

PRESS RELEASE

Bangalore authorities violate human rights of the urban poor, says fact-finding report on forced eviction in Koramangala

New Delhi, 6 March 2013

At a press conference held in the capital today, *Miloon Kothari*, former United Nations Special Rapporteur on adequate housing, released a fact-finding report titled: “Governance by Denial: Forced Eviction and Demolition of Homes in Koramangala (Ejipura), Bangalore.” At the event, *Issac Arul Selva* (PUCL–Karnataka) and *M.R. Prabhakar* (Forum against EWS Land Grab, Bangalore) explained the crisis of housing for economically weaker sections (EWS), the urbanisation process in Bangalore, and the close relationship between the real estate sector and the government. *Shantamary* and *Dhanavalli*, two women who were evicted from Koramangala, highlighted the brutality of the eviction process, in particular the violence against women, and the current plight of the residents. *Shivani Chaudhry* (Associate Director, Housing and Land Rights Network, Delhi, and member of the fact-finding team) while presenting the conclusions and demands of the fact-finding team, strongly condemned the Government of Karnataka for its violation of the law and human rights of its people.

Background

Bruhat Bangalore Mahanagara Palike (BBMP) – the city municipal corporation – bulldozed 1,512 homes (comprised of 42 blocks), and evicted over 5,000 slum dwellers living in tin sheds in EWS quarters in Koramangala (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.

The evicted residents, most of them tenants, had been living at the EWS settlement for more than fifteen years. In 2005, the BBMP Council passed a resolution to provide permanent housing for all residents at the site, including tenants. In 2006, without any consultation with the residents, BBMP began negotiations with a private builder – Maverick Holdings Private Limited for a public private partnership (PPP) to develop the land, and signed the final concession agreement for the same in 2012.

The Karnataka High Court, in response to a public interest litigation (Writ Petition No. 45915/2011), ruled on 24/08/2012 that only ‘original allottees’ of the EWS settlement would be entitled to newly constructed houses at the site, and provided a direction to clear the land after 8 October 2012. This final judgement is questionable, as it reverses the interim order of the same case and contravenes the BBMP Resolution of 2005. It also violates provisions of national and international law related to adequate housing. BBMP has used this judgement of the Karnataka High Court as the justification for demolishing the tin sheds in January 2013.

Fact-finding Mission

Given reports of alleged violations of human rights of residents of Koramangala, *People’s Union for Civil Liberties* (PUCL - Karnataka) and *Housing and Land Rights Network* (HLRN - Delhi) undertook a two-day fact-finding visit (21–22 February 2013) to investigate the incidence of forced eviction and its aftermath.¹ The fact-finding mission consisted of visits to the demolition site and

¹ 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 Addithya (PUCL – Karnataka).

proposed site of rehabilitation, interviews with evicted persons, and meetings with government officials, civil society organizations, and the private builder.

Major Findings of the Fact-finding Report

1. The majority of residents, 1200 families, living in the EWS tin sheds in Koramangala at the time of the eviction were tenants. All families had official documents, including ration cards, voter identity cards, BBMP identity cards and beneficiary certificates.
2. The condition of the housing, at the time of the eviction, was extremely inadequate, and residents did not have proper access to basic services.
3. The forced eviction from 18 – 21 January 2013, though implemented on the order of the High Court of Karnataka, was brutal and unlawful in its nature. It was carried out without any regard to due process. People were not consulted or informed about the impending demolition. No written notice was provided to the residents and they were not given any time to retrieve their possessions before the bulldozers demolished their homes.
4. The demolition occurred two months before students' final examinations (March 2013).
5. Police and other officials engaged in the use of force and acts of violence against the residents, including women. Women reported being hit and verbally abused by the police.
6. Four women and three men protesting the eviction were arrested and detained at the police station for a day, while 21 women residents were arbitrarily arrested, implicated with false charges and detained overnight in the Central Jail, in direct contravention of all democratic norms and legal procedures.
7. The response of government officials to the forced eviction has been alarming. The government has not provided any relief or rehabilitation to the evicted persons. Some evictees have been forced to take shelter with relatives or friends in other parts of Bangalore. Some have moved to alternative sites on 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 and sanitation.
8. 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.
9. As a result of the forced eviction and demolition, livelihoods have been adversely affected, all women have lost their jobs, many 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. The only relief has been food and medical supplies from civil society organizations and voluntary groups working in the area. People reported that had it not been for this contribution, they probably would not have survived.
10. Though BBMP passed a resolution in 2005 to provide permanent housing for all residents, including tenants, at the same site, in 2012 it signed a concession agreement and a Public Private Partnership with Maverick Holdings that identifies only original allottees as beneficiaries of housing at the site.

Conclusions of the Fact-finding Team

1. The Government of Karnataka, in collusion with private actors, has violated the human rights of the residents of the EWS settlement at Koramangala, including their rights to life, work/livelihood, adequate housing, health, food, water, education, and security of the person and home.
2. The Government of Karnataka and its agencies have breached the Constitution of India, national laws and policies, orders of the Hon'ble Supreme Court of India, and international law. This includes 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 act of forced eviction was carried out in contravention of all provisions of the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*.²
4. The violations of the human rights of women and children are especially acute, and the acts of violence against them are unacceptable.
5. The discrimination against the residents of Koramangala is glaring. The settlement consisted of minorities, including Dalits, Muslims and Christians.
6. 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).
7. 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.
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.
9. The brutal nature of the eviction and the failure to provide relief and rehabilitation reflects the callous and indifferent attitude of the state towards the urban poor.
10. There appears to be a strong and close nexus between the state government and the real estate sector in Bangalore, which seems to be influencing the entire urban development process in the city.

Demands of the Fact-finding Team (for the Government of Karnataka)

1. Recognise and uphold the 'right to the city' of the urban poor, who contribute to its development, as their inalienable right. This includes protecting and guaranteeing the human rights to adequate housing, work/livelihood, education, health, food, water, social security, public transport, participation and 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 on the right to housing 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.
4. Provide immediate and adequate rehabilitation to all the evicted residents, irrespective of whether they are original allottees or tenants. This must include adequate housing, water, food, security, and access to basic services, education and healthcare at the same site or at

² Available at: http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf.

least in the same area, as per the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*.

5. Grant immediate compensation to all victims for: injuries caused to them; for loss and damage to their personal property and possessions; and, for loss of income as a result of the eviction.
6. 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.
7. Provide adequate compensation to Rosemary's family for her death.
8. Conduct a judicial enquiry into the evictions and demolition process as well as into the Public Private Partnership between BBMP and Maverick Holdings.
9. Investigate and take action against all BBMP and police officials responsible for the violence and attacks on residents and activists during the eviction process.
10. Investigate and take action against the senior management of Maverick Holdings, if found guilty of collusion with the state in the act of forced eviction and violation of the law.
11. Dissolve the illegal Public Private Partnership between BBMP and Maverick Holdings, and ensure that the entire area of land is used for housing of the current residents, as per the 2005 BBMP resolutions.

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