

India: Court-directed campaign to seal “illegal” buildings in Delhi provokes social turmoil

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The Delhi High Court and Indian Supreme Court have provoked a massive social crisis in Delhi, a city of 14 million and the seat of India’s government, by issuing a series of uncompromising court orders directing the Municipal Corporation of Delhi (MCD) to demolish or seal all “illegal” buildings in the city.

If this order is strictly enforced, a majority of the structures in the capital city may be totally or partly demolished, sealed or otherwise made unusable, stripping millions of their livelihood and homes.

Reinforcing its belligerent stance, a panel of India’s Supreme Court issued a ruling on Monday November 6 that rejected separate applications from the MCD, the Delhi [Union Territory] government, and the Indian government seeking postponement of the sealing operation that the courts had ordered on September 29. In their applications, the various governments pointed to a “law and order problem”—a reference to months of escalating protests that culminated in a September 20 uprising against the sealing campaign that resulted in 4 deaths.

Dismissing the widespread and repeated anti-sealing agitations that have convulsed the city as challenge to the “rule of law,” the court aggressively asserted, “No one can be permitted to place a dagger at the government’s neck and seek relief. No one can be permitted to hold the city and its law-abiding citizens to ransom.”

The Supreme Court also sternly reminded the governments that “It is the obligation of governments to ensure compliance of the orders of this court.”

The court ordered a Monitoring Committee (MC)—which was set up by the courts to monitor the court-directed sealing campaign and consists of three court-appointed, unelected bureaucrats—to decide on a date for resumption of sealing operations after “consultations” with the MCD.

The Court also asked the Monitoring Committee to file weekly status reports in a sealed envelope so as to prevent any government entity or other legal authority from access to its contents. The MC, for all intents and purposes, has now become the de facto executive power in charge of sealing operations. It is constantly maintaining pressure upon and handing out instructions to elected officials in Delhi, acting in defiance of the wishes of the Delhi Union Territory government and of India’s national government, both of which have a share in the running of the capital.

Following the court ruling, the city was again shut down by agitations. The government responded, as it has frequently in recent weeks, by deploying paramilitary forces.

The Delhi authorities also ordered the city’s schools, which have been forced to close repeatedly over the past several months due to anti-sealing protests, closed on November 7 and 8.

Court orders for sealing and demolishing illegal buildings were issued as a result of litigations filed over the past several years by individuals and associations who were angered by the theft of public land and illegal

commercial activities in residential areas.

In response to the court orders, the MCD has already partially or completely demolished and sealed hundreds of buildings over the past year, provoking violent opposition from traders, small businesses, and residents.

A 3-day “Bandh” (total shutdown) organized by Confederation of All India Traders (CAIT) was observed from Oct. 30. The bandh brought commercial activity in India’s capital city to a virtual standstill and resulted in several angry confrontations between demonstrators and police. The shutdown was called in response to court deadline to the MCD to seal the shops of 45,000 traders, who have established themselves in zones designated as residential, by Nov. 1.

Both the ruling Congress Party and the Hindu Supremacist Bharatiya Janata Party (BJP) have tried to capitalize on the agitation with local party leaders joining the demonstrations. While both parties are beholden to big business, they, particularly the BJP, derive critical popular support from small, family-owned businesses.

In an attempt to dampen the agitation against the sealing program, the authorities have made a show of sealing and/or demolishing several illegally constructed large business establishments and chain-stores that cater to the better-off. But it is small traders and hawkers, because of their lack of capital and political connections, who will be most adversely impacted by the crackdown on businesses that were built in contravention of the municipal plan.

Many working class and poor people identify with the traders both because they patronize their businesses and because the campaign against illegal buildings also threatens to target many of their homes.

The MCD’s attempt to seal several commercial establishments on September 20 provoked street clashes in several areas of the capital, clashes that spread to the mainly working class Seelampur area of East Delhi.

The authorities attempted to quell the uprising in Seelampur using large contingents of police and paramilitary forces. They shot dead at least four Seelampur protesters, including a 7 year old boy, and injured over 100 people. Over 30 policemen were also injured.

Displaying its petty-bourgeois orientation, the CAIT blamed the uprising on “anti-social” elements.

The September 20 confrontations prompted the Indian government, the Delhi Government and the MCD to appeal to the courts to order a temporary halt to the sealing operation, so as to facilitate attempts to find a political solution. In line with this, the MCD had issued orders on September 7 and 15 hastily rezoning around 2200 roads as commercial areas, thus exempting many businesses from sealing and closure.

But the courts, including India’s highest court, have rejected any and all attempts to defuse the situation, insisting that the sealing campaign

proceed in the face of mass opposition. The courts have even criticized the September re-zoning, raising the possibility it could be struck down by court fiat.

According to the MCD up to 80 percent of the 3.2 million buildings in New Delhi are either partially or completely illegal and some 1,600 of the 3000 housing colonies [neighborhoods] in the city may be illegal.

The Supreme Court is well aware that the problem of illegal buildings and settlements has been decades in the making.

There is no doubt that much of the illegal construction is the product of the actions of wealthy and powerful individuals—building contractors, businessmen, corrupt municipal officials, police and, last but not least, politicians.

But many of the so called illegal businesses are owned by petty, small or medium traders whose businesses are their sole means livelihood. Others are grocery stores, medical clinics, attorneys' offices and internet kiosks that grew up alongside residential neighborhoods and have existed as an integral part of them for decades.

New Delhi has expanded spontaneously and often “illegally” as its population exploded from about 4 million in 1965 to an estimated 14 million today. Meanwhile the various authorities, the city corporation, and above all India's national government have utterly failed in their responsibility to provide housing and infrastructure so as to facilitate the planned development of the city.

India's courts have either ignored or deliberately shown their contempt for such complex realities.

There is no doubt that the various court rulings have provoked a major crisis between the MCD, Delhi Government, and Indian government on one hand and the judiciary on the other. In the name of upholding the rule of law, the courts are aggressively asserting the power to dictate public policy.

However it needs to be stressed that all of them share the ultimate goal of transforming Delhi and India's other major cities from their current state as overcrowded, poverty ridden agglomerations, frequently lacking in basic infrastructure, into “world class cities” that are business friendly and can become magnets for investment. But they disagree on tactics, with the Supreme Court openly urging a bloodbath if necessary to enforce the sealing and demolishing of illegal buildings and slums.

Over the past decade and a half—in line with the Indian bourgeoisie's abandonment of its national economic strategy and the associated claims that India was evolving in a “socialist” direction—the Indian Supreme Court has emerged as a spearhead of neo-liberal reform, issuing a flurry of rulings attacking democratic and worker rights and expanding the power of business and management.

The Supreme Court has taken an active role in assisting the entry of foreign investments by issuing several judgments in favor of overseas corporations.

In 1989 the Indian Supreme Court, without consulting the victims of the 1984 gas leak at the Union Carbide plant in Bhopal, abruptly ruled as final a settlement of \$470 million dollars reached between the Indian government and the Union Carbide Corporation. The company was criminally culpable in causing over 22,000 deaths and injuring at least 120,000 others, leaving many maimed for life.

India's highest court also enabled Union Carbide Corporation to wash its hands of any further responsibility by allowing it sell its Indian plants to the giant multinational Dow Chemicals. This was a clear signal to foreign corporations that their business interests will be protected even when they commit mass crimes.

The court has also issued several anti-democratic judgments restricting public debate and the right to strike. For example, in February 2006 the Indian Supreme Court imposed an unprecedented ban on public debate about or protests against, the dismantling of the toxin-laden French aircraft carrier Clemenceau in India's ship decommissioning yards. [See

Indian Supreme Court imposes sweeping ban on public debate on toxic warship].

In 2002 the Indian Supreme Court mounted an open attack on free speech by jailing the famous Indian writer and activist Arundathi Roy for criminal contempt for daring to criticize the Supreme Court. [See Arundathi Roy jailed for contempt of court]

In an open assault on the rights of workers, the Supreme Court ruled in July 2003 that public employees in India have neither a “legal or moral right” to strike. (See Millions of Indian government employees to go on strike today)

In 2005 Prime Minister Manmohan Singh announced the ambitious 1000 billion rupee (\$22.5 billion) innocuously-titled Jawaharalal Nehru National Urban Renewal Project (JNNURP) that aims to create “world-class cities” in India.

As publicized by the government, this 7 year project is aimed at improving infrastructure such as roads, electricity, water and sewer systems in 60 urban areas of the country. However in reality, its primary aim is to attract foreign investment by providing publicly-funded infrastructure and catering to the needs of the well-to-do. This scheme involves terrorizing and violently uprooting the slum dwellers who comprise the majority of urban population in many cities.

Over the past two years, the Delhi government has ruthlessly demolished slums along the banks of the Yamuna river, uprooting over a quarter of million and confiscating their land to build an “athletes village” for the upcoming 2010 Commonwealth Games. The government says it wants to make Delhi “slum free” ahead of the games. But of course proper homes are not being offered to the slum-dwellers.

The aggressive stand taken by the court against illegal buildings and businesses in the capital is its way of pressing the political elite to accelerate the already announced plans for “urban renewal”.

There is no doubt that the court orders will provoke major confrontations in the capital, since the sealings and demolitions threaten to impact on millions of people in the city.

The crisis in India's capital is a portent of immense confrontations in the coming years as the ruling elite attempts to forcibly transform urban areas in line with it's a neo-liberal vision of India serving as a major site of cheap labor manufacturing, business processing and research for the global market.



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