Jahangirpuri Eviction Drive

What is the issue?

Recently, a fleet of bulldozers descended on Jahangirpuri in Delhi to demolish buildings, petty shops, and the entrance gate of a mosque.

What is the Jahangirpuri eviction drive?

- Communal violence had broken out in the Jahangirpuri area on April 16 when a Hanuman Jayanti Shobha Yatra, which did not have police permission, clashed with Muslims as it went alongside the mosque.
- The demolition drive was initiated after a petition was given to North Delhi Municipal Corporation (NDMC) to demolish the illegal constructions of the rioters in Jahangirpuri.
- Soon after the demolitions started, the Supreme Court in an urgent hearing ordered that "status quo" be maintained until further orders.
- But the demolition continued for over an hour after the order was passed.

The Jahangirpuri drive comes in the backdrop of demolition drives carried out by the State governments in Khargone and Anand where bulldozers were used to raze encroached properties.

What are the major legal concerns of citing "illegal encroachment"?

- The actions of state and local authorities to bulldoze shops and homes in riot-hit Muslim neighbourhoods citing "illegal encroachment" raises major legal concerns
    1. Such actions show a disregard for the due process of law and established judicial precedents regarding evictions.
    2. It conveys the use of brute state power for collective punishment undermining the basic tenets of criminal law.

What is the case of illegal encroachment in Delhi?

- According to the Delhi Economic Survey 2008-09, about 24% of the city lived in planned colonies and the rest lived in informal or unplanned areas.
- The Draft Master Plan of Delhi, 2041 also acknowledges the informality that characterises Delhi.
- Since the 1970s, there have been many waves of regularisation of unauthorised colonies initiated by the state.
- The Union Government launched the PM-UDAY (Unauthorised Colonies in Delhi Awas Adhikar Yojana) scheme which confers property rights to residents of unauthorised colonies.

What protections are in place against eviction?

> *Section 343 of the Delhi Municipal Corporation Act, 1957, which allows the corporation to order the demolition of buildings, states that "no order of demolition shall be made unless a notice is served to the affected person for a reasonable opportunity".*

- Irrespective of the legal status of the settlement, no public authority can demolish buildings without giving the affected parties a chance to be heard.
- The Delhi High Court, in *Sudama Singh vs Government of Delhi* (2010), mandated that the state should comply with fair procedure before undertaking any eviction.
- This got crystalised in the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015.
- In *Ajay Maken vs Union of India* (2019), the Delhi High Court held that no authority shall carry out eviction without conducting a survey, consulting the population that it seeks to evict and providing adequate rehabilitation for those eligible.
- The court invoked the idea of the "Right to the City" and the "Right to Adequate Housing" from international law and held that slum-dwellers possess the right to housing and should be protected from forced and unannounced eviction.
- Given these precedents, before a public authority undertakes any action in Jahangirpuri, it should not only serve notice but also consult those that it seeks to evict.

What does this action signify?

- **Threat to minorities**- The bulldozer itself has now become a symbol of brute state power and a revolting mascot to intimidate minorities.
- It raises alarms on the establishment of a bulldozer state that dispenses majoritarian justice.
- **Authoritarian state**- The demolition activities seem to be purposefully done under full media glare to convey the unbridled power.
- **Arbitrary actions**- Under the new bulldozer state, even before any charges are framed, the executive arbitrarily imposes a form of collective punishment upon a whole neighbourhood.
- In the midst of such a majoritarian upsurge, the rule of law cannot be saved purely through judicial intervention and would need broader political struggles.

References

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