

MAZDOOR ADHIKAR SANGHARSH ABHIYAN (MASA)

Contact: C-141, Sainik Nagar, Uttam Nagar, New Delhi – 110059
Email: masa.struggle@gmail.com

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MASA's Statement On Recent Supreme Court Order On Removal of 48,000 Jhuggis In Delhi

The Supreme Court has passed an order on 31st August 2020 to remove Delhi's around 48000 jhuggis which are situated in a stretch of almost 140 km on both sides of the railway tracks within 3 months. The Supreme Court has also stated in the order that no other court can put a stay order/injunction on this removal order and no interim order can be applicable to this issue, and "no interference, political or otherwise" should be there on this issue. The Supreme Court bench of three judges headed by Justice Arun Mishra has passed this order (Writ Petition(s)(Civil) No(s). 13029/1985) in response to the affidavit filed by the Railway Ministry of Modi government, where it appealed to the Supreme Court for removal of the jhuggis and the people residing there citing the reason that these people were responsible for the waste/garbage around the railway tracks. The Rail Ministry in its affidavit also stated that it had already formed a Special Task Force for the removal of these jhuggis. This order will be deadly for the working people already struggling against the deep crisis of life and livelihood amidst the pandemic and economic crisis. At least 2.5-10 lakh (or possibly even more than that) poor working class people will lose homes and will be deprived of their shelter as a result of this order.

The working class people who are at the receiving end of the worst effects of the pandemic and lockdown are the residents of these jhuggis. The order of removal of the slums has been given without hearing their side. There is no mention of providing alternative housing to these people, which is a clear violation of fundamental rights of these residents. In the Supreme Court judgment given by a bench of five judges in Olga Tellis case, the right to livelihood and housing was accepted as a fundamental right under Right to Life i.e. Article 21 of the Constitution of India. But this decision found no mention in the recent order. Also, Delhi High Court in 2010 in Sudama Singh case clearly stated that it is the responsibility of the government to ensure proper alternative housing to the slum dwellers based on a survey before any slum demolition. Despite providing a clear legal framework for the cases of slum demolition and alternative housing, this decision also found no mention in the present order of the Supreme Court.

This is worth mentioning that the decision of removal of jhuggis in 3 months came at a time when the whole world is facing the crisis of pandemic and the danger of corona infection is all around. Not only this order fails to give any relief to the slum dwellers in terms of alternative housing, but the implementation of the order is dangerous for their lives too. Mazdoor Adhikar Sangharsh Abhiyan (MASA) strongly condemns this order and considers this order not only inhumane but also unconstitutional and against principles of natural justice and law.

The present and previous Central and Delhi governments repeatedly gave fake promises of "jahaan jhuggi wahiin makaan" (Pakka houses in place of slums) in every election, but in reality the working masses are compelled to live in deplorable condition in these jhuggis because of the insensitivity and pro-capitalist policies of these governments. All these governments in the preceding decades have intensified the problem

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of livelihood and shelter by regular slum demolition rather than resolution of the housing problem. Delhi Government in its press conference on 11th September 2020 has stated that it has 45,857 vacant homes in its disposal which were built under different schemes for slum dwellers. But despite that, the government could not take any proper step to provide alternative housing to the slum dwellers in so many years. Even after this order, the Central and the Delhi Governments are not doing much except for pointing fingers and indulging in blame game among each other. MASA condemns the anti-worker attitude of the Central and Delhi Governments.

It is also worth mentioning that the step of demolition of slums situated in the lands owned by Railways is being undertaken vigorously according to the privatisation policies of the Modi government. Central Government is emptying the lands of Railways through Railway Land Development Authority (RLDA) and fast executing the plan to transfer those lands to private hands. The process is going on in various places across the country including Delhi in areas of Shakur Basti, Ashok Vihar, Kishanganj-Karol Bagh etc. MASA strongly protests against the policies of privatization of Railways and other sectors by Modi government and the anti-worker and anti-people steps taken by it as per these policies, and demands the withdrawal of these policies and steps.

Condemning the inhumane order, MASA demands that the Supreme Court must take back this order, while the Central Rail Ministry and Delhi government on their part should also file for review of this order at the earliest from a pro-people and humane perspective. Those affected by this order must be given the opportunity to be heard by the Supreme Court, and it must prohibit Railways from handing over such lands to corporate sector for business purposes. MASA also demands that the policies and the steps taken by Modi Government to privatize Railways and other sectors must be stopped immediately.

Coordination Committee

Mazdoor Adhikar Sangharsh Abhiyan (MASA)

Sanjay Singhvi – 9869047758 / S V Rao – 9490700933 / Amit – 9873057637

Shyambir – 9540886678 / Santosh – 9953175766 / Somnath – 9896830442 / Siddhant – 9582265711

MAZDOOR ADHIKAR SANGHARSH ABHIYAN (MASA)

MASA Constituents: All India Workers Council (AIWC) / Grameen Mazdoor Union, Bihar / Indian Council of Trade Unions (ICTU) / Indian Federation of Trade Unions (IFTU) / IFTU Sarwahara / Inqlabi Mazdoor Kendra / Inqlabi Mazdoor Kendra, Punjab / Jan Sangharsh Manch Haryana / Karnataka Shramika Shakthi / Mazdoor Sahyog Kendra, Gurgaon-Bawal / Mazdoor Sahyog Kendra, Uttarakhand / Mazdoor Samanvay Kendra / Socialist Workers Centre (SWC), Tamil Nadu / Struggling Workers Coordination Committee (SWCC), West Bengal / Trade Union Centre of India (TUCI)