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Olga Tellis Vs Bombay Municipal Corporation 1985

- Recently, a Constitution Bench judgment of the Supreme Court in Olga Tellis vs Bombay Municipal Corporation 1985, held that footpath residents in the Jahangirpuri (Delhi) case, different from encroachers, could play an important role in subsequent decisions.

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Questions raised before the Supreme Court:

Background:

- The case began in 1981 when the State of Maharashtra and the Bombay Municipal Corporation decided that footpaths and slum dwellers in the city of Bombay should be evicted and “deported to their place of origin or to areas outside the city of Bombay”.

The question of right to life of the people living on the footpath : The Hindu Analysis

- One of the main questions was whether eviction of a pavement dweller was a part of the Constitution. Art. 21 of their right to guaranteed livelihood.

- According to Article 21, “No person shall be deprived of his life or personal liberty except according to procedure established by law”.
- There are about 20 million people living on footpaths in India.

Question of prior approval for removal of encroachment : The Hindu Analysis

- The Constitution Bench was also asked to determine whether the provisions contained in the Bombay Municipal Corporation Act, 1888, are arbitrary and unreasonable and allow removal of encroachments without prior notice.

Question on encroachment : The Hindu Analysis

- The Supreme Court also decided to examine the question whether it would be constitutionally inappropriate to mark footpath occupants as trespassers.

Decision of the Supreme Court in Olga Tellis vs Bombay Municipal Corporation, 1985 : The Hindu Analysis

- In Olga Tellis vs Bombay Municipal Corporation judgment in 1985, the Court held that it is unconstitutional to evict pedestrians by force without reason and without giving them an opportunity to explain.
- It is a violation of their Right to Livelihood.
- The court had taken strong objection to the authorities considering the occupants of the footpath as only trespassers.
- “They (pavement dwellers) mostly find places to live in filthy or marshy places due to their very poor economic condition.

State government’s defence : The Hindu Analysis

- **Question of Estoppel:** The state government and the corporation protested that the people living on the footpath should be stopped.
- Estoppel is a judicial instrument by which a court can ‘prevent’ a person from making a claim.

- The statute can bar someone from claiming that the hut built by him on the footpath cannot be demolished because of his right to livelihood.
- **Right to Public Way:** They cannot claim any fundamental right to encroach on footpaths or public roads and build huts as people have the right to move on those roads.

Recent judgment of Supreme Court:

On the Estoppel : The Hindu Analysis

- The court rejected the government's argument for the constitution, saying that "there can be no constitution against the constitution." ,
- The court said that the right to life of the people living on the footpath is at stake.

On Right to Livelihood : The Hindu Analysis

- The right to livelihood is an "integral component" of the right to life.
- If the right to livelihood is not considered as part of the constitutional right to life, then the easiest way to deprive a person of his right to life would be to deprive him of his means of livelihood.

On prior notice : The Hindu Analysis

- The second question is whether the provisions of the law allowing statutory authorities to remove encroachments without prior notice were arbitrary.
- Such rights are designed to operate as an 'exception', not a "general rule".
- The eviction process should be in favor of procedural safeguards that follow the natural principles of justice such as giving the other party an opportunity of being heard.
- The right to be heard provides an opportunity for victims to participate in the decision-making process and to speak with dignity.

Trespass : The Hindu Analysis

- The court has taken strong objection to the authorities considering the people living on the footpath as trespassers.
- The apex court ruled that footpath dwellers live on "extremely dirty footpaths" and not with the intention of humiliating, intimidating or harassing anyone.

- They live on the sidewalk and earn because they have “little care in the city and no house to live in.”

Anganwadi worker gratuity

- Recently it has been accepted by the Supreme Court that Anganwadi workers are entitled to gratuity, which is a basic social security measure.

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Supreme Court's opinion:

- The Court has recognized their right to pay gratuity under the Payment of Gratuity Act, 1972.
- The court noted that it is high time for the Center and the states to “collectively consider” on improving the service conditions of Anganwadi workers and helpers.
- The Court also pointed out that the Integrated Child Development Scheme (ICDS) needs more attention in public policy.
- The scheme acts as an “institutional mechanism for the realization of child and women’s rights”.
- Yet these services are treated as state charities rather than enforceable rights.
- Thus to ensure quality in delivery of services and community participation, it is necessary to rethink their terms of service.

Anganwadi Workers : The Hindu Analysis

- Anganwadi is a centrally sponsored scheme implemented by the States/UTs to act as a rural child and maternal care center in India.
- It was started in the year 1975 by the Government of India as part of the ICDS program to tackle the problem of hunger and malnutrition of children.
- Anganwadi centers provide six types of services: supplementary nutrition, pre-school non-formal education, immunization, health check-up, nutrition and health education and specified services.
- Beneficiaries under Anganwadi Services Scheme are identified under Aadhaar.

Importance of Anganwadi Workers : The Hindu Analysis

- The court has recognized that the nutritional needs of about 158 million children “the future resource of the nation” are taken care of by anganwadi workers and helpers.
- They act as a bridge between the government and the beneficiaries under the National Food Security Act, 2013 and ICDS, besides providing important services at the grassroots level.
- Anganwadi workers and helpers have worked to cater to the needs of disadvantaged groups in underprivileged areas. **Today Current Affairs**
- They are the backbone of Integrated Child Development Services (ICDS).
- Social child care contributes to women’s independence.
- It lightens the burden of child care, provides a potential source of employment for women, as well as provides them an opportunity to form women’s organizations.

Gratuity : The Hindu Analysis

- Gratuity is a benefit that is payable under the Payment of Gratuity Act 1972.
- Gratuity is a financial component given by an employer to an employee in recognition of the service rendered by him in the organization.
- It is a part of an employee’s salary and can be viewed as a benefit plan, designed to help an individual on his retirement.
- Gratuity is paid by an employer when an employee leaves the job after serving an organization for a period of at least 5 years.
- It can also be thought of as a financial “thank you” to an employee for providing continued service to the employer.

World malaria day

- World Malaria Day is observed every year on 25 April to spread awareness about the global effort to control and eradicate malaria.
- World Malaria Day was first organized in the year 2008. It was developed from the ‘Africa Malaria Day’, which was being celebrated by the governments of various African countries since 2001.

- The theme of the year 2022 is “Use innovation to reduce the burden of malaria and save lives”.

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Malaria:

- Malaria is a mosquito-borne blood disease caused by Plasmodium parasites. It is mainly found in tropical and sub-tropical regions of Africa, South America and Asia.
- This parasite is transmitted through the bite of infected female Anopheles mosquitoes.
- After entering the human body, the parasites initially multiply within the liver cells, then destroy the red blood cells (RBCs), resulting in the loss of RBCs. **The Hindu Analysis**
- There are 5 parasitic species that cause malaria infection in humans, out of which 2 species – Plasmodium Falciparum and Plasmodium Vivax, are at the highest risk of malaria infection.
- Symptoms of malaria include fever and flu-like symptoms, including chills, headache, muscle aches, and tiredness.
- Both prevention and treatment of this disease is possible.

Malaria Vaccine : The Hindu Analysis

- RTS,S/AS01, also known as Mosquirix, is an injectable vaccine. This vaccine has been obtained after a long scientific trial which is completely safe. The use of this vaccine reduces the risk of malaria by up to 40 percent and its results have been seen among the best vaccines so far.
- It was developed by GlaxoSmithKline (GSK) Company and approved by European Medicines Agency in the year 2015. **Today Current Affairs**
- The RTS,S vaccine develops the immune system against the malaria parasite, Plasmodium P. falciparum, which is the deadliest species of malaria parasite.

Indian Scenario : The Hindu Analysis

- **Malaria Burden:** India has made considerable progress in reducing its malaria burden, according to the World Malaria Report (WMR) 2020 released by the

World Health Organization (WHO), which gives information on estimated malaria cases worldwide. .

- India is the only country which has registered a decline of 17.6% in the year 2019 as compared to the year 2018.

Malaria Control Efforts : The Hindu Analysis

- The World Health Organization (WHO) has identified 25 countries with potential to eradicate malaria by 2025 under its E-2025 initiative.
- Efforts to eradicate malaria in India were initiated in the year 2015 and further accelerated after the launch of the National Framework for Malaria Elimination (NFME) of the Ministry of Health and Family Welfare in the year 2016. **Today Current Affairs**
- NFME is in line with WHO's Global Technical Strategy 2016–2030 (GTS) for Malaria. The Global Technical Strategy guides the WHO's Global Malaria Program (GMP), which is responsible for coordinating WHO's global efforts to control and eliminate malaria.
- The National Strategic Plan for Malaria Elimination (2017-22) was launched in July 2017 in which the strategy has been laid down for the next five years.
- It provides year-wise elimination targets in different parts of the country based on the endemicity of malaria.
- The implementation of the High Burden to High Impact (HBHI) initiative was launched in July 2019 in four states (West Bengal, Jharkhand, Chhattisgarh and Madhya Pradesh).
- Distribution of long lasting insecticidal mosquito nets (LLINs) in high stress areas has reduced the spread of malaria in these states. **The Hindu Analysis**
- The Indian Council of Medical Research (ICMR) has set up the Malaria Eradication Research Coalition-India (MERA-India), a group of partners working on malaria control.

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