

From Housing Delivery to Housing Restitution: Public Accountability and Remedies for Failed Slum Rehabilitation in Keralam, India

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Abstract

Publicly funded housing and slum rehabilitation programmes are intended to secure adequate shelter, improve living conditions and protect economically vulnerable households from displacement and housing insecurity. Yet the construction or allocation of a dwelling does not necessarily fulfil these objectives when the resulting structure is unsafe, defective, inaccessible or legally insecure. This paper examines the legal and remedial implications of such failures through a case study of the P&T Colony rehabilitation project at Mundamveli, Kochi, Keralam, implemented through the Greater Cochin Development Authority (GCDA) under the LIFE Mission framework with funding from multiple public programmes. Drawing on publicly reported developments, constitutional principles, administrative accountability and the law of restitution, the paper investigates whether conventional measures of housing delivery adequately address the losses suffered by intended beneficiaries when rehabilitation fails. The reported construction defects, water and sewage leakage, concerns about structural safety, delayed remedial action and demands for alternative accommodation raise questions concerning the allocation of responsibility among public authorities, implementing agencies, contractors and other responsible actors. The paper develops a Housing Restitution Framework that distinguishes immediate protective relief, restoration of habitable housing, compensation for consequential losses, correction of property and tenure insecurity, and recovery of public expenditure from legally responsible parties where established. Using doctrinal legal research and a documentary case study, the paper argues that restitution should be examined as a complementary remedial approach rather than presumed to be an automatic or independent cause of action in every housing dispute. It proposes a beneficiary-centred system of accountability based on independent technical assessment, transparent financial disclosure, time-bound rehabilitation, enforceable remedial decisions and proportionate recovery proceedings. The study contributes to restitution scholarship by exploring the relationship between unjust enrichment, public expenditure, constitutional housing protections and the restoration of vulnerable beneficiaries to a legally and practically secure position.

Keywords: Restitution; unjust enrichment; housing rights; slum rehabilitation; LIFE Mission; Rajiv Awas Yojana (RAY); public accountability; India; public expenditure.

1. Introduction

Housing is more than a physical structure. It provides security, sanitation, privacy, continuity of education, access to employment and the social conditions necessary for a dignified life. Consequently, the success of a public housing programme cannot be assessed solely by counting the number of dwellings constructed or the amount of public expenditure incurred.

The quality, habitability, legal security and continuing usability of the accommodation are equally important. India's urban housing interventions have included slum-upgradation and rehabilitation programmes, including Rajiv Awas Yojana (RAY), whose guidelines envisaged integrated improvements in housing, basic urban infrastructure, community facilities and access to essential services.

Kerala's LIFE Mission similarly seeks to address housing insecurity among eligible households, with programme arrangements involving beneficiary identification, construction and, under applicable provisions, transfer of land title.

However, a critical legal question arises when the intended outcome is not achieved: what remedies should be available when public authorities have spent substantial amounts on rehabilitation but beneficiaries remain exposed to unsafe or allegedly uninhabitable housing conditions?

The P&T Colony project at Mundamveli provides a particularly relevant case study. The rehabilitation initiative was intended to relocate vulnerable families from the flood-prone P&T Colony area in Kochi. Media reports describe a complex constructed at a cost of approximately ₹14.61–14.62 crore, with residents relocated in early 2024 and subsequently reporting significant defects.

An IIT Madras assessment reported deficiencies in construction detailing and water resistance, with concerns about continuing moisture exposure and structural compliance. The matter subsequently attracted further institutional scrutiny. A vigilance inquiry was reported in September 2026, while the Kerala State Commission for Protection of Child Rights registered a case in October concerning the reported living conditions of children and other residents.

On 17 October 2026, *The News Minute* reported that an amicus curiae appointed in proceedings before the Kerala High Court had recommended urgent relocation to safe accommodation, citing sewage leakage, water seepage, corrosion and sanitation concerns. These developments must be understood as reported allegations, technical findings and ongoing proceedings, not as proof that every allegation of misconduct has been judicially established.

Nevertheless, they expose an important research problem: how should the law respond when a rehabilitation project may have failed in its substantive purpose even though substantial public expenditure has already occurred? This paper approaches the problem through restitution law.

Rather than treating the issue exclusively as a question of construction negligence, administrative failure or constitutional rights, it considers the relationship between restoring affected households, compensating established losses, preventing unjust retention of benefits and recovering public money where the legal requirements for recovery are satisfied.

The central argument is that effective housing accountability requires a shift from *delivery-centred administration* to *beneficiary-centred restitution*. This approach must protect residents immediately while preserving due process for determining liability and recovering public funds.

2. Research objectives and questions

The study has four objectives:

1. To examine the legal relationship between publicly funded housing delivery, the right to shelter and the duty to provide habitable accommodation.
2. To analyse how restitutionary principles may inform remedies when housing rehabilitation projects fail to deliver their intended benefits.
3. To identify appropriate forms of relief for affected residents, including temporary accommodation, permanent rehabilitation, compensation and tenure security.
4. To propose an institutional framework for preventing similar failures in LIFE Mission, RAY-era projects and comparable publicly funded rehabilitation programmes.

The paper addresses the following research questions:

- RQ1: Does the completion or allocation of a housing unit constitute meaningful programme fulfilment when the accommodation is unsafe or uninhabitable?
- RQ2: Under what circumstances can restitutionary principles support restoration of benefits, recovery of expenditure or compensation in public housing disputes?

- RQ3: How should legal responsibility and remedial costs be allocated among implementing agencies, public authorities, contractors and other responsible parties?
- RQ4: What institutional safeguards could make public housing rehabilitation more accountable to intended beneficiaries?

3. Literature and conceptual framework

3.1 Housing for the Poor and the Marginalised in India: A Policy Priority

Keralam's socio-legal environment is characterised by high land fragmentation, very dense residential development, near-full consumer literacy, and vulnerability to ecological hazards. In today's era of K-RERA (Kerala Real Estate Regulatory Authority) in Keralam (Kerala) and in view of the binding rulings of various Courts, this study focuses on restitutionary remedies and public accountability in respect of one failed slum rehabilitation project in central Keralam.

In this era of rapid advances in Information and Communication Technology (ICT) and that too in a very progressive economy like Keralam with very high general, financial and digital literacies and extensive adoption of financial technology (FinTech), the poor have to suffer greatly due to inadequate and defective housing facilities provided to them.

Global experiences, like the one in Philippines as pointed out by Pickens (2009) indicate to the vast potential of ICT adoption (Mobile phones) for inclusive economic development. Many such success stories have been reported in India too over the years by the adoption of ICT (Fintech, E-CRM etc). A field-based study in Keralam in India by Joju et. al. (2017a) observed the significant improvement in customer attitudes to ICT-based bank products in Keralam due to e-CRM.

Another study by Joju et. al. (2017b) noted marked rise in the service quality of the banks in Keralam due to their financial technology (fintech) adoption by the banks. Besides ICT, the need for alternative financing models like housing microfinance was noted by Manoj (2015). Similar observations were made regarding the use banking technology for better service quality by Joju and Manoj (2019) and the role of ICT for effective social banking by Manoj (2019).

Studies by Cupchik et al. (2003), Bond (2011), and Newton et al. (2015) analyzed consumer perceptions, cost barriers, and drivers regarding energy-efficient building technologies. Tan (2016a) assessed the satisfaction of neighborhood using the responses of the residents in Malaysian green townships. Tan (2016b) has studied the satisfaction of residents in Malaysia living in gated communities.

Olanrewaju and Tan (2017) have studied the factors affecting the choice of affordable homes. Chan et. al. (2017) have designed strategies to promote the adoption of green building technologies (GBTs) for green building with respect to the construction industry from a global perspective, based on the views of various experts across the globe. Darko et al. (2017) and Albert et al. (2018) identified high upfront capital costs and financing constraints as primary hurdles to adopting Green Building Technologies (GBTs) in developing countries.

Sahoo (2020) has studied the impact of housing bubbles on inflation in India and India's economic growth, and has noted housing price index (HPI) positively influences inflation but not economic growth and has also suggested the need for discouraging HPI for controlling unbridled growth in inflation in the country. Zam et. al. (2022) sought to embed various technology features that are, both eco-friendly as well as smart, into the arena of affordable housing in Malaysia to ensure satisfaction for the respective community.

Sarojkumari, et al. (2023) "Health Monitoring Based Cognitive IOT Using Fast Machine Learning Technique" have noted the key relevance of ICT-based tools for scientific health management in this digital era. Recent empirical work by Al Mamun et al. (2023), Ho et al. (2024), Jitender et al. (2025), and Razib et al. (2025) indicates that environmental literacy, subjective norms, and perceived performance positively influence consumer willingness to pay (WTP) for eco-friendly housing.

Manoj (2023) argued that adopting ESG frameworks provides a viable route for sustainable real estate transition in India. Al Mamun et. al. (2023) studied as to how the WTP higher prices (premium prices) for the purchase of green homes in the Malaysian context; based on the replies from 1198 working class people.

Factors like environmental literacy, environmental belief, awareness of consequences and their effect on the WTP for green homes. Ho, S.P. et. al. (2024) studied the demand for green residential units, suggested a behavioral model for green house consumers, including growth strategies.

Jitender et. al. (2025) noted various pathways for sustainable growth of the market for India's green housing market. The awareness of environment and the knowledge of environment of customers could greatly affect their attitudes towards green buildings and allied aspects. Sreedevi et. al. (2025), noted that there exist specific and distinct socio-linguistic strategies and confirmed that language use in a multi-lingual setting is very symbolic and a socially developed one.

Razib et. al. (2025) designed a model for scientific purchase of eco-friendly homes; and factors like the attitude toward such homes, performance expectancy, subjective norms, environmental knowledge and sensitivity to environment are noted to have a positive effect on the intention to purchase such houses.

Mahalik and Mallick (2016), Samirana (2020), and Sahoo (2020) highlighted the risks of speculative housing price inflation and bubble formation, confirming that unbridled price escalation in high-end real estate fails to generate corresponding real economic growth. Rao et al. (2025) emphasized community resilience and urban planning strategies to mitigate infrastructure vulnerabilities.

The above studies indicate the vital significance of sustainable, environment-friendly and affordable housing for the masses in India because sizeable share of them are shelter-less and are forced to live in slums. Rehabilitation of such homeless masses through apt rehabilitation schemes need a closer and critical study. The case of the failed slum rehabilitation scheme in the State of Keralam in India is chosen for this study in the above context.

3.2 The right to shelter and adequate housing

Indian constitutional jurisprudence recognises the relationship between shelter and the right to life under Article 21. In *Chameli Singh v. State of Uttar Pradesh*, the Supreme Court explained that the right to shelter encompasses more than a roof, extending to the conditions necessary for dignified human existence, including adequate living space and essential civic amenities.

This principle has important implications for publicly funded housing. A dwelling that exposes residents to persistent sewage leakage, serious dampness or substantiated structural hazards may fail to provide the substantive protection that a rehabilitation programme is intended to secure. The precise legal consequences, however, depend on the evidence, the applicable statutory framework, the duties of the responsible authorities and the remedies available before the competent forum.

The constitutional perspective establishes the importance of the protected interest. Restitution law raises a related but distinct question: what should happen when that interest has been compromised and the beneficiary has incurred losses as a result?

3.2 Restitution and unjust enrichment

Restitution is broadly concerned with reversing legally unjustified gains or restoring benefits where the applicable legal requirements are met. It is not synonymous with compensation for loss, punishment for wrongdoing or a general power to reimburse every person affected by administrative failure. In respect of housing loans (HL), a housing rehabilitation dispute, many distinct relationships may arise such as the following:

- The HL beneficiary may have surrendered or vacated previous dwelling unit in reliance on a rehabilitation programme, as per the HL agreement.
- Public authorities may have transferred funds to an implementing agency or contractor.
- Contractors may have received payments for the work, but the work may subsequently be found to be incomplete or it may have defects.
- Additional public expenditure may be required to repair, replace or secure the housing.
- Residents may incur temporary accommodation costs, damage to personal property, medical expenses or other demonstrable losses.

These relationships cannot be resolved through a single undifferentiated restitution claim. The beneficiary's claim for safe accommodation or compensation differs from the state's potential claim to recover public expenditure from a contractor. Similarly, a contractor's receipt of payment does not, by itself, establish unjust enrichment; the contractual terms, work certified, payments made, defects established, available defences and applicable recovery provisions must be examined. Indian law provides relevant statutory foundations.

Section 65 of the Indian Contract Act, 1872, addresses restoration of advantages received under agreements discovered to be void or contracts that become void. Section 70 concerns compensation for, or restoration of, benefits arising from lawful non-gratuitous acts in circumstances specified by that provision.

Neither section should be treated as automatically governing every defective public works contract. Their application requires satisfaction of the relevant legal conditions. The analytical value of restitution in this setting lies in distinguishing three questions: who has suffered a loss, who has received a benefit without sufficient legal justification, and who is legally obliged to restore that benefit or compensate the loss.

3.3 Public expenditure and administrative accountability

Public expenditure creates a further dimension. Where public money has been spent on a housing project, financial accountability requires scrutiny of procurement, contractual performance, engineering certification, payment authorisation, quality control and compliance with programme conditions. Yet the recovery of public money and the rehabilitation of residents serve different purposes.

A contractor may be pursued for defective work while residents continue to require safe accommodation. An investigation may take considerable time, whereas the risks associated with an unsafe building may require immediate intervention.

A suitable legal framework must therefore separate urgent protective relief from the subsequent determination of civil, contractual, disciplinary or criminal liability. This separation prevents the State's duty to protect residents from being made contingent till the end of investigations.

3.4 Research gap and contribution

Existing legal approaches can address constitutional rights, building safety, contractual liability, public procurement and compensation through different legal routes. This paper brings these questions together using a restitution-centred framework. Its proposed contribution is a distinction between beneficiary restitution and public-fund restitution:

- *Beneficiary restitution* seeks to restore affected households to a secure housing position and address established losses.
- *Public-fund restitution* concerns the recovery of improperly retained or legally recoverable expenditure from parties responsible under the applicable law.

The two processes may proceed in parallel, but neither should be presumed to determine the other. The framework also recognises that restoration of a family to safe housing may require a remedy other than the physical return of the family to its original location.

4. Methodology

This study adopts a qualitative doctrinal legal method combined with a documentary case study of the P&T Colony rehabilitation project at Mundamveli, Kochi. The legal analysis draws on constitutional principles, the Indian Contract Act, applicable housing-programme guidelines, relevant judicial decisions and the distinction between restitution, compensation and public-law remedies.

The empirical component uses published news reports describing the project's background, reported defects, technical assessment, public expenditure, residents' demands and institutional responses. The documentary case study is intended to identify legal and institutional issues, not to substitute for a formal engineering investigation or judicial determination.

Media reports are used as secondary evidence of reported developments. The IIT Madras assessment is discussed through media coverage of its findings; the complete technical report, contractual records, sanction orders, inspection records and official inquiry findings should be examined before submission of a final empirical version.

The paper is a doctrinal and documentary study, and its conclusions are therefore analytical rather than claims of independently verified field research. The research is structured around four distinct analytical dimensions as shown in Table I.

Table I: The Four Dimensions and the Corresponding Principal Issues

Dimension	Principal issue	Evidence required
Housing delivery	Whether the promised rehabilitation outcome was achieved	Project guidelines, beneficiary records and handover documents
Habitability and safety	Whether the accommodation meets relevant safety and sanitation requirements	Independent engineering, structural and public-health assessments
Restitution and loss	What restoration, compensation or recovery may be legally justified	Contracts, payment records, household loss evidence and applicable law
Institutional accountability	Which actors had relevant duties and whether they were discharged	Tender documents, supervision records, certificates, inquiry reports and official correspondence

Source: Based on the Research Design

5. The P&T Colony project: from rehabilitation to reported housing insecurity

5.1 Project background

The P&T Colony rehabilitation initiative was intended to address the vulnerability of families living in a flood-prone area of Kochi. The subsequent Mundamveli apartment complex was reported as a multi-agency funded project implemented by GCDA under the LIFE Mission framework. Media accounts identify contributions associated with LIFE Mission, the Pradhan Mantri Awas Yojana (PMAY) and Cochin Smart Mission Limited (CSML).

The project's intended beneficiaries were not simply purchasers of residential property entering an ordinary commercial transaction. They were households being relocated under a public rehabilitation initiative. That context matters because the project was designed to address a pre-existing condition of housing vulnerability.

Relocation to a newly constructed complex should ordinarily reduce that vulnerability. If the replacement accommodation subsequently proves unsafe or uninhabitable, the consequences may extend beyond defective construction to renewed insecurity, disrupted schooling, sanitation risks and loss of confidence in the rehabilitation process.

5.2 Reported construction and sanitation problems

Reports concerning the complex describe water seepage, damp walls, damaged plaster, leakage of wastewater into lower-floor apartments, concerns about electrical safety and difficulties involving the drainage and sewage systems. The IIT Madras assessment, as reported in February 2026, identified deficiencies in detailing and sealing, inadequate water resistance and concerns about the effect of prolonged moisture exposure on the building's durability.

These reported conditions raise at least three separate legal questions. First, did the building and its associated facilities comply with the applicable technical specifications, building standards and contractual obligations?

Second, were defects identified and addressed within a reasonable period after residents reported them? Third, where defects could not be remedied promptly or economically, what alternative accommodation and compensation should be made available to the affected households?

The answers require technical and documentary evidence. In particular, responsibility cannot be assigned to an individual contractor, engineer, approving authority or public official merely because defects have been reported. The relevant decisions, duties, certifications and causal relationships must be established.

5.3 Expenditure, investigations and remedial delay

The reported project cost of approximately ₹14.61 crore, together with reports of expenditure on repairs and proposed further remedial works, makes the case relevant to restitutionary analysis. A report published in October 2026 discussed the possibility of a further substantial financial requirement to make the flats habitable.

These figures should not be treated as a final audited statement of expenditure or a conclusive calculation of the cost of failure. A final paper should reconcile the original sanction, actual disbursements, contractual variations, repair expenditure, proposed remedial costs and any sums recoverable from responsible parties.

The reported vigilance inquiry, child-rights proceedings and Kerala High Court developments also demonstrate that financial accountability, resident protection and adjudication may involve separate institutional processes. The resulting policy problem is one of sequencing.

Residents should not have to wait for a final determination of financial liability before appropriate safety measures are taken. At the same time, immediate relocation or alternative accommodation should not prevent a full examination of expenditure and responsibility.

5.4 Why the case is relevant to restitution law

The project's importance lies in the difference between administrative output and substantive benefit. A housing unit may be recorded as completed, handed over or occupied, yet the intended housing benefit may be materially impaired if the premises are demonstrably unsafe or cannot reasonably be used as a home.

That distinction does not mean that every defect automatically creates a restitutionary cause of action. It means that programme completion should not foreclose inquiry into the legal consequences of defective performance, loss of the promised benefit and the remedies available to beneficiaries. The case consequently provides a useful setting for analysing restitution as a framework for coordinating protective relief, restoration, compensation and lawful recovery of expenditure.

6. The Five-Pillar Housing Restitution Framework

This paper proposes a *Five-Pillar Housing Restitution Framework* for responding to failed public housing rehabilitation. It is intended to guide legal analysis and institutional design; it is not presented as an already established statutory entitlement in Indian law.

Its five pillars ensure relief from a reported housing failure to enforceable, evidence-based remedies though:

- (1) *Protection*: Immediate safety assessment, emergency relocation and suitable temporary accommodation;
- (2) *Restoration*: Safe permanent housing, necessary repairs or alternative rehabilitation;
- (3) *Compensation*: Assessment of legally recoverable losses caused by defective or failed rehabilitation;
- (4) *Public recovery*: Recovery of sums lawfully due from responsible parties after evidence and due process; and
- (5) *Prevention and accountability*: Independent technical verification, transparent accounts, clear responsibility and continuing post-occupancy monitoring.

6.1 Pillar I: Immediate protection

The first response to credible evidence of serious danger should be a competent, independent safety assessment. Where evacuation or relocation is warranted, residents should receive suitable temporary accommodation, with particular attention to children, older persons, persons with disabilities and other households with specific needs.

The legal basis and scope of any order would depend on the applicable constitutional, statutory and administrative framework and the competent authority's powers.

The proposal is that immediate protection should be considered separately from the final determination of who caused the defects. Emergency accommodation should not be treated as the final remedy where residents have lost access to the permanent housing benefit promised under the rehabilitation programme.

6.2 Pillar II: Restoration of the housing benefit

Restoration should seek to secure a safe and legally sustainable housing outcome. Depending on the technical evidence, this could involve:

- repairing the existing complex under independently verified engineering supervision;
- providing alternative permanent accommodation if the structure cannot be made reasonably safe;
- establishing a time-bound relocation and rehabilitation plan;
- clarifying ownership, allotment and title documentation; and
- restoring access to water, sanitation, electricity, drainage and other essential services.

The appropriate remedy cannot be determined from the original project cost alone. It should reflect the building's actual condition, the feasibility and duration of repairs, residents' safety and the legal obligations arising from the programme.

Where beneficiaries have surrendered prior accommodation or lost access to it through relocation, the legal assessment should also consider the consequences of that transition. The objective is not necessarily to recreate every aspect of the family's former position, but to secure an appropriate and lawful replacement for the benefit that the programme was intended to provide.

6.3 Pillar III: Compensation for established losses

Compensation and restitution must be distinguished conceptually. Restitution may concern the reversal of an unjustified gain, while compensation ordinarily addresses legally recognised loss or injury. A single dispute may engage both, but the applicable legal basis and measure of relief may differ.

Potentially relevant losses include reasonable temporary accommodation costs, damage to personal belongings, additional relocation expenses and other demonstrable consequential losses. Health-related claims would require appropriate evidence and a legally sustainable basis for attributing the relevant injury or expense.

A beneficiary-centred process should provide a transparent mechanism for recording and assessing such losses.

It should avoid requiring vulnerable households to bear disproportionate administrative burdens simply to establish expenses that could reasonably be documented through a simplified claims procedure. The availability of any particular head of compensation would remain subject to the applicable law, the evidence of causation, limitation requirements and the jurisdiction of the forum hearing the claim.

6.4 Pillar IV: Recovery of public expenditure

Public-fund restitution concerns whether payments made for defective, incomplete or improperly certified work can lawfully be recovered. This requires an examination of the contract, specifications, quality certificates, payment records, defects, contractual remedies and the conduct of the parties.

Where the evidence establishes a recoverable amount, the competent authority should consider proportionate contractual recovery, enforcement of available guarantees, damages, or other lawful proceedings. Where misconduct is suspected, the relevant civil, disciplinary or criminal processes should proceed according to their respective legal standards.

Importantly, the full cost of rehabilitation failure should not automatically be equated with the amount recoverable from a contractor. Additional costs may arise from multiple causes, contractual changes, public decisions or circumstances for which different parties bear different responsibilities. So, a defensible recovery calculation should distinguish:

1. the value of work actually and properly performed;
2. the cost of rectifying defects attributable to legally responsible parties;
3. payments made without contractual or other lawful entitlement;
4. consequential public expenditure that is recoverable under the applicable law; and
5. costs that cannot properly be attributed to the particular respondent.

This view guards public fund without presuming liability before investigation and adjudication.

6.5 Pillar V: Prevention and institutional accountability

The final pillar is preventive. A restitution-centred approach should encourage institutions to identify problems before beneficiaries suffer prolonged loss. Proposed safeguards include independent quality audits before occupation, disclosure of material inspection findings, documented approval of construction variations, retention of appropriate contractual security, a time-bound defects-liability process and independent verification of major remedial works.

Public housing projects should also maintain a beneficiary-level record connecting the original allotment, project funding, completion certificate, occupation, complaints, inspections and remedial action. Such a record would make it easier to establish both the beneficiary's entitlement and the chain of institutional responsibility.

These measures would also permit programme evaluation to distinguish the number of units nominally completed from the number that remain safe, habitable and legally secure after occupation.

7. Legal analysis: constitutional protection and restitutionary remedies

7.1 Article 21 and the substantive content of housing

The Supreme Court's decision in *Chameli Singh* provides a foundation for analysing shelter as an element of dignified life rather than a purely quantitative housing outcome. Applied to publicly funded rehabilitation, this reasoning supports scrutiny of whether the replacement accommodation provides the essential conditions associated with safe and dignified living.

It does not, without further legal analysis, establish that every beneficiary has an unconditional right to a particular apartment, a specified monetary award or a particular form of restitution. The paper's proposed position is narrower: where a public authority undertakes a rehabilitation programme, the legal evaluation should consider the substantive outcome and the applicable duties, not merely formal completion of the project.

7.2 Administrative duties and the allocation of responsibility

The existence of a public housing programme does not make every participating institution automatically liable for every defect. Responsibility must be analysed according to the relevant legal instruments and each actor's role.

For example, an implementing agency may have obligations concerning project supervision or contractual administration; a contractor may be responsible for compliance with specifications; an engineer may have duties arising from an appointment or certification process; and a government department may have particular powers concerning funding, approvals or remedial action.

The final paper should map those duties against the relevant documents. It should also distinguish an administrative omission from a contractual breach, negligence, statutory violation or criminal misconduct. These are different legal categories and may involve different standards of proof and remedies.

7.3 Restitution is not a substitute for every other remedy

The conceptual strength of restitution lies partly in its limits. A claim for restoration of a benefit may require proof of enrichment, the relevant legal relationship and the absence of a sufficient legal basis for retaining the benefit.

A claim for damages may instead depend on breach, causation and loss. A constitutional or public-law claim may engage different principles. The fact that a resident is living in defective accommodation does not, by itself, prove that a contractor has been unjustly enriched at that resident's expense. Conversely, the absence of a straightforward private-law restitution claim would not necessarily exclude other remedies available under constitutional, statutory, contractual or public law.

The appropriate analysis should therefore identify the claimant, defendant, legal duty, benefit or loss in question, available cause of action and competent forum for each remedy.

7.4 The dual-remedy principle

This paper proposes a dual-remedy principle for housing rehabilitation failures: First, restore the beneficiary's housing security. Second, determine and enforce financial responsibility through the appropriate legal process. The first process is directed towards immediate protection and an effective housing outcome.

The second concerns responsibility for defects, recovery of public funds and compensation for established losses. This sequencing avoids two risks. One is leaving families in potentially unsafe accommodation while awaiting the outcome of an investigation. The other is imposing financial liability on an individual or organisation without establishing the relevant facts and legal basis.

The dual-remedy principle is a proposed framework for interpreting and coordinating available legal remedies. It is not a claim that Indian law presently recognises a single, autonomous cause of action called *housing restitution*.

8. Applying the framework to LIFE Mission and RAY-era projects

Although the Mundamveli project is the principal case study, the framework has potential relevance to other publicly funded rehabilitation programmes. LIFE Mission and RAY should not, however, be treated as legally identical schemes.

RAY was designed around the objective of slum-free cities and integrated housing and urban infrastructure, including property rights and the participation of implementing agencies. LIFE Mission operates under its own applicable government orders, eligibility requirements and implementation arrangements.

The legal responsibilities associated with any particular project must be determined by the scheme and contractual documents governing that project. The framework may nevertheless be applied to projects under either programme through a common set of questions:

- Was the beneficiary eligible and properly identified?
- Was the promised housing benefit delivered as per the applicable requirements?
- Were the premises safe, habitable and supported by essential infrastructure?
- Were allotment and title arrangements completed as required?
- Were defects reported, investigated and remedied in a reasonable manner?
- Can established losses be compensated under the applicable legal framework?
- Is any public expenditure recoverable from a responsible party?
- Have remedial decisions been independently verified and communicated to beneficiaries?

The framework also distinguishes project failure from programme failure. A defective individual project does not, by itself, establish that an entire housing programme is ineffective. Conversely, programme-level completion statistics should not obscure individual projects in which the promised benefit has not been realised.

A broader empirical study could compare multiple projects across Kerala, including different implementation agencies, construction models, funding arrangements and post-occupancy outcomes. Such a study would allow researchers to test whether the problems identified at Mundamveli are isolated, recurring or associated with identifiable institutional arrangements.

9. Policy and legal reforms

The preceding analysis suggests six reforms that could strengthen legal protection and financial accountability in public housing rehabilitation.

9.1 A statutory or regulatory habitability protocol

Housing projects funded through public rehabilitation schemes should be subject to clearly documented pre-occupation and post-occupation habitability assessments. The protocol should address structural safety, water resistance, sanitation, drainage, electricity, accessibility and essential services.

Certification should be based on applicable technical standards and independent verification. Where serious defects are identified, the authority should record the necessary protective measures and a time-bound remediation plan.

9.2 A beneficiary-centred grievance mechanism

A dedicated mechanism should enable residents to report defects, obtain inspection findings, track remedial action and seek review of unresolved complaints. Complaints involving immediate threats to health or safety should receive priority.

The mechanism should provide written decisions, clear escalation procedures and access to the competent statutory or judicial forum. It should not replace remedies otherwise available under law.

9.3 A housing restitution protocol

State housing agencies could develop a protocol specifying the circumstances in which temporary relocation, alternative permanent accommodation, repair, compensation assessment and title regularisation should be considered.

The protocol should distinguish urgent protective measures from final liability determinations. It should also explain how residents can document losses and how decisions can be challenged.

9.4 Stronger financial controls

Project accounts should disclose, subject to applicable transparency and privacy requirements, the original approved cost, revised estimates, payments, quality certifications, repair expenditure and sums recovered from responsible parties.

Independent audits should investigate material differences between the original project specifications and the completed structure. Contractual safeguards should be designed to make the cost of correcting substantiated defects recoverable where the relevant legal conditions are met.

9.5 Clear allocation of institutional duties

Every project should have a documented responsibility matrix identifying the roles of the funding authority, implementing agency, contractor, supervising engineer and approving authority. The matrix should identify who is responsible for inspection, certification, complaint resolution and remedial approval.

This would not predetermine liability. Instead, it would provide an evidentiary basis for determining whether particular duties were discharged and which legal remedies are available.

9.6 An independent housing accountability review

For projects involving serious defects or substantial additional public expenditure, an independent review should assess both the immediate welfare of residents and the financial consequences for the public exchequer.

The review should produce two distinct outputs: a beneficiary rehabilitation plan and a reasoned account of recoverable expenditure and responsibility. Public authorities should publish appropriate progress updates, subject to confidentiality requirements and ongoing proceedings.

10. Discussion

The Mundamveli case has a broader conceptual difficulty in evaluating welfare-oriented public expenditure. An administrative system may record a project as completed and beneficiaries as rehabilitated even where the subsequent condition of the housing raises substantial questions about the achievement of the intended outcome.

A restitution-centred approach changes the emphasis from the completion of a transaction to the consequences of its failure. It asks whether beneficiaries received the substantive benefit promised, what losses followed from any failure, and what legal basis exists for restoring benefits or recovering expenditure.

Three implications follow. First, housing delivery must be evaluated by outcomes as well as outputs. The number of dwellings completed remains an important indicator, but it is insufficient without information on habitability, tenure security and post-occupancy performance.

Second, the restoration of residents and the recovery of public money are complementary but distinct objectives. A public authority should not postpone appropriate safety measures merely because contractual liability remains unresolved. Nor should it assume that all remedial expenditure can be recovered from a contractor without a legally sustainable assessment.

Third, restitution should operate within a plural remedial framework. Constitutional protection, administrative law, contract law, compensation and restitution address different aspects of the dispute. Their coordination is more useful than treating restitution as a universal solution. The framework also raises a question for future empirical research: whether the design of public housing projects adequately accounts for the long-term costs of defects, maintenance, relocation and the loss of the intended housing benefit.

A comparative study could examine whether independent quality certification, contractual security and post-occupancy monitoring are associated with fewer serious defects and lower remedial expenditure. Such research would require comparable project-level data.

The Mundamveli case provides a reason to investigate the question, but it does not alone establish a general causal relationship between programme design and housing failure. Even in a highly literate State like Kerala with near full general literacy as well as very appreciable financial and digital literacies, instances like housing deprivation occur to the disadvantaged sections of the society. The judicious use of the restitution law in this context is very meaningful.

11. Limitations and directions for further research

This study has three principal limitations. First, it relies on publicly available documentary material and media reports. The complete project agreement, tender documents, audited expenditure statements, engineering reports, beneficiary allotment records and final findings of the relevant investigations were not independently examined for this draft.

Second, the paper does not claim to determine the liability of GCDA, LIFE Mission, any contractor, engineer, public official or other party. Such conclusions require examination of the relevant evidence and application of the governing law by the competent authority or court.

Third, the analysis is primarily doctrinal. It does not establish the prevalence of defective rehabilitation projects across Kerala or India. The broader applicability of the proposed framework requires comparative evidence from additional projects. Future research could construct a project-level database covering approved costs, completion dates, technical defects, remedial expenditure, beneficiary complaints, tenure outcomes and the status of recovery proceedings.

Interviews with residents and implementing agencies, subject to appropriate research ethics and informed consent, could further illuminate how housing failures affect vulnerable households. These limitations do not diminish the case's analytical value. They define the evidence needed to convert the present conceptual paper into a fully documented comparative study.

12. Conclusion

Public housing rehabilitation is intended to reduce vulnerability by providing secure and adequate accommodation. When the delivered housing is reported to be unsafe or uninhabitable, the legal question extends beyond construction quality to the restoration of the benefit that the programme was designed to provide. The P&T Colony rehabilitation project at Mundamveli presents a significant case for examining this problem.

Reports of construction deficiencies, sanitation problems, delayed remediation and continuing demands for safe accommodation raise questions about the relationship between public expenditure, institutional duties and beneficiary protection. The ongoing inquiries and proceedings must be allowed to establish the relevant facts and legal responsibility.

This paper proposes a Housing Restitution Framework comprising immediate protection, restoration of housing security, compensation for established losses, lawful recovery of public expenditure and preventive institutional accountability. Its central proposition is that the protection of residents and the determination of financial responsibility should proceed through coordinated but distinct processes. The framework does not assume that restitution automatically follows every housing defect.

Rather, it provides a way of identifying the appropriate claimant, the benefit or loss in question, the applicable legal basis and the remedy that can lawfully be granted. For restitution scholarship, the case demonstrates the potential value of examining public housing failures through the connected but distinct perspectives of unjust enrichment, restoration, compensation and public accountability.

For housing policy, it underscores the need to evaluate rehabilitation by the quality and security of the outcome experienced by beneficiaries, rather than by expenditure or construction figures alone. Ultimately, a housing programme fulfils its social purpose only when its intended beneficiaries obtain a legally and practically secure place to live.

Where that outcome fails, effective remedies must address both the residents' continuing housing needs and the proper stewardship of public funds. Equally important is the effective utilization of ICT enabled methods

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