and employment (UN-Habitat, n.d.).

5.4.2. Pakistan's Legal Framework

Pakistan's legal framework has limited provisions for housing accessibility. Provincial building by-laws may include provisions for accessibility for persons with disabilities, but these are not uniformly enforced. The National Housing Policy, 2001, recognizes the need to address the housing needs of vulnerable groups, but does not mandate accessibility standards.

The primary mechanism for accessibility is through social housing programs, which are limited in scale. The Prime Minister's Apna Ghar Program and other initiatives aim to provide housing to low-income groups, but these programs have not reached scale. The legal framework does not mandate inclusionary zoning or accessibility requirements in private housing developments.

5.4.3. Assessment

Pakistan's legal framework provides minimal compliance with UN-Habitat's accessibility standard. The absence of mandatory accessibility requirements in building codes and housing regulations means that housing is not accessible to many persons with disabilities and vulnerable groups. Social housing programs are too limited to address the scale of need.

5.5. Location

5.5.1. UN-Habitat Standard

UN-Habitat requires housing to be located in areas that provide access to employment opportunities, healthcare services, schools, and other social facilities. Housing should be situated in areas that support the social and economic integration of residents (UN-Habitat, n.d.).

5.5.2. Pakistan's Legal Framework

Pakistan's legal framework addresses location through town planning and zoning regulations. Provincial housing and town planning acts require housing schemes to include provisions for schools, healthcare facilities, and other social infrastructure. The draft National Housing Policy, 2025, emphasizes integrated planning for intermediate towns and sustainable urban development (UN-Habitat, 2025).

However, implementation of these provisions is weak. As Baig (2021) observes, "the relevant authorities in the housing industry of Pakistan could not respond efficiently to rapid

urbanization phenomenon and could not provide basic civic amenities to the housing industry of Pakistan" (p. 292). Many housing schemes are developed in areas without adequate access to employment and services, leading to urban sprawl and isolation of low-income communities.

5.5.3. Assessment

Pakistan's legal framework provides partial compliance with UN-Habitat's location standard. While laws require social infrastructure in housing schemes, enforcement is weak, and many housing developments do not provide adequate access to employment and services.

5.6. Cultural Adequacy

5.6.1. UN-Habitat Standard

UN-Habitat requires housing to respect and take into account the expression of cultural identity and diversity. Housing should reflect the cultural identity and lifestyle of inhabitants (UN-Habitat, n.d.).

5.6.2. Pakistan's Legal Framework

Pakistan's legal framework has minimal provisions for cultural adequacy in housing. Building by-laws and housing regulations do not specifically address cultural diversity. However, the diverse housing traditions across Pakistan's regions and communities reflect cultural patterns that are sometimes accommodated in informal housing.

The draft National Housing Policy, 2025, emphasizes community participation in housing design and planning, which could support cultural adequacy (Ministry of Housing and Works, 2025). However, these provisions are not yet legally enforceable.

5.6.3. Assessment

Pakistan's legal framework provides minimal compliance with UN-Habitat's cultural adequacy standard. The absence of legal provisions respecting cultural diversity in housing design and planning means that housing developments may not adequately reflect the cultural identities of inhabitants.

6. Implementation Challenges and Systemic Weaknesses

Beyond the specific deficiencies in relation to UN-Habitat standards, Pakistan's housing legal framework faces broader implementation challenges and systemic weaknesses that impede the realization of housing rights.

6.1. Fragmented and Overlapping Legal Regimes

Pakistan's legal framework for housing is fragmented across federal, provincial, and local governments. Baig (2021) observes that "three levels of Governments i.e. Federal Government, Provincial Governments and Local Governments have been shifting the responsibilities on each other" (p. 292). This fragmentation leads to gaps in regulation and enforcement, as well as duplication of effort.

The constitutional division of responsibilities further complicates housing regulation. Housing is primarily a provincial subject, while the federal government has regulatory authority over certain aspects through the Pakistan Housing Authority. Local governments

have responsibilities for urban planning and services. This fragmentation results in inconsistent standards and weak enforcement (Baig, 2021, p. 292).

6.2. Weak Enforcement Mechanisms

Even where laws and regulations exist, enforcement is weak. Baig (2021) argues that "the legal framework relating to housing industry in Pakistan is weak, unable to check malpractices, so it needs to be improved to achieve the goal of housing for all as envisaged by UN Habitat Agenda" (p. 1). Weak enforcement stems from:

- a) **Institutional capacity constraints:** Regulatory authorities lack adequate staff, resources, and expertise to monitor compliance with housing regulations.
- b) **Corruption and collusion:** Baig (2021) notes that land price inflation occurs when "owners of the adjoining lands do it in connivance with revenue officials i.e. with the help of Patwaris (a lower rank officer of revenue department who is custodian of all land record)" (p. 291).
- c) **Judicial delays:** The court system is overburdened, leading to prolonged litigation and delayed resolution of housing disputes.

6.3. Land Administration and Land Title Issues

Land administration and land title issues are fundamental to Pakistan's housing crisis. The land record system is outdated, with limited digitization. The draft National Housing Policy, 2025, acknowledges the need for land record digitization and simplified registration procedures (UN-Habitat, 2025). Participants at the National Consultative Workshop on Affordable Housing recommended "accelerating the digitization of land records, simplifying registration processes, and enacting supportive legislation such as the Urban Regeneration and Condominium Acts" (UN-Habitat, 2025).

The lack of clear land titles creates uncertainty for housing development and mortgage financing. As Baig (2021) notes, the condition of 90% land ownership before approval of housing schemes creates challenges for cooperative housing societies and leads to land price inflation (p. 289-290).

6.4. Housing Finance Constraints

Housing finance in Pakistan is underdeveloped. The World Bank data cited by Baig (2021) shows that housing-account-to-GDP ratio is only one percent, compared to seven percent in India (p. 48). High interest rates, limited mortgage financing, and the absence of secondary mortgage markets constrain access to formal housing.

The legal framework for housing finance needs strengthening. The draft National Housing Policy, 2025, emphasizes mortgage finance reform, but progress has been limited. The absence of efficient foreclosure laws and property registration systems creates risks for financial institutions and discourages mortgage lending (UN-Habitat, 2025).

6.5. Inadequate Policy Implementation

The gap between policy and implementation is a recurring theme in Pakistan's housing sector. The National Housing Policy, 2001, recognized that the government cannot directly

provide housing to all citizens and emphasized the role of the private sector. However, the legal framework has not been adequately reformed to support this policy approach.

Baig (2021) proposes a model in which "state provides lands to the homeless persons to construct their houses on it" (p. 401), suggesting an approach where state-owned land is provided as a consideration for private developers constructing affordable housing. This model aligns with international best practices but requires legal reform to implement effectively.

7. Recent Policy Initiatives and Reforms

Recognizing the severity of Pakistan's housing crisis, various recent policy initiatives and legal reforms have been proposed or implemented.

7.1. The Draft National Housing Policy, 2025

- a) The Ministry of Housing and Works has developed a draft National Housing Policy, 2025, which seeks to promote "adequate, affordable, and sustainable housing for all" (UN-Habitat, 2025). The policy emphasizes:
- b) **Integrated planning for intermediate towns** to manage urbanization
- c) **Climate-resilient construction** to address climate vulnerability
- d) **Legal reforms**, including the Urban Regeneration Act and the Condominium Act
- e) **Green, energy-efficient housing** with adoption of UN-Habitat Green Building Codes (Ministry of Housing and Works, 2025)

The draft policy includes specific provisions for green and climate-resilient housing, noting that "the laws, rules, and regulations of regulatory regimes must ensure that the Green Building Codes formulated by UN-HABITAT, Islamabad, are adopted in letter and spirit for energy-efficient and green housing designs" (Ministry of Housing and Works, 2025, p. 36).

The policy also addresses capacity building and knowledge sharing, with provisions for establishing a national housing data bank and promoting research in urban planning (Ministry of Housing and Works, 2025, p. 38).

7.2. Proposed Legal Reforms

Several legal reforms have been proposed or are under consideration:

- a) **Real Estate Regulatory Authority (RERA)**: The establishment of RERA at federal and provincial levels would provide independent oversight of the real estate sector and enhance consumer protection (Ministry of Housing and Works, 2025).
- b) **Urban Regeneration Act**: This proposed legislation would facilitate urban regeneration and rehabilitation of dilapidated areas.
- c) **Condominium Act**: This would provide a legal framework for condominium ownership and management, facilitating vertical housing development.
- d) **Foreclosure Law Reform**: Streamlining foreclosure procedures would encourage mortgage financing and housing development.

7.3. UN-Habitat Engagement

UN-Habitat Pakistan is actively engaged with the government in addressing housing challenges. In June 2025, UN-Habitat convened a National Consultative Workshop on

Affordable Housing and Housing, Land, and Property Rights, bringing together government officials, UN representatives, academics, and civil society organizations (UN-Habitat, 2025). The workshop identified several priorities:

- Strengthening institutional collaboration and harmonizing land and housing policies across governance levels
- Promoting inclusive and sustainable urban planning
- Establishing a national housing and land database
- Enhancing tenure security and providing legal aid, particularly for vulnerable populations
- Digitizing land records and simplifying registration processes
- Enacting supportive legislation such as the Urban Regeneration and Condominium Acts (UN-Habitat, 2025)

7.4. Provincial Initiatives

Several provinces have initiated housing programs. The Punjab Affordable Housing Program is leading the affordable housing sector by creating digital systems (HMIS, PMIS, BMIS), making new laws (RERA, JV Rules, APHS Rules and planning standards), and taking bold initiatives for housing construction in public as well as private sectors (UN-Habitat, 2025).

7.5. Assessment of Reform Efforts

While these reform initiatives are promising, they face significant implementation challenges. The gap between policy formulation and implementation remains wide. As the analysis has shown, Pakistan has had housing policies since 2001, but the legal framework has not been adequately reformed to implement these policies. The draft National Housing Policy, 2025, recognizes many of the deficiencies identified in this analysis, but its success will depend on effective implementation and institutional capacity building.

8. Findings and Recommendations

8.1. Summary of Findings

This comparative analysis of Pakistan's legal framework vis-à-vis UN-Habitat standards reveals significant gaps and deficiencies.

8.1.1. Constitutional Status of Housing Rights

The Constitution of Pakistan does not recognize housing as a fundamental right. While judicial interpretation has expansively interpreted the right to life (Article 9) to include the right to shelter, this judicial recognition is not equivalent to a constitutional guarantee. Housing is addressed in the Principles of Policy (Article 38), which are non-justiciable and not enforceable through courts. This constitutional placement has significant implications for the enforceability of housing rights. As Baig (2021, p. 310) argues, "principles of policy are not binding on the Government (no Writ Petition can be filed under the Constitution... for its enforcement) but these are like a polestar that provides direction to the Governments to formulate policies."

8.1.2. Legislative Framework Deficiencies

Pakistan's legislative framework for housing is fragmented and weak. Key deficiencies include:

- a) **The Pakistan Housing Authority Act, 1988** focuses on middle-class housing rather than affordable shelter.
- b) **Provincial housing and town planning acts** lack enforcement mechanisms for affordability and inclusionary zoning.
- c) **The Katchi Abadi Act, 1987** provides limited protection for informal dwellers, with slow and incomplete regularization processes.
- d) **The Eviction of Trespassers Act** facilitates forced evictions, contradicting UN-Habitat's security of tenure standard.
- e) **Provincial private housing scheme regulations** impose conditions (e.g., 90% land ownership) that impede cooperative housing development and inflate land prices.

8.1.3. Implementation Challenges

Even where laws exist, implementation is weak due to:

- a) **Fragmented governance** across federal, provincial, and local levels.
- b) **Institutional capacity constraints** and corruption.
- c) **Outdated land administration systems** with limited digitization.
- d) **Underdeveloped housing finance** with housing-account-to-GDP ratio of only one percent.
- e) **Judicial delays** in resolving housing disputes.

8.1.4. Compliance with UN-Habitat Standards

Assessed against UN-Habitat's seven criteria for adequate housing:

Criterion	Assessment	Key Deficiencies
Security of Tenure	Partial compliance	Weak protection for informal dwellers; forced evictions continue
Affordability	Minimal compliance	No affordable housing mandates; high housing costs; weak finance
Services & Habitability	Partial compliance	Weak enforcement of building codes; compromised service provision
Accessibility	Minimal compliance	No mandatory accessibility requirements; limited social housing
Location	Partial compliance	Weak planning enforcement; poor access to employment/services
Cultural Adequacy	Minimal compliance	No legal provisions respecting cultural diversity in housing

8.2. Recommendations

Based on the analysis, the following recommendations are offered:

8.2.1. Constitutional Reform

a) Recommendation 1: Incorporate the Right to Housing as a Fundamental Right

While recognizing the fiscal constraints on providing housing to every citizen, consideration should be given to amending the Constitution to include housing as a justiciable right, at least to the extent of protection against forced eviction and discrimination in housing. The Council of Europe's approach, which emphasizes "promoting access to housing of an

adequate standard, preventing and reducing homelessness, and making the price of housing accessible to those without adequate resources," could serve as a model (Baig, 2021, p. 397).

8.2.2. Legislative Reform

i. **Recommendation 2: Enact a Comprehensive National Housing Law**

A comprehensive National Housing Law should be enacted that:

Establishes a clear legal framework for housing rights and responsibilities

Mandates inclusionary zoning requiring affordable units in new developments

Regulates housing quality and building standards

Provides security of tenure protections for all occupants, regardless of tenure type

Establishes mechanisms for financing affordable housing

Creates independent oversight bodies, such as Real Estate Regulatory Authorities

ii. **Recommendation 3: Reform the Katchi Abadi Act**

The Katchi Abadi Act should be reformed to:

Provide a faster, more efficient regularization process

Extend protections to all informal settlements

Ensure security of tenure upon regularization

Provide for adequate rehabilitation of displaced populations

iii. **Recommendation 4: Amend Provincial Private Housing Scheme Regulations**

The 90% land ownership requirement should be reconsidered to:

Enable cooperative housing societies to obtain approval with lower land ownership thresholds

Prevent land price inflation resulting from speculation

Encourage inclusive housing development

iv. **Recommendation 5: Strengthen Building Codes and Enforcement**

Adopt and enforce the National Building Code uniformly across all provinces

Mandate climate-resilient and energy-efficient construction standards

Establish effective enforcement mechanisms with penalties for non-compliance

Align building codes with UN-Habitat Green Building Codes

8.2.3. Institutional Reform

a. **Recommendation 6: Enhance Institutional Capacity**

Strengthen housing authorities and development authorities with adequate staffing and resources

Implement anti-corruption measures in land administration and housing regulation

Establish independent Real Estate Regulatory Authorities at federal and provincial levels

Enhance coordination among federal, provincial, and local governments

b. Recommendation 7: Reform Land Administration

Accelerate digitization of land records, as recommended at the UN-Habitat consultative workshop (UN-Habitat, 2025)

Simplify land registration and transfer procedures

Implement GIS-based land management systems

Establish clear land title documentation systems

c. Recommendation 8: Strengthen Housing Finance

Develop mortgage financing mechanisms and secondary mortgage markets

Reduce interest rates for housing finance through policy incentives

Establish housing finance guarantee mechanisms

Introduce foreclosure law reforms to reduce risks for financial institutions

8.2.4. Policy Reform

I. Recommendation 9: Implement the National Housing Policy Effectively

Develop detailed implementation plans for the National Housing Policy, 2025

Allocate adequate resources for policy implementation

Establish monitoring and evaluation mechanisms with SMART indicators (Ministry of Housing and Works, 2025)

Ensure community participation in housing planning and design

II. Recommendation 10: Promote Public-Private Partnerships

Develop models for public-private partnerships in affordable housing, such as the land-for-housing model proposed by Baig (2021)

Provide incentives for private developers to construct affordable housing

Ensure that public-private partnerships include provisions for affordability and quality standards

9.2.5 International Cooperation

i. Recommendation 11: Strengthen Engagement with UN-Habitat

Continue engagement with UN-Habitat for policy guidance, technical assistance, and capacity development (UN-Habitat, 2025)

Incorporate international best practices in housing policy and legal reform

Learn from successful models in other countries, such as Malaysia's Vision 2020 (Baig, 2021, p. 402)

8.2.5. Human Rights Approach

Recommendation 12: Adopt a Human Rights-Based Approach to Housing

Recognize housing as a fundamental human right, not merely a commodity

Ensure that housing policies address the needs of the most vulnerable

Establish legal aid mechanisms for housing rights protection

Develop awareness campaigns on housing rights, as recommended in the National Housing Policy, 2025 (Ministry of Housing and Works, 2025)

9. Conclusion

This article has undertaken a comprehensive comparative analysis of Pakistan's legal framework relating to the housing industry against the benchmarks established by UN-Habitat for adequate housing. The analysis reveals a significant chasm between Pakistan's legal provisions and UN-Habitat standards.

Pakistan's Constitution does not recognize housing as a fundamental right, limiting its enforceability. While judicial activism has expansively interpreted the right to life (Article 9) to include the right to shelter, this judicial recognition does not provide the comprehensive protection that a constitutional guarantee would provide. Housing is addressed in the Principles of Policy (Article 38), which are non-justiciable and not enforceable through courts. This constitutional placement reflects a policy approach that treats housing as a commodity for those who can afford it, rather than a right for all citizens.

The legislative framework for housing is fragmented and weak. Key legislative instruments provide limited protection for housing rights, particularly for the most vulnerable segments of the population. Informal dwellers lack security of tenure. The legal framework does not mandate affordable housing in new developments. Building codes are not uniformly enforced, leading to compromised habitability. Accessibility for persons with disabilities is not adequately addressed. Housing developments often lack access to employment and services. Cultural adequacy is not addressed in the legal framework.

Implementation challenges compound these legal deficiencies. Fragmented governance across federal, provincial, and local levels, institutional capacity constraints, corruption, outdated land administration, underdeveloped housing finance, and judicial delays all impede the realization of housing rights. The gap between policy formulation and implementation remains wide.

Recent policy initiatives, including the draft National Housing Policy, 2025, and proposed legal reforms, demonstrate policy recognition of the housing crisis. These initiatives include provisions for climate-resilient construction, green building codes, land record digitization, legal reforms, and institutional strengthening. However, their success will depend on effective implementation and sustained political commitment.

The findings of this analysis lead to a clear conclusion: Pakistan's legal framework remains fundamentally incompatible with the UN-Habitat vision of "Housing for All" until housing is elevated from a charitable commodity to a legally enforceable right with clear state obligations, supported by comprehensive land reforms and robust regulatory mechanisms. As

Baig (2021) argues, the approach should be one of "convergence of interest of Government as well as of the developers of the housing industry" (p. 401), with state land being used to leverage private sector development of affordable housing.

The goal of "Housing for All" is ambitious and will require sustained effort across multiple fronts. Constitutional reform to recognize housing as a fundamental right may be politically challenging, but provides the strongest legal foundation for housing rights. Legislative reform to address the specific deficiencies identified in this analysis is essential. Institutional reform to strengthen enforcement and regulatory capacity is critical. Policy reform to effectively implement housing policies is necessary. International cooperation, particularly with UN-Habitat, can support these efforts through policy guidance, technical assistance, and capacity development.

The recommendations offered in this article provide a roadmap for legal and policy reform. However, their implementation requires political will, institutional capacity, and sustained commitment. The housing crisis in Pakistan is severe, with over 10 million units backlog and over half of urban residents living in informal settlements (UN-Habitat, 2025). The urgency of action cannot be overstated. The right to adequate housing is not merely a legal obligation under international law, but a fundamental human right essential for human dignity, social cohesion, and sustainable development. Pakistan's commitment to this right must be translated from policy rhetoric to legal reality.

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