Chapter - IV

Preventive Measures and Crime Control in Relation to Slum Areas

4.1 The Role of Legislature and Judiciary with Reference to Slum Areas

4.1.1 The Legislative Measures

Ever since independence of the nation, Parliament has passed only one legislation on the issue of improvement and clearance of slums in the country, which is known as ‘The Slum Areas (Improvement and Clearance) Act, 1956’. Before the enactment of this statute there was no law, which could empower slum areas for the purpose of providing basic amenities nor there was any power for acquiring slum properties and demolishing dilapidated houses. Slum dwellers were also being harassed through forcible eviction by the landlords. Under these circumstances it was found necessary to enact a comprehensive law under which government should have necessary powers for carrying out the requisite improvements, acquisition or demolition of slum properties and for the eviction of tenants from slum areas.

The object of passing this Act was to check the rapid growth of population and overcrowding which had created bad slums in the country. In slum areas, tenements were in dilapidated conditions, civil amenities and community facilities were lacking, cattle shared the available space with human beings. Slum areas were a menace to the safety, health and morals of the inhabitants. Slum areas required drastic improvement.

Since, the Union List does not contain any entry directly and specifically applicable to land, slums etc., a number of States have enacted statutes to deal with the problem of slums. In order to achieve the above said object, the Central and some State Legislatures have passed the following statutes which are directly or indirectly dealing with the problem of slums.

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1. The Slum Areas (Improvement and Clearance) Bill received the assent of the President on 29th December, 1956.
The Slum Areas (Improvement and Clearance) Act, 1956.
- The Andhra Pradesh Slum Improvement (Acquisition of Land) Act, 1956.
- The Madhya Pradesh Slum Improvement (Acquisition of Land) Act, 1956.
- The Assam Slum Areas (Improvement and Clearance) Act, 1959.
- The U.P. Slum Areas (Improvement and Clearance) Act, 1962.
- The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.
- The Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971.
- The West Bengal Slum Areas (Improvement and Clearance) Act, 1972.
- The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders (Forest Officers), Goondas, Immoral Traffic Offenders and Slum-Grabbers Act, 1982.

Some relevant important legislations are discussed below:

_The Slum Areas (Improvement and Clearance) Act, 1956._ This act was enacted for the improvement and clearance of slum areas in certain Union Territories and for the
protection of tenants in such areas form eviction. This Act does not extend to the states, but extend to all Union Territories except Andaman and Nicobar Islands and the Laccadive. Minicoy and Amindivi Islands. This Act has forty Sections, twelve Rules and is divided into seven chapters.

The Act defines ‘slum area’ as

where the buildings of any area in any respect unfit for human habitation; or are 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 detrimental to safety, health or morals, may be declared slum area.

The chapter 3rd of the said Act deals with the power of competent authority to issue notice to building owner to execute the work of improvement to render the building fit for human habitation. It also empowers the competent authority to restrict the erection of.

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3 The Amindivi Islands of Lakshadweep consists of a group of islands. This group is made of five islands namely; Amini, Kiltan, Chetlat, Kadmat and Bitra together make the Amindivi group of islands.
4 The Slum Areas (Improvement and Clearance) Act, 1956. The Act also has the Schedule dealing with principles for determination of the net average monthly income of the owner of the land acquired.
5 Id Section 3. Declaration of slum areas. - (1) Where the competent authority upon report from any of its officers or other information in its possession is satisfied as respects any area that the buildings in that area-
(a) are in any respect unfit for human habitation; or
(b) are 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 detrimental to safety, health or morals,
it may, by notification in the Official Gazette, declare such area to be a slum area.
(2) In determining whether a building is unfit for human habitation for the purposes of this Act, regard shall be had to its condition in respect of the following matters, that is to say-
(a) repair;
(b) stability;
(c) freedom from damp;
(d) natural light and air;
(e) water supply;
(f) drainage and sanitary conveniences;
(g) facilities for storage, preparation and cooking of food and for the disposal of waste water;
and the building shall be deemed to be unfit as aforesaid if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.
6 Id Section 4.
of building etc. in slum areas and to order for demolition of buildings unfit for human habitation after complying with required procedure in this regard.

The chapter 4th of the said statute provides for power of competent authority to demolish all buildings in slum area, clear slum area (slum clearance order) and re-develop clearance area.

The chapter 5th of this statute empowers the Central Government to acquire land within, adjoining or surrounded by any area to execute any work of improvement in relation to any building in a slum area or to re-developed any clearance area.

It also provides for the rights of interested persons in land acquired by Central Government to receive compensation, basis for determination of compensation, appointment of compensation, payment of compensation and power to competent authority to in relation to determination of compensation etc.

The chapter 5th and 6th discuss the proceedings for eviction of tenants not to be taken without permission of the competent authority, restoration of possession of premises vacated by a tenant and rent of building in slum area. It also empower the competent authority to enter or inspect various places in or around the slum areas; and section 28 state that only the competent authority is empowered to evict any occupant of building or palace in slum area. It can direct any person carrying on any dangerous or

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7 Id Section 6A.
8 Id Section 7.
9 Id Section 10.
10 Id Section 11.
11 Id Section 12.
12 Id Section 14.
13 Id Section 15.
14 Id Section 16.
15 Id Section 17.
16 Id Section 18.
17 Id Section 19.
18 Id Section 20A.
19 Id Section 20B.
20 Id Section 22.
21 Id Section 23.
22 Id Section 28.
offensive trade in a slum area to remove the trade from that area within such time as may be specified in the order.23

Any person aggrieved by any notice, order or direction issued or given by the competent authority may appeal to the Administrator within a period of thirty days from the date of issue of such notice, order or direction24. The chapter also discusses about the penalties25 which can be imposed in case of the violation of the provision of this act. Penalties provided are not so hard which may extend maximum to three months imprisonment, or with fine which may extend to one thousand rupees, or with both.

The Act also empowers the Central Government to make rules to carry out the purpose of this act26. In exercise of the power conferred by section 40 of the Slum Areas (Improvement and Clearance) Act, 1956, the Central Government makes The Slum Areas (Improvement and Clearance) Rules, 1957. This contains twelve rules and formats of different applications which can be field under different sections of this act.

Another important legislation dealing with slum area is called The Punjab Slum Areas (Improvement and Clearance) Act, 196127. This Act is basically based on The Slum Areas (Improvement and Clearance) Act, 1956. Majority of the provisions are common in these Act’s and have been interpreted with reference to the State of Punjab. There are some different provisions in this statute which are as follows:

- When notice is issued by competent authority to the owner of build for improvement28 and if order of improvement is not complied with, then, after the

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23 Id Section29 read as “power to remove offensive or dangerous trades from slum areas. - The competent authority may, by order in writing, direct any person carrying on any dangerous or offensive trade in a slum area to remove the trade from that area within such time as may be specified in the order. Provided that no order under this section shall be made unless the person carrying on the trade has been afforded a reasonable opportunity of showing cause as to why the order should not be made.”
24 Id Section30.
25 Id Section32.
26 Id Section40.
27 This Act received the assent of the President of India on the 18th May, 1961, and first published for general information in the Punjab Government gazette (Extraordinary), Legislative Supplement, of the 10th June, 1961.
28 Section 4 of the Punjab Slum Areas (Improvement and Clearance) Act, 1961.
expiration of the time specified in the notice the competent authority may itself do the works required to be done by the notice.29

- Where work of improvement have been executed in relation to any building in a slum area, the expenses incurred by the competent authority or, as the case may be, any local authority in connection with the maintenance of such works of improvement or the enjoyment of amenities and conveniences rendered possible by such works shall be recoverable from the occupiers of the building as arrears of land revenue.30

- For carrying out the purposes of this Act the State Government shall establish ‘Slum Clearance Board’31. The Board shall consist of a Chairman, the Chief Administrator, the Secretary and such other members, not more than fifteen and not less than six as the State Government may appoint and they shall hold office during the pleasure of the State Government32. This act further defines conditions of service of members of the board33, appointment of officers and employees in the board34, conditions of service of officers and employees of the board35, general disqualification of members, officers and employees of the board36, functions of the board37, power of the board to make regulations38, Power of the board to make contracts to carry out the objects of the act39 and Slum Clearance Board Fund40

Other remaining provisions of this Act are similar to the provisions of “The Slum Areas (Improvement and Clearance) Act, 1956”. Other slum area improvement and
clearance state legislations in our country are more or less similar to the provisions of "The Slum Areas (Improvement and Clearance) Act, 1956".

Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers and Drug-offenders Ordinance, 1981. In the year 1981, both Houses of the Maharashtra State Legislature were not in session, but the dangerous activities were being clandestinely organized and carried on in violation of law by slumlords, bootleggers or drug-offenders in the State of Maharashtra and particularly in its urban areas. The Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to have a special law in this State to provide for preventive detention of above stated three classes of persons and for matters connected therewith and, therefore, promulgated the said statute. Later on this Ordinance was replaced by an Act of the State Legislature. The main features of the Act with reference to this research work are as follows:

Initially, under this Act definition of the terms like ‘slumlord’ and ‘unauthorized structure’ etc. are provided. ‘Slumlord’ means

a person, who illegally takes possession of any lands (whether belonging to Government, local authority or any other person) or enters into or creates illegal tenancies or lease and license agreements or any other agreements in respect of such lands, or who constructs unauthorized structures thereon for sale or hire, or gives such lands to any persons on rental or lease and license basis for construction, or use and occupation, of unauthorized structures, or who knowingly gives financial aid to any persons for taking illegal possession of such lands, or for construction of unauthorized structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation or other charges by criminal intimidation, or who evicts or attempts to evict any such occupiers by force without resorting to the lawful procedure, or who abets in any manner the doing of any of the abovementioned things.

‘Unauthorized structure’ means

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41 On the 11th June, 1981.
42 Section 2 (f) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers and Drug-offenders Ordinance, 1981.
any structure constructed, without express permission in writing of the Municipal Commissioner in Municipal Corporation area, and elsewhere of the Collector, or except in accordance with any law for the time being in force in the area concerned.\textsuperscript{45}

Under this statute, after the satisfaction of the State Government, a person can be detained to prevent him from acting in any manner prejudicial to the maintenance of public order in the state.\textsuperscript{44} The place, grounds\textsuperscript{45} and conditions etc. of detention shall be specified in the order of detentation and will be communicated to the person affected by the order of detentation.

The State Government shall constitute one or more Advisory Boards for the purposes of this Act. Every such Board shall consist of a Chairman and two other members, who are, or have been, judges of any High Court or who are qualified under the Constitution of India to be appointed as judges of a High Court.\textsuperscript{46} The detainee shall be produced before the Advisory Board within three weeks from the date of his detention with any representation made by him.\textsuperscript{47}

The Advisory Board after considering the materials placed before it, after hearing the detainee and collecting further information, shall submit its report to the State Government, within seven weeks from the date of detention of the person concerned.\textsuperscript{48} After receiving the report of Advisory Board the State Government may confirm or revoke the detention order\textsuperscript{49}. The maximum period of detention shall not be more then twelve months from the date of detention\textsuperscript{50}. The State Government at any time may

\textsuperscript{43} Id Section 2 (g).
\textsuperscript{44} Id Section 3.
\textsuperscript{45} Id Section 5A.
\textsuperscript{46} Id Section 9.
\textsuperscript{47} Id Section 10.
\textsuperscript{48} Id Section 11.
\textsuperscript{49} Id Section 12.
\textsuperscript{50} Id Section 13.
change or modify the order of detentation\textsuperscript{51} and may release the detainee for any specified period, with or without any conditions.\textsuperscript{52}

The Act further provides that no suit, prosecution or other legal proceeding shall lie against the State Government or any officer or person, for anything in good faith done or intended to be done in pursuance of this Act.\textsuperscript{53}

In the end, it provides that all detention order against any slumlord, bootlegger, drug offender or dangerous person to be made under this Act and not under National Security Act\textsuperscript{54}

The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug offenders, Gamblers, Goondas, Immoral Traffic Offenders and Slum-Grabbers Act, 1985\textsuperscript{55}, was enacted by the Karnataka State Legislature. The activities of certain anti-social elements like bootleggers, drug offenders, gamblers, goondas, immoral traffic offenders and slum grabbers have from time to time caused a feeling of insecurity and alarm among the public. The even tempo of life especially in urban areas has frequently been disrupted because of such persons. These categories of anti-social elements could not be effectively dealt under the National Security Act, 1980. To provide for preventive detention of bootleggers, drug-offenders, gamblers, goondas, immoral traffic offenders and slum-grabbers for preventing their dangerous activities prejudicial to the maintenance of public order the Karnataka State Legislature passed the above said statute. This act is containing eighteen sections.

In reference to this research work this act defines, ‘slum-grabber’ as

\begin{quote}
\textit{a person, who illegally takes possession of any land (whether belonging to Government, local authority or any other person) or enters into, or creates illegal tenancies or leave and licence agreements or any other agreement in respect of such lands ; or who constructs unauthorised structures}
\end{quote}

\textsuperscript{51} Id Section 14.
\textsuperscript{52} Id Section 15.
\textsuperscript{53} Id Section 16.
\textsuperscript{54} Id Section 17.
\textsuperscript{55} Received the assent of the President on the Twenty-ninth day of April, 1985.
thereon for sale or hire, or gives such lands to any person on rental or leave and licence basis for construction or use and occupation, of unauthorised structures or who knowingly gives financial aid to any person for taking illegal possession of such lands, or for construction of unauthorised structures thereon, or who collects or attempts to collect from any occupier of such lands, rent, compensation or other charges by criminal intimidation, or who evicts or attempts to evict any such occupier by force without resorting to the lawful procedure; or who abets in any manner the doing of any of the above mentioned things. This act further defines 'unauthorised' structure as

any structure constructed without express permission in writing of the appropriate authority under, and in accordance with any law for the time being in force in the area concerned.

If the State Government is satisfied with respect to any bootlegger, drug-offender, gambler, goonda, immoral traffic offender or slum-grabber that they may in any manner act prejudicial to the maintenance of public order. To prevent them from doing anti social activity government may pass order for their detention.

The State Government shall, whenever necessary, constitute one or more Advisory Boards for the purpose of this Act. The constitution of every such Board shall be in accordance with the recommendation of the Chief Justice of the High Court of Karnataka. Every such Board shall consist of a Chairman and two other members and the Chairman shall be serving judge of the High Court of Karnataka and the other members shall be serving or retired judges of any High Court. The detainees shall be placed before the Advisory Board within three weeks from the date of his detention. The maximum period of detention shall be twelve months from the date of detention.

The State Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period, either without

56 Section 2 (i) of the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders and Slum-Grabbers Act, 1985.
57 Id Section 2 (j)
58 Id Section 3 (1).
59 Id Section 9.
60 Id Section 10.
61 Id Section 13.
conditions or upon such conditions specified in the direction as that person accepts, and may, at any time cancel his release.\textsuperscript{62}

The Act further provides that no suit, prosecution or other legal proceeding shall lie against the State Government or any officer or person, for anything in good faith done or intended to be done in pursuance of this Act.\textsuperscript{63}

In the end, it provides that all detention orders against any bootlegger, drug-offender, gambler, goonda, immoral traffic offender or slum - grabber to be made under this Act and not under National Security Act\textsuperscript{64}.

In addition to above said statutes, some Municipal Acts dealing with slum problems have also been also passed before or after our independence. These are as follows:

- The U.P. Municipal Corporation Act, 1916
- The Delhi Municipal Corporation Act, 1957
- The Bombay Municipal Corporation Act, 1988

These Acts contain provisions for the removal of ‘articles’ deposited in certain places, and for the removal of obstructions. Often, it is in the exercise of the powers conferred by provisions of these Acts that the Municipal Corporations take action, with or without notice, to remove the articles and obstructions and adopt other consequential measures to forcibly evict the occupants of the premises in question. The provisions of aforesaid Acts invest wide powers which are usually resorted to for evicting slum dwellers. As a result, the slum dwellers are exposed to the risk of being rendered roofless.

It is very unfortunate that a number of States have enacted legislations which have addressed the problem of slums but none of these legislations touch the core of the real problem of crime by slum dwellers and proper rehabilitation of the evicted slum dwellers.

\textsuperscript{62} Id Section 15.
\textsuperscript{63} Id Section 16.
\textsuperscript{64} Id Section 17.
There arises a need for affording slum dwellers reasonable protection to the extent possible in order to save them from destitution. In order to rehabilitate slum dwellers the following Acts have been passed:

- The Slum Rehabilitation Act, 1995.65

We must not forget that the residents of slum areas are members of depressed and neglected section of society. Compulsions of the circumstances in which they live force them to get into criminal activities. Unfortunately, their circumstances and criminality fail to attract the attention of law makers. There is no special law, policy or scheme made in our country to prevent crime by slum dwellers.

4.1.2 The Judicial Approach

There are a number of cases in which the offence is committed by slum dwellers within or outside the slum areas. In such cases, the central uniformly applicable ‘Indian Criminal Laws’ are applied by the courts to decide the matter in question. No special legislation to deal with criminal behavior and criminal activities of slum dwellers in our country has been passed by either central or any state legislature. On the basis of the Acts as discussed earlier in this chapter dealing with slum clearance, improvement etc. a number of cases has been decided by the courts. The most important judgment on the eviction of slum dwellers and pavement dwellers is of Olga Tellis v. Bombay Municipal Corporation66. This case is also known as the ‘Slum Dwellers Case’. The facts in brief of this case are that in 1981, the respondents - The State of Maharashtra and Bombay Municipal Corporation took a decision that all pavement dwellers and the slum or basti dwellers in the city of Bombay will be evicted forcibly and deported to their respective

65 This Act was passed by the Government of Maharashtra to protect the rights of slum dwellers and promote the development of slum areas. The Act protected from eviction anyone who could produce a document proving they lived in the city of Mumbai before January 1995, regardless if they lived on the pavement or other kind of municipal land. Through the Act pavement dwellers were for first time into the classification of households that are entitled to land for relocation.

66 AIR 1986 SC 180 . (The judgment of this case was delivered by the former Chief Justice of India Justice Y.V. Chandrachud)
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places of origin or removed to places outside the city of Bombay. Pursuant to that decision, the pavement dwellings of some of the petitioners were in fact demolished by the Bombay Municipal Corporation. Some of the petitioners challenged the aforesaid decision of the respondents in the High Court. The petitioners conceded before the High Court that they could not claim any fundamental right to put up huts on pavements or on public roads, and also gave an undertaking to vacate the huts on or before October, 15, 1981. On such undertaking being given, the respondents agreed that the huts will not be demolished until October 15, 1981 and the writ petition was disposed off accordingly. In-between writ petitions were filed in the Supreme Court under Article 32 of the Indian Constitution. The petitioners challenged the decision of the respondents to demolish the pavement dwellings and the slum hutments in the city. On the ground that they could not be evicted from their bastis and squalid shelters without being offered alternative accommodation. They relied for their rights on the Article 21 of Indian Constitution. They did not contend that they had a right to live on the pavement. Their contentions were as under:

(i) They had a right to live (Article 21 of the Constitution of India)
(ii) This right could not be exercised without the means of livelihood.
(iii) For exercising this right and for seeking the means of livelihood, they had no option but to flock to big cities like Bombay which provide the means of bare subsistence.
(iv) They chose a pavement or a slum which was nearest to their place of work. In a word, their plea is that the right to life was illusory without a right to the protection of the means by which alone life can be lived.
(v) The right to life can be taken away or abridged, only by a procedure established by law. This procedure has to be fair and reasonable, so as to satisfy the requirement of Article 21 of the Constitution of India. The procedure prescribed by the Bombay Municipal Corporation Act or the Bombay Police Act was arbitrary.
(vi) The petitioner also relied on the right to reside in any part of the country, being a right which is guaranteed by the Article 19 (1) (e) of the India Constitution.

In reply to this, the contention of the respondents was that whatever be the compulsion, the petitioners had no right to squat on or to construct a dwelling on a pavement, public roads, public streets or any other place to which the public had a right of access. Certain other points were also canvassed by the respondents.

After examining the above contentions and the relevant constitutional provisions and after quoting certain sociological literature relevant to the points at issue the Supreme Court in its judgment laid down a number of guidelines for the protection of slum dwellers which are as under:

(i) The court would have directed the Municipal Commissioner to afford an opportunity to the petitioners to show why the encroachments committed by them on pavements or footpaths should not be removed.

(ii) The pavement dwellers who were censused or who happened to be censused in 1976 should be given, though not as a condition precedent to their removal, alternate pitches at Malavani or, at such other convenient place as the Government considers reasonable but not farther away in terms of distance;

(iii) Slum dwellers who were given identity cards and whose dwellings were numbered in the 1976 census must be given alternate sites for their resettlement;

(iv) Slums which have been in existence for a long time, say for twenty years or more, and which have been improved and developed will not be removed unless the land on which they stand or the appurtenant land, is required for a public purpose, in which case, alternate sites of accommodation will be provided to them; and

(v) The 'Low Income Scheme Shelter Programme' which was proposed to be undertaken with the aid of the World Bank should be pursued earnestly; and
the 'Slum Upgradiation Programme (SUP)' under which basic amenities are to be given to slum dwellers should be implemented without delay\(^6\).

Another case relating to eviction of slums was *K. Chandra etc. v. State of Tamil Nadu and others*\(^6\). The State of Tamil Nadu enacted the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 in order to eradicate slums which are likely to become a source of danger to public health or sanitation. Acting in pursuance of the provisions of the said Act, about 450 huts situated on the Canal Bank Road in Madras adjoining the Loyola College were demolished on November 17, 1981. On the following day, the Chief Minister of Tamil Nadu made a statement that the Government had decided to demolish slums which had come into existence after June 1977. On November 19, 1981 the Chairman of the Tamil Nadu Slum Clearance Board made a statement that alternative accommodation had been provided to persons who were evicted from the slums situated on the Canal Bank Road. A writ petition was filed in the Supreme Court for the issuance of a writ of mandamus seeking following two reliefs namely,

(i) to restrain the respondent's State from evicting slum dwellers and pavement dwellers in the city of Madras, without providing alternative accommodation to them and;

(ii) to direct the respondent's State to provide basic amenities like water, drainage and electricity to the slum dwellers.

In this case the Supreme Court held that:

(i) Since Madras has a late monsoon, the pavement dwellers in the city will not be evicted before December 31, 1985;

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\(^{6}\) *Id* at 204.

\(^{6}\) AIR 1986 SC 204. (The judgment of this case was delivered by the former Chief Justice of India Justice Y.V. Chandrachud, Justice S. Murtaza Fazal Ali, Justice V. D. Tulsipurkar, Justice O. Chinappa Reddy and Justice A. Varadarajan)
(ii) The State Government will do its best to provide alternative accommodation to those amongst them who are able to show that they were living on pavements before June 30, 1977;

(iii) In so far as the other slum dwellers are concerned, they too will not be evicted before December 31, 1985 unless the land on which any slum stands is required by the State Government for an urgent public purpose.

Further, the hon’ble Supreme Court in the case of, M/S Shantistar Builders v. Naryan Khimji Totam and others. While dealing with the human need for shelter, in paragraph No 9, observed that:

“Basic needs of human have traditionally been accepted to be three – food, clothing and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the needs of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body; for human beings it has to be a suitable accommodation which would allow him to grow in every aspect – physical, mental and intellectual. The Constitution aims at ensuring fuller development of every child. That would be possible only if the child is in a proper home. It is not necessary that every citizen must be ensured of living in a well-build comfortable house but a reasonable home particularly for people in India can even be mud-build thatched house or a mud-build fire proof accommodation”.

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69 Id at 207.
70 AIR 1990 SC 630-633. (The Judgment of this case was delivered by a Bench of three Judges namely, Justice Ranganath Mishra, Justice P.B. Sawant and Justice K. Ramaswamy). Under Sections 20 and 21 of the Urban Land Ceiling and Regulation Act, 1976, the State Government exempted certain excess land from the provisions of the Act on the condition that the land be used by the builders for the purpose of providing housing for the “weaker sections of society. It was alleged that the builders had not done so. Respondents made an application (Civil application No. 5748/89) for amendment of the averments in that writ petition but by order dated 12th of December, 1988, the High Court rejected the civil application and refused leave to amend. Against the order of Bombay High Court appeal was filed in the Supreme Court.
71 Id at 633.
Earlier in the case of *Nehru Marge Cabin Association v. Modasa Nagar Palika*\textsuperscript{72}, the four petitions were filed by cabin-shop-owners in the Gujarat High Court, against the order of Modasa Nagar Palika, for their eviction. The High Court has indicated what should be just, fair and reasonable procedure in such type of cases, and observed as follows:-

(i) The respondent authorities should not take any action of removal of the petitioners from the business premises occupied by them without affording them an opportunity of being heard.

(ii) Such opportunity of being heard would also include:

(a) a notice in writing to be served upon each of the occupant, calling upon him to show cause as to why he should not be removed from the place in question?

(b) the occupant concerned should be afforded an opportunity of leading evidence in response to the notice; and

(c) the occupant concerned should also be afforded an opportunity of being heard in person either by himself or through an advocate;

(iii) In case the respondent authorities, after the enquiry as stated hereinabove, came to the conclusion that the occupant concerned was required to be removed from the place, and any decision adverse to the occupants is taken, the same should not be implemented for a period of one month from the date of communication to the occupant.

The courts have evidently been taking a human approach to the problem within the limitations and parameters of the extant law but the laws at present do not afford adequate protection to the slum and pavement dwellers beyond making it incumbent on the concerned authorities to afford them an opportunity of hearing. The need for

\textsuperscript{72} 29 (1): 1988 GLR 441 para-6. (The judgment of this case was delivered by Justice A.P. Ravani)
imposing an obligation to provide the slum dwellers with an alternative accommodation or dwelling site is therefore an urgent need of the times.

It is pertinent to mention here that the Right to shelter is not explicitly recognised as a Fundamental Right under the Constitution of India, but our Courts have proclaimed that the same is embedded in the provisions of Articles 19 and 21 of the Constitution of India.

In the case of *State of Karnataka v. Narasimhamurthy* the Supreme Court declared that the right to shelter is a Fundamental Right guaranteed under Article 19(1) (e) of the Constitution.

In *Ahmadabad Municipal Corporation v. Nawab Khan, Gulab Khan & Ors* the division bench comprising of Justice K. Ramaswamy and Justice G. Pattanaik of the Supreme Court held that the right to shelter is a fundamental right available to every citizen and it was read into Article 21 of the Constitution of India as encompassing within its ambit, the right to shelter to make the right to life more meaningful. In paragraph 8 it has been held that:

"In any organized society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this..."
object. Right to live guaranteed in any civilised society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilised society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights. Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy right to shelter, therefore, does not mean a mere right to a roof over one’s head but right to all the infrastructure necessary to enable them to live and develop as human being. Right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right. As is enjoined in the Directive Principles, the State should be deemed to be under an obligation to secure it for its citizens, of course subject to its economic budgeting. 

In the case of Samatha v. State of Andhra Pradesh the Supreme Court held that the right to shelter, does not mean a mere right to a roof over one’s head but “Right to all the infrastructure necessary to enable him to live and develop as a human being. It includes the right to the basic facility, such as the sanitary facility etc., to lead a dignified life.”

7 AIR 1997 SC 3297. (The Judgment of this case was delivered by Justice K. Ramaswamy, Justice S. Saghir Ahmad and Justice G.B. Pattanaik. In this case the judges of the Supreme Court differ in their views. The majority view was taken by Justice K. Ramaswamy & Justice S. Saghir Ahmad and minority view by Justice G.B. Pattanaik). The admitted facts of the case are that Borra reserved forest area along with its environs consisting of 14 villages, is the Notified scheduled area in Ananthagiri Mandal of Visakhapatnam District of Andhra Pradesh. The State Government granted mining leases in this area to several non-tribal persons. Ananthagiri Mandal in which the mining areas are situated, is within the scheduled area. The tribal people from tribal groups are inhabiting therein. Against the order of the Government a writ petition was filed by the society claiming to protect the interests and life of the Scheduled Tribes in the area, questioning the power of the Government to grant mining leases in favour of non tribals in the scheduled area, in violation of the Regulation which prohibits transfer of any land in scheduled area to a non-tribal. The majority view of the Supreme Court judges in this case prohibits the transfer of land in a Scheduled Area from a tribal to a non-tribal and the State Government was also prohibited from allotting State land in a Scheduled Area to non-tribals except in accordance with rules made after consulting the Tribes Advisory Council.
4.1.2.1 The Right to Live with Human Dignity

"The right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings."

The Supreme Court of India

In reference to right to life Justice S. K. Sharma and Justice K. Rathore of the Rajasthan High Court said that the right to life includes the right to food, clothing and shelter, reasonable accommodation to live, the right to decent environment and also the right to live in a clean city.

Earlier, the division bench the Supreme Court comprising Justice K. Ramaswamy and Justice N. Venkatachala in Virender Gaur v. State of Haryana held that the enjoyment of life and its attainment includes the right to live with human dignity, encompasses within its ambit the protection and preservation of environment, ecological balance, free from pollution of air, water and sanitation without which life cannot be enjoyed.

Frances Coralie v. Union Territory of Delhi, AIR 1981 SC 746 at 747. (Judgment of the case was delivered by Justice P.N. Bhagwati)

Suo Motu v. State of Rajasthan. AIR 2005 Raj.300. The main issue involved in this petition was with regard to the depiction of women in an undignified manner by the media and the television channels. The Union of India through Ministry of Information and Broadcasting, Director General of Doordarshan and Registrar of Newspapers were also directed to submit affidavit of the concerned authorities indicating as to how the menace is being controlled, and eradicated. Vide order dated 28-9-2004 this Court has further directed the Government of India and the State of Rajasthan to give concrete suggestions to curb the menace of depicting women in indecent manner in newspapers, magazines, advertisements, television programmes, posters and music videos. The Monitoring Committee was also directed to submits it report in regard to the obscenity shown in the hoardings, advertisements and on television.

(1995) 2 SCC 577. In this case Municipal Committee in Haryana State, framed Town Planning Scheme No. 5 - Govt. of Haryana had sanctioned that Scheme on 30-10-1975. The appellant is an owner of a parcel in Scheme. By operation of s. 61 of Haryana Municipal Act, 1973, land stood vested in Municipality. Under the Scheme land was given on lease for 99 years to Punjab Samaj Sabha (for short 'the PSS') by the government PSS had paid price and had obtained sanction for construction of Dharamshala. Against this order writ petition was filed.
4.2 The Slum Problem and Major Government Programmes/ Policies for Improvement Thereof.

In our effort to understand the complex layers of the slum problem, it is necessary to understand the fundamental stock of the major schemes and initiatives taken by the government in this direction. The Government of India has taken certain initiatives for the development of infrastructure as well as improvement of environment in urban settlements with a view to improving the quality of life. The Government of India started schemes and programmes to improve slum conditions since 1960s and its focus has undergone a change over a period of time.

In the 1970s and 1980s, the Indian government had a policy of 'No Slums Cities'. This warranted forceful resettlement and rehabilitation of slum dwellers. However, this didn’t help in making cities slums-free. Then, the Government started implementing slum upgradation programmes under which infrastructure development was encouraged.

Since 1972, the Government of India initiated a programme called ‘Environmental Improvement of Urban Slums’ under which priority to drinking water and sanitation was given. Again in 1996 the government initiated the ‘National Slum Development Programme’ with substantial fund allocation. The objective of this programme is upgradation of urban slums by providing physical amenities like water supply, storm water drains, community baths, widening and paving of existing lanes, sewers, community latrines, street light etc. Community infrastructure and social amenities such as pre-school education, non-formal education, adult education, maternity and child health care including immunization as well as shelter up-gradation or construction of new houses are also part of this scheme. After spending close to Rs. 3,100 crore in nine years, the programme was discontinued. It was estimated that 46 million slum dwellers benefited from it.

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86 Ibid.
In 2005, the government started the 'Jawaharlal Nehru Urban Renewal Mission (JNNURM)' an initiative to encourage reforms and fast-tracked planned development of certain cities. It has a financial commitment of Rs1, 50,000 crore during 2006-12. The larger objective of the mission is to integrate development of infrastructure services; accelerating the flow of investment into urban infrastructure services; planned development of cities including the urban areas and universalisation of urban services to ensure their availability to the urban poor\textsuperscript{82}.

In this context, the Ministry of Urban Development and Poverty Alleviation are monitoring the implementation of a few centrally sponsored schemes for which, besides policy guidelines, State Governments and their development agencies are given financial support in the form of grants and loans. Some such schemes relate to the development of infrastructure in Mega Cities where infrastructure projects related to water supply and sewerage, roads and bridges, city transport, solid waste management, etc. are implemented on sustainable basis with appropriate direct and indirect cost recovery measures\textsuperscript{83}.

'National Slum Policy: 2001' has been another step taken by central government for the development of slums. Slums are an integral part of urban areas and contribute significantly to their economy both through their contributions in the labour market and through informal production activities. It is vital that all ULBs (urban local bodies) recognise the contribution of the urban poor in helping to build urban prosperity and make sufficient provision for the slum dwellers to have access to affordable land, house sites and services. It views slums as "problem areas" requiring corrective action. Major areas of attention include: town planning, land management, poverty alleviation, basic service delivery and capacity building. This Policy stresses, inter-alia, a priority role for local bodies in the discharge of functions listed in the Twelfth Schedule viz: (i) slum

\textsuperscript{82} Ibid
\textsuperscript{83} Dr. M.L. Khurana, Cooperatives for Improving Living Conditions in Slums. Available at www.naredco.in/.../... (visited on 10/02/12 at 4pm.)
The main objectives of this policy are:

(i) To integrate slum settlements and the communities residing within them into the urban area as a whole by creating awareness amongst the public and in Government of the underlying principles that guide the process of slum development and improvement and the options that are available for bringing about the integration.

(ii) To strengthen the legal and policy framework to facilitate the process of slum development and improvement on a sustainable basis.

(iii) To establish a framework for involving all stakeholders for the efficient and smooth implementation of Policy objectives.

Some significant features of this slum policy are:

(i) Comprehensive listing of slums/informal settlements.

(ii) Registration of all slum dwellers.

(iii) Issue suitable identity cards with full details to all households in listed slums.

(iv) Once settlements have been listed in the above manner all registered residents will be automatically eligible to receive basic minimum services/ amenities from the urban local bodies.

(v) Full property rights shall be granted on resettlement and/or rehabilitation sites owned or acquired by government.

(vi) At the time of granting tenure, it should become a pre-requisite for the residents to form an association/society which must be recognised by the urban local body. This association/society should normally consist of all resident families in that area where each family is represented by one woman.

(vii) The Sale of House, Plot, Tenure/Property Rights.
(viii) The Integrated Municipal Development Plan (IMDP).
(ix) The Dynamic Multi-Year & Bottom-Up Planning.
(x) The Physical Infrastructure Development programmes for water supply, drainage, sanitation, improved access, electricity, solid waste collection etc.
(xi) Improving Access to Social Services like Health Services, Education, Child Labour and Child Rights, Public Distribution System etc.
(xii) Municipal Services to be brought under Consumer Protection Act.
(xiii) Economic Empowerment:
   a. Financial services for poor
   b. Economic Support/Enterprise Development
(xiv) Improving credit worthiness of slum dwellers.
(xv) Improving credit worthiness of slum dwellers:
   a. Making Slum Dwellers Creditworthy
   b. Rational use of Subsidies
(xvi) Strengthening Municipal Governance and Management.
(xvii) Shelter Upgradation, Monitoring and Evaluation of development projects and programmes etc.

4.2.1 Slum Strategies Launched by Central Government through Different Five Year Plans

The different schemes and programmes launched by the Government of India for poverty eradication of the urban poor, i.e. slum dwellers, during various Five Years Plans are discussed below:

- First Five Year Plan (1951-56) and Second Five-Year Plan (1956-61): It is observed that in India, during the above said two different Five-Years Plans, the traditional approach to the problem of slum was followed. A master plan was recommended to be prepared by every city as a strategy for slum clearance and relocation. The slum Clearance and Improvement Act was passed in 1956.
scheme included acquisition of slums and rehousing families with an income of less than Rs. 350 per month was launched. However, this scheme of slum clearance and rehousing did not succeed in its objectives as it involved huge expenses by the government, was very time consuming, and there was lack of open spaces. The inevitability of urban slums was accepted and the schemes to improve their conditions were deemed as the only alternative. Thus the focus shifted to providing them with civic amenities or better facilities.

- **Third Five Year Plan (1961-66):** From this plan the traditional approach of slum clearance was gradually replaced by the more realistic one. During this plan the Government of India launched the Urban Community Development Programme (UCDP) in 1966, for the solution of slum problem. It not only included the physical improvement of slums but also the social and economic development of the slum dwellers.

- **Fourth Five Year Plan (1969-74):** During this plan in 1972, the Government of India formulated the Environment Improvement of Urban Slums (EIUS). The main object of this scheme was to improve the slum areas of the state by providing basic civic amenities along with physical and social infrastructure. This programme continued through various successive Plans. However, the scheme did not focus on education and income generation and had no element of community participation. This scheme lost its relevance as it concentrated on mere physical targets without focusing on the participation of the user.

- **Fifth Five Year Plan (1974-78):** During this Plan, besides the continuation of the EIUS programme, The Urban Land (Ceiling and Regulation) Act, 1976 was passed. This was to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limits, to

84 1st and 2nd Five Year Plans, available on http://planningcommission.nic.in/plans/planrel/fiveyr/default.html (visited on 21/03/2012 at 8am.)
85 3rd Five Year Plan, available on http://planningcommission.nic.in/plans/planrel/fiveyr/default.html (visited on 21/03/2012 at 9am.)
86 4th Five Year Plan, available on http://planningcommission.nic.in/plans/planrel/fiveyr/default.html (visited on 21/03/2012 at 9:40 am.)
regulate the construction of building on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few people and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good. In the same Plan period, another scheme, the Integrated Development of Small and Medium Towns Programme was launched in 1979. This was basically meant to deflect migration from cities to smaller urban areas.87

• Sixth Five Year Plan (1980-85): Besides continuation of the EIUS, in 1980, the Sites and Services Programme was launched to provide sites for shelter at cost price and loans for the construction of housing at concessional rates of interest. It stressed on low-cost sanitation and drainage as key areas for the much needed investment in slums. The scheme was a part of the Minimum Needs Programme (MNP) under which amenities like water supply, sewerage, sanitation, community latrines, street lights, etc. were provided to slum dwellers in selected areas.88

• Seventh Five Year Plan (1985-90): During this Plan, the Social Housing Programme in urban areas and rural housing for landless labourers and artisans under the Minimum Needs Programme (MNP) formed the major thrust. The economical weaker section (EWS) housing was the most pertinent component of the social housing scheme, as a part of the 20-Point programme during this Plan. However, the implementation of this programme has not been very encouraging, as the allotted lands are either sold or are let out, and the living conditions of the slum dwellers which the programme targeted, remain unchanged even after huge investments were made in providing the new sites89.

87 5th Five Year Plan, available on http://planningcommission.nic.in/plans/planel/fiveyr/default.html (visited on 21/03/2012 at 10:30 am.)
88 6th Five Year Plan, available on http://planningcommission.nic.in/plans/planel/fiveyr/default.html (visited on 21/03/2012 at 11:30 am.)
89 7th Five Year Plan, available on http://planningcommission.nic.in/plans/planel/fiveyr/default.html (visited on 21/03/2012 at 12pm.)
There was then a shift in approach to urban poverty issues in India. Emphasis was now sought to be laid on "creating more employment opportunities and raising the productivity levels in the unskilled jobs the poor are engaged in from a welfare and service-oriented strategy. In order to alleviate the conditions of the urban poor, a centrally sponsored programme ‘Nehru Rozgar Yojana’ was launched at the end of the Seventh Five year Plan (October 1989) with the objective of providing employment to the urban unemployed and underemployed poor. The NRY consisted of three schemes namely: (i) the Scheme of Urban Micro Enterprises (SUME); (ii) the Scheme of Urban Wage Employment (SUWE); and (iii) the Scheme of Housing and Shelter Upgradation (SHASU).

- **Eighth Five Year Plan (1992-97):** During this Plan, a centrally sponsored scheme, the Urban Basic Services for the Poor (UBSP), was implemented. UBSP was a strategy for the involvement of the urban poor, especially women, to improve their communities and situations within their families, aimed at the overall neighbourhood and ultimately the city. However, the programme had limited success, as neighbourhood committees constituted of disinterested and unmotivated volunteers.90

Again, during this Plan, recognizing the seriousness and complexity of urban poverty problems, especially in the small towns where the situation is graver due to the lack of resources for planning their environment and development, the Prime Minister’s Integrated Urban Poverty Eradication Programme (PMIUPEP) was launched in November 1995, with the objective of: (i) providing physical facilities; (ii) development of community infrastructure; (ii) setting up of primary health centres; (iv) social amenities such as health care; (v) provision of construction and upgradation of houses; (technical assistance for construction of houses; and (convergence of schemes between different sectoral and departmental

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90 8th Five Year Plan, available on http://planningcommission.nic.in/plans/planrel/fiveyr/default.html (visited on 21/03/2012 at 1pm.)
programmes relating to meeting social goals (PMIUPEP Guidelines, 1995). The National Slum Development Programme (NSDP) was also launched in 1996-97 for slum improvement and upgradation of urban slums by making provisions for physical and social amenities, community infrastructure, shelter, etc.

- **Ninth Five Year Plan period (1997-2002):** During this Plan, Swarna Jayanti Shahari Rozgar Yojana (SJSRY) was launched to phase out NRY, PMIUPEP and UBSP. The SJSRY was a centrally sponsored scheme applicable to all the urban areas with expenditure to be shared in the ratio of 75:25 between the Centre and States/UTs. This programme had two sub/schemes, namely, (i) Urban Self-Employment Programme (USEP) and (ii) Urban Wage Employment Programme (UWEP). Further, the shelter upgradation components of both NRY and PMIUPEP were merged with National Slum Development Programme. The Swarna Jayanti Shahari Rozgar Yojana sought to provide gainful employment to the urban unemployed or underemployed poor by encouraging in setting up of self-employment ventures or the provision of wage employment.

The Valmiki-Ambedkar Malin Basti Awas Yojana (VAMBAY) was introduced in 2001-02, to meet a long-standing gap in programmes for slum dwellers, namely, provision of a shelter or upgrading the existing shelter of people living below the poverty line in urban slums. VAMBAY and the discontinued National Slum Development were subsumed in a new scheme called the Integrated Housing and Slum Development Programme (IHSDP). The objective is to utilize this initiative to achieve the Habitat goal of slumless cities. Another equally important objective is to provide not only just shelter for the urban poor but also a healthy and enabling urban environment, to help them come out of their poverty level. To this end, there is need to dovetail VAMBAY with NSDP and SJSRY to ensure that shelter delivery, environment improvement and income

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upgradation for the urban poor are synergized into one comprehensive & complete whole.

A new national City Sanitation Project under the title of ‘Nirmal Bharat Abhiyan’ is being launched on 2nd December 2001 in the slums all over the Country. This is the first scheme of its kind meant exclusively for slum dwellers with a Government of India with subsidy of 50 percent. The balance 50 percent is to be arranged by State Government with ceiling costs prescribed both for dwelling units/community toilets. Since 2001 to 2006 total Rs. 109393.010 lakhs, with the subsidy of Rs. 96700.211 lakhs has been allocated for the construction/upgradation of 440674 dwelling units and 65331 toilet seats. So far a total of 2.08 lakh dwelling units covering 20 States and Union Territories have been sanctioned under VAMBAY.

- Tenth Five Year Plan period, (2002-2007): The most recent initiative taken by the government has been the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) which was launched by the Government of India in December 2005 to encourage the creation of financially sustainable inclusive cities. The objective of the Mission is to give focused attention to planned development of identified cities including peri-urban areas, outgrowths and urban corridors to foster dispersed urbanization, ensure adequate funds to meet the deficiencies, in urban infrastructural services and provid basic services to the urban poor. The Basic Services for Urban Poor (BSUP) and Integrated Housing and Slum Development Programme (IHSDP) under JNNURM are handled by the Ministry of Housing and Urban Poverty Alleviation.

“JNNURM has suffered severe delays mainly because of the States hesitating to change local laws fearing a political backlash. Although it was supposed to provide Rs. 31,500 crores for project submitted by 65 cities, the centre

\(^9\) This scheme is a component of the Valmiki Ambedkar Awas Yojana.
\(^{10}\) http://mhupa.gov.in/programs/upa/nsdp/vambay.htm (visited on 19/03/2012 at 11am.)
has released only one-fourth of this. There are gaps in the State and local bodies’ funds availability too. The other component of JNNURM, related to providing basic services to the urban poor, has also suffered a worse fate" (The Times of India, June 3, 2009). JNNURM has just completed four years and so it is too early to evaluate its impact on poverty, yet it is clear that certain aspects like decentralization as envisaged have not reached out to ULBs fully.

- **Eleventh Five Year Plan (2007-2012):** During this Plan, urban poverty alleviation and slum development programmes remain important components of the Eleventh Plan. Tenth Plan schemes under JNNURM for providing affordable shelter and decent living and working conditions to the poor and for helping them to develop self-employment enterprises are still continue. The Swarna Jayanti Shahri Rozgar Yojana (SJSRY), a CSS to provide gainful employment to the urban unemployed (below the poverty line) is implemented.

  The National Urban Health Mission scheme, for meeting the health needs of the urban poor, particularly slum dwellers and health insurance was launched in June 2010.

  Under Prime Minister’s New 15-Point Programme for the Welfare of Minorities a programme ensuring provision of physical amenities and basic services to be equitably extended under the scheme of the Integrated Housing and Slum Development Programme and JNNURM to the minority communities and to cities/slums with minority concentrations. This Plan is still going on and it will be too early to comment on success or failure of this Plan.

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94 10th Five Year Plan, 9th Five Year Plan, available on http://planningcommission.nic.in/plans/planrel/fiveyr/default.html and http://www hudco.org/jnnurm.htm (visited on 21/03/2012 at 4pm.)
96 Id at 20
97 Id at 125.
In brief, a look at the Plans in India reveals that eradication of poverty actually began to be taken seriously in the Fourth and Fifth Five-Year Plans (1974-79). In earlier Plans, the emphasis was no doubt on the rising poverty in India, however, a systematic approach to analyse and eradicate the various dimensions of poverty was lacking. No disparity was made between rural and urban poverty. Slum clearance was the only strategy adopted in urban areas, especially during the first two Five-Year Plan periods. It was replaced by slum improvement during the Third Five-Year Plan. During the Fourth Five-Year Plan, slums were seen from more than a physical angle and the basic civic amenities along with physical and social infrastructure were focused on. However, the scheme could not live up to expectations as there was less emphasis on education, income generation and community participation. The Fifth Plan focused on slum redevelopment.

During the Sixth Plan, it was realized that to reduce poverty, merely promoting the growth process, slum clearance and improving the condition of slum dwellers was not sufficient. Besides the EIUS continuation, the Sites and Services programme was launched during this Plan period. Although a clear cut distinction was made between rural and urban poverty during this period, the focus was more on rural poverty eradication programmes. During the Seventh Five-Year Plan (1985-90), when the Social housing programme under the Minimum Needs Programme (MNP) did not produce the desired results, the focus shifted to improving and upgrading the lives of the slum dwellers through employment generation and training programmes. Hence this was the first time that a sincere and cognizant endeavor was made to tackle the issues of urban poverty.

The Eighth Plan period targeted the integration of the different programmes under the umbrella of urban basic Services for the poor, where the aim was to empower the local slum community besides delivering services to them. Special emphasis was laid on providing training to women to empower them. During the Ninth Five year Plan (1997-2000), the emphasis was on creating more employment opportunities and raising the productivity levels of slum dwellers. Swarna Jayanti Shahari Rozgar Yojana was
launched to upgrade slum dwellers by providing gainful employment to the urban unemployed or underemployed poor by encouraging them to set up self-employment ventures or providing wage employment.

The recent strategy adopted during the Tenth Five year period under the flagship of the Jawaharlal Nehru National Urban Renewal Mission is to tackle urban poverty by: firstly, providing the urban poor with housing and infrastructure; secondly, by ensuring institutional reforms to facilitate decentralization as envisaged in the 74th Constitutional Amendment; and thirdly by facilitating the urban poor with access to livelihood/employment.

In brief, the urban poverty eradication programmes have focused on tackling poverty by clearing slums and relocating the poor slums dwellers, by providing them with sites; and services or by redevelopment at site. The other way was by improving the condition of the slum dwellers by providing them with basic training to enhance their quality of life. In fact, all the programmes mentioned above follow one or the other of the four approaches slum clearance and relocation; slum redevelopment in situ; slum improvement; and slum up gradation to deal with the rising problem of slums. In fact, of the four approaches adopted in relation to slums at the national level, Chandigarh, the study of the present research has focused more on slum crime and its socio-legal perspectives including rehabilitation as its strategy for mitigating the slum problem. The latest approach, which is still at its initial stage, is to tackle poverty by way of the poor, facilitating decentralization and by providing access to livelihoods/employment opportunities to the urban poor.

4.3 The Slum Rehabilitation Project of Chandigarh

In relation to the city of Chandigarh, the Housing board of the city has initiated a significant policy intervention. The Chandigarh Administration in an attempt to make the city slum free has assigned the task of construction of dwelling units under ‘Chandigarh Small Flats Scheme 2006’ to Chandigarh Housing Board as its implementing agency. 25728 Small Flats are aimed to be constructed under the scheme for improving the
existing environs of the city. This is for the first time that a onetime solution to rehabilitate all the existing slum families in one go is being provided by the Chandigarh Administration. (Annexure-II) 98

The Administration has identified nine different locations for the construction of new rehabilitation units. The present status is given below:

Table 4.1
Plan for Relocation of Slum Dwellers

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Colony to be Shifted</th>
<th>Total No of Families</th>
<th>Rehab Scheme</th>
<th>Total No of Flats Const./to be Constructed</th>
<th>No of Families to be Relocated</th>
<th>Distance of Relocated Site from Present Colony (Km.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Janta Colony</td>
<td>1063</td>
<td>Sector 38</td>
<td>1120</td>
<td>1063</td>
<td>3.03</td>
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<tr>
<td>2</td>
<td>Kalyan Colony</td>
<td>89</td>
<td>West</td>
<td>57</td>
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<tr>
<td>3</td>
<td>Kuldeep Colony</td>
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<td>Sector 49</td>
<td>1024</td>
<td>144</td>
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</tr>
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<td>455</td>
<td>Majdoor Colony</td>
<td>158</td>
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<td>Sanjay Colony</td>
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<td>Maloya II</td>
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<td>LBS Colony</td>
<td>697</td>
<td>Rajiv Colony</td>
<td>786</td>
<td>786</td>
<td>4.40</td>
</tr>
<tr>
<td>14</td>
<td>Madrasi Colony</td>
<td>3167</td>
<td>Maulijagran-I</td>
<td>320</td>
<td>320</td>
<td>7.02 (avg.)</td>
</tr>
</tbody>
</table>

Source: Chandigarh Housing Board, 2007-08.
Note: In addition to the 8th site mentioned, the Administration has already constructed 608 tenements in sector 56.

98 Chandigarh Small Flats Scheme 2006.
The Implementation of the scheme is however at its initial stage. Only 650 families of Madrasi Colony have been shifted to Sector 56; 460 slum families from Labour Colony No.4 to pre-fabricated shelters at Sector 52; and 1000 slum families from Kumhar Colony to pre-fabricated shelters at Sector 52 have been shifted.

4.4 The Role of Non-Governmental Organizations (NGOs) in Relation to the Slums

As seen in this research work that initially, all slum related Acts were passed either to evict or clear the slums. In order to do so the government started passing orders and evicting slums dwellers. These peoples started approaching courts, against eviction orders of the government, personally or through Non-Governmental Organisations. NGOs started filling Public Interest Litigations (PIL) against the eviction orders of government under Article 226 and Article 32 in the High Court and the Supreme Court, respectively. The Honourable judiciary gave a huge positive response and protected the rights of slum dwellers. As studied earlier that the Supreme Court through its judgments made ‘Right to Shelter’ a Fundamental Right, whereas it was not substantively incorporated in our Constitution. Due to the right to shelter as a fundamental right, the government could not evict the slum dwellers without providing them alternate housing accommodation. This is the biggest protection provided by the court through PIL to slum dwellers. Now government has to provide alternate housing accommodation to slum dwellers before their eviction. Due to this governments made amendments in the existing slum related legislation to provide alternate housing accommodation to slum dwellers before their eviction. To achieve this object government started different rehabilitation schemes at state and national levels.

NGOs have played a vital role in improving the existing conditions of slums. NGOs should work for the underprivileged in the slums. Working in close coordination

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with the government, NGOs try to ensure that the following facilities are available to the slum dwellers:

- Counselling services to minimize crime and other problems.
- Basic amenities like schooling, proper sanitation, potable water, health facilities and common electricity with minimal charges.
- Free weekly medical and healthcare facilities.

4.5 The Contribution of Non-Governmental Organizations in Crime Preventive Strategies

Non-governmental organizations are often flexible and evolving, and have the ability to launch new programmes and pilot projects relatively quickly with Government if resources are made available to them. They can also help Governments in building the foundation for new policies. They usually have contact with a variety of groups, including key community members, victims and professionals, officials and media personnel working on specific issues.

Non-governmental organizations and other civil society sectors can contribute at different stages of the development of strategies, for example:

- By sharing and creating knowledge, and offering expert advice to Government or to the police in the definition and analysis of crime problems, especially in terms of vulnerable populations or specific issues.
- By assisting in the design and implementation of projects.
- By helping to identify key stakeholders in a slum or city and by playing a key role in coalition-building and collaboration across communities which can lead to multiagency cooperation.
- By helping to develop, identify and disseminate good practices.
- By developing public education: organizing public forums to raise awareness, or mobilizing local populations on specific issues such as gun laws or urban development.
Preventive Measures and Crime Control in Relation to Slum Areas

- Through training and capacity-building, for example by developing or running training programmes for local city staff or municipal police; citizen leadership, youth leadership and skills in training and development; support for families.
- By helping to develop citizen audits, evaluation tools and programmes, indicators of crime and the external evaluation of programmes.
- By providing tools for police monitoring and evaluation.
- Through training and collaboration in working with the media, disseminating success stories.
- By promoting conflict resolution and mediation mechanisms, and by acting as mediators in inter-community conflicts (a function which often cannot be performed by the Government).

For a number of reasons, non-governmental organizations are a major resource for national or local governments in developing crime preventive strategies. They often have specialist expertise in a specific area (such as police ethics, street children or rehabilitation services); they work closely with citizens on the ground as advocates for and providers of services (such as women’s shelters or legal advice services) and they tend to be trusted by local communities because of their non-governmental status.100

A growing number of non-governmental organizations use innovative approaches to engage with partners on public safety and security issues. These include organizations such as *Viva Rio*, *Sou da Paz* and the *Brazilian Forum for Public Security* in Brazil, *Jagori* in India, *CLEEN* in Nigeria, and *Raising Voices* in Uganda, all of which work in partnership with national, state and municipal governments, universities, the police and civil society. More details on three of these organizations are given below:

- *The Brazilian Forum for Public Security* is a non-governmental organization that works with all levels of government. It was founded in 2006 initially to create a

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dialogue between the police and civil society on safety and security issues. It hosts an annual conference, which has become a meeting place for government policymakers, the police, practitioners and non-governmental organizations to exchange views and discuss developments and good practices. It publishes annual statistical information on violence in Brazilian cities and organizes workshops to bring together municipalities to exchange ideas on prevention of crime in cities. (www.forumseguranca.org.br).

- ‘CLEEN’ is a non-governmental organization based in Lagos, Nigeria, which promotes public safety, security and accessible justice, in partnership with government and civil society. It was established in 1998 and acts as a resource centre and undertakes research and demonstration projects, organizes seminars and exchanges and publishes reports on relevant topics such as good practices in youth crime prevention, policing and police ethics and procedures, citizenship, accountability and governance (www.cleen.org).

- ‘Jagori’ is a non-governmental organization based in New Delhi, India. It is a women training, documentation, communication and resource centre. It was established in 1984 with the aim of carrying feminist consciousness to a wider audience using creative media. It works with the object of consciousness raising and awareness building on violence, health, education, development, and other issues critical for women’s individual and collective empowerment. It produces and distributes creative material on feminist issues. Dissemination of information and knowledge on feminist concerns to meet the needs of women’s groups, NGOs, and development organisations. It promotes women’s rights and gender equality. (http://jagori.org/)

Examples of civil society organizations that work with Governments in the development of programmes with youth at risk, and/or in the delivery of reintegration programmes, include the ‘Central American Coalition for the Prevention of Youth
Violence (CCPVJ)’ and the ‘National Institute for Crime Prevention and Reintegration Programme’ and ‘Khulisa’ in South Africa. More details are given below:

- The ‘Central American Coalition against Youth Violence (CCPVJ)’ brings together some 16 non-governmental organizations. They have produced a compendium of best practices for prevention and rehabilitation for youth involved in violence in the region.

- In El Salvador, a series of youth gang-prevention projects have been developed in partnership with civil society by the National Council for Public Security. These have included a rehabilitation farm school for persons aged 12 to 25, tattoo removal project and in-prison rehabilitation programmes.

- ‘NICRO’ is a national non-governmental organization in South Africa providing diversion services for children in all provinces through five programmes: the Youth Empowerment Scheme life skills programme; a Pre-Trial Community Service programme; a victim-offender mediation programme; family group conferencing; and “the journey”, life skills programme for children at high risk. The organization has been very successful in reintegrating children, preventing offending and diverting cases from the justice system. It handles more than 10,000 cases each year (www.nicro.org.za).

- ‘Khulisa’ works in correctional facilities and on diversion programmes, as well as with schools, victims and the community. It runs a series of reintegration initiatives such as the Young Offender Reintegration Programme, and the Make It Better Programme (www.khulisaservices.co.za).

A review of the characteristics of effective projects concerned with youth gang violence in Central America and the United States highlights the importance of comprehensive and balanced approaches that are community-based and include
Preventive Measures and Crime Control in Relation to Slum Areas

prevention, intervention, rehabilitation and law enforcement. Effective projects involve cooperation with schools, local organizations, faith groups and community networks.\(^\text{101}\)

The exceptional role of non-governmental organizations (NGOs) in furthering human rights especially of slum dwellers cannot be undermined. Section 12(1)\(^\text{102}\) expressly charges the commissions to "encourage the efforts of non-governmental organizations and institutions working in the field of human rights"\(^\text{103}\). This is a responsibility which the commission readily assumes, for the cause has much to gain both from the practical help and from the constructive criticism that NGO’s and the commission can bring to bear in their mutual interaction and growing relationship. There are three areas in which NGOs can be of particular assistance to the commission. Firstly, because of their grass-root contacts, they can most effectively identify human rights violations, articulate them and seek redress. The commission sees a most positive role for NGOs in bringing complaints to its notice. Secondly, given the rapport they have established with public at large, the assistance and cooperation of the NGO’s can be of great value in the investigation of the more serious cases that come to be looked into by the commission through its investigative staff – group that will be put together with great care as to their sensitivity to human rights considerations. There may be instances when the Commission, in addition to using its investigative staff, may choose to associate NGO’s actively in investigation work.\(^\text{104}\) Thirdly, the high level of expertise of individual NGO’s in specific areas of human rights work can be a source of great benefit to the commission as its studies and makes recommendations on specific issues and problems. There would thus be a role for NGO’s in the research and studies programme of the commission as it develops. The Commission has already had the benefit of interacting with a large number of NGO’s both Indian and foreign. Many of them have brought complaints that are under consideration by the commission. Yet others have helped the

\(^{101}\) Washington Office on Latin America, Daring to Care: Community-Based Responses to Youth Gang Violence in Central America and Central American Immigrant Communities in the United States (Washington, D.C., 2008).


\(^{104}\) Section 18 of the Protection of Human Rights Act, 1993.
commission by their reports and publications and by their vigilance in the defiance of Human Rights. The commission is particularly grateful to NGO’s for coming forward with complaints regarding violation of Human Rights. The analysis of the complaints received by the Commission indicates that over 200 NGO’s were involved in the submission of such complaints and that these complaints were received from all parts of the country. This speaks for itself concerning the wide range of work done by NGOs in the country and their interest about the problem of the slum dwellers. The commission is seeking to prepare an appropriate National Register of NGOs working in the field of human rights, both in order to develop practical links with the task. The Commission is seeking advice from prominent human rights activists and NGOs that have already established a repute for probity and commitment to the cause of human rights. We can evaluate the role of some Non-Governmental Organizations (NGO’s), Civil Rights Groups and the vital role in disclosing the various incidents of police atrocities and violence. These organizations were formed at a time when the state of human rights was fairly dismal and they have played a crucial role in monitoring and spreading awareness among people about their rights and exposing the violent nature of the state. The most prominent of these groups are the ‘People’s Union for Democratic Rights (PUDR)’ and the ‘People Union for Civil Liberties (PUCL)’ formed after the split in the first and only national human rights organization the People Union for Civil Liberties and Democratic Rights (PUCLDR). The PUCL and the PUDR have widely contributed to the civil rights movement.

One such bright example is that of a Chandigarh-based non-governmental organisation which is influencing the lives of slum children through theatre and is also training them in vocational pursuits. ‘Theatre Age’ was started in 1992 by a city-based theatre artist ‘Zulfikar Khan’. ‘Theatre Age’ has been nurturing the talent of slum children by providing them formal, vocational and theatre training. It started its work with 25 slum children making paper bags out of newspapers and supplying them to various institutions. Zulfikar Khan sees theatre as the perfect medium for poor slum
children to express their talent. The NGO today helps its children to get admission in various schools. In 1993, Theatre Age’s group gave its first full-fledged performance ‘Raja Aur Kisan’ or the ‘King and the Farmer’. It has never looked back since then, taking up social issues like environment, female foeticide, AIDS, de-addiction and so on. Thanks to this NGO’s endeavours, has turned a shoeshine boy has become a make-up man with a TV channel, a vagabond into a soldier, while some others are conducting theatre workshops themselves. Interestingly, this NGO takes only old newspapers as public donation instead of any monetary help. These newspapers are donated by its 500 members and then further sold for revenue purposes.

Apart from the general sociological information gathered through empirical studies in different cities, we hardly possess any substantial knowledge regarding the youth residing in city slums, their equation with their parents, their attitude towards the consumption of liquor and drugs and so on. This lack of knowledge is generally coupled with the stereotyped notions about slum youth such as that they grow up as delinquents, criminals, anti social elements and the like. According to the famous conception of ‘Oscar Lewis’ the poor tend to survive in a culture that is predominantly characterized by weal familial relations, be it parent-child, or husband-wife and so on. Another weakness of the existing literature on poverty and slums, especially on the slum youth is that it does not give us a people’s perspective. How the slum dwellers look upon themselves vis-a-vis the more affluent sections of the city has hardly ever been made the focus.

Under such circumstances the role of non-governmental organisations (NGO) becomes very important in monitoring the effectiveness & implementation of governments policies and laws in relation to slum dwellers.


The concept of a culture of poverty was introduced by Oscar Lewis. He was an American anthropologist. He is best known for his vivid depictions of the lives of slum dwellers and his argument a cross-generational culture of poverty among poor people transcends national boundaries. He won in the 1967 U.S. National Book Award in Science, Philosophy and Religion for La Vida: A Puerto Rican Family in the Culture of Poverty.
NGO’s can play a positive role and do a lot of good work for the development of slum dwellers. They can help to provide education (formal- informal, vocational training, distribute free books, food, dress etc), community health care to the poor in slums-free clinic & free health checkup, better water supply and sanitation system, awareness about laws- rights & duties, health-hygiene & cleanliness, welfare schemes for poor, community development programme etc. They can help to provide housing facilities to slum dwellers. It is believed that majority of slum population remains illiterate, due to which they are not aware about the different facilities provided by the government to poor people. These NGO’s can help spread information about government schemes for the poor. The most important thing which these NGO’s can do is to help in organizing the urban poor to come together, articulate their concerns and collectively produce solutions to the problems they are facing.

About 50 Non-Government Voluntary Organisations are working in Chandigarh and are engaged in various welfare activities. Some of the NGOs working for poor people and slum dwellers are detailed as under:-

<table>
<thead>
<tr>
<th>S.No</th>
<th>Name of the NGO</th>
<th>Activities undertaken by the Organisations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Youth Technical Training Society, Karuna Sadan Building, Sector 11, Chandigarh</td>
<td>PUSTAK School for Street Children and VAMA Project for Women's Empowerment working at Rural Community Centre, Sector 45, New Indira Colony Community Centre, Sanjay Colony, Industrial Area, Ph.I, Maulijagran Community Centre</td>
</tr>
<tr>
<td>2</td>
<td>Ambedkar Social Justice Forum India, #315, Sector 35-A, Chandigarh</td>
<td>Awareness generation camps for women and girls regarding welfare schemes for poor and other weaker section of society, teaching of Baba Sahib Ambedkar on National and Emotional Integration. The Forum is also running Tailoring and Embroidery School for girls in Ramdarbar.</td>
</tr>
<tr>
<td>3</td>
<td>Global Social Concern, #405, Sector 43-A, Chandigarh</td>
<td>Organising free Eye-Operation Camps and Awareness Generation Camps in Rural and</td>
</tr>
</tbody>
</table>

http://chandigarh.gov.in/dept_social.htm, (visited on 27/09/2011 at 2:30pm.)
Preventive Measures and Crime Control in Relation to Slum Areas

<table>
<thead>
<tr>
<th>No.</th>
<th>Organization</th>
<th>Address</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>New Kiran Social Welfare Society</td>
<td>Shop No. 218, Patel Market, Sector 15, Chandigarh.</td>
<td>Arranging marriages for poor girls and settling cases of matrimonial conflicts.</td>
</tr>
<tr>
<td>6</td>
<td>Jan Kalyan Sansthan</td>
<td>#417, Sector 44-A, Chandigarh.</td>
<td>Counseling to girls and women facing moral danger and matrimonial conflicts.</td>
</tr>
<tr>
<td>8</td>
<td>Theatre Age</td>
<td>#86, Sector 48, Chandigarh.</td>
<td>Vocational training, non-formal education and theater training workshop with slums children.</td>
</tr>
<tr>
<td>9</td>
<td>Survival of Young &amp; Adolescent Foundation (SURYA)</td>
<td>#3139, Sector 28-D, Chandigarh.</td>
<td>The NGO is organising Counselling Sessions with the adolescent girls of the Urban slums of UT, Chandigarh. Taken up the cause of Breast Feeding Promotion in a big way and is celebrating Breast Feeding Week from 1st to 8th August for the last 4 years.</td>
</tr>
<tr>
<td>10</td>
<td>Society for the Social Health</td>
<td>#206/2, Sector 41-A, Chandigarh.</td>
<td>Afternoon school for poor slum children who are engaged in rag picking in the morning hours and sewing training centres in Sector 52, Chandigarh.</td>
</tr>
<tr>
<td>11</td>
<td>Society for Health for All</td>
<td>#1071, Sector 37-B, Chandigarh.</td>
<td>Tailoring and Stitching training centre at Dadumajra Colony, Chandigarh.</td>
</tr>
<tr>
<td>12</td>
<td>Sewa Bharti</td>
<td>Plot No. 1, Sector 29, Chandigarh.</td>
<td>Running a free mobile dispensary covering labour colonies of Chandigarh. It has also set up a clinical dispensary in Sewa Dham in sector 29, Chandigarh. The other activities of Sewa Bharti is running of creches for children of working mothers and to provide medicines to the poor patients in the P.G.I.</td>
</tr>
<tr>
<td>13</td>
<td>Indian Council for Social Welfare</td>
<td>Room No. 16, 1st Floor, Karuna Sadan Building, Sector 11, Chandigarh.</td>
<td>The society is running four creches, vocational training courses in computers and readymade garments for the girls of economically weaker section, a family counseling centre, awareness generation</td>
</tr>
</tbody>
</table>
Despite this, the emerging scenario of the complex socio-economic problems of slum dwellers and the somewhat isolated, piece-meal action plans and programmes drawn up so far by the Governments have not effectively hit the target. While on the one hand the slum population is growing and the slum conditions are worsening, on the other hand, the slum betterment programmes usually remain only partly accomplished.

What is needed is Peoples’ Participation, both in policy formulation and implementation of programmes. In this regard, Non-Governmental Organisations (NGOs) with their local knowledge, skill and practical experience can play a very effective role in programmes for improving living and economic conditions of slum dwellers. Various Five Year Plan documents have also explicitly recognised the importance of involving NGOs in the planning and implementation of anti-poverty and the minimum needs programme, which includes environmental improvement of slum areas only.

4.6 Crime Preventive Strategies for Slum Areas

In low- and middle-income countries, some of the most complicated areas to polish are extremely poor and often self-constructed neighbourhoods, which in some cases provide housing to more than half the residents of an urban area. These areas,
which are rarely well mapped and usually lack a solid infrastructure, pose significant political, planning and crime challenges to residents and city officials. They are often built and inhabited by populations that are not effectively integrated into the economic or political systems and that may suffer substantial discrimination simply because of where they live or as a result of a variety of other social, religious, ethnic or racial factors. To make matters worse, slums and shanty towns may have long-term disputes with the Government or private landowners over land occupation or unpaid rent. In these situations, the main connection between these communities and the Government may be through political ties that in some cases may be mediated by criminal groups. Such conditions only worsen relations between State officials and the slum population. Slums are often seen by some segments of the population as sites of criminality and as a danger to the wider city. These perceptions, as well as demands from affected landowners and neighbours, often lead to slum removal efforts that fall brutally on the shoulders of the inhabitants of these areas. Contacts between residents and the police are often limited to engagement in such removal efforts or in other raids against criminal groups that may operate in the area. After such operations, police will often withdraw and leave residents to their own devices and open to becoming subject to local dominance. These conditions augment local resentment and harden police attitudes towards these areas.

To respond to these challenges, Governments need to make special efforts to develop positive policing strategies in shanty towns and other types of irregular settlements. Elected representatives, administrative authorities and police need to think about how they can effectively forge relationships with such communities, which are too often at the margins of public policy and whose residents suffer from discrimination and exclusion in a host of economic, political and social realms. Dealing with the security challenges facing these areas is especially important for improving security in slum areas.

of cities where large number of residents of a city may reside in irregular areas. All too often, policing in such areas is restricted to repressive activities and evictions. Despite the criminal activities that occur in these areas the police needs to remember that all the residents of such area are not criminals and that residents of these areas should be treated in the same way as residents of other neighbourhoods. For police to succeed in controlling crime in these areas, the Government needs to develop comprehensive policies to establish ties with the population and address the safety concerns of residents, including working towards improving relations between police and community members, urbanization efforts, basic mapping, improvement of services, efforts to connect the areas to the outside and build up the local social capital necessary to discourage crime and resolve conflict, and efforts to create opportunities, improve education, deal with recidivism and address problems concerning mental illness and addiction.

Slums often receive few or no formal urban services and, as a result, residents often obtain these services illegally, which may leave them in fear of city officials. Central to improving the security situation in slums is formally integrating such areas and their populations into the city. This involves extending to them such basic services as clean water and electricity and working with residents to provide reliable transportation services and public spaces to support local, social, capital enterprises and engagement with the government. For some time, the city of Rio de Janeiro\textsuperscript{110} (Brazil) has supported the Favela-Bairro programme, which seeks to regularize urban services to shanty towns and, at times, works to add public spaces to communities to provide civic opportunities\textsuperscript{111}. Similarly, the municipality of Medellin, Colombia, has worked to install libraries in poor neighbourhoods, most notably in the violent Comuna Nororiental, to

\textsuperscript{110} It is the capital city of the State of Rio de Janeiro and the second largest city of Brazil.
\textsuperscript{111} UN-Habitat, “Assessment of safety and security in slum upgrading initiatives: The case of favela Bairro” (Nairobi, 2009).
provide opportunities for residents to have access to information and enable them to take advantage of their citizens’ rights and engage with the Government\textsuperscript{112}.

Another component of improving policing in these areas is to simply map these areas. As informal settlements, most of such neighbourhoods are off city grids and, in many cases, are not included on formal maps. Governments should seek to develop adequate maps of these communities. Such efforts can help State agencies to effectively deliver an array of services to the areas and help security agencies to identify crime hot spots so that they can work with community groups to help control crime in the area.

The city of Mamelodi, in the region of Pretoria, South Africa, and two towns in the Northern Cape have served as the base for an interesting experiment using an innovative approach to integrate crime mapping, crime prevention through environmental design and problem-oriented policing. In each of these cities, communities have been organized, bringing together citizens and specially trained police facilitators to have a frank discussion about the spatial nature of crime. Community participants at the events are asked by facilitators to develop individual and collective maps of where crime occurs in the neighbourhood. Individuals begin by making their own maps of community hot spots, which are then organized into a community wide map that reflects the combined experience of participants with crime in their neighbourhoods. The efforts typically reveal a wide range of high-risk areas that the police were not aware of and that residents themselves may have thought about individually and may not have realized were causing collective concern. The process opens up opportunities for constructive discussions about where crime is occurring in a neighbourhood and why. In one Northern Cape area, residents realized that a tight alleyway that connected a school to another part of the community was a site of frequent muggings. This enabled residents and police to realize that the problem could be solved by simply stationing a school official in that place at certain times of day to prevent crimes from occurring. The sessions conclude with

discussions among police facilitators and residents on ways to develop collective solutions to local problems that integrate stakeholders, design techniques and police response\textsuperscript{113}.

The history of the communities in informal settlements who often obtain illegal services has led to poor relations between the police and the residents. The presence of violent organized criminal groups can further worsen relations. Police must seek to develop more positive relations with community residents by creating local safety forums that enable police to meet regularly with community leaders to discuss an array of problems in the community as well as ways for the police to work with residents in solving the problems. For example, in the shanty towns of Cantagalo and Pavao/Pavaozinho in Rio de Janeiro, the presence of a community policing programme has enabled motivated police leaders to work actively with local leaders not just in controlling crime but also in helping with other community issues\textsuperscript{114}.

On one occasion, a police officer sought to provide community residents with a bus to help transport children who lived in the community to a social event. This type of contact builds better long-term relations that can help to establish trust and the basis for a better working relationship. Beyond this, police need to seek to work with residents to create conditions where residents themselves enforce norms to control crime by taking local delinquents to task. We can see examples of this strategy in the Cease Fire programme in the United States and the ‘Panchayat Policing Programme’ in Mumbai (Bombay). The Police in Mumbai have pioneered a participatory policing strategy in which the residents of poor neighbourhoods are directly incorporated into policing activities through panchayats, groups of 10 local residents, who actively collaborate with police in developing law enforcement strategy in their neighbourhoods. The members of the panchayats receive an identity card that indicates they are police “helpers”. The


members of the panchayat are appointed by local representative organizations and community groups, which provide the police with a room within the neighbourhood to support their efforts. Most panchayat members are women and the groups exercise their moral authority in the community to control violence and crime. The panchayat volunteers help police with patrol activities and seek to provide informal dispute resolution to neighbourhood residents in efforts to free police resources for controlling criminal activity. While volunteers do not have policing authority, they are able to use their official position to enforce local norms, to limit domestic abuse and control public drunkenness and other activities that can lead to other crimes. All of this is achieved with a minimum of financial resources from the Government.\textsuperscript{15}

Beyond all this, State officials must seek to integrate the communities effectively into the wider social life of the city. Police can help to accomplish this by assisting local groups in developing contacts with outside civic organizations. An example of such action occurred in the favela of Vigario Geral in Rio de Janeiro when, after many residents had been murdered by police in retaliation for the murder of a policeman by gang members. Medecins Sans Frontieres and the Grupo Cultural Afro-Reggae set up programmes in the community, in response to demands from a local community movement, to help provide services to residents. The organizations developed strong relationships with the residents, helped to organize residents and maintained ties between the community and outside organizations. In the end, they helped to organize groups within the community that could make demands of government officials and work with non-profit groups to bring services to the community.\textsuperscript{16} In the long run, the contacts have created pressure to maintain positive law enforcement in the community and to provide police with groups they can work with in the effort to maintain order. The deprivation experienced in these communities makes life difficult. The areas may provide a base for gangs and suffer when these groups enter into conflicts. Controlling crime and


developing better relations with residents depends at least in part on preventing conflicts. Governments should consider strategies to stop conflict, such as the Peace Management Initiative in Jamaica, Government-civil society collaboration in which negotiators visit communities at risk of conflict in an attempt to negotiate a settlement among rival groups. Such efforts are supported by the State and include meeting with local leaders in different regions of Kingston to develop a deeper understanding of the factors contributing to conflict and receiving Government support for social initiatives that are implemented to help end the conflict. Similarly, State officials also need to consider how to provide opportunities to at risk populations to reduce engagement in uncivil behaviour, violence and crime and to bring them effectively into mainstream society. Fica Vivo programme in Belo Horizonte\textsuperscript{117} provides classes to adolescents in violent areas to help them keep off the street and out of violence. Finally, dealing with crime in these communities must also address the particular problems of troubled segments of the population. Government officials can help to control crime by establishing effective programmes to ensure the social reintegration of ex-convicts. Former prisoners released into their communities may not have many work opportunities and may find themselves returning to criminal activities in order to support themselves. Similarly, drug addicts and others with psychological disturbances may not have the wherewithal to seek out services to help them with their problems. Government agencies seeking to control crime should also develop social programmes to address the particular needs of those populations. In Medellin,\textsuperscript{118} (It is the second largest city in Colombia, South America) for example, employment and psychological assistance is provided to former armed personnel to help them stay out of criminal activities after demobilization.

4.7 Some Guidelines for Making Strategies to Prevent Crime in Slum Areas

The following recommendations fit into the wider context of the United Nations standards and norms in crime prevention in slum areas and criminal justice, which

\textsuperscript{117} It is the capital and largest city in the state of Minas Gerais, located in the southeastern region of Brazil.

\textsuperscript{118} Human Rights Watch, \textit{Smoke and Mirrors: Colombia’s demobilization of paramilitary groups}, Vol. 17, No. 3 (B) at 3 (August 2005).
include the Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13) for low income areas of cities.\(^1\)

(i) **Government leadership:** All levels of government should play a leadership role in developing effective and humane crime prevention strategies for poor or slum areas and in creating and maintaining institutional frameworks for their implementation and review.

(ii) **Socio-economic development and inclusion:** Crime prevention considerations should be integrated into all relevant social and economic policies and programmes, including those addressing employment, education, health, housing and urban planning, poverty, social marginalization and exclusion. Particular emphasis should be placed on communities, families, children and youth at risk.

(iii) **Cooperation/partnerships:** Cooperation/partnerships should be an integral part of effective crime prevention, given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them. This includes partnerships working across ministries and between authorities, community organizations, non-governmental organizations, the business sector and private citizens.

(iv) **Sustainability/accountability:** Crime prevention requires adequate resources, including funding for structures and activities, in order to be sustained. There should be clear accountability for funding, implementation and evaluation and for the achievement of planned results.

(v) **Knowledge base:** Crime prevention strategies, policies, programmes and actions should be based on a broad, multidisciplinary foundation of knowledge about crime problems, their multiple causes and promising and proven practices of control.

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(vi) **Human rights/rule of law/culture of lawfulness:** The rule of law and those human rights which are recognized in international instruments to which Member States are parties must be respected in all aspects of crime prevention. A culture of lawfulness should be actively promoted in crime prevention.

(vii) **Interdependency:** National crime prevention diagnoses and strategies should, where appropriate, take account of links between local criminal problems and international organized crime.

(viii) **Differentiation:** Crime prevention strategies should, when appropriate, pay due regard to the different needs of men and women and consider the special needs of vulnerable members of society.

In nutshell, crime problems in slum areas can be solved up to some extent with the collaboration between urban planners, civil society, government officials and different types of police can help to solve those problems. Rather than thinking about policing either in terms of arresting large numbers of suspects or removing slum areas, law enforcement officials need to consider proactive strategies to control crime, such as community policing, problem-oriented policing and situational crime prevention. In using such strategies, police and other public security officials seek to build relations with the population in an effort to effectively transform urban spaces and state-society relations to control and prevent crime.

Infact, effective policing involves not only just implementing policies but developing local resource streams, coalitions, knowledge and skills to maintain the policies in the long run. Solving security problems involves bringing together police, local government officials, the private sector and neighbourhood civic actors. Each place has its unique history and problems so policies should be made accordingly. Special policies on the above said guidelines should be made for slum dwellers to reduce criminality among them.