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Case Comment: Olga Tellis & Ors v Bombay Municipal Corporation & Ors: Right to Livelihood

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INTRODUCTION

*Olga Tellis v Bombay Municipal Corporation*¹ is a landmark judgment of the Supreme Court of India that significantly broadened the interpretation of the Right to Life under Article 21² of the Constitution. Decided on 10 July 1985, the case established that the right to livelihood is an inseparable part of the right to life, making it one of the most influential decisions in Indian constitutional law.

The dispute arose when the Bombay Municipal Corporation (BMC), along with the Government of Maharashtra, launched a campaign to remove pavement dwellers and slum-dwellers from public roads and footpaths in Bombay (now Mumbai). The authorities maintained that these occupations were illegal and obstructed public spaces. In response, journalist Olga Tellis and other petitioners approached the Supreme Court, arguing that eviction without an opportunity to be heard or consideration of their rehabilitation would destroy their means of earning a living.

¹ *Olga Tellis & Ors v Bombay Municipal Corporation & Ors Etc* AIR 1986 SC 180

² Constitution of India 1950, art 21

Since most of the affected people depended on jobs located near these settlements, eviction would directly threaten their survival and dignity.

The Supreme Court acknowledged that individuals do not have a legal right to permanently occupy public pavements. However, it also held that the right to livelihood is an essential component of the right to life guaranteed under Article 21. The Court emphasised that no person can be deprived of this right except through a procedure that is fair, just, and reasonable. Consequently, it ruled that pavement dwellers could not be evicted arbitrarily and were entitled to notice and an opportunity to present their case before any eviction took place. This judgment remains a milestone in Indian constitutional jurisprudence because it reinforced the principle that fundamental rights should be interpreted in a manner that protects human dignity and the basic conditions necessary for survival. It continues to influence decisions relating to socio-economic rights, eviction, and the protection of vulnerable communities.

HISTORICAL BACKGROUND OF THE CASE

Olga Tellis v Bombay Municipal Corporation is closely linked to the rapid urbanisation of India during the 1960s and 1970s. As cities such as Bombay (now Mumbai) experienced industrial growth, thousands of people migrated from rural areas in search of employment and better living conditions. However, the city's housing infrastructure could not keep pace with the increasing population. As a result, many low-income workers, including daily wage earners, domestic workers, street vendors, and construction labourers, were compelled to live in slums and on pavements near their places of work.

During the early 1980s, the Government of Maharashtra and the Bombay Municipal Corporation (BMC) launched a large-scale campaign to remove encroachments from public roads and footpaths. The authorities argued that these occupations caused traffic congestion, affected public safety, and violated municipal laws. While the objective was to improve urban management, the eviction drives placed thousands of economically weaker families at risk of losing both their homes and their means of earning a livelihood.

The affected pavement dwellers had lived in these locations for several years because they could not afford formal housing. Their proximity to workplaces allowed them to survive on modest

incomes. Forced eviction without any alternative accommodation or rehabilitation would have left them homeless and deprived them of access to employment.

Concerned about the impact of these evictions, journalist and social activist Olga Tellis, along with several pavement and slum dwellers, approached the Supreme Court of India by filing a writ petition under Article 32³. The petition challenged the proposed evictions on the ground that they violated the fundamental rights guaranteed under Articles 19⁴ and 21, particularly the right to life, which the petitioners argued included the right to livelihood.

The case emerged at a time when the Supreme Court was adopting a broader and more progressive interpretation of fundamental rights through public interest litigation. Against this backdrop, the Court was called upon to balance the government's responsibility to maintain public spaces with its constitutional duty to protect the lives and dignity of vulnerable citizens. This historical context ultimately led to one of the most influential constitutional decisions in India, recognising that the right to livelihood forms an essential part of the right to life under Article 21.

JUDGEMENT AND GIVEN BY THE JUDGEMENT

The Supreme Court delivered its judgment on 10 July 1985, holding that the constitutional guarantee of the right to life under Article 21 extends beyond mere physical existence. The Court ruled that the right to livelihood is an inseparable part of the right to life, as a person cannot sustain life without the means to earn a living.

The Supreme Court's reasoning was based on the belief that the Constitution should protect not only the physical existence of individuals but also the conditions necessary for a dignified life. The judges observed that the right to life under Article 21 extends beyond mere survival and includes the ability to secure the necessities of life through employment or other lawful means. Since many pavement dwellers lived close to their workplaces, eviction without due process could deprive them of both shelter and employment, placing their survival at risk.

³ Constitution of India 1950, art 32

⁴ Constitution of India 1950, art 19

The Court further emphasised that constitutional rights cannot be restricted through arbitrary government action. Any interference with the life or livelihood of an individual must follow a procedure that is fair, just, and reasonable, as required under Article 21. This principle ensures that state authorities exercise their powers responsibly and respect the rights of vulnerable sections of society.

REASONING AND FINDINGS OF THE CASE BY THE SUPREME COURT

Right to Livelihood is Part of Article 21: The Court held that the right to life includes the right to livelihood because depriving a person of employment or the means of survival would directly threaten life itself. This interpretation expanded the scope of Article 21 and strengthened the protection of socio-economic rights.

No Fundamental Right to Occupy Public Pavements: The Court clarified that public streets and pavements are intended for public use. Therefore, pavement dwellers cannot claim a legal or fundamental right to permanently occupy public property.

Eviction Must Follow Due Process: Although municipal authorities have the legal power to remove encroachments, such action cannot be arbitrary. The Court held that affected persons must receive prior notice and a reasonable opportunity to be heard before eviction.

Procedure must be Fair, Just, and Reasonable: Referring to the constitutional requirements under Article 21, the Court emphasised that every state action affecting life or livelihood must comply with the principles of fairness and natural justice.

Balancing Individual Rights and Public Interest –

The Court sought to balance two competing concerns:

- The government's responsibility to maintain public roads and remove illegal encroachments; and
- The constitutional obligation to protect the fundamental rights of vulnerable citizens.

Recognition of Human Dignity: The judgment acknowledged that many pavement dwellers migrated to cities because of poverty and lack of employment opportunities in rural areas. Their occupation of pavements was viewed as a consequence of economic necessity rather than deliberate lawbreaking.

CONCLUSION

In conclusion, *Olga Tellis v Bombay Municipal Corporation* stands as a landmark decision that successfully balanced individual rights with public interest. It reinforced the idea that while the State has the authority to regulate public spaces, such power must always be exercised in accordance with constitutional values. The case continues to serve as an important precedent, reminding both the judiciary and public authorities that the rule of law must be accompanied by compassion, fairness, and respect for human dignity.

The decision in *Olga Tellis v Bombay Municipal Corporation* remains one of the most influential judgments in Indian constitutional law because it reaffirmed that the Constitution is intended to protect not only legal rights but also the dignity and well-being of every individual. By holding that the right to livelihood is an integral part of the right to life under Article 21, the Supreme Court gave a broader and more humane interpretation to fundamental rights.

The principles established in this case have had a lasting impact on Indian constitutional jurisprudence. The judgment has guided subsequent decisions concerning eviction, rehabilitation, housing rights, and the protection of socio-economic rights. It also strengthened the understanding that fundamental rights should be interpreted in a manner that promotes social justice and protects the dignity of marginalised communities.

SUGGESTION

Although the judgment in *Olga Tellis v Bombay Municipal Corporation* is a landmark in protecting the **right to livelihood under Article 21**, its practical impact can be strengthened through better policy, enforcement, and judicial support. The following suggestions aim to address the gaps between constitutional principles and ground reality:

Strong and Mandatory Rehabilitation Policy: The government should establish a clear and uniform rehabilitation framework for all evicted slum and pavement dwellers.

Strict Enforcement of Due Process: The procedural safeguards laid down by the Supreme Court must be strictly implemented.

Accountability of Municipal Authorities: Officials responsible for illegal or arbitrary evictions should be held accountable. Independent monitoring bodies should supervise eviction processes. Transparency in urban development projects should be ensured.