

GOVERNANCE BY DENIAL: FORCED EVICTION AND DEMOLITION OF HOMES IN EJIPURA/ KORAMANGALA, BANGALORE

Report of a Fact-finding Mission (Summary)

I INTRODUCTION

The *Bruhat Bangalore Mahanagara Palike* (BBMP) is responsible for providing infrastructure and services in the metropolitan area. From January 18 to 21, 2013, it bulldozed 1,512 homes (42 blocks) and evicted more than 5,000 people living in tin sheds in the economically weaker section (EWS) quarters in Ejipura/Koramangala, Bangalore. The demolition affected around 1,200 women and 2,000 children. It made thousands homeless.

On the morning of 18 January, 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 the protestors were preventing them from carrying out the demolition. Police arrested 21 women who stood between their homes and the bulldozers. The police dragged the women into their vans, some by their hair. The women were taken to two police stations, implicated in false charges and detained overnight.

Residents pleaded with the demolition crew saying the BBMP Commissioner had assured them that evictions would not begin until the end of the school year (April 2013). Residents asked the BBMP officials for documentation that authorised the demolition. None was provided. Instead, the residents were asked to file a Right to Information (RTI) appeal if they wanted a copy of the demolition order.

On 19 January, the BBMP Commissioner said there was authorisation to demolish only 'unoccupied sheds'. But the forced eviction and demolitions of all homes continued with BBMP engineers looking on. Police were present as demolitions continued into the night. The evicted people and activists say the police were not averse to using force. By the evening of 19 January, more than 1,000 houses were demolished. The demolition continued the next day. By 21 January, no homes were left standing. The demolition was complete.

Residents had to fend for themselves on the street with no shelter. Most of them suffered extensive loss of property. 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 raised rates after the demolition). Many people faced violence and injuries during the demolition process. After the forced eviction and demolition, women lost jobs, children's education was disrupted and the community's economic condition deteriorated. Residents reported daily

harassment from the police, political representatives and criminals.

Many people's health suffered. Civil society organisations and activist groups supplied food and medicines. Some evictees were forced to take shelter with relatives or friends in other parts of Bangalore. Many evictees continue to live on the pavements near their former homes. They live in tiny tents built over drains, in dismal conditions, without basic services, including water.

II FACT-FINDING MISSION

The *People's Union for Civil Liberties (PUCL - Karnataka)* and *Housing and Land Rights Network (HLRN- Delhi)* undertook a fact-finding investigation into the eviction on 21 and 22 February, 2013).

The aims of the mission were to:

- a) Ascertain if human rights violations occurred before, during and after the eviction;
- 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 Ramdas Rao (PUCL – Karnataka), 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), Aditya (PUCL – Karnataka), and Eshwarappa Madivali, a documentary film-maker and photographer.

The team interviewed women, men and children from Ejipura/ Koramangala, including those living under plastic sheets at the demolition site and families awaiting rehabilitation at Kudlu. The team also spoke to a number of municipal and state government officials, among others.

III. EJIPURA EVICTIONS: DIRECT RESULT OF RISE OF BANGALORE AS THE 'GLOBAL CITY'

In Bangalore, in the last 20 years, public land in use for multiple purposes (small-scale residential, trade and industrial, manufacturing use) is being increasingly handed over to the private sector for a narrow set of commercial projects (car parks, shopping malls, HIG housing, office complexes and transport infrastructure). Under this 'development' project, land for these schemes needs to be first cleared of 'encroachers' and 'illegal settlements.'

The history of Bangalore (like that of many other Indian cities) is filled with stories of migrant and other workers 'reclaiming' and developing inhospitable environments (marshy lands, garbage dumps, river beds) slowly but gradually into habitable areas. Prior to 1996, the

Ejipura/Koramangala slum was part of a garbage dump extending over 15 acres in the then Koramangala village, which was developed over the years by the EWS residents (mainly migrant workers from Tamil Nadu) and made habitable.

These residents are now labelled as ‘illegal squatters’ on their own land, as the state discovers a commercial value for the land.

IV HISTORY OF THE EWS COLONY AT EJIPURA/ KORAMANGALA

To cater to the housing needs of the economically weaker sections (EWS), the Government of Karnataka and BBMP decided in the 1980s to establish housing quarters for them at subsidised rates. In 1983-84, BBMP with help from the Housing and Urban Development Corporation (HUDCO), formulated a scheme to build 1,512 EWS flats in 42 blocks (each block having 36 tenements). The housing was, however, of very poor quality. Shortly after moving in, residents noticed cracks on the walls and plaster falling from the ceilings. Many residents continued to live in those poor conditions. Some rented their quarters out to others who were in a worse off position than them. Several original allottees sold their flats to third parties. Thus, except for a few original allottees, most of the residents of the 1,512 flats were tenants. A majority were r Dalits and religious minorities.

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 living there. In subsequent years, three more blocks collapsed, causing the deaths of 5 children and injuries to several others. In 2004, BBMP demolished seven blocks and built temporary tin sheds on a part of the land to accommodate the families, with the promise that new permanent housing would be built for them. These tin sheds were 10 feet by 12 feet in size and built in a contiguous block without any windows.

Residents said the tin structures were unbearably hot in the summer. During the monsoons, they got flooded and when it was windy, the roofs would often fly off. There were no attached toilets. People had to pay two rupees per visit to use the 30 public toilets built on the site for 5,000 residents.

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

Around 2004, BBMP decided unilaterally, and without consulting the present residents, to develop the area on which the EWS quarters stood and build residential and commercial structures through a Private Public Participation (PPP) scheme.

In June and July 2005, the BBMP Council passed a resolution to the effect that everyone living in the area, irrespective of whether they were original allottees or not, would be provided permanent housing. In 2006, BBMP issued *guritinacheetis* (beneficiary identity cards) to the residents.

However, the families continued to live in the tin sheds in grossly inadequate conditions. It is these

families who were evicted from the site between 18 and 21 January 2013.

V. LEGAL INTERVENTION

In 2008, some of the original allottees had approached the Karnataka High Court for permanent housing, through a Writ Petition. While the matter was pending, BBMP and Maverick executed a PPP agreement in January 2012. The High Court passed an interim order in July 2012 holding that the Division Bench in the 2008 Writ Petition did not permit BBMP to enter into any contract with third parties for the reconstruction of flats. After this, a settlement was arrived at between some of the petitioners in the 2011 Writ Petition, BBMP and Maverick Holdings, and it is on this basis that the High Court in August 2012 directed the clearing of the EWS settlement land. The Court directed that only the 1,512 original allottees would be entitled to the new houses, and that all occupants should be evicted from the present site after 8 October 2012. BBMP has used this court order to defend the act of 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 suppressed this fact and the numerous Council resolutions in their favour. It failed to bring to the attention of the High Court that the majority of those in the tin sheds were tenants, and further that BBMP itself decided to provide houses to all those families in the area. Thus the High Court order of eviction was passed without consideration of the rights of actual residents of the demolished tin sheds, and on the basis of a wrong assumption of the situation, caused by the suppression of facts by BBMP.

VI. RESPONSE OF CIVIL SOCIETY AFTER THE EVICTION

In the absence of any relief efforts from the government and in response to the humanitarian crisis created by the demolition, a number of support groups formed a team to provide relief to beleaguered residents. Contributions poured in and eventually nearly Rs 10 lakh was raised.

A relief team stayed there morning to night.

The police continued to threaten residents to leave the site. The relief team had to be constantly present to support the residents. Volunteers distributed blankets and sweaters. BBMP had demolished all public water sources in the area (mini-water supply, public taps) during the eviction. The relief team had to arrange for drinking water. Doctors visited the site daily since the health of the people suffered due to the lack of shelter. Medicines were also provided.

A month after the relief operations at the demolition site, it was decided to start a community

kitchen. The relief team procured supplies while the local residents took care of preparation and distribution of food. A temporary study centre was also set-up for the students.

The civil society support team then turned its attention to arranging alternative accommodation. The families reached a consensus as to who were the most needy. This promoted a feeling of community and solidarity, a sense of shared suffering and readiness to help each other out.

Non-profit organizations and individuals came arranged for advances for new rental houses for the evictees. They promised to pay each family Rs 10,000 towards house advance. Hundreds of people queued up and around 700 families were given this amount. However, this worked in favour of the builder, since the site started getting cleared for him. Nevertheless, around 200 families did not take money and remained on the site.

The police and the local MLA, N.A. Harris (Congress) continued to threaten the few remaining families to vacate the site. Newspapers said he visited the area and threatened dire action against several volunteers organizing relief. He promised to pay people a measly Rs. 2,000 - 4,000 if they moved out. His men led some families to believe they would get houses in Karnataka Slum Board Housing scheme in another resettlement colony in Kudlu, a distant suburb. About 50 evicted families were shifted there. After arriving, many families were tricked by nearby vandals who, broke locks of empty houses, moved the families in, took advances, and vanished.

When the real owners arrived, the families were evicted, and we homeless again. Relief efforts were directed towards them too.

The relief team consisting of NGOs and individuals has been an important source of moral support to the community as they face a long battle to regain their land and struggle to live in a dignified manner. The callous and indifferent government has only worked to prevent relief.

XI CONCLUSIONS OF THE FACT-FINDING TEAM

1. The forced eviction, demolition of homes and related actions against the people of Ejipura/ 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, which is the right of all women, men and children to gain and sustain a secure place to live in peace and dignity.
2. The eviction operation violates India's national and international legal obligations and commitments. The government and its agencies have violated the Constitution, national laws and policies related to housing and resettlement, and several judgements of the Supreme Court.

The Government of Karnataka 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*.

3. The Ejipura/Koramangala eviction was carried out in contravention of the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*. The 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.

4. At the time of preparation of this report, the cleared site at Ejipura/ Koramangala is still lying vacant. The state's unseemly hurry in evicting the residents forthwith appears to have had only one goal: facilitating conversion of public land for private gain.

5. BBMP and other state agencies flouted international norms and guidelines by failing to include the participation of the residents in the planning process. No consultations or public hearings were held. No efforts were made to seek alternatives or to provide adequate and timely information.

6. The violations of the human rights of women, children, and minorities are especially acute. Women were targeted, beaten, arbitrarily arrested, implicated in false charges and detained. The use of force and violence against women and children by the police and other actors is unacceptable.

7. Public land has been converted and misused for private gain. The PPP agreement is illegal as land designated for 'public purpose' has been given to a private entity for commercial use. The agreement presages further encroachment of public land, and another round of evictions of neighbouring slums. Given the acute housing and land shortage for the urban poor, including in Bangalore, the handing over of public land to Maverick is unconscionable.

8. The PPP agreement confers undue benefits to Maverick including exemptions from various taxes, and protects the company in respect of violations of bye-laws and other illegalities that occur.

9. The current urban development policy (at least in theory) dictates that the government strive to provide adequate housing for EWS and the homeless. This eviction is a complete reversal of the policy and contravenes several judgements of the Supreme Court. Despite the acute housing shortage for EWS, residents were evicted and made homeless overnight. This act violates the *National Urban Housing and Habitat Policy 2007* and state laws.

10. BBMP 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.

11. The claim that the evictees were 'illegal squatters' is false, as they have documents establishing their right to their homes. In 2003, BBMP had undertaken a survey which recognised the current evictees as legitimate residents.

12. It is wrong of the state agencies to claim that they were compelled by the judgement of the High Court to evict the residents with the aid of police action. BBMP misled the High Court by not placing before it its own resolutions on the subject.

13. 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 shifted to the transit accommodation before being evicted. In the case of Ejipura/Koramangala, there has been no effort to provide alternative housing.

15. 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.

XII FACT-FINDING TEAM'S DEMANDS

The fact-finding team demands that the Government of Karnataka:

1. Recognise the 'right to the city' of the urban poor—who contribute to its development—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 Supreme Court of India related to the protection of the right to housing.
3. Adopt and implement the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement* in all cases of eviction and relocation.
4. Provide immediate and adequate rehabilitation and compensation to all the evictees, be they original allottees or tenants. This must include adequate housing, water, food and security at the same site or at least in the same area.
5. Conduct a judicial enquiry into the PPP project and into the evictions and demolition process.
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.
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 is used for EWS housing as per the 2005 BBMP resolutions.

CONCLUSION:

TOWARDS A ‘RIGHT TO THE CITY’

The paradigm of urban development in Bangalore and other cities across India is one of exclusion and profiteering, with the state relegating its welfare function to private actors and reneging from its legal obligation of protecting the rights of its people.

People’s movements across the world, challenging the persistent discrimination and denial of rights to the urban poor, have initiated new politics of resistance.

The urban poor have an original claim in the founding of the city by making large areas of it habitable. Their contribution in building the city and in sustaining and supporting it on a daily basis is the foundation of their claim to a *right to the city*.

Under the neo-liberal economic paradigm of development and urbanisation, the market and property rights have assumed pre-eminence over normative human rights, and cities have become exclusionary and polarised spaces.

The *right to the city* is not a new legalistic right, but an articulation to consolidate the demand for the realisation of multiple human rights within city spaces.

The *right to the city* is the right to a more inclusive city where migrants, marginalised groups and communities, and the urban poor in general will be able to control and influence the shaping of their lives and their cities. It is towards this right that we must struggle and work.

(Note: The complete report will be uploaded on the PUCL national website shortly.)