



OLGA TELLIS V. BOMBAY MUNICIPAL CORPORATION (1985)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

◆ 1. Prelims Snapshot (Fact Box)

- 📅 Year: 1985
- ⚖️ Case: Olga Tellis v. Bombay Municipal Corporation
- 👤 Bench Strength: 5 Judges
- 📖 Key Articles Involved: Article 14, Article 19(1)(e), Article 21
- 🧠 Doctrine Evolved: Right to livelihood is part of the Right to Life under Article 21
- 💬 Famous Line: "No person can live without the means of living, that is, the means of livelihood."

CONTEXT & BACKGROUND

The case arose when the Bombay Municipal Corporation (BMC) decided to evict thousands of pavement dwellers and slum residents in Mumbai, citing encroachment. Olga Tellis, a journalist and activist, along with affected residents, filed a petition challenging the eviction as violative of their fundamental rights.



They argued that the right to shelter and livelihood was inseparable from the right to life under Article 21.

CONSTITUTIONAL ISSUES RAISED

- Is the right to livelihood protected under the right to life (Article 21)?
- Can a person be forcibly evicted without due process, even if they occupy public land?
- Do equality and dignity under Articles 14 and 19 apply to informal workers and urban poor?

VERDICT & RATIO DECIDENDI

The Supreme Court delivered a compassionate yet balanced verdict:

- Recognised livelihood as an integral part of life under Article 21
- Held that pavement dwellers are not trespassers by choice; poverty compels migration
- However, also ruled that unauthorised occupation of public land is illegal, and eviction is permissible with due process
- Directed that no eviction shall take place without adequate notice, hearing, and rehabilitation support



- The Court emphasised that the State has a constitutional obligation to provide for the poor and vulnerable.

DOCTRINE / PRINCIPLE EVOLVED

- Right to livelihood is constitutionally protected as part of the right to life
- Due process of law must be followed even for eviction of informal settlers
- Urban planning and governance must be inclusive and humane



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IMPACT & LEGACY

- Became a foundational case in expanding socio-economic rights under the Constitution
- Paved the way for later judgments affirming the right to shelter, food, and employment
- Influenced government policy on rehabilitation, slum regularisation, and inclusive urban development
- Frequently cited in PILs related to homelessness, forced eviction, and street vendors' rights



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RELEVANCE FOR UPSC

- GS Paper 2:
 - Socio-economic rights and urban poor
 - Right to life and due process
 - Inclusive governance and legal aid
- GS Paper 4 (Ethics):
 - Human dignity, empathy in policy, ethical governance
- Essay Paper:
 - Suitable for topics like Rights of the Marginalised, Urbanisation and Justice, Constitutional Compassion
- UPSC Interview:
- Useful in discussions on slum policies, informal labour, welfare vs. legality in governance.

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