
A STUDY ON THE REDEVELOPMENT PROJECT OF DHARAVI SLUMS IN INDIA AND ITS EFFECT ON THE RIGHT OF HABITATION

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ABSTRACT

One of the greatest challenges that India faces is the increase in population and urbanization. Rapid urbanization is a direct result of an increased population. This creates Slums in India which is one of the major problems faced by any planner or government. Slums are considered as illegally occupied houses and creating a problem for ecological pollution and degradation of urban living circumstances.

The redevelopment of Dharavi in Mumbai represents one of India's most ambitious urban transformation projects that is aimed at improving living conditions, infrastructure and economic integration of slum dwellers. While the Dharavi Redevelopment Project seeks to provide formal housing and modern amenities, it simultaneously raises serious legal and socio-economic concerns. This study examines the impact of redevelopment on residents that have particular issues of displacement, loss of livelihood, eligibility constraints, and disruption of community structures.

The research further explores present day legal challenges such as the right to housing under Article 21, land tenure insecurity, consent in rehabilitation agreements and the increasing role of private developers in public welfare projects. Landmark judgements like the *Olga Tellis v. Bombay Municipal Corporation* that are used to assess the balance between development and fundamental rights. The study highlights the gap between legal safeguards and their implementation and emphasizes the need for a right based approach to urban redevelopment.

Keywords: Dharavi, Slum Redevelopment, Right to Housing, Urban Development, Displacement, Rehabilitation, Property Rights.

1. INTRODUCTION: HISTORY AND BACKGROUND OF THE LAW

Urbanisation has become a significant indicators of economic growth and industrial developments in modern societies. In India the rapid urbanisation has substantially altered the demographic and socio-economic structure of the metropolitan cities like Mumbai, Bangalore, Delhi, Chennai and Kolkata. While urbanisation has generated economic opportunities and infrastructural development and has simultaneously exposed the inability of urban planning mechanisms to accommodate the increasing population. One of the most visible manifestations of this imbalance is the emergence and the expansion of slums. Slums have become an inevitable consequence of inadequate affordable housing and unequal distribution of resources and the migration of economically weaker sections from rural areas to urban centers in search of employment opportunities.

Dharavi is one of the biggest informal settlements in Asia and is one of the most complicated urban redevelopment in the current economy and people think slums are areas with houses that people occupy illegally but Dharavi is more than that and has become a thriving community where people live and work together. Dharavi was established in the late nineteenth century when fishermen, leather workers, potters and migrant labourers began settling on these marshy lands and were mostly not recognised during the start of their occupation.

The increase in population and the lack of living conditions in Dharavi has compelled government authorities to consider redevelopment initiatives which ensures to improve the standard of living of the people living in the land while also making sure of utilising valuable urban lands for infrastructural expansion. On the contrary, the Maharashtra government introduced several policies for slum development, culminating in the establishment of the Slum Rehabilitation Authority in 1995. The Dharavi redevelopment project was started to give people who live there homes, new roads, clean water and places to work.

The issue surrounding Dharavi is not simply about the question of urban planning but rather it is a constitutional question involving the protection of fundamental rights, Under Article 21 of the constitution of India which talks about right to life and dignity is expanded by the Supreme Court of India and has interpreted that right to life also includes right to live with dignity, right to livelihood and the right to shelter and the right to healthy environment. Therefore, any redevelopment policy that displaces the people without a proper place of residence which potentially violates constitutional guarantees.

The right to have a home is very important, which is not only about having a roof over the head but also to be able to live a good life that includes having proper healthcare and schools and to be able to live with the community. So, when the government is building things they have to think about how it will affect the people's lives.

The study analyses the Dharavi Redevelopment Project and examines its effect on the right of habitation. It also analyses whether the existing legal framework adequately protects the rights of slum dwellers and whether the redevelopment policies balance both developmental obligation as well as constitutional obligation. Through an analysis of constitutional provisions, statutory enactments and judicial precedents. The main objective of the paper is urban redevelopment and to stand for people's right and to improve the current governance.

2. LEGAL FRAMEWORK GOVERNING THE REDEVELOPMENT OF DHARAVI SLUMS

The legal framework of Dharavi is derived from various sources such as constitutional provisions, statutory enactments and administrative policies and various other other legal instruments that are used to regulate urban development while simultaneously safeguarding the rights of the vulnerable communities residing in squatter settlements, despite the existence of an elaborate legal framework there are still some gaps that continue to exist between legal protection and implementation.

The Constitution of India serves as a primary source for the protection of slum dwellers which is observed under Article 21 of the Indian Constitution which guarantees right to life and personal liberty, which has gone through extensive judicial interpretations over the years. The Supreme Court has consistently held that right to life under Article 21 does not merely refer to physical survival but also includes all those necessary conditions that an individual requires to live a life with dignity. In the present context of slum redevelopment it is observed that the right to life includes the right to livelihood and right to a healthy environment. Therefore, any redevelopment initiative that results in the displacement of individuals without adequate rehabilitation mechanisms will eventually result in the violation of Article 21.

Article 14 of the Indian Constitution establishes the principle of equality before the law which prohibits arbitrary state actions and requires the State to adopt reasonable and non-discriminatory measures while implementing redevelopment policies. In Dharavi, one of the

major concerns is the eligibility criteria adopted for rehabilitation and also residents who have failed to satisfy the eligibility but are excluded from the rehabilitation schemes despite residing in the settlement for several years and such treatments by the government raises serious constitutional concerns regarding arbitrariness and unequal treatment.

Article 19(1)(e) further strengthens the constitutional protection available to slum dwellers by guaranteeing every citizen the right to reside and settle in any part of the territory in India. Although this right is subject to reasonable restriction and redevelopment policies that forcibly displace communities without due process may indirectly undermine this constitutional guarantee.

The Directive Principles of State Policy also provide an important foundation for redevelopment and Article 38 mandates the State to promote social welfare and minimise inequalities within society. Article 39(b) also requires the equitable distribution of material resources while Article 46 also obligates the state to protect the weaker sections from social injustice, though these provisions are non-justiciable but they significantly influence the formulation and interpretations of these redevelopment policies.

Also, the Maharashtra Slums Areas (Improvement, Clearance and Redevelopment) Act, 1971 constitutes the principal legislation which governs the slums redevelopment in Maharashtra. This act was enacted to improve the living conditions in the slum areas and to their clearance and redevelopment. It empowers authorities to identify slum areas, implement redevelopment schemes and facilitate rehabilitation.

One such provision of the Act is Section 33, which empowers competent authorities to evict occupiers from slum areas for the purpose of redevelopment. While the provision aims to facilitate urban renewal, as it does not provide procedural safeguards such as adequate notice and the opportunity to be heard or the right to challenge eviction orders, as these safeguards particularly violates the principles of natural justice such as *Audi alteram partem*, which tells that every person must be given the opportunity to be heard and take any actions against them.

In the case of *Maneka Gandhi v. Union of India* (1978) 1 SCC 248, in which the court held that any procedure affecting life or personal liberty must be fair, just and reasonable and cannot be arbitrary. Therefore, the process of eviction proceedings undertaken under Section 33 without adequate procedural safeguards can be considered unconstitutional. The Slum rehabilitation

authority serves as a principal body for implementing redevelopment schemes in Maharashtra. The authority is also responsible for project approvals and also for conducting surveys as it has been often criticized for its inadequate transparency and insufficient community participation.

Therefore, the Dharavi redevelopment process is a difficult one but it is necessary to improve the lives of the slum dwellers in Dharavi. The government must also ensure that the dharavi redevelopment must be done in a way that is fair justin and reasonable and must be respectful of the rights of all the people involved. Dharavi residents have the right to decent housing and a healthy environment and economic opportunities.

3. JUDICIAL PRECEDENTS: A CONSTITUTIONAL ANALYSIS OF THE RIGHT OF HABITATION

Through judicial interpretation by the Supreme court of India ,the issue relating to the right to shelter and the right of habitation in India has changed considerably. Although the Constitution does not directly acknowledge housing as a fundamental right, the Supreme Court has broadened the reach of Article 21 to include many socio-economic rights that are needed for a life of dignity. The judicial approach towards housing rights demonstrates a shift from a narrow interpretation of the right to life towards a more welfare-oriented and human rights-based perspective.

One of the most significant judgments is the *Olga Tellis v. Bombay Municipal Corporation* (1985) 3 SCC 545. The case came to light when the Bombay Municipal Corporation issued notices to pavement dwellers and slum residents directing them to vacate public spaces in Mumbai. The petitioners argued that their eviction would deprive them of their means of livelihood and consequently violate their fundamental rights under Article 21. The State contended that the occupants were trespassers and had no legal right to occupy public land.

The Supreme Court was called upon to determine whether the right to livelihood formed an integral component of the right to life. The Court observed that although the State possessed the authority to remove encroachments from public spaces, such action could not be undertaken in a manner that disregarded the fundamental rights of vulnerable communities. The Court held that the right to livelihood is an inseparable component of the right to life because no individual can live without the means of subsistence. Also, eviction without adequate procedural safeguards and rehabilitation measures would indirectly deprive individuals of their right to

life.

Dharavi is not only a residential settlement but is an economic ecosystem where thousands of individuals derive their livelihood from informal industries. Any redevelopment process that focuses solely on housing infrastructure without protecting existing economic activities would be inconsistent with the constitutional principles established in *Olga Tellis*. Therefore, rehabilitation must extend beyond providing residential units and should incorporate mechanisms for preserving economic opportunities.

Another landmark judgement that is relevant to the issue of this research is in the case of *Maneka Gandhi v. Union of India* (1978) 1 SCC 248. The case is about the impounding of a passport and the constitutional principles laid down by the Supreme Court have had a profound impact on the interpretation of Article 21. The petitioner challenged the government's decision to impound her passport without providing adequate reasons or an opportunity to be heard. The principal issue before the Court was whether any procedure established by law would satisfy the requirements of Article 21.

The Supreme Court rejected a narrow interpretation and held that any procedure affecting life or personal liberty must be just, fair and reasonable. The Court emphasised that arbitrary procedures are inconsistent with constitutional morality and cannot be permitted under Article 21. The decision established the doctrine of substantive due process in Indian constitutional law and fundamentally transformed the understanding of procedural fairness.

The implications of *Maneka Gandhi* are particularly relevant in the context of Section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. Section 33 empowers authorities to evict occupiers from slum areas for redevelopment purposes but does not expressly provide safeguards such as adequate notice, the opportunity to be heard or the right to appeal. In the absence of such safeguards, the provision may fail the test of fairness established in *Maneka Gandhi*. Consequently, redevelopment policies that rely upon arbitrary eviction procedures may be constitutionally vulnerable.

The Supreme Court further expanded the scope of housing rights in *Chameli Singh v. State of Uttar Pradesh* (1996) 2 SCC 549. The case arose from a challenge to land acquisition proceedings, and one of the issues before the Court was whether the right to shelter formed part of the right to life under Article 21. The Court observed that the right to shelter is an

indispensable component of human dignity and cannot be restricted to the mere existence of a roof over one's head.

The Court held that adequate shelter includes access to civic amenities, sanitation, healthcare facilities, educational institutions and opportunities for social and economic development. Housing was therefore recognised as a multidimensional right that enables individuals to fully participate in society. This judgment is particularly significant in understanding the right of habitation because it recognises that the quality of life cannot be measured solely by physical infrastructure.

The redevelopment of Dharavi must therefore be assessed through this broader constitutional lens. Merely replacing informal settlements with high-rise buildings does not necessarily satisfy constitutional obligations. The State must ensure that redevelopment preserves social relationships, economic opportunities and access to essential services.

Another important decision is *Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan* (1997) 11 SCC 121. The case involved the eviction of encroachers occupying public land. The Supreme Court recognised that urban planning and public infrastructure are legitimate governmental objectives; however, these objectives cannot be pursued at the expense of vulnerable populations. The Court emphasised that the State must adopt a balanced approach that simultaneously advances public interest and protects human dignity.

The Court observed that rehabilitation measures should accompany eviction and that authorities must exercise their powers with compassion and sensitivity. This judgment reinforces the principle that redevelopment cannot be implemented through coercive mechanisms alone and must be accompanied by adequate welfare measures.

The jurisprudence developed by the Supreme Court has also been analysed by Supreme Court Observer, which has highlighted the gradual evolution of socio-economic rights under Article 21. According to its analysis, the Supreme Court has increasingly recognised that rights relating to shelter, livelihood and dignity are interconnected and must be interpreted collectively rather than in isolation. The Observer identifies three central themes within Indian housing rights jurisprudence: human dignity, procedural justice and proportionality.

The principle of human dignity requires the State to recognise slum dwellers as rights-bearing

citizens rather than illegal occupants. Procedural justice mandates transparency and participation in decision-making processes, while proportionality requires the State to adopt measures that minimise harm to vulnerable communities. These principles collectively provide a constitutional framework for evaluating redevelopment projects such as Dharavi.

The existing judicial precedents clearly establish that redevelopment cannot be reduced to a mere exercise in urban planning. It is fundamentally a constitutional exercise that requires the State to balance developmental objectives with the protection of human rights. The jurisprudence of the Supreme Court therefore supports the proposition that the right of habitation forms an integral component of the right to life and that redevelopment projects must be implemented in a manner that preserves both dignity and livelihood.

4. ANALYSIS, IMPLICATIONS, ETHICAL CONSIDERATIONS AND CONTRIBUTIONS OF THE STUDY

The Dharavi Redevelopment Project represents a complex intersection between urban planning, constitutional law, economic development and social justice. Although the project is often celebrated as a model of urban transformation, a deeper examination reveals several structural deficiencies that undermine its long-term sustainability. The central challenge lies in balancing developmental objectives with the constitutional rights of residents.

One of the major issues associated with the project is the tendency to treat Dharavi merely as a physical space rather than a socio-economic ecosystem. Policymakers often perceive slums as obstacles to urban development instead of recognising them as communities that contribute significantly to the urban economy. Such an approach prioritises commercial interests over human welfare and risks marginalising the very population that redevelopment intends to benefit.

The implications of redevelopment are multidimensional. On the positive side, redevelopment may improve access to sanitation, healthcare facilities, transportation networks and educational institutions. Improved housing infrastructure may also reduce public health risks and enhance overall living conditions. Furthermore, formalisation of economic activities may increase governmental revenues and contribute to economic growth.

However, redevelopment also generates significant adverse consequences. One of the most

pressing concerns is displacement. Relocation often disrupts existing social networks and weakens community bonds that have developed over several generations. In many cases, residents lose access to their workplaces, resulting in unemployment and economic insecurity. The disruption of informal economic activities can significantly diminish household incomes and increase poverty levels.

Ethically, redevelopment raises important questions regarding consent, justice and participation. The absence of meaningful consultation with residents undermines democratic governance and perpetuates structural inequalities. Since the affected population consists primarily of economically weaker sections, redevelopment policies must be designed with heightened sensitivity to issues of vulnerability and marginalisation.

The research also highlights the growing influence of private developers in public welfare projects. Although public-private partnerships can facilitate infrastructural development, excessive dependence on private entities may shift priorities from social welfare to commercial profitability. This trend necessitates stronger governmental oversight and accountability mechanisms.

The present study contributes to existing literature by emphasising the need to reconceptualise redevelopment as a human rights issue rather than a purely economic enterprise. It demonstrates that sustainable urban development requires the integration of constitutional values, participatory governance and social justice.

5. SUGGESTIONS: LEGISLATIVE AMENDMENTS AND IMPROVING IMPLEMENTATION OF LAWS

The shortcomings of the existing legal framework necessitate substantial reforms to ensure that redevelopment projects operate in a constitutional and equitable manner. The first recommendation is the enactment of a comprehensive National Right to Housing Act. Unlike several other jurisdictions, India does not possess a dedicated legislation that explicitly recognises housing as a legally enforceable right. Such legislation would establish uniform standards for rehabilitation and protect vulnerable communities across the country.

The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 also requires significant amendments. In particular, Section 33 should be revised to expressly

incorporate procedural safeguards such as adequate notice, the opportunity to be heard, access to legal remedies and independent review mechanisms. These safeguards would ensure compliance with the principles of natural justice and constitutional due process.

Community participation must also become a statutory requirement. Residents should be involved in all stages of redevelopment, including planning, implementation and monitoring. Participatory governance would improve transparency and foster trust between authorities and communities.

Another important reform is the introduction of mandatory Social Impact Assessments before every redevelopment project. Such assessments would evaluate the effects of redevelopment on livelihoods, social relationships and vulnerable populations. The findings should be publicly accessible to ensure transparency and accountability.

Independent monitoring bodies comprising urban planners, legal experts, sociologists and resident representatives should also be established to oversee redevelopment projects. These bodies would function as accountability mechanisms and prevent the misuse of governmental authority.

Finally, livelihood preservation must become an integral component of redevelopment. Rehabilitation policies should provide commercial spaces, vocational training and financial assistance to affected residents. Economic security is essential for meaningful rehabilitation and long-term sustainability.

6. CONCLUSION

The Dharavi Redevelopment Project represents one of the most ambitious urban renewal projects in contemporary India. Nevertheless, its significance extends beyond architecture, infrastructure and real estate development. It constitutes a constitutional challenge that tests India's commitment to social justice, human dignity and inclusive development.

The right of habitation has emerged as a critical constitutional principle derived from Article 21 of the Constitution. This right encompasses far more than physical shelter and includes livelihood, dignity, security and community preservation. The Supreme Court has consistently expanded the scope of fundamental rights to protect vulnerable populations from arbitrary state action.

Although the existing legal framework provides a foundation for redevelopment, significant deficiencies persist in implementation. Arbitrary eligibility criteria, inadequate rehabilitation measures, lack of procedural safeguards and insufficient community participation continue to threaten the rights of slum dwellers.

India must therefore move away from a developer-centric model and adopt a rights-based approach to redevelopment. Sustainable urban development cannot be achieved by displacing vulnerable communities in the name of progress. Rather, it must be grounded in constitutional morality, democratic participation and social justice. Only then can redevelopment become an instrument of empowerment rather than a mechanism of exclusion.

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