



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

URGENT ACTION APPEAL: INDIA

**1,200 houses demolished in Koramangala, Bangalore;
over 5,000 people homeless and hundreds of children forcibly evicted
in the middle of their academic year**

Case IND-FEDEUF-300113

The Coordination Office of the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) and its regional South Asia office in Delhi request your **urgent** intervention in the following situation in India.

Brief description of the situation:

Bruhat Bangalore Mahanagara Palike (BBMP) [*Translation: Greater Bangalore Municipal Corporation*], a civic body responsible for providing infrastructure and services in the Greater Bangalore Metropolitan area, bulldozed 1,200 homes and evicted over 5,000 slum dwellers living in economically weaker section (EWS) quarters in Koramangala, Bangalore. The demolition, from 18 to 21 January 2013, affected around 1,200 women and 2,000 children.

The four-day demolition drive razed around 900 tin sheds that were built at the site more than 11 years ago. The authorities did not provide any written notice or reason for the demolition to the residents. Although a local Member of the Legislative Assembly (MLA) gave the residents 48 hours to vacate the site, around six bulldozers arrived at around 07:30 AM on 18 January 2013 without warning to demolish the houses. The residents were left with no time to collect their belongings. The demolition was mounted on a Friday, when courts and other public services would be closed during the weekend operation.

A large police force consisting of 500 policemen and 20 policewomen was present. When residents tried to resist the demolition, the police beat them. While buildings were being demolished, police wielded sticks (*lathis*) and forced residents to retreat to a corner of the site. They used violence against the people, caning them; they did not spare children and senior citizens.

On 19 January, police arbitrarily arrested seven residents (five women and two men) who were protesting eviction, and detained them in the Adugodi police station until the evening.

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On 20 January, the same police officials arrested around 21 women residents, including two rights group activists. The arrested people were implicated with false charges, with six of the cases including some on nonbailable charges.

Manikandan (30), a mason, says he had not slept since the demolition drive started, because every night “rowdy elements” would appear past midnight. Sometimes they extort money from old women and, at other times, simply threaten them to leave the site. Shanthamma (56), who lives with her mentally challenged son, weeps inconsolably as she narrates how the police forced her to part with her life’s savings of Rs. 5,000 (around USD 100). Getting clean drinking water has been a major challenge for the residents, as water supply and electricity were cut off four days before the evictions started.

Rosemary (60), one of the thousands rendered homeless at BBMP, died on Tuesday evening after spending nearly three days out in the open. Her daughter said the death was a direct consequence of the demolition. “She had barely eaten anything in the last few days. All she did was cry. The cold [out in the open] was unbearable. She was trembling and was constantly complaining about the cold,” she said (*The Hindu*, 23 January 2013).

BBMP residents who have not been able to find any alternative place to stay are now spending days and nights in the open. Their conditions are abysmal, as they do not have any shelter or access to basic services, including drinking water, sanitation and toilets. Students are not able to go to schools and colleges, and many residents fear losing their livelihoods if they move away from the neighbourhood. The situation presents a grave humanitarian crisis, and the health of the residents is at risk.

According to information from newspapers, people have been promised houses in Sulekunte village, along Sarjapur Road. Sulekunte village is outside the city limits, on the southeastern outskirts of Bangalore, around 15 kilometres away from the EWS quarters and the evicted residents’ places of work. The long distance means that residents would have to spend a significant amount of their income to commute to the city daily for work. Karnataka Slum Development Board is supposed to build apartments for the 900 families in a five-acre plot there. This may take between 1–3 years. Until then, the government has failed to provide any alternative arrangements, even temporarily, for the evicted people. BBMP claims that it is responsible for providing interim relief to only 1,512 original allottees, and not the tenants and subtenants living at the quarters.

These actions infringe the fundamental rights of the residents of EWS quarters at Koramangala, as the government has failed to abide by its treaty-bound and constitutional obligations to guarantee the “right to housing” and “right to life and livelihood” to its citizens.

Background:

The Koramangala and Ejipura Quarters built by the BBMP were of very poor quality and did not have even basic facilities such as water and sanitation. Many residents continued to live in those poor conditions, while some of them rented their quarters out to others who were worse off than they are. Thus, these buildings housed poor people who were allotted the house (allottees) and some very poor families who

continued to rent in these blocks (tenants). Due to poor quality of construction of the EWS quarters, some of the blocks collapsed in 2002, killing three people. Later, all the blocks were demolished after experts ruled they were not safe for living. Since then, many have been living in common tin sheds by the side of the demolished quarters awaiting the provision of permanent housing.

Earlier in 2005, the BBMP city council passed a resolution to provide housing on the same land for all residents, including those it now dismisses as “illegal occupants,” or “squatters.” In 2006, the BBMP issued *gurutinacheetis/hakkupatras* (rights certificates/sale deeds) to the residents. However, BBMP authorities signed a Public Private Partnership (PPP) agreement with Maverick Holdings Pvt. Ltd. on 2 January 2012 to develop the land. As part of the joint development agreement, half of the land is to be used for the construction of 1,512 EWS apartments. The other half will be used by Maverick Holdings to construct a shopping mall. Eviction of residents for the project has been stalled several times since its inception, with residents and rights groups staging protests, alleging a land scam.

Pursuant to this, the original allottees filed a case in the High Court of Karnataka, which ruled in August 2011 that BBMP and Maverick should go ahead with the project and that only original allottees should be given new flats. The High Court also ordered Maverick Holdings to pay Rs. 30,000 as compensation to the original allottees still staying in the quarters, and ordered BBMP to provide rehabilitation for 1,512 original allottees, except those who had accepted compensation, at Iglur, on Hosur Road. The Court authorised BBMP to evict/eject all occupants from the site and, if necessary, engage the aid/assistance of the police. Unfortunately, the order did not recognise the tenants who have been staying at the site for more than 15 years and, in turn, disregarded their right to housing on basis of perpetuity. (Writ Petition 45915/2011).

Legal Aspects:

International Law:

The Koramangala forced eviction and demolition violate international law and India’s international and national human rights obligations and commitments. India, which is party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), under Article 11.1, must recognize the human right of everyone to “an adequate standard of living, including...adequate housing, and to the continuous improvement of living conditions.” These evictions also have an impact on the congruent rights of the inhabitants related to adequate housing, including the right to food, the right to water, the right to health, the right to education, the right to security of the person and home, and the right to work and means of subsistence.

India also has recognized 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 ICESCR. 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 rehousing with secure tenure, and provide adequate compensation, as well as reparations in the case of forced eviction.

The UN Commission on Human Rights (in 1993) recognized that forced evictions constitute a “gross violation of human rights, in particular, the right to adequate housing.” Further, the UN General Assembly resolution A/RES/60/147 of 2006 recognized the rights and entitlements to reparations of victims of gross human rights violations.

The UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007) further expand on General Comment 7 and stipulate that evictions must only be carried out in “exceptional circumstances” and in accordance with international law and human rights standards. They present operational guidelines for States to follow before, during and after evictions.

Successive Special Rapporteurs to the UN Human Rights Council on adequate housing have stressed that the forced evictions carried out with conduct such as that exhibited by Indian officials and their agents would constitute a gross violation of human rights, in particular the right to adequate housing. They have noted that, in general, women, children and elderly persons are always the most affected by forced evictions, especially those already living in vulnerable situations. To ensure these rights consistent with CESCR General Comment No. 7 and the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, it is understood that no one may be forcefully evicted without: (1) effective and sufficient consultations with the affected parties, and (2) provision of appropriate and sufficient alternative measures. In other words, these minimum international norms guarantee for those who suffer eviction access to appropriate measures, particularly alternative shelter, in order to secure an adequate standard of living and to assure sustaining economic activities (livelihood) where they reside.

In Koramangala, the local government did not provide any notice of the demolition to the slum-dwellers, neither was any consultation carried out with the residents. During the eviction process, police officials brutally beat up, arrested and detained those who resisted. The conduct of BBMP authorities and the police in the Koramangala eviction blatantly violates international law, standards and guidelines.

National Laws and Policies:

The forced eviction and demolition of 1,200 homes in Koramangala constitute a blatant violation of the human right to adequate housing. These forced evictions without adequate rehabilitation violate the affected people’s fundamental right to life and livelihood, as enshrined in Article 21 of the Indian Constitution. Reaffirming the principle of indivisibility of all human rights, the fundamental right to life encompasses the right to live with human dignity. Furthermore, Article 14 of the Constitution of India guarantees equal protection under law.

Despite the fact that 99% of the urban housing shortage of 18.7 million in India pertains to the EWS and Low-income Groups (LIG), the government demolished houses in Koramangala without providing alternative sites for rehabilitation. By failing

to provide any form of temporary/permanent housing for the poor who have been living in Koramangala for more than 11 years, the act of eviction and the judgment of the High Court of Karnataka, apart from violating international and national law, also contradict the *National Urban Housing and Habitat Policy, 2007*, which commits to providing “affordable housing for all” and promoting sustainable development of habitat in the country with a view to ensuring equitable supply of land, shelter and services.

The large-scale demolition in Koramangala is also in contravention of *Rajiv Awaas Yojana* and the *National Resettlement and Rehabilitation Policy, 2007*. *Rajiv Awaas Yojana* aims at promoting *in situ* upgrading of slums and providing security of tenure for slum dwellers. The *National Resettlement and Rehabilitation Policy, 2007* seeks to protect the interests of land owners and others, such as tenants, the landless, agricultural and nonagricultural laborers, artisans, and others whose livelihood depends on land that is sought for “developmental” activities.

Judgments of the Supreme Court of India:

The Supreme Court of India, in several judgments, 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*”). Several important court judgments clearly have established the relation between the right to housing and the right to life as guaranteed by Article 21.¹ In the case of [*Chameli Singh and Others vs. State of Uttar Pradesh*](#) (1996), the Court has clarified that the “Right to life guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter.”

The actions against the people of Koramangala constitute a violation of their basic human rights to life, security, health, work, 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, capacity and capacity building; participation, freedom of peaceful assembly and self-expression; rights to resettlement, rehabilitation and adequate compensation (i.e., reparations) for violations and losses; and physical security and privacy.

Action Requested:

Given the multiple violations of the human rights of the residents of Koramangala, and the acute humanitarian crisis created by the eviction, urgent action is needed. Please write to the responsible authorities in India (details and a sample letter are provided below), urging them to implement their obligations under national and

¹ This has been established in numerous Supreme Court decisions, including *Uttar Pradesh (UP) 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 v. 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. Judgments 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.

international law to respect, protect, promote and fulfill the human right to adequate housing by:

1. Providing immediate and adequate rehabilitation, including housing, water, food and security, to all evicted families 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*;
2. Granting compensation to all victims for injuries caused to them, and for loss and damage to their personal property and possessions/belongings;
3. Conducting an independent investigation/inquiry into the project and the demolition/eviction;
4. Taking action against those officials responsible for causing violence, injury to residents and damage to property;
5. Building adequate houses for all original allottees and current residents at the same site; and
6. Implementing India's national and international legal obligations, and upholding judgments of the Honourable Supreme Court of India.

Your Action Requested:

Please write to the authorities in India, urging them with recommendations—found in the sample letter below—to respect human rights, as they are obliged under international law and their own Constitution.

The sample letter is provided below for your own use, or you may simply send your letter automatically from the HLRN website by [supporting](#) this case at: <http://www.hlrn.org/cases.php>

By supporting this case through the website, the sample letter will go automatically from you to the responsible authorities.

Sample Letter:

Dear :

We have learned from *Slum Jagathu*, Bangalore, that Bruhat Bangalore Mahanagara Palike (BBMP) brutally evicted over 5,000 slum dwellers by demolishing 1,200 houses in Koramangala colony, Bangalore from 18 to 21 January 2013.

A police force consisting of around 500 police men and women, along with BBMP officials and six bulldozers demolished 1,200 homes and tin sheds that were built at the site more than 11 years ago. Over 5,000 people including 1,200 women and 2,000 children were affected by this action.

We are shocked to learn that the police used sticks to beat men and women who resisted the evictions, and that even children and senior citizens were not spared. Police arbitrarily detained seven residents (five women and two men), and released them in the evening of that day.

We are concerned about reports of people who have not been able to find any alternative place to stay being forced to spend days and nights out in the open. The conditions of these people are abysmal, as they do not have any shelter or access to basic services, including drinking water sanitation and toilets. Students are not able to go to schools and colleges, and many fear losing their livelihoods if they move away from Koramangala neighborhood. The situation presents a grave humanitarian crisis, and the health of the residents is at risk.

In the aftermath of the evictions, news on illnesses and even death has already been reported. Rosemary (60) one of the thousands rendered homeless by the Bruhat Bangalore Mahanagara Palike's recent demolition drive at Koramangala, died on 21 January after spending nearly three days out in the open. Her daughter says the death was a direct consequence of the demolition. "She had barely eaten anything in the last few days. All she did was cry. The cold [out in the open] was unbearable. She was trembling and was constantly complaining about the cold," she said.

Even after a week of the demolition, BBMP has failed to provide temporary rehabilitation for the affected persons. These actions are an infringement of the fundamental rights of the residents of Koramangala as the government has failed to abide by its constitutional obligations to guarantee the "right to housing" and "right to life and livelihood" to its citizens.

Violations of National and International Human Rights Law:

The demolition in Koramangala is a blatant violation of the human right to adequate housing. These forced evictions without adequate rehabilitation violate the affected people's fundamental right to life and livelihood as enshrined in Article 21 of the Indian Constitution. Reaffirming the principle of indivisibility of all human rights, the fundamental right to life encompasses the right to live with human dignity. Furthermore, Article 14 of the Constitution of India guarantees equal protection under law.

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 demolished houses in Koramangala without providing alternative sites for rehabilitation. By failing to provide any form of temporary/permanent housing for the poor who have been living in Koramangala for more than 11 years, the evictions and the judgment of the High Court of Karnataka 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 a view to ensuring equitable supply of land, shelter and services.

The large-scale demolitions in Koramangala also contravene the provisions of *Rajiv Awaas Yojana* and the *National Resettlement and Rehabilitation Policy, 2007*. *Rajiv Awaas Yojana* aims at promoting in situ upgrading of slums and providing security of tenure for slum dwellers. The *National Resettlement and Rehabilitation Policy, 2007* seeks to protect the interests of land owners and others, such as tenants, the landless, agricultural and nonagricultural laborers, artisans, and others whose livelihood depends on land which is sought for "developmental" activities.

By these evictions, the Indian authorities, including the local authorities, have breached their treaty obligations under, *inter alia*, Articles 2, 11, 12, 13 and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which India acceded on 10 July 1979. The State has been derelict in its obligations, as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments No. 4 on the right to adequate housing and No. 7 on forced evictions. The State of India also has contravened its obligations under Articles 16, 27 and 39 of the Convention on the Rights of the Child (CRC), to which it acceded on 11 December 1992, and Article 14 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDaW), which it ratified on 9 July 1993.

The UN Commission on Human Rights (in 1993) recognized that forced evictions constitute a “gross violation of human rights, in particular, the right to adequate housing.” The *UN Basic Principles and Guidelines on Development-based Evictions and Displacement* (2007) stipulate that evictions must only be carried out in “exceptional circumstances” and in accordance with international law and human rights standards. They present operational guidelines for States to follow before, during and after evictions. In Koramangala, the local government did not follow due process. Officials did not provide any notice of the demolition to the slum dwellers; neither was any consultation carried out with them. During the eviction process, police officials brutally beat up, arrested and detained those who resisted. The conduct of BBMP and the police in the Koramangala eviction blatantly violates international law, standards and guidelines.

The Supreme Court of India, in several judgments, 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. In the case of *Chameli Singh and Others vs. State of Uttar Pradesh* (1996), 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.”

The actions against the people of Koramangala constitute a violation of their basic human rights to life, security, health, work, 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, capacity and capacity building; participation, peaceful assembly and self-expression; rights to resettlement, rehabilitation and adequate compensation (i.e., reparations) for violations and losses; and physical security and privacy.

We are deeply concerned about the plight of the evicted families who are currently on the streets without any adequate housing and nowhere to go. We await your humane and timely intervention to restore the violated human rights of the affected.

We urge you to respect India's obligations under national and international law to respect, protect, promote and fulfill the human right to adequate housing by:

1. Providing immediate and adequate rehabilitation, including housing, water, food and security, to all evicted families 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*;
2. Granting compensation to all victims for injuries caused to them and for loss and damage to their personal property and possessions/ belongings;
3. Conducting an independent investigation/ inquiry into the project and the demolition;
4. Taking action against those officials responsible for causing violence, injury to residents and damage to property;
5. Building adequate houses for all original allottees and current residents at the same site;
6. Implementing India's national and international legal obligations and upholding judgments of the Honourable Supreme Court of India.

Thank you in advance for your attention to this serious matter. We look forward to hearing from you about your remedial actions.

Respectfully,

[Signed]
Name and Organization
Location

Please send your communication to the following responsible parties:

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Address: Dear Governor Bhardwaj:

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Address: Dear Dr. Prasad:

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