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# CONCEALING POVERTY: RAMPANT SLUM DEMOLITIONS IN DELHI

AUTHORED BY - SNEHAL SILVERA



Poverty is best preferred hidden. The capital city of a promisingly growing economy must look clean and pristine to the world. Slums are a hinderance to this goal. The 18<sup>th</sup> G20 Summit convened in New Delhi in September 2023. The government's goal to present a clean city demolished thousands of slums and failed to fulfil its constitutional promise of the right to housing.<sup>2</sup> This followed the passing of a problematic precedent set by the Supreme Court, refusing rehabilitation to evicted slum dwellers without any relief.<sup>3</sup> The presence of legislatures and government policies safeguarding individuals' right to their land against state control is proven futile to the poor. Slums are a cruel reality in developing nations. The economist's

<sup>1</sup>Seth Clark, *Collapse XII*, <https://weandthecolor.com/seth-clark-american-artist-designer/50248>.

<sup>2</sup>INDIA CONST. art. 21.

<sup>3</sup>Manoj Kumar and Ors. v. Delhi Urban Shelter Improvement and Ors., MANU/SCOR/113587/2023, 2.

‘modernization’ theory of slums<sup>4</sup>, to eventually transition into formal housing within the city cannot be achieved by ordering their demolitions. This leads to further development of slums and creation of a poverty trap. Recently, more shelters are being snatched with the high court passing rampant orders of demolitions in the city, revealing serious gaps in the current legislature and an evident anti-poor bias around identity and property.

The Slum Area (Improvement and Clearance) Act of 1956<sup>5</sup>, mandating the improvement and clearance of slums, demonstrates the government’s objective to improve the slum situation since Independence. *Olga Tellis v. Bombay Municipal Corporation*<sup>6</sup> was the first landmark judgement in 1985 to affirm the right to livelihood to slum dwellers and ruled that they cannot be evicted before providing rehabilitation and resettlement. The 1990s witnessed an array of judgements guaranteeing right to shelter to the unsheltered. In *Ahemdabad Municipal Corporation v. Nawab Khan Gulab Khan*<sup>7</sup>, the apex court directed the state to provide affordable houses to the poor. The Courts interpreted the right to shelter to not cover a mere right to a roof but a right to all infrastructures necessary to live and develop as a human being.<sup>8</sup> The Delhi government, in response to recurrent demolitions in the city, passed the Delhi Urban Shelter Improvement Board Act, 2010<sup>9</sup> to regulate the rehabilitation and relocation of slum dwellers in the city. The Delhi High Court in 2019 also affirmed the constitutional protection from forced evictions to slum residents and ordered that no demolition should take place before providing rehabilitation<sup>10</sup> and proposed a regulated mechanism to survey the evicted land to provide adequate resettlement prior to displacements.<sup>11</sup> In the spotlight of these judgements and policies promising the unsheltered of shelters and rights, the slums in the capital city still heard the buzzing noise of bulldozers razing down their homes.

Surprisingly this did not result from the government’s desire to beautify the capital. The 2000s saw a rise in petitions filed by the resident welfare associations (RWAs) to ‘clean’ their neighborhoods. They complained that slums created an unhygienic environment and a foul smell. The petitioners’ wish to live in a clean and open environment was prioritized by the high

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<sup>4</sup>Benjamin Marx ET AL., *The Economics of Slums in the Developing World*, 27 THE JOURNAL OF ECONOMIC PERSPECTIVES 187, 188 (2013).

<sup>5</sup>The Slum Areas (Improvement and Clearance) Act, 1956, No. 96, Acts of Parliament, 1956 (India).

<sup>6</sup>*Olga Tellis and Ors. v. Bombay Municipal Corporation and Ors.*, (1985) 3 SCC 545, 571 para 32.

<sup>7</sup>*Ahemdabad Municipal Corporation v. Nawab Khan Gulab Khan*, AIR 1997 SC 152, para 15.

<sup>8</sup>*Chameli Singh and Others v. State of Uttar Pradesh*, (1996) 2 SCC 549, para 8.

<sup>9</sup>The Delhi Urban Shelter Improvement Board Act, 2010, No. 07, Acts of Parliament, 2010 (India).

<sup>10</sup>*Ajay Maken v. Union of India*, (2019) 260 DLT 581 (DB), para 196.

<sup>11</sup>*Sudama Singh v. Govt. of Delhi*, (2010) 168 DLT 218 (DB), para 60.

court over the dwellers' right to a roof. Ghertner has argued that this was the result of a growing reinterpretation of nuisance law by the judiciary.<sup>12</sup> A new discourse of equating slums with nuisance and prioritizing the sanitization concerns of the tax-paying citizens over the unsheltered citizens in the city grew. Rehabilitation was denied, and the courts termed slum dwellers as encroachers.<sup>13</sup> In 2002, the Supreme Court stayed the High Court's ruling refusing rehabilitation and resettlement to the 'encroachers'<sup>14</sup>, invalidating the Delhi government's resettlement policy. Such rulings led to a further increase in the PILs filed by land owning residents praying for the removal of the slums. The courts became functioning as a 'Slum Demolition Machine'<sup>15</sup> The problem doesn't solely rest with courts but also with the prevailing public discourse that sees slums as a hinderance to live a clean and comfortable life.

Similar court orders have led to the eviction of almost a million slum residents in the last decade.<sup>16</sup> Despite progressive judgements like *Ajay Maken & Others v. Union of India* in 2019, rulings like *Manoj Kumar & Others v. Delhi Urban Shelter Improvement* snatch away the dwellers' rights and homes. This problematic ruling in 2023 legitimized arbitrary eviction orders and denied a right to rehabilitation to slums that didn't come under the DUSIB's list. With such a precedent set by the Supreme Court, demolitions were ordered in the Sunder Nagar Area and Badarpur, and in at least 10 other slums in the last six months.<sup>17</sup> Seeing bulldozers razing down your homes must not just be traumatic, but such evictions are often recorded to be extremely violent and disrespectful to the privacy of dwellers. One of the residents interviewed said, "I was not given time to take out my belongings from my house. When I tried, they hit me so hard that my hands and legs are still bleeding."<sup>18</sup> Metropolitan cities run and function with the help of these dwellers. Delhi is home to millions of migrants and labourers that reside in the city to earn wages. They run the economies of the capital city. Land is too costly for them to own or rent. They are forced to set up their homes on public property, besides shanty railways and in makeshift tin shelters. Moreover, the recent picturization of slums and slum

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<sup>12</sup>D. Asher Ghertner, *Analysis of New Legal Discourse behind Delhi's Slum Demolitions*, 43 ECONOMIC AND POLITICAL WEEKLY 57, 59 (2008).

<sup>13</sup>*Almitra H. Patel v. Union of India*, (2000) 2 SCC 689.

<sup>14</sup>*Okhla Factory Owners' Association v. The Govt. NCT of Delhi*, (2003) 108 DLT 517 (DB).

<sup>15</sup>Anuj Bhuwania, *Public Interest Litigation As a Slum Demolition Machine*, 12 THE MIT JOURNAL OF PLANNING, 67, 67-68 (2016).

<sup>16</sup>Véronique Dupont, *Slum Demolitions in Delhi since the 1990s: An Appraisal*, 43 ECONOMIC AND POLITICAL WEEKLY 79, 83-84 (2008).

<sup>17</sup>Anmol Pritam, *'Where Should We Go?': 150 Families Homeless after Delhi's Badarpur Demolition Drive*, NEWS LAUNDRY (Aug. 26, 2023), <https://www.newslaundry.com/2023/08/26/where-should-we-go-150-families-homeless-after-delhis-badarpur-demolition-drive>.

<sup>18</sup>*Id.*

residents as nuisance and an unsanitary element of the city is snatching away the land they have been living on for years.

The existence of superficial policies mandating resettlement of slum dwellers is futile in practice. Such court rulings not only tag slums as illegal but also deny an opportunity to the dwellers to ever own and hold a land. Even if they are rehabilitated, the resettlement colonies are situated on the periphery of the city, about 30-km away from the city center. Dupont in his analysis has shown that such name-sake relocations are not economically worthwhile for them.<sup>19</sup> Evicting people out of the slums is not a solution, as this will just force them to find another vacant land or street to build a roof on. The interests and rights of the slum dwellers are pitied against the larger interest of the private owners of land. The courts prioritize the needs of private property over the poor citizens who had been denied the promised lands by governments. Most of the evicted land often remains vacant. On the other hand, many other unauthorized constructions in the city are often protected from demolitions reflecting an anti-poor bias of the authorities.<sup>20</sup> Slum clearance from the cities denies the dwellers a right to live in a metropolitan area and simultaneously denies them an opportunity to earn better incomes to be able to relieve themselves of the poverty trap.

Legislatures and policies regulating government evictions seem effective on paper. The Delhi Slum Policy, 2015 provides for rehabilitation of *jhuggi-jhopri* clusters which have come up before 2006, but what about the slums that have been built post this date? There are severe gaps between the law on paper regulating land and its practical implementation when the concerned land is being held by a poor person. The case is worsened when slum dwellers are identified as dirty and a nuisance to the city. This denies millions of slum residents their fundamental right to shelter<sup>21</sup> and a right to live with human dignity affirmed by the courts.<sup>22</sup> This reflects an inherent anti-poor bias surrounding the identity and property of slum dwellers, making them more vulnerable to frequent displacements from one land to another. While the SCOTUS this year with *Martin v. Boise*<sup>23</sup> protected homeless individuals from being punished for sitting and sleeping on public lands as long as the city lacked to provide them shelter, the Indian courts' stance on the same remains vague. It calls for the reappraisal of existing legislature on slum

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<sup>19</sup>Véronique Dupont, *supra* note 15, at 82.

<sup>20</sup>*Id.* at 85.

<sup>21</sup>U.P. Awas Evam Vikas Parishad v. Friends Coop. Housing Society Ltd., 1996 AIR 114.

<sup>22</sup>Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608, para 8.

<sup>23</sup>*Martin v. City of Boise*, 920 F.3d 584 (9<sup>th</sup> Cir. 2019).

demolition and the need to legislate a national slum policy to protect the right to shelter of the urban poor living in slums. Denial of land leads to a subsequent denial of life. Poverty and the unsheltered remain mere elements of government's policies. Whether these policies are effective and are being implemented often remains unchecked. The main issue remains unsolved, adequate shelter for the poor.

