

## **Minutes of the Discussion on Law Vs Justice organized by Hazards Centre on 17<sup>th</sup> May 2006 at Indian Social Institute**

The meeting began with a round of introduction by the participants, followed by a short briefing on the purpose of the discussion by Leena – Hazards Centre. A discussion paper was circulated in the beginning, which focused firstly on the orders given in different cases by both High Court and Supreme Court and the offensive language used in the judgments by the judiciary. Second issue was to understand the “The Delhi Laws (Special Provisions) Bill 2006” which has been passed by the central government last week.

Dunu Roy - Director Hazards Centre placed two most critical issues about the slum situation in Delhi and the larger planning

- 1) Illegal by Default: Wherein the government and the DDA failed to provide houses for the Economically Weaker Sections and when they stated living on barren vacant land they have been called illegal
- 2) Illegal by Design: The government set a cut-off dates, before 1998 slum dwellers will be given resettlement, post- 1998 no one qualifies for resettlement and are illegal.

Dunu critical examined the scope and the function of the New Bill where it is quiet clear according to Section 4 (d) no relief will be available for those slums hawkers and street vendors, where the land is required by the Central government for clearance for specific public projects. He also elaborated on the preamble which says that the root cause of such situation is the ‘Migration’. He pointed out that the increase in population is due to the natural growth of population and not migration. Provisions for fixed place for Hawkers and Vendors is to 3 lakh whereas the figures show that there are more than 6 lakh hawkers in Delhi. Moreover, in Tehekhand project for resettlement of slum dwellers, DDA auctioned 30 sq m land to private builders for 450 crores who will then build 3500 houses for EWS and 750 for HIG. The cost of HIG flat will be roughly 1.5 crores, will the riches ever like to stay in a high-rise building and share the ambience with poor multi-storied housing blocks.

Ashok Aggarwal, Senior Advocate Delhi High Court, said that there is a need for a constant monitoring of the new resettlement site, in the same way as done 3 years back and supply the court with those information. This would help in getting some sought of relief to the people who have been resettled. On commenting to the use of principles of natural justice by the judges, Ashokji observed that the bias lies everywhere so how can court remain unaffected.

Prashant Bhushan, Senior Advocate Supreme Court, shared his experiences in the Supreme Court in the recent cases on Nagla manchi and Sajha Manch, where both the petitions were dismissed. But he maintained that the law is what was delivered in Olga Tellis Case and in these judgments court did not write-off the fundamental rights or the precedents, so we still have recourse to these rights and precedents. In his earlier writing on the role of court in the era of globalization he pointed out that the orders are based on who can buy what. In his experience, the court has become right wing and lack sensitivity towards poor. In Narmada case too, the court turned a little sensitive when there was indefinite hunger strike, which led to generate a lot of pressure. There is a need of media support and a concerted action against demolitions in atleast one cluster and this will definitely lead to building a pressure on the courts.

On the new Bill, Prashantji said that in Section 3(2) of the Bill instead of writing “without prejudice to any judgment” it should have been “notwithstanding the order of the court”, which would be subjected to a lesser interpretations by the courts. In the present state of the judiciary, the Bill may not stand the scrutiny of the court and is likely to be squashed.

What is more important according to him is to build a mass movement, people should break law to amend few things like what happened in Nepal. There should a mass protest outside Supreme Court.

The Discussion was then made open and almost all participants shared their experiences and views on the subject. Some of the main points discussed were as follows:

- ? We should stage our protest against the remarks made by the judges against the poor, which has offended the dignity of the slum dwellers.
- ? Huge demonstration outside Supreme Court.
- ? Protest on large scale through violent or non-violent means is the only way left to make our point clear and demand justice.
- ? There should be huge protest against the reactions of Supreme Court towards poor migrants. Protest should be unified and huge to show the strength.
- ? Courts are not the weak points, we should target the government and carry out post-card campaigns, SMS campaigns, fax campaign, etc.
- ? We should link some such orders delivered by the Supreme Court in previous cases and draft out a petition.
- ? We should launch a signature campaign declaring judiciary as the institute which we no longer trust today. And send the petition to all judges, prime minister, president, etc.
- ? We should develop alternatives to combat the government policies and plans, Hazards Centre has done a lot of work on this regards and the draft right to housing act is also very well drafted, which can be used.
- ? We should device mechanism to bring judges to such discussions, through public hearing etc.
- ? Have a group of people who would come together against eviction.
- ? A well drafted Pamphlet, which would reach out to the Middle class and the rich.
- ? We should have a list-serve and put all participants email id on it, so that information can be circulated effectively.
- ? There is a lot of division in slum cluster with regards to cut-off dates, people who don't get anything (post1998) are ready to protest but not all.
- ? The cut-off date is arbitrary and we should pressurize the government to rise the cut-off date to 1<sup>st</sup> January 2006.
- ? It is difficult for people to come out of there home in huge numbers, instead we should have protests outside every settlement at same time and same day.
- ? There should be a working committee who can to draft pamphlets, petitions, etc which should meet before the next meeting.
- ? There should be another meeting within 10 days of the group.

**Working Committee** comprises of 12 members: Ramendra – Delhi Shramik Sanghathan, Shivani Chaudhary – HLRN, Indu Prakash Singh – Action Aid, Leena – Hazards Centre, Kalyani – Jagori, Bedoshruti – HRLN, Briju Nayak – Lok Raj Sanghathan, Thaneshwar – NMPS, P.K.Shahi – AIFTU, Bharati Chaturvedi – CHINTAN, Ratti – Abhiudya, and Ashok Aggarwal – Advocate.

#### **Conclusion:**

- 1 Demonstration outside Supreme Court after the court reopens on 5<sup>th</sup> July 2006.
- 2 Draft a petition, which will then be circulated for signature, post card, fax and other campaigns.
- 3 Pressurize the government with an alternative policy document.
- 4 Organize public hearings and call judges to be part of this.
- 5 Many small protests at the same time on a fixed date in different locations.
- 6 The next meeting of the group is scheduled for 27<sup>th</sup> May 2006 at ISI at 3 pm.
- 7 The working Committee shall meet at Hazards Centre on 25<sup>th</sup> May 2006 at 5.30 pm.
- 8 Make a yahoo group in the name of STOP EVICTIONS.