

GOVERNANCE BY DENIAL

FORCED EVICTION AND DEMOLITION OF HOMES
IN KORAMANGALA (EJIPURA), BANGALORE



Interim Report of a Fact-Finding Mission



Housing and Land Rights Network - Delhi

Peoples' Union for Civil Liberties - Karnataka

MARCH 2013

Housing and Land Rights Network (HLRN)

G-18/1 Nizamuddin West

Lower Ground Floor

New Delhi: 110013

info@hic-sarp.org / hlrsouthasia@gmail.com

www.hic-sarp.org

Peoples' Union for Civil Liberties (PUCL) – Karnataka

No. 46, Wellington Street

Richmond Town

Bangalore – 560025

puclblr@gmail.com

Interim Report – printed in March 2013 at New Delhi

INTRODUCTION

Bruhat Bangalore Mahanagara Palike (BBMP), responsible for providing infrastructure and services in the Greater Bangalore Metropolitan area, bulldozed 1,512 homes (comprised of 42 blocks), and evicted over 5,000 slum dwellers living in tin sheds in the economically weaker section (EWS) quarters in Koramangala (near Ejipura), Bangalore, from 18-21 January, 2013. The four-day demolition drive affected around 1,200 women and 2,000 children, and rendered thousands homeless. It was the largest eviction the city of Bangalore has witnessed in recent years.

Around 7.30 am on 18 January 2013, BBMP officials along with bulldozers, a demolition crew and a large police force reached the EWS settlement. Residents started protesting, as the forced eviction and demolition of their homes commenced. BBMP officials claimed that protestors were preventing them from carrying out the demolition. The police arrested 21 women, including a few women activists, who stood between their homes and the bulldozers. The police dragged the women into their vans, some of them by their hair. The women were taken to two police stations, implicated with false charges and detained overnight in jail.

Residents pleaded with the demolition crew that the BBMP Commissioner had assured them that the evictions would not commence till the end of the ongoing school year (April 2013). Residents asked the BBMP officials for documentation that authorised the demolition. No notification was provided. Instead, the residents were asked to file a Right to Information (RTI) appeal if they wanted to see a copy of the demolition order.

On the next day (19 January 2013), the BBMP Commissioner maintained that there was authorization to demolish only ‘unoccupied sheds.’ The forced eviction and demolitions of all homes, however, continued on site under the supervision of BBMP engineers. With police assistance, the demolitions continued well into the night. Conversations with evicted persons and activists at the site reveal that the police was not averse to using force against residents. By the evening of 19 January, over 1,000 houses had been demolished. The demolition drive continued through the next day. By Monday 21 January, no homes were left standing at the site. The demolition was complete.

Residents were left to fend for themselves on the street without any shelter. Most of them suffered extensive loss of property and personal belongings. Women refused to eat or drink, as it would mean they would have to leave their salvaged belongings on the road and walk to the pay-and-use public toilet (which reportedly had also increased its rates in light of the demolition). Many of them faced violence and resulting injuries during the demolition process. The police and the administration, however, have denied that any injuries took place or that any personal belongings/possessions of the residents were destroyed in the operations.



As a result of the forced eviction and demolition, women have lost their jobs, children have stopped going to school, and the economic conditions of the community have further deteriorated. Residents report daily harassment from the police, political representatives and criminal elements in the area. The health of many members of the community has suffered as a result of the demolition. The government has not provided any relief or rehabilitation to the evicted persons. The only relief has been food and medical supplies from civil society organizations and voluntary groups working in the area. Some evictees have been forced to take shelter with relatives or friends in other parts of Bangalore. Some have moved to alternative sites in the outskirts of the city. Many evictees, however have no option, and continue to live on the pavements adjacent to the site of their former homes. They live in tiny makeshift tents built over drains, in dismal conditions, without any basic services, including water.



II FACT-FINDING MISSION

Given reports of alleged violations of the human rights of the residents of Koramangala (Ejipura), *People's Union for Civil Liberties (PUCL - Karnataka)* and *Housing and Land Rights Network (HLRN - Delhi)* decided to undertake a two-day fact-finding visit (21-22 February 2013) to investigate the incidence of forced eviction in Koramangala (Ejipura) and its aftermath.

The aim of the mission was to:

- a) Ascertain if any human rights violations occurred before, during and after the eviction, particularly of women and children;
- b) Understand the socio-political economy of Bangalore's urbanisation process and development; and,
- c) Assess the response of the state and civil society.

The fact-finding team consisted of Dr Ramdas Rao (PUCL - Karnataka, and former Professor of English, Bangalore University), Ms Shivani Chaudhry (Associate Director, HLRN, Delhi), Dr. (Fr.) Ambrose Pinto SJ (Former Director of Indian Social Institute, New Delhi, former Principal of St. Joseph's College, Bangalore, and present Director of St Joseph's Evening College, Bangalore), and Aditya (PUCL - Karnataka). The team was assisted by Eshwarappa Madivali, a documentary filmmaker and photographer.¹

The team conducted detailed interviews with women, men and children from Koramangala (Ejipura), including those living under plastic sheets at the demolition site and families awaiting rehabilitation at Kaikondanahalli. The team also spoke with the following officials and private actors:

- 1. Mr Venkatesh Murthy, Mayor, Bangalore City;
- 2. Mr Siddaiah, BBMP Commissioner;
- 3. Mr BT Ramesh, Engineer-in-Chief and nodal officer for the project, BBMP;
- 4. Mr Lakshmi Narayana, Principal Secretary, Ministry of Housing, Government of Karnataka;
- 5. Mr Bharat Lal Meena, Principal Secretary, Ministry of Urban Development, Government of Karnataka;
- 6. Dr Sylvia Karpagam, a public health doctor; and,
- 7. Mr Uday Garudachar, Chief Executive Officer (CEO), Maverick Holdings and Investment Private Limited.

The fact-finding team also tried to speak with the Additional Commissioner of Police, Jayanagar, who despite giving an appointment, did not meet with the team.

¹ Most of the photographs printed in this report have been taken by Eshwarappa Madivali.

III BACKGROUND

In keeping with its legal obligation, as per the *Karnataka Municipal Corporations Act, 1976*, to cater to the housing needs of the economically weaker sections (EWS), the Government of Karnataka and BBMP took a decision in the 1980s to establish housing quarters for them at subsidised rates. In 1983-84, BBMP with assistance from the Housing and Urban Development Corporation (HUDCO), formulated a scheme for the construction of 1,512 EWS flats in 42 blocks (each block having 36 tenements). These houses were to be constructed on BBMP land measuring 11 acres 37 guntas (11.2 acres)² in Koramangala, Bangalore, at a distance of three kilometres from the city centre.

Constructed by private contractors, the EWS quarters were of substandard quality. Despite knowledge of their structural instability, BBMP decided to go ahead with the process of allotment. It called for applications and in 1993-94, selected 1,512 beneficiaries for allotment of these flats and sought to issue lease-cum-sale agreements to all of them. Eighty-six of them, however, refused the same. BBMP thus issued letters of allotment to 1,426 beneficiaries and executed lease-cum-sale agreements in their favour. The allottees had to pay between Rs 49,000 (for the second floor) to Rs 52,000 (for the ground floor) for the flats. The housing was, however, of very poor quality and did not have any basic facilities like water, sanitation and electricity. No sewage lines were provided, and shortly after moving in, residents noticed cracks on the walls and plaster falling from the ceilings. Women residents mentioned that in the absence of the provision of water, they had to wake up at 3 am daily and walk two kilometres and stand in long queues to buy water.

Many residents continued to live in those poor conditions while some of them rented their quarters out to others who were in a worse off position than them. Several other original allottees sold their flats to third parties under registered General Power of Attorneys and other legal instruments. Thus, except for a few original allottees, most of the residents of the 1,512 flats were tenants. The majority of them were reportedly homeless Dalits and minorities converted from Dalit communities.

As a result of the poor quality of construction, Block Number 13 of the EWS settlement collapsed on 9 November 2003, resulting in several injuries and loss of possessions to the 36 families residing there. An investigation conducted by a civil engineering firm engaged by BBMP (M/s Torsteel Research Foundation) revealed serious flaws in the construction, and the agency proposed that the blocks be demolished immediately as they were not safe for living. In 2004, BBMP demolished seven blocks and constructed temporary tin sheds on a part of the same land to accommodate the families, with the promise that new permanent housing would be constructed for them. These tin sheds were 10 feet by 12 feet in size and were built in a contiguous block without any windows. Residents stated that the tin structures were unbearably hot in the summer. During the monsoons,

² 15.22 acres of land, however, were transferred to Maverick Holdings under the Public Private Partnership with BBMP, as some vacant land adjacent to the site was also included.

they got flooded and when it was very windy, the roofs reportedly would often fly off. There were no attached toilets. People had to pay two rupees per visit to use the 30 public toilets constructed on the site for 5,000 residents.



Settlement of EWS tin sheds before the demolition (January 2013)

According to a survey conducted by BBMP on 14/11/2003, 248 original allottees and 1,101 tenants resided in the EWS settlement, and 163 houses were locked.

Around the year 2004, BBMP unilaterally, and without any consultation with the present residents, took the decision to develop the area on which the EWS quarters stood and build residential and commercial structures through a public-private partnership. It assured the residents that they would be rehabilitated in the newly built residential quarters at the same place.

The BBMP Council passed a resolution bearing No. 3 (7) on 31/05/2004 resolving to demolish the structurally unsafe EWS houses and offered Rs. 5,000 as eviction expenses to the residents to be recovered from them when new houses would be allotted to them. This amount, reportedly, was not paid to them. On 28/06/2005 and 29/07/2005, the BBMP Council amended the resolution stating that all persons residing in the said area, irrespective of whether they were original allottees or not, would be identified and provided with permanent housing. In pursuance to this decision, in 2006, BBMP issued *gurutinacheetis* (beneficiary identity cards) to the current residents.

On 26 July 2007, another block of houses collapsed causing the death of a child, Mahalakshmi – aged one-and-a-half years, and Perumal – aged 30 years. On 10 August 2007, a young boy named Siddique died from electrocution when he accidentally came into contact with a livewire in one of the collapsed structures. On 9 November 2007, a third block collapsed resulting in the death of two children, Xavier – aged 10 years, and Gabriel – aged 12 years. The Karnataka State Human Rights Commission registered a *suo motu* case on the basis of press reports on the collapse of the houses in the EWS quarters. Subsequently, BBMP demolished the remaining blocks and shifted the residents to 1,500 tin sheds on the same land, with the assurance that they would be provided houses at the same site and constructed at the cost of BBMP.

The families continued to live in the tin sheds in grossly inadequate conditions, without any basic services including water supply, toilets, sanitation or electricity, and it is these families who were evicted from the site between 18 and 21 January 2013. All evicted families have a ration card, voter identity card, Aadhar card, BBMP card and a Below Poverty Line (BPL) card. They were thus recognised as legal residents of the EWS settlement.

LEGAL INTERVENTION

Some of the original allottees approached the Karnataka High Court for permanent housing, in Writ Petition No. 11912/ 2008, and the Court disposed of the matter on 12/02/2009 with a direction to BBMP to secure appropriate funds from HUDCO and to proceed with the construction of the new residential complex.

Thereafter some other allottees approached the Karnataka High Court with a public interest litigation –Writ Petition No. 45915/2011, whereby a direction was sought for the government to release funds for the construction of the dwelling units. While the matter was pending, BBMP and M/s Maverick Holdings Private Limited executed a concession agreement dated 02/01/2012, as a private public partnership (PPP).

The Karnataka High Court passed an interim order dated 10/07/2012 holding that the Division Bench in Writ Petition No. 11912/2008 did not permit BBMP to enter into any contract with third parties for the reconstruction of flats. Pursuant to this, a settlement was arrived at between some of the petitioners in Writ Petition No. 45915/2011, BBMP and M/s. Maverick Holdings Private Limited, and it is on this basis that the Karnataka High Court disposed of the matter on 24/08/2012 with a direction to clear the EWS settlement land. The Karnataka High Court directed that, *inter alia*, only the 1,512 original allottees would be entitled to the newly constructed houses, and that all occupants should be evicted from the present site after 8 October 2012. BBMP has used this order of the Karnataka High Court as the justification for demolishing the tin sheds.

Although these proceedings affected the rights of the tenants who were the actual residents of the tin sheds, they were not made party to these proceedings, and were not heard before the passing of the order. BBMP also suppressed this fact and the numerous Council resolutions in their favour. It failed to bring to the attention of the Court that the majority of persons in the tin sheds were tenants, and further that BBMP itself had taken a decision to provide houses to all those families in the same area. Hence, it appears that the order of the Karnataka High Court was passed without any consideration of the rights of the actual residents of the demolished tin sheds, and on the basis of a wrong assumption of the factual situation, caused primarily by the suppression of facts by BBMP.

PUBLIC PRIVATE PARTNERSHIP BETWEEN BBMP AND MAVERICK HOLDINGS

The entire process of the Public Private Partnership (PPP) and the concession agreement between BBMP and Maverick Holdings appears to be marred by illegalities and irregularities.

The PPP between BBMP and Maverick Holdings (a private builder) is in contravention of BBMP's Council resolution (which was to provide housing and basic amenities to the urban poor on the entire land), and was signed without the knowledge or consent of the residents.

As per the concession agreement dated 02/01/2012 between BBMP and Maverick Holdings, Maverick Holdings is entitled to commercially exploit 50% of the land and would have to transfer 50% of the built-up area therein at the end of the concession period. Further, the remaining 50% of the

land is to be used for the construction of 1,640 apartments for persons belonging to economically weaker sections. The concession is to be in force for a period of 32 years from the date of receipt of the commencement certificate. A reading of the concession agreement shows that it is not in the public interest but appears to clearly favour Maverick Holdings.



IV ANALYSIS OF THE FORCED EVICTION

(18 - 21 JANUARY 2013)

A) PRIOR TO EVICTION

Participation and Information

Based on interviews with and testimonies of the evicted residents, it is evident that they had not been consulted or included in the decision-making process regarding the demolition of their homes. Authorities did not conduct any public hearings at the site about the proposed eviction. Even though BBMP claims to have carried out the demolition on the basis of an order of the High Court of Karnataka, it did not inform the people about the plan or process for the eviction. Residents instead mentioned that the BBMP Commissioner had assured them in October 2012 that their homes would not be demolished.

There is no available information of any of the concerned agencies conducting impact assessments on the social, economic or environmental dimensions of the eviction. It does not seem that the government paid attention to exploring alternatives to the eviction or to finding options to minimise harm and displacement.

Notice

BBMP did not provide a written notice for the demolition to the residents. A local Member of the Legislative Assembly (MLA) is reported to have visited the settlement on the evening of 16 January 2013 and told the residents that they had 48 hours to vacate the site. Six bulldozers, however, arrived at 7.30 am on 18 January (before 48 hours) without warning to demolish the homes. Despite their asking for a copy of the demolition order, BBMP did not provide one to the community. Instead, the residents were asked to file a Right to Information (RTI) appeal if they wanted to see a copy of the documents authorising the demolition.

The only notice that had been put up about the impending eviction was apparently by the private builder, Maverick Holding, on 15 October 2012, but it was pre-dated 9 October 2012. When residents brought this to the notice of the BBMP Commissioner, he reportedly assured them that the notice had not been issued by BBMP and that no eviction would be carried out without consultation with the residents.

B) DURING EVICTION



Demolition of Homes on 19 January 2013

Use of Force and Violence

A large police force consisting of 500 policemen and 20 policewomen accompanied the bulldozers and was present during the four days of the demolition. Residents reported that when they tried to resist the demolition, the police hit them with *lathis* (sticks). Jayamma, a middle-aged woman claimed that her husband who has a physical disability was beaten up by the police and injured. Several women reported that the police abused them verbally and used foul language. Rani, a fifteen year-old girl, mentioned that when she shouted out in despair to the police not to destroy her home they came after her with sticks but she managed to run away from them. Vijay Laxmi reported in anguish that the women police officials dragged her and tore her clothes off in front of everyone. “It was very humiliating and embarrassing,” she said. The force of the police beating was so intense that Sabeena, a 25-year old woman, fractured her leg. Eight women from the settlement reportedly suffered severe injuries as a result of police violence against them during the demolition process. The police did not spare even children and senior citizens.

Vijaylaxmi reported that her children were eating lunch at 2 pm in their home when the bulldozer arrived to demolish it. She had to run and pull them out to save them from being hurt.

Arbitrary Arrests and Illegal Detention

On the morning of 18 January, four women and three men who asked for the eviction order were arrested by the police, detained at the police station for several hours, and released at 10:30 pm that same night. On 19 January, the police arbitrarily arrested 21 women residents who merely requested them not to demolish their settlement until the children’s school examinations were over (in April). Manjula, a 30-year old woman who has been living at the settlement for fifteen years, recounted how the police treated them like criminals and denied them food, water and medicine. They were first taken to the Adugodi Police Station and then to the Chamrajapet Police Station.

At 5 pm in the evening, the police produced them in the Sessions Court without giving them an opportunity to apply for bail. The police failed to even inform their families of their arrest. The police kept saying that they would release the women by the evening of the same day. However, from 8 pm to 12.30 am, they were kept in a police van. At 12.30 am they were taken to the Central Jail where they were detained until 2 pm the next day. Manjula mentioned that they were kept in two rooms and were provided only with a pillow and one sheet in spite the cold. Sabeena, one of the arrested women who had fractured her leg from the police violence earlier in the day, was in acute pain but the police refused to give her any medication or allow her to see a doctor. A painkiller was provided to her only the next morning at 8 am. The women have been charged under five sections of the Indian Penal Code with charges including unlawful assembly, rioting, insult and criminal intimidation. They are currently out on bail and as a result of the pending charges are not able to resume work or medical treatment in government hospitals.

Loss and Destruction of Personal Possessions and Property

The police did not give families any time to retrieve their personal belongings before demolishing the houses. All families interviewed by the fact-finding team reported extensive damage, loss, and destruction of personal property resulting from the demolition. Women and children expressed their disappointment at not being able to salvage their possessions, including school books, uniforms, cooking utensils, cupboards, clothes, and other personal belongings. Jayamary's family lost several household items, including aluminium storage boxes, food supplies, prayer items and a television. Jayamma reported losing goods in the amount of around Rs. 40,000. Lisy, a middle-aged woman, mentioned that her loss was around Rs. 20,000. Jennifer, a young woman, stated that they lost two mobile phones, a CD player, clothes, grains, cooking supplies and utensils.



Extensive Destruction of Property

Death of Animals

Recounting the brutality of the demolition drive, residents mentioned that several dogs were crushed under the bulldozers and died instantly.

C) AFTER EVICTION

Death in the Aftermath of the Eviction

Rosemary, a 60-year old woman rendered homeless by the BBMP demolition, died on 22 January after spending nearly three days out in the open. She had been living at the site for around 20 years. Her daughter Shobha claims her death was a direct consequence of the demolition. The Bangalore government refuses to admit this. A post-mortem was ordered to determine the cause of Rosemary's death but the report is still not available. No compensation has been paid to her family as yet.

Lack of Relief and Rehabilitation

The government has failed to provide any relief or any alternative housing and living arrangements, even temporary, for the evicted people. This is despite several demands and meetings of the residents with senior government officials, including the Chief Minister. The only relief provided has been from civil society organisations and volunteers who have raised money for food and medical supplies for the residents.

Some government officials, including BT Ramesh, BBMP Engineer-in-Chief responsible for the operation, maintained that no relief or rehabilitation was necessary as residents have found shelter around the area and are being provided for by voluntary organizations.

The differential treatment meted out to allottees and tenants by the government has resulted in most families being left to fend for themselves. At the time of the demolition, apparently only 68 original allottees were living at the site. On 17 and 18 January 2013, just before the demolition commenced, BBMP provided Rs 30,000 as compensation to around 300 families claiming to be original allottees of the EWS quarters. These families accepted the compensation and vacated the tin sheds before the bulldozers arrived. The PPP between BBMP and Maverick Holdings, in contradiction to the original BBMP resolution of 2005, promises housing only for the original allottees and not the tenants. BBMP now claims that it is responsible for providing interim relief to only the original allottees and not the tenants living at the quarters.

Jennifer (18-year old evicted woman): "We will lose our children's future if we move... there is no work, no water, no services in Sarjapur."

Nine hundred of the total 1200 tenant families living in the tin sheds have been promised alternative accommodation in Sulekunte Village near Sarjapur, 18 kilometres from the city. Karnataka Slum Development Board (KSDB) is supposed to build apartments for the 900 families in a five-acre plot there but this will be completed only after two-three years. Until then, the evicted families are not being provided with any compensation or resettlement by the state or the builder. Furthermore, Sulekunte Village is outside the city limits, on the south-eastern outskirts of Bangalore, 18 kilometres away from the EWS quarters and residents' places of work. The long distance means that residents would have to spend a significant amount of their income daily to commute to the city for work. It reportedly costs Rs. 50 per day by bus to reach Sarjapur. A round-trip by bus and a ride in a shared auto-rickshaw to reach their places of work would amount to a daily transportation cost of more than Rs 100. None of the residents can afford this with their low salaries.

Young woman living on the pavement: "We will not move from here. If they force us to leave, we will die. In that case, it's better to pour kerosene on ourselves and die here itself."

Current Living Conditions and Impact on the Human Right to Adequate Housing



Living out in the open after the demolition

In the absence of any rehabilitation, all 1,200 tenant families who were living in the tin sheds at Koramangala (Ejipura) have been rendered homeless. They had no access to food and water and were not able to cook. Many of them had lost their possessions and had no blankets. Few families have moved in with relatives living in other parts of Bangalore. But the majority of people who have not been able to find any alternative place to stay are now living out in the open. The conditions of these people are abysmal, as they are living under flimsy plastic sheets on the pavements adjoining and across the road from their original housing site. The site is adjacent to a large drain and residents complain of a constant foul odour that makes it difficult to breathe. In addition the road is busy with traffic at all hours and they have to deal with constant fumes, pollution and noise. The site is not safe for little children, many of whom were playing on the edge of the road.



Families living in makeshift tents on the roadside

BBMP allegedly had cut off water supply and electricity to the site four days before the eviction. Currently, one of the greatest challenges faced by the evicted people is the lack of clean drinking water and sanitation. The nearest public tap is in Samata Nagar while the nearest bathroom is at a

distance of two kilometres in Infant Jesus Church, where it costs four rupees to use the toilet and twenty rupees to bathe. All the women complained of the difficulty in accessing the toilet and the exorbitant use charge. The twenty rupee charge for bathing is unaffordable, and therefore they can bathe only once every four-five days. Women with young children and pregnant women found the lack of sanitation facilities most challenging.

Women interviewed during the fact-finding visit reported of harassment, threats and even bribes in the amount of up to Rs 5,000 from private actors and politicians to vacate the site. The police and the local Member of the Legislative Assembly (MLA) reportedly continue to threaten the few remaining families to leave. The MLA allegedly told the families that his prestige was being affected because they continued to stay on the site.

Fear of theft of possessions and violence against women reportedly keeps many awake at night.



For the sixty families awaiting rehabilitation in a community hall at Kaikondanahalli, Sarjapur Road, the major problem is the lack of drinking water and food. One of the women residents staying there said, “Half of my belongings were destroyed by the bulldozer. From what I could salvage, half was stolen from the tempo on the way here. Even the stove I had was stolen. If someone distributes cooked food, we eat, otherwise we starve. We have no drinking water. We have to buy mineral water, which costs Rs. 20 for a small can.”



Families awaiting rehabilitation at Kaikondanahalli

Impact on Human Right to Health

All families interviewed for this study reported an increase in illness, especially among children and older persons, in the aftermath of the eviction. The cold weather conditions in January, poor sanitation, lack of access to healthcare and medical facilities, and living in inadequate conditions in the open, have contributed to the spread of fever, cough, cold, respiratory ailments and malaria. Several children, including Violet Rita, a class seven student, complained of the presence of mosquitoes at the site, which made it difficult for them to sleep at night. Manjula, a young woman, reported that she was suffering from acute skin allergies since the demolition because of the increased dust and heat. She added that the nearest government hospital was at a distance of three kilometres and it cost thirteen rupees by bus one-way. She had undergone a surgery in November 2012 and was recovering, but the impact of the demolition had resulted in a set-back to her health. Sabeena, who fractured her leg during the demolition process, still has a plaster and is in pain. Lisy, an older woman who lives alone, complained of pain in her left side and inability to see properly from her left eye.

Dr. Sylvia Karpagam, a public health doctor, who has been providing medical assistance to the evicted families since the demolition, affirms the trauma and injuries suffered by residents during the demolition. She stated that, “There were some people who needed first aid for cuts and bruises on the first day (18 January). Most people were in shock. On the second day, I saw that the bulldozers had already started the demolition process in spite of many children being in the vicinity. There was a lot of dust and many people. The number of injuries had increased. People complained of body ache and respiratory symptoms. This was after spending one night out in the open. By the third and fourth day, the number of cases of injuries, respiratory illnesses had gone up. There were complaints of children having diarrhoea. Some of the older people said that they had lost their medications and prescriptions for diabetes, hypertension, heart disease, thyroid disorders etc. when the demolitions took place. By the fifth day many people called out to me complaining of different ailments.”

“A healthy productive adult population and an active school going child population overnight had been rendered without homes, water, toilets and jobs and had become an ill population.” –

Dr. Sylvia Karpagam

She further spoke about a lady who was out in the open and had jaundice and severe pain abdomen, and had to be taken to hospital. “There were two episodes of rain since the eviction. People’s possessions were soaked and the illness levels went up. The issue that has not been documented at all is the post traumatic stress due to the forced evictions,” says Dr Karpagam.

Impact on Human Right to Work/ Livelihood

For most of the displaced families, demolition of homes has also meant loss of livelihoods and livelihood opportunities. All the people interviewed by the fact-finding team reported a marked decrease in income after the eviction.

Most of the women living at the EWS settlement were domestic workers who worked in homes in the neighbourhood. Since the demolition a month ago, none of them have been able to go to work. They said it was not possible for them to leave their children and belongings on the street. Vijaylaxmi stated that her daughter was fifteen-years-old and given the unruly elements around, she was afraid of leaving her on the road alone and going to work. Some women reported that the loss of their clothing and the inability to bathe also prevented them from going to work. The average income of the women domestic workers ranged from Rs. 2,000 to Rs. 3,000 a month. This loss in income for the past month had greatly affected their purchasing power, especially for food,

water, sanitation and medicines. The lack of income also meant that they were unable to afford new uniforms and books for their children, the absence of which prevented most of them from resuming their education.

Antony Raj, aged forty-one, is a painter and works as a daily labourer. He was away at work during the demolition and returned home at 5 pm to witness that his home and everything in it had been destroyed. He suffered a severe spinal cord injury at a construction site some years ago, as a result of which he cannot engage in construction work. He goes to seek work daily but only when a painter is needed does he find employment. After the demolition he was unable to work for almost a month. He had recently recommenced work. But stated poignantly, “I need a house that gives me some security. If I have a house, only then can I go to work. I can’t go to work and come back and sleep in the open on the pavement.”

Almost all the sixty families awaiting rehabilitation in a community hall at Kaikondanahalli, Sarjapur Road, have lost their livelihoods as a result of the eviction. Shashi, a cook, mentioned that there is no work in the vicinity. She had visited all the buildings in the neighbourhood, seeking a job as a cook, but no one was willing to employ her. Her husband, who worked as a security guard near Ejipura, was also unemployed and could not find work near the new site. Fatima, a widow with six children complained of the loss of employment. “How will I feed by children if there’s no work? How are we going to live?”

People reported that had it not been for the contribution of food and medical supplies from voluntary and civil society organizations after the demolition, they would have probably not survived.

Impact on Women’s Rights

In the aftermath of the forced eviction, women and girls reported living without any privacy and security, and access to basic services such as water and sanitation. Most of them are living in the open on the pavement, which is unsafe. Women reported being afraid since they lost their homes. Shantamary stated that none of the women are able to sleep for the entire night. “Half of us stay awake, half of us sleep. We are afraid of the police and hooligans, many of whom roam about the streets in a drunken state. We are afraid for the safety of our children, especially young girls.”



Difficult conditions for women in the aftermath of the eviction

She recounted how one afternoon some girls, including her daughter, were playing on the road when a group of men armed with knives arrived at the site and started abusing them. One of them seized her daughter's hand and tried to pull her away. It was only when other residents arrived and made a noise that they left. She added, "This is the situation in the day. I'm so afraid, I can't sleep at night. I have a young daughter. Anything can happen. These men don't spare anyone."

Dr. Sylvia Karpagam, a public health doctor, states that, "Many adolescent girls are out in the open and vulnerable to physical and sexual harassment. One lady was mentally challenged and had been sexually harassed."

Women have been greatly disturbed at the treatment meted out to them by the police, in particular the verbal abuses and violence. Vijaylaxmi spoke of how at the time of the demolition, "The police flung women around like garbage." She mentioned that it was not just the women police officials, but even the men who hit them with sticks. She injured her knee and right wrist as a result of the police brutality.

Jaimary: "Why should the police treat us like this? What have we done to them?"

The lack of sanitation and the two-kilometre distance from the pay and use toilet from the site is particularly difficult for women. Dr. Sylvia Karpagam mentioned that, "many women said that they were not drinking water because the nearest public toilet was a twenty minute walk."

Around ten women of the settlement were reportedly pregnant at the time of the demolition. Dr. Sylvia Karpagam reported that most of them had not seen a doctor. "One lady delivered and came back to live on the footpath one week ago. She complained of severe lower abdominal pain and bleeding but refused to go to the hospital because she had the newborn baby and two other children less than five years, both of whom had upper respiratory infections."

Sylvie, a middle-aged woman, reported that her daughter Menaka was six-months pregnant at the time of the demolition. The fear and shock of seeing the bulldozers caused her to have a fit and collapse. The fall resulted in an injury to her head. The family took her to National Institute of Mental Health and Neuro-Science (NIMHANS) and paid Rs. 5,000 for her treatment but one month later she has not recovered from the injury and still has head-aches. Sylvie says it is not possible for Menaka to live on the pavement in her condition. She has, therefore, sent her to her in-laws' home, even though a daughter should be with her mother at the time of delivery, as is their custom.

Jyoti, aged 17, is seven months pregnant. Since the demolition, she has not been able to go for a medical check-up. She complained of severe pain in her legs and stomach. She finds it very difficult to walk to the public toilet, which is located two kilometres away from their site. Jennifer, another woman in her fourth month of pregnancy, reported that since the demolition she suffers from acute knee pain. During the demolition drive, she fell on the debris and injured her foot and knee.

The trauma of the eviction has been especially acute for pregnant women. Apart from the difficult living conditions, lack of adequate food and medical assistance, they have no idea as to where or in what conditions they will have to give birth and what future they will be able to provide for their new-borns.

All women interviewed during the fact-finding visit have lost their jobs as a result of the demolition. The lack of rehabilitation and the inadequate conditions that they are forced to live in, greatly increases their vulnerability and places them at risk of sexual exploitation, abuse, and violence.

Impact on Children's Rights and the Right to Education

The shock of witnessing the demolition of their homes was evident in young children of EWS. All children interviewed during the fact-finding visit lamented the fact that their education had been disrupted. The demolition was carried out at the end of January, six weeks before school final examinations. Many families, especially women, had pleaded with the authorities to postpone the demolition to April, so that their children could study and give their examinations.



Dr. Sylvia Karpagam stated that, “One child had been crying incessantly and refusing to eat. This child’s mother had been arrested the previous day along with the other protestors. She still hadn’t come home by late evening.

Violet Rina, a girl studying in class seven, stated that she lost her school books, uniform and shoes in the demolition. When she returned from school, she found her home razed to the ground and everything destroyed. “I didn’t go to school for ten days after the demolition. I’ve started going to school now but I can’t study. It’s very difficult on the pavement; there’s no electricity and it’s too noisy. My exams begin on 1 March. I don’t know how I’ll pass.”





Rani, a ninth standard student, has had to drop out of school after the demolition. “All my books and school uniforms were destroyed under the bulldozers. I can’t go back to school without my books and uniform. I want to study. I want to go back to school and give my exams in March. I want to be a doctor. But now I don’t know how it will be possible.”

Malini, who studies in class five, mentioned that she could not attend school for two weeks after the demolition as she needed to help her family. Allen, a fifteen-year old student reported that he lost most of his books and one school uniform in the demolition drive. He has the uniform that he was wearing at the time of the eviction and has thus been able to resume going to school. He says, “It’s not possible to study here as there’s no light, no water, and too many mosquitoes.” He dreams of joining the army.

The children of all sixty families in Kaikondanahalli, Sarjapur Road, who are awaiting rehabilitation, have been forced to drop out of school, as the site is too far from their schools. The failure of the state to uphold the right to education and to provide counseling for children facing shock and trauma, is glaring.

A woman at Kaikondanahalli, Sarjapur Road mentioned that she has very young children, aged four and 10 years. The older one got jaundice while shifting from the demolished EWS settlement.

Access to Remedy and Redress

Communities displaced from EWS Koramangala voiced their anger and frustration over the fact that they had been given no opportunities for a fair hearing, and had no available grievance redress mechanisms. Over the last few years, members of the community have mobilised and have been advocating for their rights, including for basic services, adequate housing, and security of tenure. Despite multiple promises and assurances from different government officials and politicians, their rights have been violated and they have no avenues left for recourse. The fact-finding team sensed a strong feeling of betrayal among the community members.

A displaced woman staying at Kaikondanahalli, Sarjapur Road stated, “We have been struggling for a long time. There is no point doing dharna or protest. We have struggled a lot in front of the Corporation, well as in numerous meetings in the scorching heat along with our children. We asked only for some land, never demanded that they construct houses. They talk about laws. When we don’t follow traffic rules, they impose a fine on us. Why is the same law not applied when we as citizens are being thrown out on the streets? Where should we go? What kind of influence do we need? We have all the required IDs. They are chasing us like thieves! Are we thieves? Police beat and chase us... where do we go? Isn’t it the responsibility of the police to protect us?”



V RESPONSE OF GOVERNMENT OFFICIALS

1. BANGALORE CITY MAYOR, MR VENKATESH MURTHY

When asked about the forced eviction of families at Koramangala, in contravention of the BBMP Resolution, Mayor Venkatesh Murthy answered that the discussions at the Council level had been already completed. “Now it is in the hands of the Commissioner, who has to take it forward. So it is better that your team approaches the Commissioner and discusses the issue with him. We can write to the government saying that the commissioner is not implementing the resolutions passed in the council, and recommend for action to be taken.” He also agreed that housing should not be provided just to the allottees but to all the families.

2. BBMP COMMISSIONER, MR H. SIDDAIAH

When the team met Mr Siddaiah, BBMP Commissioner, he stated that, “What has happened is really unfortunate, in fact cruel. All of us are responsible for it. Let me see what we can do by way of providing relief for these people.”

Despite professing sympathy for the victims and shock over the manner in which the evictions had been carried out, Mr Siddaiah proved singularly unwilling to prevent what had happened. He had expressed the same concerns and used similar language on the day of the evictions when he was contacted by phone and met in person by activists and victims. He had said that the eviction would not take place until the close of the current school year (allowing children and students to complete their exams). He had also agreed to a proposal from activists to resettle evictees in a vacant area adjacent to the original site of the settlement. Neither of these assurances saw the light of day. It is important to note that an eviction of this scale with the support of such a large police force could not have proceeded without the formal consent and authorisation of the BBMP Commissioner.

3. BT RAMESH, CHIEF ENGINEER BBMP AND NODAL OFFICER FOR THE PPP PROJECT

During the conversation with Mr Ramesh, he revealed his belief that, “Many of these residents have criminal connections, having come from Parappana Agrahara area (Central Jail of Bangalore). The EWS colony was rife with all kinds of illegal activities, including prostitution and murders, and goondaism was rampant.” This appears to be his rationalization for some issues that BBMP had to deal with during evictions.

He, however, refused to admit that anyone was injured during the eviction operation or that any property was damaged. He claims that, “Before the eviction, we allowed them to remove their belongings and then started the demolition. Some of the residents have taken away many tin sheets and other BBMP property.”

The BBMP administration, after the High Court judgement, side-stepped resolutions passed by the elected councillors of BBMP. The resolutions were explicit in recognising the rights of all residents (not just the allottees) to housing. After the High court judgement, it became possible for the BBMP administration to align itself with the position of Maverick Holdings. Mr Ramesh, for example says, “Yes, we did place BBMP resolutions about the residents before the High Court, but the Court made its own decision. The High Court is above the government, and we have to follow their orders. The High Court judgment was very strict and peremptory, and ordered eviction with police help (‘they should be thrown out’). We in fact took a more humanitarian view and offered relief and compensation.”

4. IAS PRINCIPAL SECRETARY, MINISTRY OF HOUSING, MR LAKSHMI NARAYANA

Mr Lakshmi Narayana explained how the Ministry of Housing has little or nothing to do with EWS housing the way it is currently being handled by the BBMP administration. For example he was categorical in saying that, “As far as our ministry is concerned, no EWS housing project is being undertaken or will be undertaken under the PPP model as a joint venture since we want to prevent commercial exploitation in any social housing project for the poor.” He went on to say that, “This [Ejipura/ Maverick] PPP project is an individual, stand-alone project and can’t serve as a model for other EWS housing projects.”

Regarding the availability of funds for EWS housing he said that, “There can be no argument about lack of funds for EWS housing because the government can fund most of the projects and the Slum Board, which functions under our department, has the capacity to build houses for the slum poor. Rs. 2,000 crore is being spent every year for this purpose by our Ministry.”

5. IAS PRINCIPAL SECRETARY, URBAN DEVELOPMENT DEPARTMENT, MR BHARAT LAL MEENA

Mr Bharat Lal Meena refused to give any comments. When the fact-finding team asked him questions about the joint venture with Maverick Holdings, he said that such questions should be directed to the Commissioner, BBMP, since they had entered into the project, as well as to the Department of Housing. When asked about the Urban Development Department’s rationale behind this joint venture, and its housing policy for Bangalore’s poor and homeless, he said that he would not make any comments, and terminated the interview.

Mr Meena’s attitude of stonewalling questions suggests that housing for the poor in Bangalore is not included in his department’s agenda of urban development for Bangalore. He betrayed the indifference of his department towards the suffering caused to the evicted people of Koramangala (Ejipura).

VI RESPONSE OF THE PRIVATE BUILDER

The fact-finding team met Mr Uday Garudachar, CEO of Maverick Holdings and Investment Private Limited. During the interview Mr Garudachar tried to convince the team that the eviction was legal and believed that he was doing the city of Bangalore a favour by entering into the PPP with the government to build EWS housing. He stated that he had no role in the eviction. He dismissed all allegations of the evictees being assaulted by the police and suffering injuries. He went on to say that, “As for the allegations that the encroachers have been injured in the eviction, they are fake. They are all acting, they’re very good ‘kalakars’ (artists). There has not been a single death so far. They’re all staying in dwellings of their own in nearby localities. The whole thing is being blown out of proportion.”

He highlighted his “humanitarian side” saying he had insisted on relocation for the evicted residents at Sulikunte Village (even though the site would take over two years to be ready). He further added, “I am determined to complete the construction in 30 months after I get the necessary certificate for construction.”



Private Security Guards of the Builder at the Demolished Site

VII RESPONSE OF CIVIL SOCIETY

In the absence of any relief efforts from the government and in response to the humanitarian crisis created by the demolition, civil society groups in Bangalore had to step in to provide immediate assistance. A relief team was constituted and distribution of food and water began on the night of 20 January. Even after the demolitions were over, the police continued to threaten residents to leave the site. The relief team had to constantly be present to support the residents, as they fought to keep the police at bay. Volunteers provided fresh food to the residents three times a day. The relief team also distributed blankets and sweaters. In addition to the homes, BBMP had demolished all public water sources in the area (mini-water supply, public taps) during the eviction. The relief team, therefore, also had to arrange for drinking water. A team of doctors also continued to visit the site every day since the health of the people suffered due to the lack of any shelter. Medicines were also provided. Though the government promised to provide alternate accommodation and relief, they did not provide a single meal, a single litre of water or a single blanket towards the relief. Instead, the police and associates of the local MLA also made it difficult for the relief team to provide assistance.

A month after the relief operations at the demolition site, it was decided to start a community kitchen to provide food. The relief team procures supplies while the local residents with the help of a cook take care of preparation and distribution of food. A temporary study centre has also been set-up for the students who continue to stay on the pavement.



VIII FORCED EVICTION IN KORAMANGALA (EJIPURA):

Violation of National and International Law, Gross Violation of Human Rights

On the basis of visits to the eviction site, detailed interviews with the evicted persons, meetings with independent experts, civil society organizations and government officials, and after viewing video recordings of the demolition and reading media reports, the fact-finding team is of the firm view that the state, in collusion with private actors, has violated the human rights of the residents of the EWS settlement at Koramangala (Ejipura). In particular, the government has failed to abide by its constitutional and international legal obligations to protect and guarantee the rights to life, education, health, food, adequate housing, and work/livelihood to its citizens. Reaffirming the principle of indivisibility of all human rights, the fundamental right to life encompasses the right to live with human dignity.

VIOLATION OF THE CONSTITUTION OF INDIA

The fundamental rights provided for by the Constitution of India, which have been violated, include:

- Equality before the law – Article 14;
- Non-discrimination on grounds of religion, race, caste, sex, place of birth – Article 15 (1);
- Special provisions in favour of women and children based on the principle of protective discrimination – Article 15 (3);
- Equality of opportunity in matters relating to employment or appointment of any office under the State – Article 16;
- Freedom to move freely throughout the territory of India – Article 19(1) (d);
- Freedom to reside and settle in any part of the territory of India – Article 19 (1) (e);
- Right of all citizens to practice any profession, or to carry on any occupation, trade or business – Article 19 (1) (g);
- Right to life and personal liberty – Article 21.
- Right to education – Article 21 (a).

The Constitution of India provides for Directive Principles, according to which the Indian state

should formulate its policies. These include:

- State policy to be directed to securing for both men and women equally the right to an adequate means of livelihood – *Article 39 (a)*;
- Provisions to be made by the State for securing just and humane conditions of work and for maternity relief – *Article 42*;
- Duty of the State to raise the level of nutrition and the standard of living and to improve public health – *Article 47*.

The act of forced eviction and demolition of 1,200 homes in Koramangala breaches all of the above provisions of the Constitution of India.

VIOLATION OF NATIONAL LAW

Since the majority of the residents at the EWS settlement are Dalits, the violence carried out against them directly contravenes the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989*.

By evicting students right before their school examinations and causing them to drop out of school, the state of Karnataka has violated *The Right of Children to Free and Compulsory Education Act, 2009*, which in Article 3.1 states that: Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.

VIOLATION OF JUDGEMENTS OF THE HONOURABLE SUPREME COURT OF INDIA

The Supreme Court of India, in several judgements, has held that the right to adequate housing is a fundamental human right emanating from the right to life protected by Article 21 of the Constitution (“No person shall be deprived of his life or personal liberty except according to procedure established by law”). There have been several important court judgments that have clearly established the relation between the right to housing and the right to life as guaranteed by Article 21.³ For instance, in the case of *Chameli Singh and Others vs. State of Uttar Pradesh (1996)*,⁴ the Court has given a clear understanding of the right to life by stating that the, “Right to life guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter.”

VIOLATION OF NATIONAL POLICY

Despite the fact that 99% of the urban housing shortage of 18.7 million in India pertains to the Economically Weaker Sections (EWS) and Low Income Groups (LIG), the government has demolished EWS houses in Koramangala (Ejipura). By failing to provide alternative sites for rehabilitation and any form of temporary/permanent housing for the poor who have been living at the site for more than 15 years, the evictions apart from violating international and national law, also contradict the *National Urban Housing and Habitat Policy, 2007* which aims at providing “affordable housing for all” and promoting sustainable development of habitat in the country with

3 This has been established in numerous Supreme Court decisions, including *U.P. Avas Evam Vikas Parishad v. Friends Coop. Housing Society Ltd*; *Chameli Singh and others v. State of UP* [(1996) 2 SCC 549 132]; *Francis Coralie vs. Union Territory of Delhi* (AIR 1981 SC 746, at 753); *Shantistar Builders v. Narayan Khimalal Totame* [(1990) 1 SCC 520]; *Olga Tellis v. Bombay Municipal Corp.* [(1985) 3 SCC 545]. Judgements that reaffirm the need to uphold international law and treaty obligations include: *Madhu Kishwar v. State of Bihar* [(1996) 5 SCC 125]; *Gramophone Co. of India v. B.B. Pandey* [1984 (2) SCC 534], *PUCL v. Union of India* [1997 (3) SCC 433], and *CERC v. Union of India* [(1995) (3) SCC 42].

4 *Chameli Singh v State of UP* (1996) 2 SCC 549.

a view to ensuring equitable supply of land, shelter and services. The *National Urban Housing and Habitat Policy*, in Article 5.8 (vii) further provides that, “Only in cases where relocation is necessary on account of severe water pollution, safety problems on account of proximity to rail track or other critical concerns, relocation of slum dwellers will be undertaken...” The *Draft National Slum Policy (2001)* states that “alternatives to resettlement should be fully explored before any decision is taken to move people.”

The large-scale demolitions in Koramangala (Ejipura) also contravene the central government urban housing scheme of *Rajiv Awaas Yojana*, which aims at promoting in situ upgradation of slums and providing security of tenure for slum dwellers. The *National Resettlement and Rehabilitation Policy, 2007*, which seeks to protect the interests of land owners, and others, such as tenants, the landless, agricultural and non-agricultural labourers, artisans, and others whose livelihood depends on land which is sought for ‘developmental’ activities, has also been ignored.

The government has also abrogated its obligation under the *Karnataka Slum Clearance and Improvement Act and Rules 1973*, which state that slums that have been developed for 10 years can be declared under the Act, and residents should be provided with basic amenities and security of tenure.

VIOLATION OF INTERNATIONAL LAW

The Koramangala (Ejipura) forced eviction and demolitions violate international law and India’s international legal obligations. The forced eviction also violates the human rights of the inhabitants to adequate housing, food, water, health, education, security of the person and home, and the right to work/livelihood and means of subsistence.

The human right to adequate housing has been recognised as integral to the right to an adequate standard of living in Article 25 of the *Universal Declaration of Human Rights*. The right to adequate housing is also intrinsically related to the human rights to life, work/livelihood, food, water, health, sanitation, participation, information, security, land and other natural resources.

The *International Covenant on Economic Social and Cultural Rights* in Article 11.1 provides that: “State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including... adequate housing and to the continuous improvement of living conditions.”

The right to adequate housing and its corresponding state obligations are also recognised in several other internationally binding human rights treaties, including the *Convention on the Elimination of All Forms of Discrimination against Women (Article 14.2 (h))*, the *Convention on the Rights of the Child (Article 27)*, the *International Convention on the Elimination of All Forms of Racial Discrimination (Article 5(e))*, and the *International Covenant on Civil and Political Rights (Article 17)*. All these treaties have been ratified by India, which makes the guarantee of human rights enumerated in them, legally binding on the Government of India.

The human right to adequate housing is also protected in the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Article 43.1)*; the *Convention Related to the Status of Refugees (Article 21)*; and the *Convention on the Rights of Persons with Disabilities (Article 28)*.

The forced eviction in Koramangala violates other articles of the *International Covenant on Economic, Social and Cultural Rights*, including:

- Article 3: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.
- Article 10.2: Special protection should be accorded to mothers during a reasonable period before and after childbirth.
- Article 12.1: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

India has recognised congruent civil and political rights to information and participation, as guaranteed under the *International Covenant on Civil and Political Rights*. These rights, as integral to the right to adequate housing, are also supported in General Comments No. 4 (1991) and No. 7 (1997) of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which oversees State parties' compliance with the *International Covenant on Economic, Social and Cultural Rights*. These international instruments recognize that, "forced evictions are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances." Thus, international law imposes certain minimum norms and obligations that State parties to the Covenant must respect, including the duty to inform affected people well in advance, to agree with them on a plan for re-housing with secure tenure, and provide adequate compensation, as well as reparations in the case of forced eviction.

VIOLATION OF INTERNATIONAL HUMAN RIGHTS NORMS, GUIDELINES AND STANDARDS

The United Nations (UN), in its Human Rights Commission resolutions 1993/77 and 2004/28, affirmed that the practice of forced evictions constitutes a gross violation of a range of human rights, in particular the human right to adequate housing. The UN General Assembly resolution A/RES/60/147 (2006) recognizes the rights and entitlements to reparations for victims of gross human rights violation victims.

General Comment 7 adopted in 1997 by the UN Committee on Economic, Social and Cultural Rights defines forced evictions as the, "*permanent or temporary removal against the will of individuals, families or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.*"⁵

The UN *Basic Principles and Guidelines on Development-based Evictions and Displacement* (2007)⁶ (henceforth *UN Guidelines*) define forced evictions as:

acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection (paragraph 4).

The *UN Guidelines* lay down stringent criteria under which evictions can occur, only in "exceptional circumstances," and with "full justification" and procedural guarantees. They specify basic human rights principles, state obligations, and preventive strategies and programmes required to protect

5 General Comment 7, 'The right to adequate housing (Art. 11.1 of the Covenant): forced evictions,' Committee on Economic Social and Cultural Rights, Sixteenth session, Paragraph 3, 1997.

6 Presented in the *report of the UN Special Rapporteur on adequate housing*, A/HRC/4/18, February 2007, <http://www2.ohchr.org/english/issues/housing/annual.htm>. Translations in other languages available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx>

the right to adequate housing and prevent evictions. The Koramangala forced eviction clearly violates all the requirements of the UN Guidelines for both state and non-state actors during the three stages of evictions: *prior, during and after*.

In particular, the evictions breach the provisions of the following paragraphs of the UN Guidelines, which state that:

21. States shall ensure that evictions only occur in *exceptional circumstances*. Evictions require full justification given their adverse impact on a wide range of internationally recognized human rights. Any eviction must be (a) authorized by law; (b) carried out *in accordance with international human rights law*; (c) undertaken *solely for the purpose of promoting the general welfare*; (d) reasonable and proportional; (e) regulated so as to ensure full and fair compensation and rehabilitation; and (f) carried out in accordance with the present guidelines (emphasis added).

43. *Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights*. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to *ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided*. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted (emphasis added).

44. *All resettlement measures*, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and completed before those who are to be evicted are moved from their original areas of dwelling (emphasis added).

47. Evictions shall *not be carried out in a manner that violates the dignity and human rights to life and security* of those affected. States must also take steps to *ensure that women are not subject to gender-based violence and discrimination* in the course of evictions, and that *the human rights of children are protected* (emphasis added).

49. Evictions *must not take place* in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or *just prior to school examinations*.

50. States and their agents must take steps to ensure that *no one is subject to direct or indiscriminate attacks or other acts of violence*, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment... (emphasis added)

59. All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation...

The demolition of the EWS settlement in Koramangala, Bangalore and the conduct of the Government of Karnataka, BBMP and the police in the forced eviction, blatantly contravene all provisions of the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*.

The judgement of the High Court of Karnataka ordering the eviction also breaches national and international law, and needs to be challenged.

IX CONCLUSIONS OF THE FACT-FINDING TEAM

1. The forced eviction, demolition of homes and related actions against the people of Koramangala, constitute a gross violation of their human rights to life, security of the person and home, health, work/livelihood, education, food, water, and adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The authorities have especially violated people's entitlements to security of tenure and freedom from forced evictions; access to, and benefit from public goods and services; information, participation and self-expression; rights to resettlement and adequate compensation for violations and losses; and physical security and privacy.
2. The entire eviction operation comprehensively violates India's national and international legal obligations and commitments. The Government of Karnataka has breached several international laws, including the *International Covenant on Economic, Social and Cultural Rights*; the *International Covenant on Civil and Political Rights*; the *Convention on the Elimination of All Forms of Discrimination against Women*, the *Convention on the Rights of the Child*, and the *International Convention on the Elimination of All Forms of Racial Discrimination*. The government and its agencies have further violated the Constitution of India, national laws and policies related to housing and resettlement, and several judgements of the Honourable Supreme Court of India, which have held that the right to adequate housing is a fundamental right emanating from the right to life protected by Article 21 of the constitution.
3. The act of eviction was carried out in contravention of all provisions of the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*. The local government did not provide any notice to the slum-dwellers. During the evictions, there was heavy presence of police and use of force and violence against the residents, including women. People were given no time to retrieve their possessions and suffered significant loss of personal property and belongings during the demolition. Children suffered disproportionately and a large number have been forced to drop out of school. There has been a general deterioration in the health of the evicted persons and many, including children are suffering from ailments and contagious diseases. The state has not provided any compensation or resettlement to the evictees. The affected persons have no means to seek redress and no avenues for remedy.

4. The violations of the human rights of women, children, and minorities are especially acute. Women were targeted, hit, arbitrarily arrested, implicated with false charges and detained. The use of force and violence against women and children by the police and other actors is condemnable.
5. Public land has been converted and misused for private gain. The Public Private Partnership between BBMP and Maverick Holdings is illegal because land that was designated for 'public purpose,' namely housing for Economically Weaker Sections, has been converted into commercial use for the gain of a private entity. In this, the state has become a willing agent and executioner of private interests. Given the acute housing and land shortage for the urban poor, including in Bangalore, the handing over of public land to Maverick Holdings for a commercial venture is questionable.
6. The current urban development policy (in theory) dictates that the government must strive to provide adequate housing for EWS and the homeless. This eviction is a complete reversal of the policy and contravenes judgements of the Honourable Supreme Court of India to this effect. Despite the acute housing shortage for EWS in India, residents living in an EWS settlement were evicted and made homeless overnight. This act of the government further violates the *National Urban Housing and Habitat Policy 2007* and state laws.
7. The claim that the evicted residents were 'illegal squatters' is false, as they have government documents that establish their right to their homes (including *gurutinacheetis* (beneficiary ID cards), ration cards, biometric cards and voter identity cards). Furthermore, in 2003, BBMP had undertaken a survey which recognised the current evictees as legitimate residents of the settlement.
8. BBMP has flouted its own resolutions of 2005, which recognised the rights of the residents to permanent housing on the site and assured them of in-situ resettlement and permanent housing.
9. It is incorrect of the state government (and its agencies) to claim that it was compelled by the judgement of the High Court of Karnataka to evict the residents with the aid of police action. BBMP misled the High Court by choosing not to place before it its own resolutions on the subject, which would have established the fact that the tenants were not 'encroachers' but lawful occupants. In the absence of such evidence, the High Court accepted the contention that the eviction was necessary. BBMP should have initiated a process of remedial measures to implement its own resolutions, for instance it should have issued special ordinances and passed government orders to ensure that adequate permanent housing was provided to the residents in a time-bound manner, as stated.
10. After the eviction operations, BBMP failed to put in place a system of relief, compensation and rehabilitation of the evictees. BBMP not only abdicated its legal obligation to provide relief and resettlement but justified its inaction on the pretext that NGOs were providing relief. Moreover, on specific instances, the government attempted to thwart relief efforts of voluntary organizations. The callous and indifferent attitude of the state towards the urban poor is alarming.
11. All *Basic Services for the Urban Poor* (BSUP) projects that BBMP undertakes mandate inclusion of 'transit housing' as part of the eviction and relocation process. Land for transit housing has to be identified by BBMP and the affected persons are to be shifted by BBMP to the transit accommodation before being evicted. In this case, there has been no effort to provide alternative housing prior to or after the eviction process.

12. BBMP and other agencies of the state government have flouted all international norms and guidelines by failing to include the participation of the residents in the planning process. No consultations or public hearings were held with the residents about the PPP and before evicting them. No efforts were made to seek alternatives or to provide adequate and timely information.
13. The serious issue of the collapse of the original EWS quarters remains forgotten. No investigation has been carried out to determine why the houses collapsed. No department, individual or contractor has been held responsible for the collapse of the buildings and for the resulting deaths and injuries to the residents.
14. The views and actions of BBMP and the real estate sector in Bangalore appear to be closely aligned. The real estate sector seems to be influencing Bangalore's urban development policy. Moreover, BBMP and the real estate sector are acting jointly against the interests of the poor.



X DEMANDS OF THE FACT-FINDING TEAM

(from the Government of Karnataka)

1. Recognise the right to the city of the urban poor who contribute to its development should be recognised, upheld and treated as their inalienable right. This includes the human rights to adequate housing, work/livelihood, education, health, food, water, social security, public transport, participation, information, as well as a right to a share of the benefits of the city, including its cultural development.
2. Implement India's national and international legal obligations and uphold judgements of the Honourable Supreme Court of India.
3. Adopt and adhere to the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement* in all cases of relocation and eviction. Ensure that comprehensive 'eviction impact assessments' are conducted prior to any eviction.
4. Provide immediate and adequate rehabilitation and compensation to all the evicted residents irrespective of whether they are original allottees or tenants. This must include adequate housing, water, food and security at the same site or at least in the same area, as per the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*.
5. Conduct a judicial enquiry into the Joint Venture project with Maverick Holdings, as well as into the evictions and demolition.
6. Investigate and take action against all BBMP and police officials responsible for the violence and attacks on residents and activists during the process of the eviction.
7. Grant immediate compensation to all victims for injuries caused to them and for loss and damage to their personal property and possessions/ belongings.
8. Provide compensation to students, including free uniforms, school books and other educational material destroyed during the eviction, and provide support to enable them to appear in their upcoming examinations.
9. Provide adequate compensation to Rosemary's family for her death.
10. Dissolve the Public Private Partnership between BBMP and Maverick Holdings and ensure that the entire area of land is used for EWS housing as per the 2005 BBMP resolutions.

