

### Case: Bombay High Court and Supreme Court Judgment on Right to Life and Livelihood ### Summary: The Bombay High Court observed that the right to life guaranteed under Article 21 of the Constitution of India is illusory without the right to live with dignity. The court further emphasized that the right to livelihood is an integral part of the right to life guaranteed under Article 21. The Supreme Court, in a separate judgment, observed that the right to livelihood guaranteed under Article 21 is an inseparable part of the right to life. The court also stated 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. ### Main Arguments: The petitioners argued that the eviction of slum dwellers and pavement dwellers would lead to deprivation of their employment, livelihood, and therefore, to their right to life. They contended that the economic compulsions which forced these persons to live in slums or on the pavements imparted to their occupation a character of a fundamental right. The court also observed that social commitment was the quintessence of the Constitution, which defined the conditions under which liberty had to be enjoyed and justice had to be administered. ### Court Decisions: The Bombay High Court observed that the right to live with dignity is a facet of the right to life guaranteed by Article 21 of the Constitution. The Supreme Court observed that the right to livelihood is an inseparable part of the right to life guaranteed to every citizen under Article 21. The court also stated 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 - Directive Principles of the Constitution of India ### Quotations from the court: - "Without the right to live with dignity, Article 21 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. Even the highly developed, affluent societies face this problem, though with their larger resources, and smaller population, their task is far less difficult." ### Conclusion: The Bombay High Court and the Supreme Court have emphasized the importance of the right to life and livelihood in the context of slum dwellers and pavement dwellers in Mumbai. The courts have observed that the right to live with dignity is a facet of the right to life guaranteed by Article 21 of the Constitution, and that the right to livelihood is an integral part of the right to life. The courts have also stated 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. ### Case: Writ Petition (L) No. Principal Bench of the Delhi High Court ### Summary: The judgment dealt with a set of petitions challenging the constitutional validity of Section 314 of the Maharashtra Municipal Corporation Act, 1949. The court, however, did not directly address the validity of the section. Instead, it directed that the eviction of slums and pavement dwellers be stayed until October 31, 2021, to minimize the hardship involved. ### Main Arguments: The main arguments presented by the petitioners were that the eviction of slums and pavement dwellers would cause significant hardship to the affected individuals, particularly during the monsoon season. The petitioners likely argued that the eviction would leave the individuals without a place to live, exacerbating their already vulnerable situation. ### Court Decisions: The court decided to stay the eviction of slums and pavement dwellers until October 31, 2021, to mitigate the hardship involved. The court

also directed that pavement dwellers, whether censored or uncensored, would not be removed until the same date. The writ petitions were disposed of accordingly, with no order as to costs. ### Legal Precedents or Statutes Cited: The judgment mentioned Section 314 of the Maharashtra Municipal Corporation Act, 1949, which empowers the local authorities to evict slums and pavement dwellers. However, it did not directly address the constitutional validity of the section. ### Quotations from the court: There are no direct quotations from the court in the provided judgment. ### Conclusion: The judgment stayed the eviction of slums and pavement dwellers until October 31, 2021, to minimize the hardship involved. The court's decision likely aimed to provide temporary relief to the affected individuals until the monsoon season ends. The judgment serves as a reminder of the importance of considering the welfare of vulnerable populations when implementing policies or laws that may impact their lives.