

Case name: Bombay High Court and Supreme Court Judgments on Right to Life and Livelihood

Case Type: Constitutional Law, Right to Life, and Livelihood

Arguments by Plaintiff:

- The eviction of slum dwellers and pavement dwellers leads to deprivation of employment, livelihood, and therefore, to their right to life.
- Economic compulsions force these persons to live in slums or on pavements, imparting a character of a fundamental right to their occupation.
- Characterizing pavement dwellers as trespassers is constitutionally impermissible due to economic compulsions.
- The State is under an obligation to provide citizens with necessities of life and the courts have the power to issue orders directing the State to promote and protect the right to live.

Arguments by Defendant:

- The pavements or footpaths are public properties intended to serve the convenience of the public.
- Pedestrians have a right of passage and access over pavements or footpaths.
- The claim of pavement-dwellers to put up constructions on the pavements cannot be preferred to the right of pedestrians to use the pavements for the purpose of passage and repassage.
- Pavement-dwellers have no right to use public property for a private purpose without the requisite authorization.

Case:

- The case revolves around the eviction of slum dwellers and pavement dwellers in Mumbai by the Brihanmumbai Municipal Corporation (BMC) and the State of Maharashtra.
- The petitioners challenge the eviction orders passed by the BMC and the State of Maharashtra.

Summary:

The Bombay High Court and the Supreme Court have made significant observations on the right to life and livelihood under Article 21 of the Constitution of India. The courts have held that the right to life guaranteed under Article 21 includes the right to livelihood and the right to live with human dignity. The courts have also observed that the State has a duty to ensure that the right to livelihood is not violated.

Main Arguments:

- The right to livelihood is an integral part of the right to life guaranteed under Article 21 of the Constitution of India.
- The right to livelihood includes the right to live with human dignity.
- The State has a duty to ensure that the right to livelihood is not violated.
- If the right to livelihood is violated, it would amount to a violation of the right to life.

Court Decisions:

- The Bombay High Court observed that without the right to live with dignity, the right to life would be illusory.
- The Supreme Court observed that the right to livelihood guaranteed under Article 21 of the Constitution of India is an inseparable part of the right to life.
- The Supreme Court observed that the procedure prescribed by the Bombay Municipal Corporation Act, 1888 for removal of encroachments from pavements or footpaths is not unreasonable, unfair, or unjust.

Legal Precedents or Statutes Cited:

- Article 21 of the Constitution of India
- Bombay Municipal Corporation Act, 1888

Quotations from the court:

- "The right to live with dignity is a facet of the right to life guaranteed by Article 21 of the Constitution. Without the right to live with dignity, the right to live would be illusory."

- "No one has the right to use a public property for a private purpose, without the requisite authorisation."
- "Every country, during its historical evolution, faces the problem of squatter settlements, and most countries of the underdeveloped world face this problem, today."

Judgement:

The Bombay High Court and the Supreme Court have held that the right to life guaranteed under Article 21 of the Constitution of India includes the right to livelihood and the right to live with human dignity. The courts have also observed that the State has a duty to ensure that the right to livelihood is not violated.

Conclusion:

The judgments of the Bombay High Court and the Supreme Court have significant implications for the rights of slum dwellers and pavement dwellers in India. The courts' observations on the right to livelihood and the duty of the State to ensure that this right is not violated will have a bearing on the eviction policies of municipalities and states in India.