

## HUMAN RIGHTS VIOLATIONS OF SLUM DWELLERS

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*Human rights are the basic rights that need to be ensured to every human being and which are necessary to lead a dignified life. These rights are, however, denied by the Governments to the slum dwellers as they don't even have access to basic facilities like food, clothing, adequate housing facilities, sanitation, proper medical facilities, adequate nutrition, education, etc. It's high time now that the Governments take adequate steps to ensure that these rights are ensured to the slum dwellers. Also, steps need to be taken for the awareness and implementation of the initiatives taken by the Governments to manage the slums.*

**Keywords** - Slums, Human Rights, Human Rights Violations

### INTRODUCTION

People living in crowded one-room houses, no electricity for hours, women fighting over filling buckets of water within the limited time frame, stinking environment, open sewages, narrow streets, gangs of men engaged in gambling and fights- this is the picture that comes to our minds when we think of the word 'slums'. "The word "slum" is often used to describe informal settlements within cities that have inadequate housing and miserable living conditions. They are often overcrowded, with many people crammed into very small living spaces. Slums are not a new phenomenon. They have been a part of the history of almost all cities, particularly during the phase of urbanization and industrialization. Slums are generally the only type of settlement affordable and accessible to the poor in cities, where competition for land and profits is intense. The main reason for slum proliferation is rapid and non-inclusive patterns of Urbanization catalyzed by increasing rural migration to urban areas."<sup>1</sup>

As per The Slum Areas(Improvement and Clearance) Act, 1956, "The buildings in the area that are in any respect, unfit for human habitation; or by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, are

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<sup>1</sup> <[http://nbo.nic.in/pdf/SLUMS\\_IN\\_INDIA\\_Slum\\_Compendum\\_2015\\_English.pdf](http://nbo.nic.in/pdf/SLUMS_IN_INDIA_Slum_Compendum_2015_English.pdf)>

detrimental to safety, health or morals, the competent authority may, by notification in the Official Gazette, declare such area to be a slum area.”<sup>2</sup>

## SLUMS

### A. WHAT ARE SLUMS?

A slum is defined as a residential area where dwellings are unfit for human habitation by reasons of dilapidation, overcrowding, faulty arrangements and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors which are detrimental to the safety and health.<sup>3</sup>

“UN-HABITAT defines a slum household as a group of individuals living under the same roof in an urban area who lack one or more of the following:

1. Durable housing of a permanent nature that protects against extreme climate conditions;
2. Sufficient living space which means not more than three people sharing the same room;
3. Easy access to safe water in sufficient amounts at an affordable price;
4. Access to adequate sanitation in the form of a private or public toilet shared by a reasonable number of people;
5. Security of tenure that prevents forced evictions.”<sup>4</sup>

*Dharavi* in Mumbai, *Bhalswa Slums* in Delhi, *Nochikuppam Slum* in Chennai, *Rajendra Nagar Slums* in Bangalore, and *Basanti Slums* in Kolkata are the 5 major slums in India. The slums are usually found on the outskirts of the cities, near the industrial areas, next to railway tracks, near the city trash dumps, and in the less desirable parts of the cities. The migrated population from the rural areas tends to look for places to reside near their workplace so as to save on the cost of transportation.

<sup>2</sup> The Slum Areas(Improvement and Clearance) Act, 1956, s 3

<sup>3</sup> < <https://censusindia.gov.in/nada/index.php/catalog/42602/download/46251/Census%20of%20India%202011-Housing%20Stock%2C%20Amenities%20%20%20Assets%20In%20Slums.ppt>> accessed on 25 October, 2022

<sup>4</sup> < [https://mirror.unhabitat.org/documents/media\\_centre/sowcr2006/SOWCR%205.pdf](https://mirror.unhabitat.org/documents/media_centre/sowcr2006/SOWCR%205.pdf)> accessed on 25 October, 2022

Since the majority of the slum dwellers are uneducated and unskilled, they engage themselves as domestic help, taxi or auto drivers, driver for middle-class people, workers at construction sites, roadside eatable sellers, etc. According to **National Sample Survey(NSS) 69th Round on Urban Slums in India, 2012**, an estimated total of 33510 slums existed in the urban areas of India, and an estimated 8.8 million households lived in these slums.<sup>5</sup>

## **B. WHY DO SLUM DWELLERS COME TO CITIES?**

The rural areas lack opportunities and adequate income to run a family. In order to earn more income and lead a better life, most people migrate to cities. This is when the problem arises as the cities cannot accommodate the large influx of people from rural areas and hence, these people have to find places like slums to live. Also with urbanization, when large numbers of people move from urban to rural areas, there is high demand for housing and accommodations, which may not be possible to meet. Because of this reason, the people have no choice but to live in slums as there is no affordable place available to live.

## **C. CHARACTERISTICS OF THE SLUMS**

**Overcrowding:** The slums are basically the areas that accommodate the large influx of people from rural areas. As a large number of people migrate from rural areas and the space to accommodate them is not adequate, a large number of people reside in the limited area. Usually, a family of 4-5 resides in one room unit which is used for multiple purposes- it serves as an area for sleeping, cooking, etc. Another reason for this overcrowding is the growing population, owing to the lack of family planning and an absurd belief of people that more the people, more hands to work- not realizing that with more people, there would be more space to occupy and more mouths to feed as well.

**Lack of Basic Facilities:** These slums lack basic facilities like adequate and clean drinking water, uninterrupted supply of electricity, sanitation, medical facilities, and school for children. The water supply is there for a limited period of time because of which there are frequent fights among women. Since there is an open drainage system, there is a foul smell coming most of the time and moreover, this serves as a breeding ground for water-borne and other infectious

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<sup>5</sup> <[http://nbo.nic.in/pdf/SLUMS\\_IN\\_INDIA\\_Slum\\_Compndium\\_2015\\_English.pdf](http://nbo.nic.in/pdf/SLUMS_IN_INDIA_Slum_Compndium_2015_English.pdf)> accessed on 25 October, 2022

diseases, in such localities, most of the medical practitioners practice either without or with the fake degree- putting the life of slum dwellers at risk.

**Informal Economy:** Since the slum dwellers reside in an informal economy, they are monitored by the Government. Most of the time they are termed as ‘encroachers’ of the land and evicted without any notice. In such a scenario, they hardly get any rights that any other normal citizen of the country gets. There is also a lack of safety in such areas.

**Violence:** There are certain people in the slums who, being unemployed and living in poverty, are frustrated, and engage themselves in illegal activities like gang fights, drugs, gambling, etc.

### PROBLEMS FACED BY WOMEN IN THE SLUMS

Most of the women residing in the slums, work outside the home as domestic help, construction workers, etc. to bring in additional income for the family and hence, to survive in the city. In such a scenario, they have to manage their homes, children, and work- which makes survival very difficult for them and they often go into depression. “Women also suffer from security threats when they travel to and fro from their work in public transport. The more visible the women are in roles outside their homes, the more they are targeted for various kinds of assaults as they somehow come across as vulnerable and unprotected by the formal system of institutional support.”<sup>6</sup>

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**Diseases:** Since there is a lack of sanitation and medical facilities, there are high chances of the spread of infectious diseases and epidemics. Due to open drainage systems and lack of waste management, there is the spread of water-borne diseases like malaria, cholera, dengue, etc. Since there is an overcrowded facility, once one is infected the infectious disease is bound to spread uncontrollably to others in the area and beyond, which can result in an epidemic. Therefore, overcrowding would be dangerous not only for the slum dwellers but also others in the city, as there is a high risk of spreading diseases.

In addition to infectious diseases, the slum dwellers are also at high risk of contracting non-communicable diseases like diabetes, hypertension, lung diseases, cancer, cardiovascular diseases, respiratory diseases, etc. owing to their livelihood and unsanitized environment.

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<sup>6</sup> ‘Gender Discrimination: Women’s Rights and lives in Slums today’, Habitat For Humanity Great Britain <<https://www.habitatforhumanity.org.uk/blog/2018/09/gender-discriminantio-slums/>> accessed on 25 October, 2022

***Problems faced by Children in the Slums:*** Most of the children in the slums suffer from child malnutrition and this is owing to a lack of adequate food, leave alone nutritious food. The women of these women households are not able to provide the required nutrition during the pregnancy and lactating phase- leading to malnutrition. Owing to this reason, many babies in the slums die before they reach the age of five. The children in the slums also don't have access to proper education as they either don't have schools nearby or if they do, the teaching is not proper. Because of being uneducated or not properly educated, these children get distracted and at times choose the wrong paths for themselves and engage in criminal activities.

### **FACTORS RESPONSIBLE FOR THE GROWTH OF SLUMS IN INDIA**

***Segregation by Colonialists:*** [Dharavi slum of Mumbai](#) – now one of the largest slums in [India](#) was created because of [segregation](#) imposed by the colonialists. It used to be a village referred to as Koliwad, and Mumbai used to be referred as Bombay. In 1887, the British colonial government expelled all tanneries, other noxious industries, and poor natives who worked in the peninsular part of the city and colonial housing area, to what was back then the northern fringe of the city – a settlement now called Dharavi. This settlement attracted no colonial supervision or investment in terms of road infrastructure, [sanitation](#), public services, or housing. The poor moved into Dharavi and found work as servants in colonial offices and homes and in the foreign owned tanneries and other polluting industries near Dharavi. To live, the poorly built shanty towns within an easy commute to work. By 1947, the year India became an independent nation of the commonwealth, Dharavi had blossomed into Bombay's largest slum.<sup>7</sup>

***Poverty:*** The rural population migrates to urban areas in a hope of earning more and improving their livelihood. However, most of them are unable to keep pace with the growing speed of the cities. Since most of them are uneducated and do not possess the skills required for a decent paying job, they engage themselves in the informal sector. The earnings, however, are not enough for their survival and they slowly go towards poverty. In such a scenario, the only affordable housing available to them is the slums.

***Politics:*** The politicians today see the slum dwellers merely as their vote banks. They are only approachable to them only at the time of elections, to garner their votes in their favor. Since most of the slum dwellers are poor and uneducated, they get lured easily. Otherwise, for them

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<sup>7</sup> <[https://en.wikipedia.org/wiki/Slum#Colonialism\\_and\\_segregation](https://en.wikipedia.org/wiki/Slum#Colonialism_and_segregation)> accessed on 25<sup>th</sup> October, 2022

they have no existence- the question of providing them with basic rights does not even arise. This is the reason why they don't make any efforts to reduce the slums by providing them with alternate housing facilities or with better job opportunities.

## HUMAN RIGHTS OF SLUM DWELLERS AND THEIR VIOLATIONS

The slum dwellers in India are merely considered as 'encroachers' upon the land and the Government hence denies them their basic rights. They are evicted from the land without any notice and are not provided with alternate housing facilities. As earlier mentioned in this Article, they are denied their basic human rights of clean drinking water, an unpolluted living environment, adequate housing facilities, the Right to live with Dignity, the right to educational facilities, etc. By denying these rights they are violating the Fundamental Right to Life, provided under Article 21 of the Indian Constitution.



### A. WHAT ARE HUMAN RIGHTS?

According to **United Nations**, "Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination."<sup>8</sup> According to **UNICEF**, "Human rights are standards that recognize and protect the dignity of all human beings. Human rights govern how individual human beings live in society and with each other, as well as their relationship with the State and the obligations that the State have towards them."<sup>9</sup>

### B. RIGHTS OF THE SLUM DWELLERS AND THEIR VIOLATIONS

The Supreme Court in *Olga Tellis v. Bombay Municipal Corporation*<sup>10</sup> held that Article 21 of the Indian Constitution which provides for the Right to Life also includes the Right to Livelihood. This right, however, is not adequately provided to them as they are evicted from their places of work without providing them an alternate area, devoiding them of their source of income. Since their place of work is usually located near the place they live, in order to avoid the transportation charges, this further adds to their difficulties. Also, Article 39 of the Indian

<sup>8</sup> <<https://www.un.org/en/global-issues/human-rights>> accessed on 25<sup>th</sup> October, 2022

<sup>9</sup> <<https://www.unicef.org/child-rights-convention/what-are-human-rights>> accessed on 25<sup>th</sup> October, 2022

<sup>10</sup> *Olga Tellis v. Bombay Municipal Corporation*, 1985 SCC (3) 545

Constitution provides for all the citizens the right to adequate means of livelihood, which is denied to them as they are evicted. The *PG Gupta v. State of Gujarat and Ors.*<sup>11</sup>, the case also states that the “Right to shelter under Art.-19(1)(g) when read with Art.-19(1)(e), as well as Art.-21 of the constitution of India, comprises “the right to residence as well as to settlement” court also stated that it is an essential duty of the state to assign those people who are being evicted a permanent housing accommodation, in the scheme of housing.”<sup>12</sup>

“In the case of *Sundama Singh and Ors. v. Government of Delhi and Anr.*<sup>13</sup>, four writ petitions were filed to provide rehabilitation to the petitioners under article 226 of the Indian Constitution, who were residing in many slum areas in Delhi. The Court observed that “What every often is overlooked is that when a family living in Jhuggi is evicted forcibly, each member of such family loses a bundle of their rights i.e., right to livelihood, right to shelter, right to education, right to health, right to access to civic amenities and public transport and above all of these the important right: the right to live with dignity.”

Further, the court stated that the duty of the state before carrying out eviction is:

1. To perform a survey of those people who will be facing eviction to determine their eligibility in the scheme of rehabilitation, also
2. Such eviction must be performed after consulting each and every person at the risk of eviction in a significant way.”<sup>14</sup>

One of the other basic human rights is the Right to live with Dignity, and to be respected and treated equally by the states and persons. It also includes the right to adequate facilities, the bare necessities of life like food, clothing & shelter- which are being denied to the slum dwellers.

Although there are a number of initiatives taken by the Government to manage slums like:

1. National Slum Development Programme (NSDP);

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<sup>11</sup> *PG Gupta v. State of Gujarat and Ors.* 1995 2 SCC 182

<sup>12</sup> ‘The Rights of the Slum Dwellers and the Order of the Supreme Court’ Indian Legal Solutions <[https://indianlegalsolution.com/the-rights-of-slum-dwellers-and-the-order-of-the-supreme-court/#\\_ftn1](https://indianlegalsolution.com/the-rights-of-slum-dwellers-and-the-order-of-the-supreme-court/#_ftn1)> accessed on 25<sup>th</sup> October, 2022

<sup>13</sup> *Sundama Singh and Ors. v. Government of Delhi and Anr.*<sup>13</sup>, W.P.(C) 8904/2009

<sup>14</sup> ‘The Rights of the Slum Dwellers and the Order of the Supreme Court’ Indian Legal Solutions <[https://indianlegalsolution.com/the-rights-of-slum-dwellers-and-the-order-of-the-supreme-court/#\\_ftn1](https://indianlegalsolution.com/the-rights-of-slum-dwellers-and-the-order-of-the-supreme-court/#_ftn1)> accessed on 25<sup>th</sup> October, 2022

2. Valmiki Ambedkar Malina Basti Awas Yojana (VAMBAY);
3. Basic Services to Urban Poor (BSUP);
4. Integrated Housing and Slum Development Programme (IHSDP);
5. Interest Subsidy Scheme for Housing of Urban Poor (ISHUP);
6. Rajiv Awas Yojana
7. Pradhan Mantri Awas Yojana- Housing for All (Urban);
8. Slum Areas(Improvement and Clearance) Act, 1956;

there is a need for their effective implementation.

### **RECOMMENDATIONS FOR IMPROVING THE CONDITIONS OF SLUM DWELLERS IN INDIA**

1. Providing them with adequate housing facilities and ensuring the basic necessities of clean drinking water, electricity, closed drainage, public health facilities, decent wages for living, etc.
2. To ensure that educational facilities are set up within the vicinity of these slums and the Right to Education of the Children is granted.
3. To ensure that they get their Fundamental Rights, like any other citizen in the country.
4. To ensure that in case they are evicted then they are provided with an alternate living facility in time.
5. To ensure the implementation of the initiatives by the Government.
6. To ensure implementation of the International Treaties for the Protection of their Human Rights.

### **CONCLUSION**

Like all the other citizens, the slum dwellers need to be ensured their Human Rights and also the Fundamental rights provided for under the Indian Constitution. They should be provided adequate access to basic facilities like food clothing, shelter, and also all the facilities necessary to lead a dignified life.