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## A Study on Mumbai Slums: A Legal Perspective

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*The city of Mumbai is one of the most expensive cities to live in the world and while it is considered to have the best city life, job opportunities, infrastructure, development, and security, there is a huge other part of the city that dwells in the slums. More than half of the population lives in the city slums and has become impossible to get rid of. For a long slum has been used as a synonym for poverty, despair, and illegality. The purpose of the paper was to understand why the slums cannot be demolished even if they are not legal and to analyze the steps taken by the government to curb the growing slums and eradicate the existing ones. For the research paper, various research articles and journals, credible websites and government sites were referred to collect data and analyze opinions. The paper finds out that it is not ethical to evacuate more than half of the city's population. The government is working towards providing them with better living conditions and housing systems but vote bank politics and varied motives of the slum dwellers make this process very long and tedious.*

**Keywords:** *slum, Mumbai, living conditions.*

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### INTRODUCTION

Mumbai, the financial hub of India Mumbai often referred to as the Mayanagri or the City of Dreamers, has been the subject of numerous discussions. It should come as no surprise that this city has a lot to offer but Mumbai presents itself in two different ways. Despite the city's

gleaming oceanfront skyscrapers, affluent neighborhoods, and bustling activity, Mumbai's slum district is where the city's horrible truth can be found. There has always been a significant difference between the housing that is produced in the formal sector since Independence, and even before. This left a huge number of city residents with no choice but to settle for dwellings made in the sector.<sup>1</sup> The failure of the state institutions tasked with building formal housing stocks in Mumbai and elsewhere is thus more evident in slums than in any other way. The slum is about the unexpected city, the one that was never explicitly included in master plans but was always latent in them. The planned city, without which it to or acknowledge, is the slum's embarrassed alter ego. The tale of Mumbai and its slums is not only one of hopelessness but also optimism; it is both a dream and a nightmare. Not only does the slum challenge the urban development paradigm, but it also calls into question the promise of democracy and citizenship.

## RESEARCH QUESTIONS

1. Why Mumbai slums cannot be demolished?
2. What legal steps are taken to cut down on the slums?

## RESEARCH METHODOLOGY

For this research paper, I have used the doctrinal method of research. Multiple government websites related to Mumbai slums were referred to for gathering statistical and historical data. Articles from credible journalistic websites were referred to understand different perspectives of eminent figures in the country. Research papers and research articles helped in giving an idea of the evolution of the slum systems in the city. The “The Maharashtra Slum Areas (Improvement Clearance and Redevelopment) Act, 1971” was considered to understand the provisions made in favor of slum dwellers and their way of eradicating slums in the city. Lastly, editorials expressing the opinions of the other side of this issue and highlighting the consequences of the slum systems helped me to get a fair idea of both sides of the coin.

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<sup>1</sup> 'Democracy in the Dark: The Story of Mumbai and Its Slums' (*Outlook India*, 24 July 2022) <<https://www.outlookindia.com/national/democracy-in-the-dark-the-story-of-mumbai-and-its-slums-news-211546>> accessed 06 March 2023

## RESEARCH OBJECTIVES

The main objective of the paper was to understand the reasons that have led to the immense spread of slums in the city of Mumbai. The reasons for the city being overcrowded, cramped up, financial capital and hub for employment have increased to a humungous extent. The paper also aimed at understanding why the government cannot demolish these slums even though they are a result of illegal encroachment of government or private land. If these slums cannot be abolished, then what steps can be and are taken by the state government to curb the growing slums was an important objective of this paper. Lastly, the paper aimed at analysing the situation of the slums in the city and grasp the agreeing and dissenting opinions about the slum situation in the city, and make informed suggestions about the same.

## HISTORY OF MUMBAI SLUMS

Due to the absence of civic facilities like water and drainage, Mumbai's experience with the industrial revolution in the late nineteenth century resulted in the construction of a type of environment that was unsuitable for humans and was referred to as a "slum." This was moving in a direction that was similar to the English industrial centers of Manchester and Liverpool. In response to the bubonic plague of 1896, the "Bombay Improvement Trust (BIT)" and "Bombay Development Department (BDD)" were set up in 1898 and 1914<sup>2</sup>, respectively, to construct affordable housing for mill, port, and railway workers. We already know that the late involvement resulted in a current housing crisis and backlog. Historians regret that BIT and BDD made the housing problem worse by uprooting more people than they could have.

The Koli fishing community is called Dharavi, on the northernmost tip of Mumbai Island City, home. For ages, Mahim Creek provided them with fish and their means of subsistence. The trend of immigration into Bombay is tightly entwined with the growth of Dharavi. The property, which was mostly utilized as an informal trash dump, attracted the early settlers since it was

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<sup>2</sup> Shekhar Krishnan, 'Empire's Metropolis: Money Time & Space in Colonial Bombay, 1870-1930' (2014) Research Gate  
<[https://www.researchgate.net/publication/279812683\\_Empire's\\_metropolis\\_money\\_time\\_space\\_in\\_Colonial\\_Bombay\\_1870-1930](https://www.researchgate.net/publication/279812683_Empire's_metropolis_money_time_space_in_Colonial_Bombay_1870-1930)> accessed 06 March 2023

free and ungoverned. Since the government and government entities own the majority of the land in Dharavi, it was the most convenient place for the migrants to intrude and establish an informal colony. As long as Dharavi was on the outside of the city, the squatters' actions had little impact on the main metropolis. Dharavi was brought into the city's center as Mumbai expanded to the north and its population increased as a result of the entry of new industries. Previously, Dharavi was a swampy fishing town. Today, it is a slum, or rather, a collection of slums. Squatters haphazardly constructed hutments on various parcels of property.

### LEGALITY OF MUMBAI SLUMS

The government and the "Greater Mumbai Municipal Corporation (MCGM)" held the majority of the land. According to 2011 research, slums are home to 62% of Mumbai's population. Mumbai is home to Dharavi, the biggest slum in Asia.<sup>3</sup> In the suburbs, there are also several enormous slum clusters. The State of Maharashtra passed "The Maharashtra Slum Areas (Improvement Clearance and Redevelopment) Act, 1971"<sup>4</sup> to address this issue. There were defined improvement works. In 1976, hutment hutments were counted, and slum families were given picture permits. As part of slum improvement efforts, its residents received electrical connections, taps, and toilets.

The "Slum Rehabilitation Authority" (or "SRA") was established in 1995 by the Slum Act. The Hon. Chief Minister of Maharashtra served as its leader, and its Chief executive officer was an IAS official on the super time scale. Ministers, elected state legislators, secretaries of the pertinent state government ministries, and some unofficial members with expertise in building construction were among the additional members. Any place that lacks basic facilities is overcrowded, is unsuited for human habitation, poses a threat to the health, safety, or convenience of the local populace, or is otherwise harmful to those factors must be designated as a "Slum Area" by the SRA. After completing this phase, a "Slum Rehabilitation Scheme" (or "SRS") can be started. Every slum building that existed before January 1, 1995, is recognized as

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<sup>3</sup> Roopali Gosar et al., 'Slum Redevelopment- Brief Overview' (*Live Law*, 16 March 2020) <<https://www.livelaw.in/law-firms/articles/slum-redevelopment-brief-overview-153899>> accessed 06 March 2023

<sup>4</sup> Maharashtra Slum Areas (Improvement Clearance and Redevelopment) Act 1971

a protected structure, and everyone living in a slum as of that date and who has continued to do so is eligible for rehabilitation.<sup>5</sup> After verifying a few fundamental facts, the SRA appoints the Developer for the redevelopment project after the slum residents choose a Developer for the implementation of the SRS. All qualified slum inhabitants receive a free self-contained apartment for their own house, known as the Rehab Component, once the Developer has been nominated by the slum residents and the SRA. Slum dwellers are not allowed to transfer (sell) their apartment or grant any third-party rights thereto for at least 10 years since this law is intended to benefit them. The Developer receives compensation for his efforts in the form of the Free Sale Component, which can be commercially exploited, as he invests resources in the form of cash, labor, and materials for the construction of free homes for the slum dwellers.

### **ETHICAL AND SOCIAL PERSPECTIVE**

Since such a large percentage of residents in Mumbai live in these slums, demolishing them is not ethical as they will be left homeless with no access to the basic necessity of shelter. By doing so, we would infringe on their “right to life” and “right to live with dignity”. Hence, the slum dwellers are protected by the government. The government in collaboration with developers is in a constant effort of relocating them to SRA-developed buildings. Doing so will benefit both, the government and the people living in slums. The slum dwellers live in these conditions out of necessity and vacating them will be against our social beliefs and unethical. On the other hand, other residents have dissent towards this system as it involves a lot of vote bank politics and unfair regulations. High rates of poverty, unemployment, widespread urban decay, breeding grounds for societal problems including drug and alcohol misuse, crime, etc., as well as a high incidence of suicide, mental illnesses, etc., are common characteristics of slums. One of the least-discussed truths about Mumbai real estate has been revealed by a statement made by the Bombay High Court. It was stated that “it is only in Mumbai that one encroach on government land and in return are given free housing”. The irony is that there is accommodation provided for free to those who have illegally occupied land in the city with the most expensive

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<sup>5</sup> 'In Slums, Voters' 'Lack of Trust' Is Evident' (*The Indian Express*, 20 April 2014)

<<https://indianexpress.com/article/cities/mumbai/in-slums-voters-lack-of-trust-is-evident/>> accessed 09 March 2023

real estate in the world, where home buyers frequently combine their whole life savings to own an apartment. Over the years, the incentives have only increased. Rohit Jagdale mentions the surge in slum dweller subsidies in a paper he gave<sup>6</sup> to the University of Texas at Austin. In 1985, there was just a 10% direct subsidy. Today's subsidy is provided in the form of a free residence. Even the size of the free apartment has increased with time; it is currently 322 square feet.<sup>7</sup> Politicians regularly increase the sweetener for slum inhabitants as a result of vote-bank politics. Political correctness also makes sure that people don't speak out against it. There must be compassion for those who live in the appalling circumstances found in most slums, but it is blatantly unfair to reward unlawful encroachment while penalizing legal housing.<sup>8</sup>

According to official figures from the "Slum Rehabilitation Authority," slums occupied 35 crore square feet of space in 2015. These slums' reconstruction has so far been a complete failure. Few success stories have emerged because, during the past 20 years, only about 200,000 replacement homes have been built. This is due to the difficulty of achieving consensus both inside and internationally. Two distinct groups of slum inhabitants approach the SRA project in very different ways on the inside. One group, mostly the elderly, is weary and angry and believes that developers have broken their promises over time. The other group, which is dominated by the younger generation, is optimistic that things will improve. They see slum renovation programs as a golden opportunity to advance economically. With bigger slums, it becomes more difficult to implement change because there are so many external "stakeholders" involved. Dharavi, the second-largest slum in Asia, has needed redevelopment for almost three decades, yet little has changed.

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<sup>6</sup> Rohit H. Jagdale, B.E., 'An Overview of Slum Rehabilitation Schemes in Mumbai, India' (*University of Texas*, May 2014) <<https://repositories.lib.utexas.edu/bitstream/handle/2152/26620/JAGDALE-MASTERSREPORT-2014.pdf?sequence=1>> accessed 09 March 2023

<sup>7</sup> *Ibid*

<sup>8</sup> Vishal Bhargava, 'Bombay High Court Speaks the Awkward Truth about Mumbai Slum Redevelopment: It's Unfair' (*Money Control*) <<https://www.moneycontrol.com/news/business/real-estate/bombay-high-court-speaks-the-awkward-truth-about-mumbai-slum-redevelopment-its-unfair-7183631.html>> accessed 09 March 2023

## SUGGESTIONS

After analyzing the situation of the slums in Mumbai which is indeed way more complex than it seems, we could apply some suggestions:

- Before tackling new redevelopment projects, the Slum Rehabilitation Authority must finish those that are currently on hold, be independent of political parties, implement a quicker decision-making process, and do so.
- Stricter measures should be used against new slum residents since they will be easier to persuade to leave than the older residents who have been building their homes for decades; otherwise, this will be a perpetual problem in the city.

## CONCLUSION

Upon understanding the side of the slum dwellers and the other residents of the city we can infer that one must sympathize with the slum dwellers as they live in these poor conditions where there is poor sanitation, unclean water supply, high rate of illiteracy and employment and so on out of necessity and not want. This encroachment of land is indeed done through illegal methods, they cannot be demolished as it will leave a majority of the city's population displaced. The government needs to act faster on the redevelopment projects and at the same time help them have access to necessities till then. The possibility of a slum-free Mumbai exists, but political incentives for illegal encroachment will keep that goal a pipe dream.