Chapter 16
Women and the Impact of the Shifting Jurisprudence in New Delhi, India: How Therapeutic for Urban Slum-Dwellers?

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ABSTRACT
Through an ethnographic research in the resettlement colonies of Delhi, India, the present study aims to address the effect of the judicial pronouncements in the lives of the evicted population with main focus on the women residing in such colonies. This study aims to understand from the perspective of the various judgements and the victims of evictions, the healing effect it has had on the victims if any. An analysis of the shifting jurisprudence in case of the urban poor will help us better understand the gaze with which they are seen. Also, whether women and issues of violence and violation of rights of women are understood, expressed, prevented and healed or not needs to be understood.

INTRODUCTION

Slums have become a major urban phenomenon throughout the world. A vast population of the urban poor lives in slums or slum like conditions (UN Habitat, 2003) Slums in the global south began as a result of the changing political and economic circumstances in post-colonial countries with industrialisation and urbanisation (Basu, 1988; Davis, 2006; Datta, 2012). The alarming trend in the growth of slums worldwide, especially in the megacities of Asia, Africa and Latin America is reported to have reached 926 million in 2003 (about 31 percent of the worlds’ urban population) and it is increasing exponentially (UN Habitat, 2003). The slum as a problem has gained the attention of urban planners, states, policy makers and development agencies in the last four decades but a concrete solution to it has yet not been formulated (Basu, 1988; Datta, 2012; Davis, 2006).

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What is evident is that the existence of a slum has always attracted the attention of the planners. Though slums have been addressed from different angles, ranging from displacement to relocation and in situ up-gradation, no solution to their reappearance has been found as yet. Davis (2006) forcefully argues that slums are enmeshed within the larger urban structure. These slums present the informal and illegal image of a human settlement in official terms (Datta 2012) which goes along with the unofficial practices in such settlements.

Many large and middle-sized cities in the world have ‘areas of impoverished urban exclusion’ (UN Habitat 2003) surrounding small areas of urban wealth. The city has become the preferred residential location of a majority of any country’s citizens and the disconnection between the policies to address the urban issues and the actual scenario has resulted in the rise of slums. In the following analysis, I would like to describe a slum as a settlement of low income groups characterized by overcrowding, substandard and informal housing and the prevalence of unhygienic conditions. The slum-dwellers are viewed as encroachers and symbolise dirt, filth and hurdle to city’s beautification (Bavisker, 2003; Ghetner, 2011; Gupta, 2016). The slums and the urban poor therefore are dealt with in different ways by the state functionaries by implementing various policies and laws in this regard. At instances it has been noted that the judiciary has also taken interest into resolving the urban problems and its judicial pronouncements in this regard have been flexible and changing. The shift in interpretation of nuisance from objects or things to groups and individuals by the courts has further led to disparity in judgements and thus shifting it jurisprudence towards unjustified pronouncements. Women being the vulnerable part of the society, are not addressed to in the policies and plans concerned with displacement and relocation of slums. Even when the judiciary has been observed participating in instances of demolitions and evictions, its perspective has been more generalised focussing on larger groups of the urban poor. Women being the worst effected in instances of eviction, relocation and displacement do not appear in the policies or laws or judgements that are formulated to address the issue.

The following chapter is divided into four parts which will discuss the policies related to slums and their resettlement. It tries to understand with what gaze the judiciary views the existence of slums. It tries to observe whether the jurisprudence has had any relieving effect on the urban poor in matters of displacement and resettlement or not. The first part recounts how the issue of slums has been tackled in Delhi during 1947-1974. This section briefly outlines some of the measures and initiatives undertaken by the state in Delhi and their impacts. Part II turns to slum policies delineated from 1975 to present. The subsections discuss the policies and the master plans formulated by the state. The third part of the chapter discusses the judicial interventions which have played a role in deciding Delhi’s urban future time and again. Next, in part IV, I have tried to focus on the implementation of the existing polices and how the women have failed to appear in the policies, laws and rulings by the court. It tries to analyse that in the absence of humanitarian approach while passing judgements the judiciary has overlooked the gender aspect of displacement and resettlement thus making the vulnerable group prone to victimisation.

THE FIELD AND METHODS

This chapter is based on primary data collected mainly by ethnographic study supplemented by field surveys and interviews with residents of Savda Ghevra, representatives of organisations in the field and government officials. Focus group discussions enabled me to probe the major issues around water and livelihoods. A part of the research method was also directed at observation of a non-participant kind.