

## **Impact of Recent Judgements on Urban Poor**

Presentation by Prashant Bhushan

*["Has the judiciary turned its back on the poor?" A Seminar, 4<sup>th</sup> Nov 2006, New Delhi]*

One broad category of urban poor is the slum dwellers living in unorganized housing sector, having occupation of street vendors, rickshaw pullers, etc. This is the section, which has suffered the maximum onslaught of judicial decision in the recent past.

The earlier paradigm laid down in a number of judgments of the Supreme Court such as Chameli Singh case, PUDR judgment relating to the Asiad workers, which stated that the right to live with dignity is the part of the right to life, which includes right to shelter, right to food, water, health care, education. In Chameli Singh case, it was categorically said that every citizen of this country has a fundamental right to shelter and it is the obligation of the state to provide shelter to those who do not have. It also becomes the responsibility of the judiciary, as an institution to enforce the rights of the people, to take note of the situation of homelessness and suo-moto try to find out ways in which the problem of homelessness be addressed. Instead, PILs filed to defend these rights have been put in cold storage such as was the case filed by Aashray Adhikar Abhiyan about four years ago.

To add to it, Delhi High Court has been ordering removal of slum dwellers from the Yamuna Pushta on the ground of alleged pollution or on issue of encroachment of public land. Instead of helping the people, what we saw in a case filed on behalf of National Alliance of People's Movement, which prayed to get basic civic amenities to the slum dwellers, the court adjourned the matter for many years. But in the petition filed by middle class colonies asking for the eviction of slum-dwellers whether on Yamuna Pushta or near their middle class colonies, the courts have ordered their removal without providing for any alternative place, bypassing the relocation policy.

It is necessary to examine the ideology and sensitivity of the judges towards these kinds of issues of the urban poor. Existing judiciary with a close system of appointment will appoint more neo-liberal judges, which is seriously due to lack of judicial accountability. First they appropriate the power of appointment to themselves, and then pass self-serving judgment as in Vira Swami's case, which ruled that an FIR couldn't be lodged against a judge without the consent of the Chief Justice of India. So this is a catch 22 situation.

I am only emphasizing to say that judiciary has become embolden to pass these kind of judgments with impunity. It is because they enjoy immunity from any kind of scrutiny whatsoever wherein no disciplinary action is taken against them.