

GOVERNANCE BY DENIAL

FORCED EVICTION AND DEMOLITION OF HOMES
IN EJIPURA/ KORAMANGALA, BANGALORE



Final Report of a Fact-Finding Mission



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- Isaac Arul Selva (*PUCL - Bangalore*)
- M.R. Prabhakar (*Forum against EWS Land Grab*)
- Kaveri Rajaraman

We have endeavoured to present an objective and accurate representation of facts and events in this report. We sincerely hope that this report will strengthen the efforts of the evicted residents of Ejipura/ Koramangala in their struggle for justice and restitution and for the realisation of their legally guaranteed human rights to adequate housing, work/livelihood, health, education, food, water, security of the person and home, participation and information.

On behalf of the fact-finding team,

Ramdas Rao
(*PUCL - Karnataka*)

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June 2013



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EXECUTIVE SUMMARY

The Bruhat Bangalore Mahanagara Palike (BBMP), responsible for providing infrastructure and services in the Greater Bangalore Metropolitan area, bulldozed 1,512 homes in the economically weaker section (EWS) settlement in Ejipura/ Koramangala from 18–21 January 2013. The four-day demolition drive rendered 5,000 people homeless, including around 1,200 women and 2,000 children.

Given the extensive damage resulting from the forced eviction and reports of violations of human rights of the residents of Ejipura/ Koramangala, *People's Union for Civil Liberties* (PUCL - Karnataka) and *Housing and Land Rights Network* (HLRN - Delhi) undertook a fact-finding mission (21–22 February 2013) to investigate the incidence of forced eviction in Ejipura/ Koramangala and its aftermath.

This report presents the main findings of the fact-finding mission and makes specific recommendations to the Government of Karnataka.

Early in the morning, around 7.30 am, on 18 January 2013, BBMP officials, bulldozers, a demolition crew and a police force consisting of approximately 500 policemen and 20 policewomen reached the EWS housing settlement. When residents tried to resist the demolition, they were subjected to violence. The police arrested 21 women dragging them into their vans, some of them by their hair. They were taken to two police stations, implicated in false charges and detained overnight.

Residents report that the BBMP Commissioner had assured them that evictions would not begin until the end of the academic year (April). But this and other cogent arguments fell on deaf ears. By 21 January, no home was left standing.

The police gave the families no time to retrieve their personal belongings before demolishing the houses. Women and children said they were unable to salvage their possessions, including schoolbooks, uniforms, utensils, cupboards, clothes, and other personal items. Extensive damage, loss and destruction of personal property resulted. Many residents faced violence resulting in injuries.

From reports of 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 public hearings at the site about the proposed eviction or provide adequate information to the residents.

The government has provided no relief or rehabilitation to the evicted residents. The only relief has been food and medical supplies from civil society organizations and voluntary groups.

All families reported an increase in illness, especially among children and older persons, in the aftermath of the eviction. Poor sanitation, lack of access to healthcare and medical facilities, and inadequate living conditions, have led to the spread of fever, cough, cold, respiratory ailments and malaria among the displaced.

Rosemary, a 60-year-old woman rendered homeless by the demolition, died on 22 January 2013, after spending nearly three days out in the open. Her daughter claims her death was a direct consequence of the demolition. The state government refuses to admit this or compensate her family.

For most of the displaced families, demolition of homes meant a loss of livelihoods. They reported a marked decrease in income after the evictions. Most of the women from the EWS settlement were doing domestic work in nearby homes. Now they find it almost impossible to leave their children and belongings on the street. Moreover, women and girls are now living without any privacy and security, on the pavement. All children interviewed during the fact-finding visit complained of their education being disrupted. The demolition took place six weeks before school final examinations. Many families had pleaded with the authorities to postpone the demolition to April, but authorities refused.

The Public Private Partnership (PPP) between BBMP and Maverick Holdings, which served as the driving force for the forced eviction, is marred by illegalities and irregularities. It betrays a collusion of vested interests. As per the 2012 concession agreement, 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. On the remaining 50% of the land, 1,640 flats are to be built for those from economically weaker sections. The concession is to be in force for a period of 32 years. This is clearly not in the public interest. It favours Maverick Holdings, which, in addition, will enjoy various tax and other exemptions. Clauses on contract termination also seem to favour the company.

The PPP area is about 15.64 acres of land opposite the National Games Village on the road leading to Koramangala, a posh locality in Bangalore. This is prime land worth hundreds of millions of rupees being handed over to Maverick Holdings. One of the most deleterious provisions of the agreement is that it severely compromises the interests of the erstwhile EWS residents for whom the area was earmarked as 'public purpose' land. While previously, their quarters were built over more than 11 acres, now as per the agreement, the EWS facility would be spread over 7.97 acres only. More than 50% of the land will be for the benefit of Maverick Holdings.

When Bangalore faces a serious housing shortage for the urban poor, it is questionable why public land has been handed to Maverick Holdings for private gain. The intention of the initial EWS project was to provide housing and basic services to the urban poor, including a health centre, two schools, a post office, civic amenities, and parks. This is a fundamental obligation of the state, as per the Fundamental Rights and Directive Principles of the Constitution of India. The BBMP-Maverick Holdings accord is thus a contravention of the law.

BBMP has flouted its own resolutions of 2005, which recognised the rights of the residents to permanent housing on the site. It misled the High Court of Karnataka by not submitting its 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.

An investigation of the project is pending before the Karnataka Lokayukta.

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. Just before the demolition commenced, BBMP gave Rs 30,000 as compensation to around 300 families claiming to be original allottees.

Of the total 1,200 tenant families living in the tin sheds, 900 families have been promised alternative accommodation in Sulekunte Village near Sarjapur, 18 kilometres from the city. The Karnataka Slum Development Board is supposed to build apartments for them in a five-acre plot there but this will be completed only after two-three years. Until then, the evicted families are not being given any compensation or resettlement by the state or the builder. Sulekunte is far away from the residents' places of work. They would need to spend large amounts of their income daily to commute to the city.

In the absence of resettlement and rehabilitation, a few families have moved in with relatives in other parts of Bangalore. But the majority who have been unable to find alternatives are living out in the open, even six months after the eviction. Families living along the streets have faced harassment from the police, political representatives and criminal elements.

The fact-finding team concludes that the forced eviction in Ejipura/Koramangala clearly violates multiple human rights of the residents, and breaches provisions of the Constitution of India as well as national and international human rights law. It was carried out without regard to due process and adherence to legal norms and standards, including the UN *Basic Principles and Guidelines on Development-based Evictions and Displacement*. It also violates several judgements of the Supreme Court of India, which have held that the right to adequate housing is a fundamental right as an integral component of the right to life.

The fact-finding team calls upon the Government of Karnataka to:

- Recognise the 'right to the city' of the urban poor who contribute to its development as an 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.
- Adhere to national and international legal obligations and uphold Supreme Court verdicts on the human right to adequate housing.
- Abide by the UN *Basic Principles and Guidelines on Development-based Evictions and Displacement*.
- Provide immediate and adequate rehabilitation and compensation to all the evictees irrespective of whether they are original allottees or tenants.
- Conduct a judicial enquiry into the accord between Maverick Holdings and BBMP, and into the evictions and demolition process.
- Investigate and take action against all BBMP and police officials responsible for the violence and attacks on residents and activists.
- Grant immediate compensation to all victims for injuries caused to them and for loss and damage to their personal property and possessions.
- 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.

- Provide adequate compensation to Rosemary's family for her death.
- Dissolve the PPP between BBMP and Maverick Holdings and ensure that the entire area is used for EWS housing as per the 2005 BBMP resolutions.

The paradigm of urban development visible 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. As forced evictions under the guise of 'city beautification,' 'urban renewal' and 'slum-free cities' continue to accelerate, alternative models of urbanisation and development need to be promoted.

People's movements across the world, in challenge to the persistent discrimination and denial of rights to the urban poor, have initiated a new politics of resistance that has been called the struggle for the '*right to the city*.'

The *right to the city* is an articulation to consolidate the demand for the realisation of multiple human rights within city spaces. It is a means to combat the exclusionary development, selective benefit sharing, marginalisation and discrimination rampant in cities today. 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, and ensure the protection of their human rights. It is towards this that we must struggle and work.

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 Ejipura/Koramangala, 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 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 authorisation 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 Ejipura/Koramangala, *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 Ejipura/Koramangala 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), Aditya (PUCL – Karnataka), and Eswarappa Madivali, a documentary film-maker and photographer.

The team conducted detailed interviews with 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 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, public health doctor;
7. Mr Uday Garudachar, Chief Executive Officer (CEO), Maverick Holdings and Investment Private Limited;
8. Mr Venkat, Member, *Swabhimana Trust* and *Lifeline Foundation* (NGO doing relief work in Ejipura/Koramangala);

9. Mr Hemant Gulati, Chairman, *Aakruti Nirman Limited*; and,
10. Kaveri Rajaraman, human rights activist.

The fact-finding team tried to speak with the Additional Commissioner of Police, Jayanagar, who despite giving an appointment, did not meet with the team. The team also contacted Mr Jairaj, former Commissioner for his views on the matter, especially since he had opposed the Public Private Partnership (PPP) project with Maverick Holdings. But he said he would be travelling, and since he had retired from service, he could not remember much about the matter.



BACKGROUND:

HOUSING FOR THE URBAN POOR IN MILLENNIAL BANGALORE – POLITICS AND POLICY

To better understand the context of the Ejjipura/Koramangala evictions, it is important to examine the profound structural changes that have taken place in the city of Bangalore over the last 20 years, and assess their impacts on the urban poor, especially in their struggle for human rights, livelihood and survival.

Till the early 1980s, Bangalore was known, in popular parlance, as a ‘pensioner’s paradise.’ The Comprehensive Development Plan (CDP) for the Bangalore Metropolitan Region brought a decisive change to the face of Bangalore. Prior to this period, Bangalore comprised an area of about 200 square kilometres, but now Bruhat Bangalore Mahanagara Palike (BBMP), as part of an even greater zone called Bangalore Metropolitan Regional Development Authority (BMRDA) comprises an area of 8,400 square kilometres. A boom in the information technology (IT) industry, spiralling real estate prices and a need to accommodate the flow of global capital, saw the city transform itself into the ‘millennial city.’

For urban planners, the goal was to ‘beautify’ the city like Singapore, as envisaged by the then Chief Minister S.M. Krishna when the CDP was formulated. This dream of globalising Bangalore offers no space for the urban poor and further marginalises their livelihoods and their needs for basic services and amenities, including water, food, electricity, transportation, sanitation and other amenities.

Over the last twenty years, as Bangalore grew and expanded, land in and around the city (villages, lake beds, revenue sites, wet lands, informal settlements, agricultural land, community land) was transformed into real estate for commercial consumption. This rapid growth of the city allowed BBMP to commercialise land on an unprecedented scale. Like other commodities, land has entered the ‘market economy.’ As land changes hands, the city gets its ‘ring roads,’ ‘signal-free corridors,’ ‘shopping malls’ and ‘multi-level car parks’ while the urban poor get progressively displaced to the periphery.

THE INSTITUTIONAL FRAMEWORK

The private sector has become the most important customer in the urban development market as well as the most important beneficiary of the state’s development policy. Land and resources are being feverishly made available to the private sector, very often at hugely subsidised prices. Public

Private Partnerships (PPPs) are the chosen vehicle for urban development. An infrastructure report prepared by Ernst and Young for the Government of Karnataka in 2012, reveals that there is a USD 34 million PPP project up for bidding specifically for housing economically weaker sections (EWS) in Karnataka.

Along with the change in priorities for the government, there has been a change in the way Bangalore city is being governed. Power has moved from the hands of elected representatives in the BBMP to bureaucrats. As revealed by the Bangalore Mayor when the fact-finding team met him, despite the Municipal Council resolving to build quarters for slum residents in Ejipura/Koramangala, the then Municipal Commissioner signed the PPP agreement. The Mayor remarked: “These kinds of responsibilities are being kept away from the elected bodies and we don’t know anything about the administration. The government officials are given more power. The council has to just pass the resolutions which are brought into the house.”¹ During the Ejipura/Koramangala demolitions, the ire of the residents was directed as much against the Chief Engineer of BBMP as the developer for the project.

Moreover, there is a rise and growing power and unaccountability of unelected bodies/ parastatal agencies like Bangalore Agenda Task Force (BATF). As Janaki Nair points out, “the gradual abdication by the State of its developmentalist roles and indeed its redistributive functions and the ascendance of the market have given rise to a new parastatal managerial elite,”² whose agenda is to upgrade the infrastructure and systems of Bangalore, mainly through Public Private Partnership projects, to enhance ‘the quality of life’ in the city.

IMPACT ON THE CITY

An inevitable consequence of the development model adopted by Bangalore is the polarisation of the city between the rich and the poor. There are, in fact, two parallel cities, the planned and the informal sectors of the city. The planned city includes approved residential layouts, Central Business Districts (CBDs), high-tech zones and industrial parks. All these get direct access to civic amenities and dedicated infrastructure. Simultaneously, the formal sector spawns illegal settlements of residents who cannot afford a space in the gentrified and ‘planned’ city. The unplanned area which, in fact, constitutes the major portion of the city, consists of the traditional walled city, revenue layouts, *gramthana* sites on village land, and informal settlements/slums. In fact, the master plan itself, by its rigidity, often engenders such informal, illegal settlements. There are those who have privileged access to the planned city and then there are the urban poor who are “tolerated but never legally integrated” into the city.³ The settlements that they live in become illegal. The water and electricity they consume are often illegally accessed. Such illegalities, by means of which they access their constitutional entitlements (‘right to live with dignity’), are a direct consequence of the state’s failure to provide affordable housing and amenities to economically weaker sections.

Illegalities are also committed in planned parts of the city. Numerous encroachments on public spaces and violations of building bye-laws and zonal regulations by influential builders and developers and individual house owners are visible and on the rise. Agricultural land is illegally converted for commercial/residential use. However, these illegalities in the planned city by the middle class and the rich are often legalised through official schemes of ‘regularisation’ such as

1 See ‘Interview with Mayor’ in Annexure One.

2 Janaki Nair, *The Promise of the Metropolis: Bangalore’s Twentieth Century*. (2005).

3 Diya Mehra, “Urban Spatial Exclusion: A Historical Perspective” p. 87, in ‘One Day Consultation on Urban Poor and the Law: Selected Readings’ (2013).

Akrama-Sakrama.⁴ It appears that the entire millennial city itself is fundamentally constituted of illegalities. But, unlike unauthorised constructions in the planned city that can be ‘regularised’ and protected by the state, the urban poor in Bangalore, as elsewhere, have to continuously live under the threat of planned eviction and dispossession by the state.

The planned ‘elite’ city and the urban poor repeatedly collide and conflict over land. The urban poor, seeking affordable housing, claim tenurial rights to land they have lived in for years while the planned city uses legal ownership (because land is commodified) to establish rights over property. The rights of slum dwellers are generally customary and community-based and take the form of individual tenure claimed on the basis of various state-sponsored schemes of individual identification, such as voter identity cards, biometric cards, *Aadhar* cards and ration cards. Such schemes are critical to the survival of poorer groups in the city, as they are often the only basis for establishing identity in a system which denies the benefits of housing policies to the poor. These tenurial rights of the urban poor, however, are not recognised or protected in the current legal framework. They are held precariously and kept in a perpetual state of uncertainty by instruments of the state (i.e. demolition and eviction). The urban poor, therefore, live on the margins and under continuous threat of demolition in the current ‘millennial city’ model.

There is an acute shortage of affordable urban housing in India. The report of the *Technical Working Group on Urban Housing Shortage* (2012) states that the total shortage of urban housing units in India is 18.78 million. Of this shortfall, EWS and Low Income Groups (LIG) account for 95% or 18.05 million houses. The Indian state has abdicated its responsibility to address this shortfall. In Karnataka, the Comprehensive Development Plan of 1995 estimated a housing shortage of 1,35,271 dwelling units (DUs) in Bangalore. By the Karnataka Slum Development Board’s own admission, out of a requirement of houses for the urban poor in Bangalore estimated to be 1.50 lakh, a mere 0.35 lakh houses have been constructed in the city, as on 28.2.2013, under the schemes of Jawaharlal Nehru National Urban Renewal Mission (JNNURM), Basic Services for the Urban Poor (BSUP) and Integrated Housing and Slum Development Programme (IHSDP) schemes. The problem is worsened by the state’s policy of demolishing existing housing built ‘brick-by-brick’ by the urban poor over the years.

Housing shortage, in terms of the huge gap between demand and supply in the city, is not so much due to the pressure of population on the city, as is commonly believed; this gap is itself the consequence of the unbridled commercial development of housing for the urban elite (often producing an excess of realty housing) at the expense of investment in housing for the economically weaker sections. It is another matter that this recognition has not spurred the state government to any meaningful action: Karnataka’s recent Draft Housing Policy proposes reserves merely “10% to 15% of land in every public/private housing project for EWS/LIG housing” whereas, an overwhelming proportion of the housing shortage (95% in the whole country), as pointed out above, concerns EWS.

SCHEMES OF HOUSING FOR THE POOR

The Jawaharlal Nehru National Urban Renewal Mission (JNNURM) mandates that permanent housing be provided to slum dwellers under its Basic Services for the Urban Poor (BSUP) component. BSUP housing claims to be more integrated (combining housing, infrastructure and land titling), inclusive (ensuring security of tenure, public participation), and efficient (use of information technology for efficient delivery of services). Hence BSUP beneficiaries, it is felt, need to be targeted by issuing biometric cards to each slum dweller. This was one of the conditions of

4 *Akrama-Sakrama* is a scheme that was launched by the state government in September 2007 to regularise, for a fee, four types of irregularities: 1. Plot in unauthorised layout; 2. Building with land use violation; 3. Violation of mandatory setbacks (i.e. open areas) around the house; and 4. Floor area violation, between 15 September and 14 December 2007. The aim of the scheme is to prevent recurrence of such illegality in future while regularising the existing violations on a one-time basis.

assistance under JNNURM. The aim of such schemes of identification of slum dwellers, according to the Karnataka Slum Board, is to prevent further creation of slums by freezing the number of beneficiaries. The premise is that slums need to be contained in the interest of the larger 'planned' city. The consequence of containing slums is the opening up of land for commercial development by the private sector. The JNNURM and BSUP schemes manage to polarise citizens between the urban poor and the citizens of other classes.

Rajiv Awas Yojana (RAY), a new national urban housing scheme, aims to assign property rights to slum dwellers. The focus is, however, on creating 'slum free cities' and on enabling the urban poor to access formal credit through private financial institutions. This scheme appears to be a step in moving urban housing for the poor from a government responsibility to a private sector playfield with participation by both financial institutions and real estate developers.

A Draft Housing Policy brought out in Karnataka in 2010 marks the advent of Public Private Partnership in the area of urban housing. The policy states that, "With the changing economic environment, there is a need for gradual change in the policies and programmes of the government to act as a 'facilitator' rather than 'builder and provider' to achieve the objective of housing for all in the state. Keeping in view the resource requirement for the sector, there is a definite need to involve the private sector in partnership with the government in realising this goal." According to Isaac Arul Selva, PUCL - Bangalore, "there is a shift in the Draft Policy from 'subsidy' to 'cost sharing' or 'cost recovery,' and the aim of the government is to provide houses only to those who are 'willing' and 'can afford' to pay for houses, which could very well exclude the genuinely poor."⁵ The Draft Housing Policy, "calls housing a mere 'need' and not 'a right,' and that makes all the difference."⁶

This policy marks an ideological shift of the state from the executor of the nationalist development project to the enabler of 'growth.' It is useful to remember that under the developmentalist model, the state had undertaken many public housing projects in the past. Till the 1980s, the Karnataka Housing Board (KHB) had constructed houses for economically weaker sections on a limited scale, until 1991 when the Bangalore Development Authority (BDA) stopped giving land to it. In the 1990s, however, there was a gradual shift in housing policy from earmarking housing for the poor to targeting High Income Groups (HIG). A glaring example of this trend is the National Games Complex in Koramangala (opposite the demolished EWS quarters), an MIG (middle income group) and HIG housing complex that was built by KHB to be sold at a profit after the Games. This was a violation of KHB's own mandate to construct low-income non-profit housing. This shift indeed marks the gradual abdication by the state of its welfare role and redistributive functions, and the ascendance of the market.

The Public Private Partnership (PPP) model further legitimises and formalises this shift. Under PPP (as in the proposed Ejipura/Koramangala plan and concession agreement between BBMP and Maverick Holdings), a part of the land is reserved for EWS housing while the remaining portion becomes available as a free-sale/lease component in the property market. Public land is made to yield its market value by being put to alternative uses (commercial and residential complexes, multi-storeyed car parks etc.) in order to generate maximum rent. The PPP model weakens the state's developed capacity to initiate and sustain mass projects by contracting the tasks to 'for-profit' contractors and developers. This model promotes expensive redeveloping instead of the more economical and sustainable model of enabling the slum dwellers to upgrade their existing housing stock, and the citizen becomes a consumer in the housing market. Under PPP, the state in addition to abdicating its legal obligations is also outsourcing basic services to private actors.

5 Isaac Arul Selva, Secretary, PUCL - Bangalore, quoted in Kathyayini Chamaraj, 'A Roof for the Homeless,' available at: infochan-geindia.org/poverty/features/a-roof-for-the-homeless.

6 Clifton Rosario, Alternative Law Forum, Bangalore.

THE JUDICIARY: CHANGING THE BALANCE

Olga Tellis vs Bombay Municipal Corporation (1985)⁷ was a landmark judgment in which the Supreme Court of India declared that Article 21 ('Right to life') of the Constitution of India included the right to housing and livelihood as well as other human rights recognised under international law. A number of Supreme Court judgments since *Olga Tellis*⁸ followed this expanded definition of Article 21, and while allowing evictions for public purpose, insisted that slum dwellers could be evicted only after alternative accommodation was provided to them. However, since then, the term 'public purpose' has been redefined to serve a purpose other than protecting the right to life and livelihood of the poor guaranteed to them under the Constitution of India. Several court judgements also have supported this anti-poor trend. For example, in the cases *Lawyers Cooperative Group Housing Society vs the Union of India* (1993) and *Almitra Patel vs the Union of India* (2000), both the High Court of Delhi and the Supreme Court of India viewed the poor as 'trespassers' and 'encroachers' without a right to live and work in the city.

This trend gives rise to a new definition of 'public interest' which does not include legislation for the poor and the homeless as conceived earlier by the nationalist development project. Instead, we have a new figure looming on the judicial horizon, namely that of the 'encroacher' who is 'dirty,' 'criminally prone,' and 'illegal.' The movement from *Olga Tellis* to the *Almitra Patel* case reflects an unresolved conflict in the judiciary between attempting to incorporate the right to shelter/housing and livelihood in the fundamental rights framework on the one hand and allowing the state to 'clear/clean the streets' in the planned urban order on the other.

In 2010, however, as a diversion from this trend, the High Court of Delhi passed two progressive judgements *Sudama Singh and Others vs. Government of Delhi and Anr.*, and *PK Koul vs. Estate Officer and Anr. and Ors.*, which uphold the human right to adequate housing, and the right to resettlement and rehabilitation. In *Sudama Singh and Others vs. Government of Delhi and Anr.*, the High Court stated that: "Adequate housing serves as the crucible for human well-being and development, bringing together elements related to ecology, sustained and sustainable development. It also serves as the basic unit of human settlements and as an indicator of the duality of life of a city or a country's inhabitants." The court also ruled that, "The government will be failing in its statutory and constitutional obligation if it fails to identify spaces equipped infrastructurally with the civic amenities that can ensure a decent living to those being relocated prior to initiating the moves for eviction."⁹

In 2012, again, the Karnataka High Court failed to recognise the right to housing and ordered the demolition of the EWS quarters at Ejipura/Koramangala.

The extreme stands taken by the Indian judiciary with regard to protecting the rights of the urban poor, especially their human rights to adequate housing, work/livelihood, security of the person and home, health, and resettlement and rehabilitation, reflect a deep failure to institutionalise the human rights approach and human rights law. Judgements which do not uphold national and international human rights law¹⁰ have grave and long-term implications on the realisation of human rights in the country.

7 *Olga Tellis v. Bombay Municipal Corp.* [(1985) 3 SCC 545].

8 This includes: *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); and, *Shantistar Builders v. Narayan Khimalal Totame* [(1990) 1 SCC 520].

9 See, *Reaffirming Justiciability: Judgements from the High Court of Delhi on the human right to adequate housing*, Housing and Land Rights Network, Delhi, 2013. Available at: www.hic-sarp.org.

10 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].

SLUM EVICTIONS: DIRECT CONSEQUENCE OF RISE OF THE ‘GLOBAL CITY’

The current policy framework is about transferring publicly owned land being used for multiple purposes (small-scale residential, trade and industrial, manufacturing use) to the private sector for a narrow set of commercial projects (car parks, shopping malls, HIG housing, office complexes and transport infrastructure). Land identified for these schemes needs to be first cleared of ‘encroachers’ and ‘illegal settlements.’

The history of the Indian city 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, for example, 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 labour from Tamil Nadu) and made habitable. These residents now find themselves labelled as ‘illegal squatters’ on their own land, as the state discovers a commercial value for the land. Once this commercial interest is ceded by the state, it colludes with a developer to evict the original inhabitants.

The slums in Bangalore, however, presently occupy very little land which could be used for *in situ* upgrading of housing, without any need to shift slum dwellers elsewhere.

What is clear from the foregoing analysis is that there is a clear line to be drawn from the rise of Bangalore as a ‘millennial city’ given over to the neo-liberal economic paradigm of development, to the evolution of an institutional framework (involving the state agencies and elements of the judiciary) to facilitate this transformation, and, consequentially, to the progressive displacement of the urban poor to the periphery of the city in complete violation of national and international human rights law and standards.

The following two sections dwell on the history of the EWS quarters of Ejipura/Koramangala as well as the PPP agreement between BBMP and Maverick Holdings in order to show how the politics and policy of urban development in Bangalore described in this section played itself out in the case of the EWS quarters’ demolition and the players involved therein.

IV HISTORY OF THE ECONOMICALLY WEAKER SECTION (EWS) HOUSING COLONY AT EJIPURA / KORAMANGALA

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)¹¹ in Ejipura/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.

¹¹ Forty *guntas* comprise one acre of land. 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.

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, 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.

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 (PPP). 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 *guritinacheetis* (beneficiary identity cards) to the current residents.

**Ejipura/Koramangala
EWS housing site
before the demolition
(16 January 2013)**



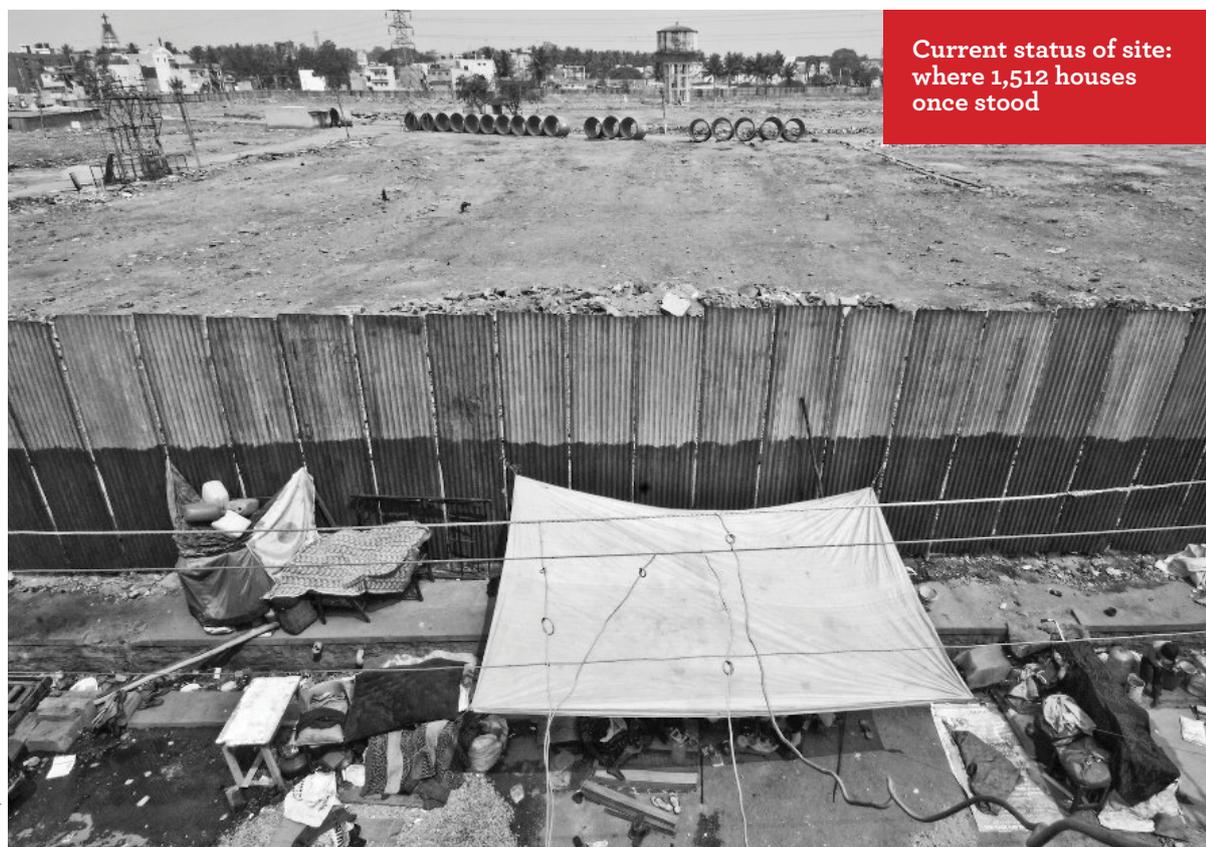
On 26 July 2007, another block of houses collapsed causing the death of a child, Mahalakshmi (one-and-a-half years), and Perumal (30 years). On 10 August 2007, a young boy named Siddique died from electrocution when he accidentally came into contact with a livewire in one of the collapsed structures. On 9 November 2007, a third block collapsed resulting in the death of two children, Xavier (10 years), and Gabriel (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 Housing and Urban Development Corporation (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 Public Private 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 High 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.

V PUBLIC PRIVATE PARTNERSHIP BETWEEN BBMP AND MAVERICK HOLDINGS: AN ANALYSIS

A critical evaluation of the agreement for construction of houses for economically weaker sections (EWS) at Ejipura/Koramangala, Bangalore, under the Public Private Partnership (PPP) entered into between BBMP and Maverick Holdings, shows that it is marred by numerous illegalities and irregularities, and betrays a collusion of vested interests between BBMP and Maverick Holdings.

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.



Shivani Chaudhry

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.

In retrospect, the decision of BBMP to enter into a PPP was known to the residents of the EWS quarters only as a rumour. It appears that on 15/10/2004, BBMP issued a notification inviting expression of interest (EOI) for redevelopment of the EWS housing complex and development of commercial complex at Ejipura. Thereafter, on 30/10/2006, the BBMP Council passed a resolution bearing No. 13 (306) approving the project in favour of Maverick Holdings.

As per information obtained under the Right to Information (RTI) Act, on 23/11/2006, BBMP issued a letter to the Principal Secretary, Urban Development Ministry, raising serious questions in regard to the granting of the contract, and highlighting that in previous PPP projects in Magarath Road and Maharaja Complex, the interests of BBMP had been subordinated to those of the developer. Hence there was a need for a comprehensive review of the entire PPP framework. The state government examined this issue under Section 98 (2) of the *Karnataka Municipal Corporation Act 1976* and, after issuing show-cause notice to BBMP on 25/04/2008, decided to cancel the resolution No. 13 (306) mentioned above. The state government passed an order confirming the cancellation of the Resolution No. 13 (306) vide Government Order no. NAE 261 MNG 2006, dated 09/06/2008. Maverick Holdings then filed an Appeal under Section 98 (4) of the *Karnataka Municipal Corporation Act* to the Principal Secretary, Urban Development Ministry seeking reconsideration of the order dated 09/06/2008 and acceptance of BBMP resolution No. 13 (306). On 26/09/2008, the Government passed an order withdrawing its Order No. NAE 261 MNG 2006 dated 09/06/2008 and confirming the BBMP Resolution No. 13 (306) dated 30/10/2006 approving the project in favour of Maverick Holdings.

Subsequently, a Concession Agreement dated 02/01/2012 was entered into between BBMP and Maverick Holdings. As per the concession agreement, Maverick Holdings is entitled to commercially exploit 50% of the land and would have to transfer 50% of the built-up area in the Additional Facilities owned by BBMP to BBMP at the end of the concession period (Article 1). Further, the other 50% of the land is to be used for the construction of housing quarters for persons belonging to the economically weaker section of society. The concession is to be in force for a period of 32 years from the date of receipt of the commencement certificate.

A closer look at the Concession Agreement highlights the manner in which it is executed to favour Maverick Holdings and its commercial interests.

A. MAVERICK HOLDINGS TO CONTROL NOT ONLY PROPERTY TRANSFERRED TO IT, BUT ALSO BBMP'S SHARE

1. Of the 50% of the built-up area, Maverick Holdings becomes the absolute owner of 3.82 acres, while it is permitted to commercially exploit the remaining 3.82 acres for a period of 32 years (including the right to lease, rent, collect rent, income revenues, incomes, gains, fees and charges) [Article 2.1 b] which is extendable for a further period. Effectively, the entire prime property of 15.64 acres in Ejipura/Koramangala is provided to Maverick Holdings for commercial exploitation. It is relevant to note that the area proposed for the Public Private Partnership (PPP) is about 15.64 acres of land located right in the heart of the city.

2. Maverick Holdings shall have the right to enter into agreement to sell, lease, license, franchise agreement, etc. before the title is transferred to Maverick Holdings [Article 2.1(a) (iii)]. Thus, Maverick Holdings becomes the absolute owner of 50% of the land (free to sell, lease, licence) and proposed commercial entity (excluding the EWS housing) even before a single brick is laid.
3. Maverick Holdings shall have the right to offer part or all of the facilities established on the land remaining in the site after construction of the EWS facility to third parties during the concession period, and collect and retain all tariffs, revenue, income, gain, profit, fees and charges of the facility without causing encumbrance to BBMP's share [Article 2.1(b)].
4. Maverick Holdings shall have the right to further concession/licence/rent on BBMP's share during the concession period or **extended period**, if any [Article 3.2 (d)] (*emphasis supplied*).

Thus, though BBMP is technically the owner of 3.82 acres, it has no share in the revenue generated, which entirely goes to Maverick Holdings [Article 3.2(d)].

B. TAX EXEMPTIONS AND OTHER CONCESSIONS

Further, along with benefits accruing to Maverick Holdings, it is provided various tax and other exemptions:

1. Paying property tax for BBMP's share and the EWS facility [Article 5.9(d)], BBMP "would reimburse...the cost incurred towards (insurance) premiums paid towards EWS facility and BBMP's share" [Article 5.6(b)]. BBMP "would reimburse...the cost incurred towards...deposits (for obtaining relevant utility connections) for EWS facility and BBMP's share" [Article 5.8].
2. Under Article 8, containing a *force majeure* clause, Maverick Holdings is excused from performing its obligations under the agreement even if there is any legal proceeding ending in a judgment against the concessionary. Thus Maverick Holdings is protected from adverse court rulings in respect of the project. Articles 8.1 (f) (ii) and (iii), bring under the *force majeure* clause: (i) "any judgement or order of a court of competent jurisdiction or statutory authority in India made against the Concessionaire"; and, (ii) "any unlawful, unauthorised or without jurisdiction refusal to issue or to renew or the revocation of any Applicable Permits." These clauses are decidedly vague and will give an exit route to the concessionary who may not complete the project, if he/she so wishes.
3. Article 2.1(a)(iv) commits BBMP to help Maverick Holdings, "to get exemptions under the various policies of the Government of Karnataka and the Central Government of India." BBMP "shall, if called upon by the concessionaire, defend claims and proceedings and also keep the concessionaire indemnified against any consequential loss or damages which the concessionaire may suffer." This effectively obliges BBMP to protect Maverick Holdings against any legal encumbrance [Article 3.3(b)].
4. No penalty is imposed for delay in construction of the EWS facility. Article 1, "Scheduled Project Completion Date means 24 months", includes a significant rider: "with a grace period (if any) provided by BBMP in its discretion."

C. THE CLAUSES REGARDING THE TERMINATION OF THE AGREEMENT APPEAR SKEWED IN FAVOUR OF MAVERICK HOLDINGS

1. In the event of termination of the concession agreement due to any action of the government, Maverick Holdings shall be entitled to 100% of the book value [Article 9.8 (d) (ii)].
2. In the event of termination on account of Maverick Holdings' event of default, BBMP shall be entitled to four quarterly management payments and it shall appropriate the Performance Security [Article 9.2 (f)]
3. In the event of termination on account of BBMP's event of default, Maverick Holdings shall be entitled to 120% of the capital investment made by it, as well as BBMP's share, and release of the performance security [Article 9.2 (f)]. However, as per Article 9.2 (d)(iv), on termination of the agreement, Maverick Holdings would retain its share.

D. VIOLATION OF BYE-LAWS AND OTHER ILLEGALITIES

The EWS housing land, as per the Comprehensive Development Plan (CDP) of 2015, is categorised as "Residential (Mixed)" zone wherein only 70% of the land is reserved for a residential purpose while the remaining 30% is reserved for ancillary (i.e. non-residential) purposes. Under the agreement, however, nearly 50% of the land is being used for commercial development. Hence the PPP project would be illegal and contrary to the CDP even while the agreement states that the drawings of the EWS facility shall be prepared in accordance with CDP 2015 [Article 5.3(A)]. The agreement thus protects Maverick Holdings from any legal action in respect of violations of bye-laws and other illegalities.

E. UNDUE FINANCIAL BENEFITS TO MAVERICK HOLDINGS

1. It is relevant to note that the area proposed for the Public Private Partnership (PPP) is about 15.64 acres of land located right in the heart of Bangalore. It is opposite the National Games Village on the road leading to Koramangala, one of the posh localities in Bangalore city. This is prime land worth hundreds of crores of rupees being handed over to Maverick Holdings.
2. The most critical, and tangible, benefit that Maverick Holdings derives from this agreement is reflected as 'concessionaire's share.' Concessionaire's share shall mean the built-up area, along with common areas, facilities, attendant benefits, together with proportionate undivided share, right, title and interest in the site, and additional facilities owned by the concessionaire. The undivided share in the site, excluding EWS sital area (not exceeding eight acres approximately), is at present 3.82 acres approximately, which is agreed to be transferred in the future, to the concessionaire. In other words, Maverick gets 3.82 acres of land for its own use, as it deems fit. Under the concessionaire's share, Maverick has the right to sell all or any part of this 3.82 acres – either in its present form, or after building structures thereon.
3. As its primary financial obligation, Maverick Holdings is to make quarterly management payments to BBMP amounting to Rs. 1,72,64,000/- (Rupees One Crore Seventy Two Lakhs Sixty Four Thousand only) [Article 7.1(b)]. As against this, Maverick Holdings is bestowed with a right to collect fees, and other charges from future occupants of the property (other than EWS). The amount that can be collected under this head is indefinite. Maverick Holdings is only required to pay a fixed quarterly management payment of Rs. 1.72 crore to BBMP. Incidentally, Maverick Holdings has the right to increase the charges during the concession period whereas there is no specific increase envisaged in the quarterly management payment over the entire

thirty-two year period. Since the collections in such a commercial project are certainly expected to be higher than the payment, the difference is a huge gain, subject to one adjustment, of initial investment cost for building 1640 + EWS flats.

F. COMPROMISES THE INTERESTS OF THE RESIDENTS

One of the most deleterious provisions of the Concession Agreement is that it severely compromises the interests of the erstwhile EWS residents for whom the area was earmarked as ‘public purpose’ land. While previously, the EWS quarters were built over about more than 11 acres of land, now as per the agreement, the EWS facility would be spread over 7.97 acres only and more than 50% of the land will be for the benefit of Maverick Holdings. Under the old plan for reconstruction of EWS quarters, there was provision for a health centre, two schools, a post office, civic amenities, parks, and shops. But there is no provision for these facilities in the current Concession Agreement. Again, under the old plan, the area demarcated for parks and open spaces was 3.31 acres; this area has been reduced to 2.79 acres.

Interestingly, although the original EWS housing quarters were constructed over 11 acres 37 *guntas*¹² of land, the Concession Agreement pertains to 15.64 acres of land as per Schedule 1 (of the Concession Agreement). It is impermissible that the PPP that has been conceptualised on EWS housing land incorporates 4.27 acres of additional land, and the availability of the same is not forthcoming in any manner whatsoever. It is important to point out that the EWS housing site is surrounded by private properties of various slum rehabilitation projects and it is a matter of concern as to whether BBMP and Maverick Holdings have colluded to encroach upon more public land. Fears have been expressed by residents of the area in regard to the manner in which the additional land will be made available to Maverick Holdings by BBMP, potentially resulting in their eviction.

Indeed, these fears have turned out to be alarmingly true. In response to a Right to Information (RTI) application filed by Isaac Arul Selva, Secretary, PUCL-Bangalore, on 8 March 2013, B.T. Ramesh, Engineer-in-Chief, BBMP, has disclosed that BBMP is expected to hand over an additional 1 acre and 21 *guntas* of the adjoining land to Maverick Holdings. As per the map accompanying B.T. Ramesh’s letter, this additional land includes 92 *pourakarmikas*’ (municipal workers engaged in sanitation work and street sweeping work) dwellings as well as a Primary Health Centre (PHC) adjoining the land already handed over to Maverick Holdings.¹³ The dwellings belong to BBMP’s *pourakarmikas* who were relocated from Marenahalli (near J.P. Nagar, on Ring Road) when the quarters built for them in Marenahalli with sub-standard materials by the city corporation collapsed in 1996, reportedly killing nine people.¹⁴ The *pourakarmikas*, who were displaced from Marenahalli earlier, face the threat of eviction once more. The PHC has served a large number of residents from the nearby slums, such as Ambedkar Nagar, L.R. Nagar, Rajendranagar and Shastrinagar; it is also a treatment centre for tuberculosis patients to get Directly Observed Treatment Short Course (DOTS). If it is handed over for demolition by the builder, the health of thousands of poor families living in the surrounding areas will be adversely affected. The response of BBMP to the disclosure has been disturbing: while confirming that additional land will indeed be handed over to Maverick Holdings, B.T. Ramesh stated that, “we will negotiate with the Marenahalli slum quarters residents in the coming days and take the next step.”

Shockingly, this deal was not made public, and came to light only through an RTI query. As the *Forum against EWS Land Grab* remarked in a press statement on May 4, 2013, “this is a new low in

12 40 ‘guntas’ comprise an acre.

13 See Annexure XII for the map.

14 *Times of India* report dated 20 January 2001.

the extent to which public lands and land belonging to the poor are bartered away, for what appears to be no public interest, but clear private gain.” Equally important, with regard to this land that is proposed to be handed over, there is a review petition still pending before the High Court as well as the Karnataka Lokayukta (see below).

In this context, it is essential to note that there is presently an investigation pending before the Karnataka Lokayukta regarding the PPP project at Ejipura/Koramangala. Vide Government Order dated 28/10/2008, the Government of Karnataka, acting under the provisions of the powers of *Karnataka Lokayukta Act, 1984*, has made a reference to the Lokayukta for investigation. The terms of reference in the above Government Order are as follows:

- i) *The Koramangala Ejeepura houses have collapsed accidentally and due to which some deaths and injuries have happened to the residents. As per recommendations of M/s Torsteel Co., BMP/BBMP has decided to demolish the entire housing complex and reconstruct housing complex under private/public joint venture. For having recommended to construct this type of low quality houses, why action should not be initiated against those responsible Govt. officials. The Lokayukta may note this point and submit report for suitable action to be taken against those responsible.*
- ii) *As per rules, whether the constructed houses have been allotted to the eligible persons.*
- iii) *Why so much delay has taken place in the construction the houses for economically weaker sections of society and reasons thereof? Who is responsible for this?*
- iv) *Whether BMP/BBMP under Karnataka Transparency in Public Procurement (KTTP) Rules has strictly followed and executed tender rules for construction of housing complex under private/public joint venture?*
- v) *Whether there is any malpractice has taken place while granting bid by BMP/BBMP authorities to private/public joint venture for construction of housing complex?*
- vi) *Is there any recommendation/s for completing this project and action to be taken for speedy completion of this project? Lokayukta may recommend and advise for taking suitable action.”*

The most reprehensible aspect of this public-private partnership agreement is the forced eviction of residents and handing over of land to Maverick Holdings for a commercial venture when Bangalore faces a serious housing shortage for the urban poor. The intention of the initial EWS quarters project was to provide housing and basic services to the urban poor. This is a fundamental obligation of the state, as per the Fundamental Rights and Directive Principles enunciated in the Constitution of India, which enjoin upon the Indian state to protect and guarantee the rights to life, education, and work/livelihood. The joint venture between BBMP and Maverick Holdings is thus in direct contravention of the law.

VI ANALYSIS OF THE FORCED EVICTION IN EJIPURA/ KORAMANGALA

(18 - 21 JANUARY 2013)

A) PRIOR TO THE 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



Javed iqbal

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 Holdings, 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.

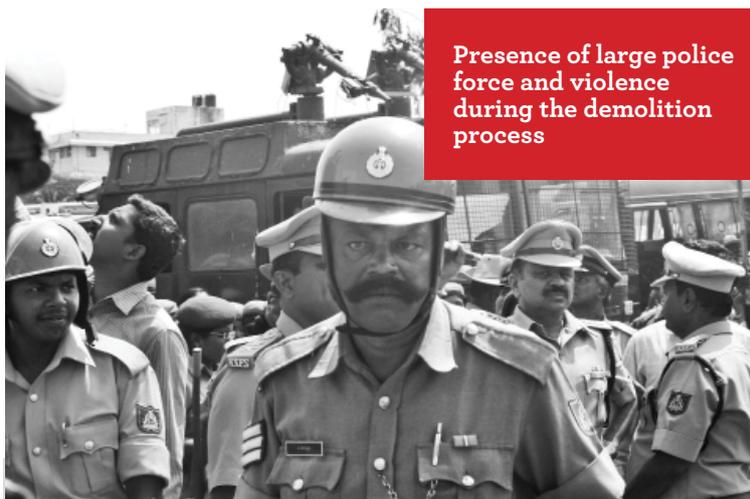
B) DURING THE EVICTION



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 15-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. Vijaylaxmi 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.



Jawed Iqbal

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 19 women residents who merely requested them not to demolish their settlement until the children’s school examinations were over

(in April). Along with the women residents, the police also arrested two transpersons who were part of the activists' group who lent their support to the residents' struggle.

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 Adugodu Police Station and then to the Basavanagudi Women's 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 of 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. The women are currently out on bail but the charges against them still hold.

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

Extensive destruction of property during the demolition process



Eswarrappa Madivali

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 her family lost two mobile phones, a CD player, clothes, grains, cooking supplies and utensils.

C) AFTER THE EVICTION

Death in the Aftermath of the Eviction

Rosemary, a 60-year-old woman rendered homeless by the BBMP demolition, died on 22 January 2013, 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 state 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.

Nine hundred of the total 1,200 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.

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

"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." (young woman living on the pavement)

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

Makeshift existence by the cleared site



Javed Iqbal

In the absence of any rehabilitation, all 1,200 tenant families who were living in the tin sheds at Ejjipura/Koramangala 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



Eswarappa Madhivali

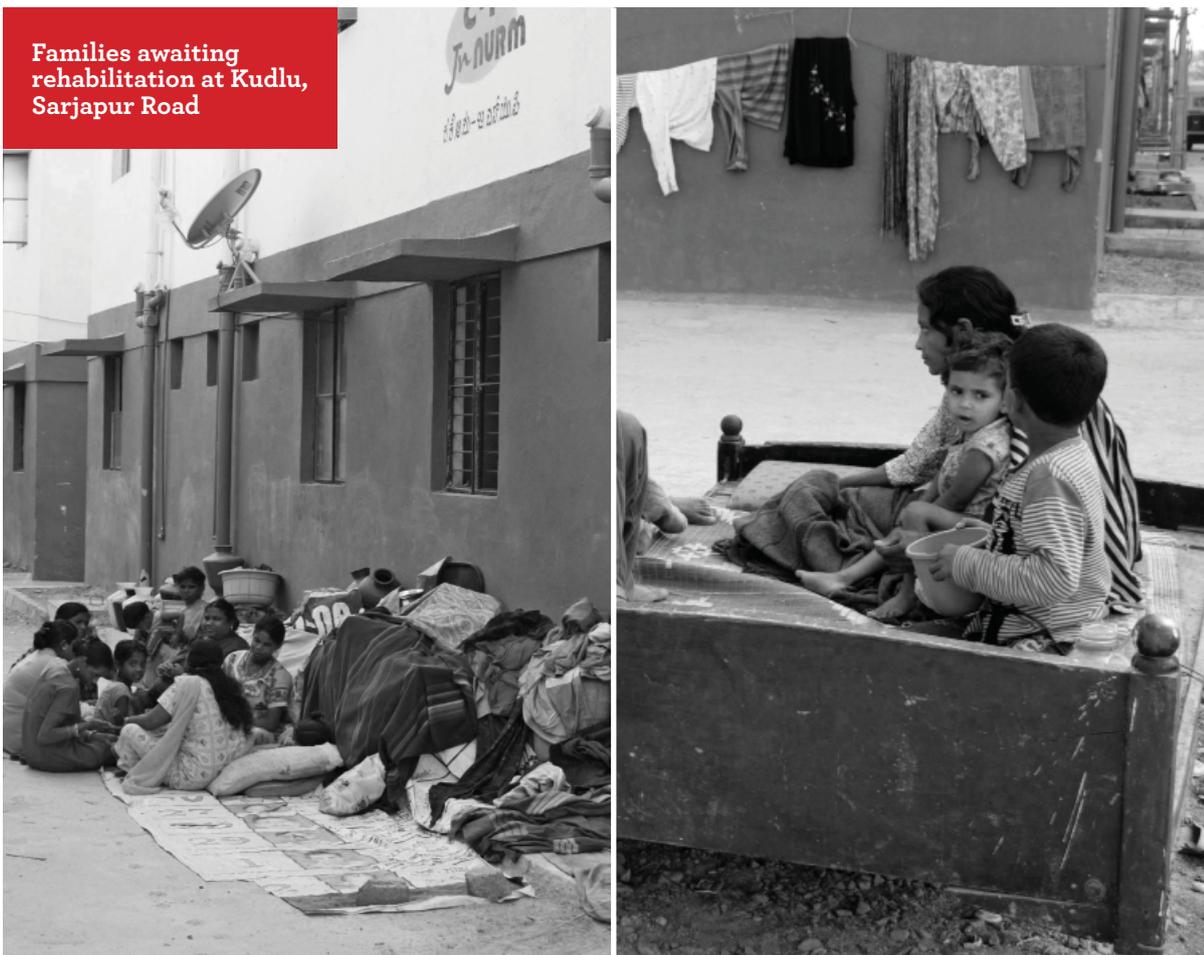
BBMP had allegedly cut off water supply and electricity to the site four days before the eviction. Currently, one of the greatest challenges faced by the evicted people is the lack of clean drinking water and sanitation. The nearest public tap is in Samata Nagar while the nearest bathroom is at a distance of two kilometres in Infant Jesus Church, where it reportedly 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), N.A. Haris, 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 Kudlu, 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 Kudlu, Sarjapur Road



Esverrapa Medivalli

Impact on the 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 Veena, 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 spoke about a woman who had jaundice and severe abdominal pain while living out in the open, 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 the 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. For a month since the demolition, 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 Kudlu, 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/Koramangala, was also unemployed and could not find work near the new site.

“How will I feed my children if there’s no work? How are we going to live?” (Fatima, a widow with six children)

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 Human 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. Shanta Mary 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, stated 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."

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

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.

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 new born 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. Shaheeda reported that she was eight months pregnant at the time of the demolition. After the demolition, with the help of neighbours they managed to put a tent. She delivered her baby recently and the entire family is living in the makeshift tent, as they cannot afford the rent for alternative housing.

"Even now the police keep threatening us and trying to evict us from the pavement. Many old-aged people and children are suffering without sleep, as they are struggling in this makeshift shelter. Many are falling ill. We don't know what is in store for us in future." (Shaheeda, a 27-year-old woman)

At the time of the fact-finding visit, Jyoti, aged 17, was 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.

Shireen, a 44-year-old woman, stated that her family stayed at the site for four days after the demolition. “All our things were out in the open, there was no roof on our heads. In the night, we used to burn papers and other waste materials to keep us warm and ward off the mosquitoes, though it was difficult to breathe in the smoke. Some relatives had earlier told me about the slum quarters in Kudlu. I didn’t like the place and did not want to move here. But, it’s difficult to go on living on the road, so we came here.” She reported that her place of work is far and she has to spend around Rs. 40 per day on transport. When she doesn’t have the money, she is not able to go to work.

Yashoda, a single mother with three sons, spoke about the difficulties of living at Sarjapur, where they were forced to move, in the absence of resettlement options. “I had to live outside for almost a week before I could get a place to settle down. The people already living in the slum were also not friendly or welcoming, hence I felt very alienated being here. Things here are more expensive. I also have to struggle to get water here,” she stated. Yashoda makes and sells incense sticks to earn a living. She mentioned that in order to survive, she has to make nearly 1,000 incense sticks per day, for which she earns a daily wage of Rs 150. The work was extremely time consuming and tedious but not financially viable.

All women interviewed during the fact-finding visit have lost their jobs or suffered a loss of income 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.”

**Difficult conditions
for children after the
eviction**



Eswarappa Medhavi

Violet Veena, 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.”



Eswarapa Madivali

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.”

“I cannot go to school now because it is too far. But I would like to go to school. I would like to go back to Ejipura. What happened with us was not right.” (Sahil, a 13-year-old boy whose family has had to move to a rented accommodation in Kudlu after the demolition)



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 15-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.

Shaheeda, reported that her three-year-old daughter, Mehak, used to attend a school near their home. After the demolition, she could not send her to school for a few days, and the authorities removed her name from the register. They have now asked her to register again for the next academic year. A woman at Kudlu, 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.

“The worst disaster has been the impact on the education of my children. It has been a month since my children have gone to school. I have been working hard all my life to get them educated but now things have turned out against my will. Transport is a major problem and hence my children have not been able to attend school. Their exams are approaching. I do not want the education of my children to be disrupted. I am searching for a better job somewhere and also want to do something about the education of my children.” (Yashoda, a woman living at Kudlu after the demolition)

The failure of the state to uphold the right to education and to provide counseling for children facing shock and trauma, is glaring.

Access to Remedy and Redress

Communities displaced from Ejipura/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

Displaced families awaiting justice



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 Kudlu, 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?”

VII RESPONSE OF GOVERNMENT OFFICIALS

1. BANGALORE CITY MAYOR, MR VENKATESH MURTHY

When asked about the forced eviction of families at Ejipura/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, “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. ENGINEER-IN-CHIEF, BBMP, AND NODAL OFFICER FOR THE PROJECT, BT RAMESH

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 rationalisation 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 and 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 MINISTRY, 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 Ejipura / Koramangala.

VIII 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 *kalaakaars* (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 and cleared site



Eswarappa Machivali

IX RESPONSE OF CIVIL SOCIETY

The city officials had demolished all houses in the EWS quarters at Ejipura/Koramangala by the night of 20 January 2013. Thousands of families were rendered homeless with no alternative accommodation. All the evicted families were forced to live out in the open. Many of them lost their possessions and had no blankets to protect them from the cold. They had no access to food and water and were not able to cook. 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 came together to form a team to provide relief to the beleaguered residents. Following the eviction, contributions, small and large, steadily poured in from friends and supporters, students and academics, and eventually nearly Rs 10 lakh (10,00,000) were raised for relief.

Over a period of time, the team evolved a process of conducting regular meetings with the evicted families to decide how the money would be spent. The families decided that arranging food and medicine to people who overnight found themselves on the street bereft of everything should be the immediate priority. Hence, distribution of food and water started on the night of 20 January itself. A relief team also continued to be at the site from early morning to late night for relief operations and also to support the residents.

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 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 visited 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 alternative accommodation and relief, it 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 was also set up for the students who continued to stay on the pavement.

With the passage of time, as more funds were raised and as the evicted families continued to live out in the open, the civil society support team turned its attention to arranging alternative



Community kitchen:
women cooking food
for all evicted families

accommodation in nearby areas. The families reached a consensus about who among them were the most needy and needed accommodation. This promoted a feeling of community and solidarity, a sense of shared suffering towards each other's needs and readiness to help each other out. This process also improved the dynamics of the relationship between the evictee families and the volunteers from outside, with the latter spending time with the families.

In addition, a group of non-profit organizations and individuals came together to arrange for money towards advances for new rental houses for the evicted families. They promised to pay each family Rs 10,000 towards house advance, if the family found a house on rent. Hundreds of people queued up for the same and around 700 families were given this amount. While the organizations may have done this on humanitarian grounds, it worked in favour of the builder, since the site started getting cleared for him. However, there were around 200 families still on the site who did not take money from the non-profit organizations or were ineligible for the money, based on the guidelines the organization was using to distribute money.

The police and the local Member of the Legislative Assembly (MLA), N. A. Harris (Congress-I), continued to threaten the few remaining families to vacate the site. Newspapers reported that he came to the area after the demolition and threatened dire action against several volunteers who had gathered there to organize relief. The MLA reportedly told the families that his prestige was being affected because they continued to stay on the site. Seeing that threats did not work, he promised to pay people a measly sum of Rs. 2,000 - 4,000 if they moved out. Those who took the money were provided with a vehicle to load their luggage and to ensure that they left the site. Also, the local MLA's men led some families to believe that they would be given houses in Karnataka Slum Board Housing for the economically weaker sections in Kudlu (Sarjapur Road), around 15 kilometres away from Ejipura /Koramangala. About 50 evicted families were shifted to this site. These families came to Kudlu with their belongings, desperate to escape the dire threats and under a false promise of being able to easily find flats. After arriving, many families were tricked by nearby vandals who, claiming to be owners of the flats, broke locks of empty houses, and moved the families in, took advances, and vanished.

When the real owners arrived, the families were evicted from these houses, and found themselves homeless again, with no place to sleep but out in the cold, hard concreted area surrounding the buildings. Hence relief efforts were directed towards this site too. Food, water and blankets were provided for the families. A community hall was later arranged for, as a temporary shelter. Since this location is more than 10 kilometres away and the bus connectivity to the place is poor, children were finding it difficult to go to school, which was close to their earlier home in Ejipura/ Koramanagala. Voluntary organizations therefore arranged a van to transport the students to school. Some children wanted to shift to government schools close by, and that was also facilitated.

The relief team consisting of several NGOs and individuals, has been a very important source of moral support to the community as they face the prospects of a long battle to regain their land, and as they struggle to live in a dignified manner. The government instead of providing relief has instead only worked to prevent relief. The callous and indifferent attitude of the state showed that it is really not interested in those whose lives it had destroyed.

X FORCED EVICTION IN EJIPURA/KORAMANGALA: 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 Ejipura /Koramangala. 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*; and,
- 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*; and,
- 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 Ejipura/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 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 21.¹⁵ For instance, in the case of *Chameli Singh and Others vs. State of Uttar Pradesh* (1996),¹⁶ 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 Ejipura/Koramangala. By failing to provide alternative sites for rehabilitation and any form of temporary/permanent housing for the poor who have been living

15 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], *PUCI v. Union of India* [1997 (3) SCC 433], and *CERC v. Union of India* [(1995) (3) SCC 42].

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

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 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 Ejjipura/Koramangala also contravene the central government urban housing scheme of *Rajiv Awas 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 Ejjipura/Koramangala 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 Ejjipura/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 recognise 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) recognises 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.*"¹⁷

The *UN Basic Principles and Guidelines on Development-based Evictions and Displacement* (2007)¹⁸ (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).

17 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.

18 Presented in the report of the UN Special Rapporteur on adequate housing, A/HRC/4/18, February 2007.

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 the right to adequate housing and prevent evictions. The Ejipura/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 recognised 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* (emphasis added).

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 Ejipura/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.



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. 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 and its agencies have violated the Constitution of India, national laws and policies related to housing and resettlement, and several judgements of the 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. The Government of Karnataka has further 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 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 eviction took place in January 2013 prior to students' final examinations in March. Many women residents pleaded with the government officials to allow them to stay at the site until April 2013, as this would have enabled their children to appear in their final examinations. The women's plea was not heeded; instead the police arbitrarily arrested the women who made this request and detained them in prison overnight. At the time of publication of this final report in

June 2013, 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 land originally designated for 'public purpose' for the gain of a private entity.

5. 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.
6. The violations of the human rights of women, children, and minorities are especially acute. Women were targeted, beaten, 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 unacceptable.
7. 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. Recent information reveals that this 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 Holdings for a commercial venture is totally unconscionable.
8. The PPP agreement has been executed to favour Maverick Holdings by conferring undue benefits, including exemptions from various taxes, and protects the company in respect of violations of bye-laws and other illegalities that may be committed in the execution of the project. The agreement betrays a collusion of vested interests between BBMP and Maverick Holdings. In this and other respects, the views and actions of BBMP and the real estate sector in Bangalore appear to be closely aligned.
9. The current state 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 several judgements of the Supreme Court of India, which have upheld the right to housing, 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.
10. 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.
11. 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.
12. 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.

13. 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 disrupt relief efforts of voluntary organizations. The callous and indifferent attitude of the state towards the urban poor is alarming.
14. 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 the case of Ejipura/Koramangala too, similar provisions should have been provided, but till date, there has been no effort to provide alternative housing to the affected families prior to or even after the eviction process.
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. 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.



XII DEMANDS OF THE FACT-FINDING TEAM

The fact-finding team urges the Government of Karnataka to:

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 human right to adequate 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 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 PPP/joint venture project between Maverick Holdings and BBMP, 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, 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.

XIII CONCLUSION: TOWARDS A 'RIGHT TO THE CITY'

The paradigm of urban development visible 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. As forced evictions under the guise of 'city beautification' and 'urban renewal' and 'slum-free cities' continue to accelerate, alternative models of urbanisation and development need to be promoted.

People's movements across the world, in challenge to the persistent discrimination and denial of rights to the urban poor, have initiated a new politics of resistance that has been called the struggle for the '*right to the city*.'

The urban poor have an original claim in the founding of the city by making large areas of the city habitable. Their contribution in building the city and in sustaining and supporting the city's production 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* introduces a collective right to influence the processes and to claim the resources (especially land) that shape our cities and our lives. This collective right gives the urban poor the opportunity to put themselves back in the centre of the city's development paradigm.

The *right to the city* is not a new legalistic right, but is an articulation to consolidate the demand for the realisation of multiple human rights within city spaces. It is a means to combat the exclusionary development, selective benefit sharing, marginalisation and discrimination rampant in cities today. The *right to the city* also calls for holistic, balanced and multicultural development. This includes the creation of mixed neighbourhoods.¹⁹

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.

19 Miloon Kothari and Shivani Chaudhry, "Taking the Right to the City Forward: Obstacles and Promises," 2009; available at: [http://www.hic-sarp.org/documents/Right to the City Obstacles and Promises FINAL.pdf](http://www.hic-sarp.org/documents/Right%20to%20the%20City%20Obstacles%20and%20Promises_FINAL.pdf)

ANNEXURES

TESTIMONIES

(THE VIEWS EXPRESSED IN THIS SECTION ARE OF THE INDIVIDUALS INTERVIEWED AND NOT OF THE FACT-FINDING TEAM MEMBERS)

A. RESIDENTS OF EJIPURA

1) Shanthi Mary (middle-aged woman)

I came here as a tenant in 1992. I paid Rs. 500 as advance and was paying Rs 500 as rent for five years. We earn Rs 2,500 per month on an average, but rents have gone up from Rs. 500 to Rs. 2,500. Ejipura was a garbage dump in those days; in fact, there were many murders and the dead bodies were dumped here. Then the BBMP built quarters for the residents, but they had no basic services. Each quarter had a hall, kitchen, and bathroom/toilet, but no water or sanitary fittings. Waste water used to leak into the common space between the rows of quarters. There was no garbage collection, no electricity was provided, so we got illegal connections, and many of us went to jail for it. Getting up at three a.m., we used to fetch water from two kilometres away, standing in a queue and collecting water. Water used to cost one rupee for every four pots, now the price has gone up to one rupee per pot. In 2000, BBMP gave us a ration card and ID with this address.

Living Conditions in Ejipura: There is a PHC (Public Health Centre) nearby where a gynaecologist comes on Fridays; treatment is free (but not the medicines), but it is given by *ayahs*, not doctors. There is a ration shop in L.R. Nagar. Everybody here has a ration card, ID card, Aadhar card, BBMP card and a BPL (below poverty line) card. Children go to schools, private (mainly Christian) three-four kilometres away. Most women are working as domestic workers. Many of these women workers leave early in the morning and return by 12 pm., except a few who also go to work in the evening.

In 2003, the Block 13 (with 30 families) collapsed. In 2007, Mahadevan, an old man, and a child died when a block collapsed and the debris fell on them. In another five months, four more blocks (including Block 17) collapsed. The BBMP officials came here and took pictures and undertook a survey of the inhabitants. Many allottees had left after the collapse of the quarters. At that time, there were a total of 1,512 dwellings, of which 120 were given to allottees and 1,160 to tenant families, and the remaining were found locked up. (I was occupying a quarter which had been allotted to more than one allottee.) (Among the inhabitants, there were more than 500 Muslims and 150 Dalit Christian families.) In 2004, Ashok, our MLA from Uttarahalli, intervened in support of us and told

the BBMP that this is our land, and we should be allowed to settle down here. In 2007, the BBMP put up tin sheets (each measuring 10' by 15', with mud flooring) for us, for which we were not charged rent. Six of us lived in my shed, and some had up to eight people. Thirty 'Pay-and-Use' toilets (two rupees for using the toilet) were built for 5,000 people. Over the years, 40-50 sheds were washed away in the rains. At first, they used to pay compensation of Rs. 2,000, but it stopped after some time. We were told that new houses would be built for us in two years.

Then BBMP entered into negotiations with two companies, Maverick Holdings and Aakruti. Aakruti went to court against Maverick. Maverick told the local leaders in confidence that once he acquired the land, he'd build good quality quarters for all of us. He had a secret understanding with Luvies here who ran a welfare association, 'Ambedkar Youth Social Welfare Association'. Luvies didn't disclose his dealings, and betrayed us and disappeared, and now faces public wrath. Since 2007, Luvies has been sending his men to attack residents, and recently assaulted a woman, chasing her away, and throwing out her belongings. Our mistake was that we asked Luvies to fight for us. We used to pay Rs. 10 per month per family to his association. We paid Rs. 500 each to Luvies to fight the case (and Rs. 25 each for *Bhoomi Puja*), and to get a proof of residence certificate from the association.

In 2007, more BBMP quarters collapsed when BBMP was clearing the sanitary lines, which weakened the foundations of the buildings. Three or four people were trapped in the debris. Luvies wrote to the Governor asking that good houses be built, for which BBMP said they had no funds. In 2006, BBMP Commissioner asked Mahila Milan to undertake a biometric survey and construct quarters for us. A total of 1,512 residents have been given IDs. Another 500 were given IDs by the BBMP Regional Officer Vedavati; now these 500 are taking the side of the builder. 120 allottee families were given Rs 30,000 as compensation when they went away.

Eviction: We didn't get any notice before the eviction. When the newspapers announced the court decision on October 9-10 2012, Venkatswamy (Samata Sainik Dal leader) told us we wouldn't be evicted. We protested here on 9 October. Selva and others joined us. Some of us went on that day to meet Shankar Linge Gowda who assured us we wouldn't be evicted. But he refused to come here and tell us. The protest continued on 10 October. From then on until January, we continued the protests. We protested in front of the CM's (Chief Minister's) house. On October 15, some notices issued by the BBMP (pre-dated notice dated 9 October.) were put up by Maverick Holdings on two or three houses, citing court orders and asking us to leave. We drew the attention of the media to the threat of eviction. When we met Shankar Linge Gowda regarding this, he denied knowledge of the notice being posted. He said any further steps would be taken only in consultation with Venkatswamy, our leader. But Venkatswamy wasn't told anything about the eviction. To this day, neither BBMP nor anyone else has come here and told us anything about the eviction.

On the morning of 18 February (2013), twenty allottees (of a total of 120 allottees staying in the EWS quarters) were told to leave and were given the option of being housed in Hosur or take Rs. 30,000 as compensation. Bulldozers came at 7:30 am on 18th, and when ACP Prasad came, the police (numbering about 500, including women police) turned violent and charged at us. When I protested, I was beaten up, my mobile was snatched. I was arrested, and then others joined me and courted arrest. More arrests took place, including of volunteers Venkat, Arif and Shekar.

Our children missed school for many days during and after the eviction operation.

2) Vijaylaxmi (woman, 31 years old)

My name is Vijayalaxmi. I'm 31 years old. I was living in Ejipura EWS quarters with my husband and three children. I moved here after my marriage 17 years ago when I rented a house along with my

husband in the second block in Ejipura EWS quarters. I have three children, two sons are studying in the tenth standard and ninth standard at Gururaja private school, and one daughter is studying in the ninth standard at a low-fee private school in Ejipura. My husband goes for daily wage work, and on some days he gets work, on some other days he won't have work. I didn't have a job, but was looking for one because we were finding it difficult to pay our children's school fees, and that's when the demolitions happened and our lives came to a standstill.

When we moved into the EWS quarters, there were three-storey buildings (G+2) on the site. We rented the ground floor house (Door Number 1) in the second block from the owner 17 years ago. When we moved in, there were no proper roads around the quarters; there was no electricity, no water. We would go to Austin Town on cycle and get six pots of water twice a week for drinking. There were toilets in the building, but no water in them. We would get water for domestic use from a nearby tap and there were very long queues to get this water. That's what we used to live on. The place was full of dogs. There were many *rowdies* occupying the quarters, even murders would happen. It was like a *bhoot* (ghost) bungalow. The owner of the house never wanted to live here.

The water from the top floors used to leak into the floors below and there were cracks on our walls. In 2003, one building fell. Later, one more building fell. In 2006, my building also fell. Then they came and demolished all the buildings. Ashok was the MLA at that time, and he promised to build houses for all of us living in EWS quarters on the same land. He provided us tin sheds with some poles, tin sheets on all sides and a tin roof. The space was very little. The roof often used to fly off during heavy winds and we used to run after the sheet to get it back. We even used to get hurt in the process.

We did many *dharnas*, talked to the commissioner many times before we finally got electricity connections in 2006. We also got a few common water connections in the quarters. There were common toilets in the quarters and we would pay and use those toilets for our daily needs.

Earlier, in 2002, the government had issued us Ration Cards and voter IDs with our EWS block and door numbers recorded in it. In many cases, the owners got this issued in their names, but many people got these documents in their names also. Later in 2006, '*guritina chiti*' was also issued to all the residents, with the promise that houses will be built for us in the same land. The then MLA Ashok said that this land belongs to the poor and houses will be built for us all here.

In 2007, Harris became the MLA candidate from this area. He came to us asking for votes and said we are all his sisters and mothers and family, and pledged on the Quran that he would build us all houses in the EWS land. We voted for him. After getting elected also, he kept promising us houses. Once he even said that the government has sanctioned houses and showed us some plan documents. Later in 2009, he came and said that Garuda Mall company will build a shopping mall in one part of the land and build houses for us in the rest of the land. We thought we are finally getting houses.

Later we came to know that houses will be built only for the original allottees (owners) and not for the people who were living there for so many years and struggled to make the place liveable. We were promised houses by the MLA and the government multiple times, but when it came to building the houses, all of them cheated us and decided to build houses for the original allottees, most of whom never even lived there.

We did many *dharnas* to get houses; we filed a court case also. Harris came and told us he will give us houses somewhere in Sarjapur road far from the city and started issuing biometric cards. Many of us didn't take the cards because we didn't want houses in Sarjapur road. He even promised Rs 15000 to those who will leave. His goondas used to come and threaten us saying they will harm our

daughters if we don't move out. This is where we live, this is where our home is, and this is where we work. We work for daily wages, what will we do for jobs, for schools, in so far away a place?

We never thought our houses will be demolished; the Corporation did not give us any notice. We didn't know they are going to demolish our houses till they came with bulldozers and police on 18 January. We were caught by surprise; they started demolishing houses from one end of the land. The next day many of us lay down in front of the bulldozer to stop them. Twenty one of us women got arrested and taken to the police station and later to central jail. One night we were kept in custody. Cases were slapped on all of us. Some of us have many false cases slapped on us from earlier also for doing *dharnas* (protest actions). I even have a case on me for attempted murder of Luvies, a local community leader who was with us throughout our struggles, took money from us many times in the name of the struggle, but later cheated us.

At the time of the demolition the police flung women around like garbage. It was not just the women police officials, but even the men hit us with sticks. I injured my knee and right wrist as a result of the police brutality. My children were eating lunch at 2 pm in our home when the bulldozer arrived to demolish it. I had to run and pull them out to save them from being hurt.

When the demolition was going on, MLA Harris, Councillor Vijay, and BBMP Engineer B. T. Ramesh were there. They saw our situation but did nothing for us. We approached the Commissioner, he said he will give us time at least till April when the children's examinations will be over and school will be closed. Later, Minister Ashok also announced, it was in the papers, that we will be allowed to stay in a part of the land till April at least. But, the police and BBMP officials refused to stop demolitions or allow us to put temporary tents on the land without written orders. But, the commissioners, ministers or Chief Minister did not issue any written orders.

During the demolitions, half our belongings were lost. We have been living on donations and relief provided by people. We are on the streets with our children and our belongings. Children are not able to go to school, they are not able to study, and there is no electricity at night. We are using nearby public toilets and bathrooms. We have to use the same toilet used by men. What will the girls do when they have periods? We have to pay Rs. 20 for every bath. Somebody has to stand guard outside when we bathe because the bathroom doors don't close.

We thought we will get houses, we thought we will get justice. But today we are on the footpath and even on the footpath, they don't allow us to be. With adolescent girls in the family, how long can we go on living like this? *Goondas* and anti-social elements keep scaring us by threatening that they will take the young girls away in the night. My daughter is fifteen years old and given the unruly elements around, I am afraid of leaving her on the road alone and going to work.

The police keep coming and threatening us to move out from there. One day, when they were trying to force me to leave, I told them if you force me I've nowhere to go and I'll douse myself in kerosene and set fire and kill myself! On 9th when there was a massive public march from Austin town to Ejipura, then also, the police came and picked some of us up for no reason. They dragged and pushed us into the police van, kicked and stamped on my leg, and my leg is fractured and I cannot walk properly now. My hands are also in constant pain from the way they pulled and pushed us around into and in the van. Till almost evening, they kept us in some place and then released us later. I've filed an MLC at Bowring hospital for the injury I sustained at the hands of the police.

During Christmas and New Year, we had all had celebrated. That is the last time we were really happy here. Soon after the year started, this happened to us and since then we have been in a really bad situation.

There is no justice for people like us, what is the government doing? Poor people are out on the streets. How can these people sleep at night? Like in the movie 'Citizen,' a whole village is wiped out from the face of the earth, our community has also been erased from existence. Government is seeing all this, why are they not doing anything? Who will give us justice? After death, everybody goes to the same soil. So, why are we being treated differently? This place was like a jungle. We made this place better; we made this place our home and made it what it was. If we go elsewhere, what will we do? We are ready to face everything and everyone – be it jail, or rowdies or MLAs. But we will not leave this place.

3) Jayamma (woman whose husband has a physical disability)

We lost everything – vessels, *puja* things, clothes, rations and provisions. Two days before the demolition, we'd salvaged the documents and kept them elsewhere in safe keeping. While I was trying to remove my things, my husband couldn't come to my help. They abused me in filthy language and manhandled me. The ACP was egging his constables to use force against us. 25 people were assaulted and eight were injured.

There are about ten pregnant women in our locality. Ten days ago, a pregnant woman delivered a baby here.

All of us suffer from cold, fever, mosquito bites and other health problems. This is because our present shelters are on the covered drain running under this footpath. It's unjust the way they have treated us. They used very vulgar language. The police women seized me by the hair and threw me out. From BBMP, only B.T. Ramesh (Engineer-in-Chief, BBMP) was present during the operation, no other BBMP staff was deployed. The others were *goondas* from Maverick Company.

4) Violet Veena (15 years old - spoke in English)

I am studying in St. Du Francis School in the seventh standard. During the eviction, I lost my shoes, books and other things. I didn't go to school for ten days after the eviction operation. I told my teacher about the demolition. She sent me to a hostel, but I came back here because I have to help my mother and my sisters. My brothers studied up to eighth and tenth standard. One of them is doing painting work. 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.

5) Rani (16 years old, a ninth standard student studying in a government school)

I was here alone when the bulldozers came; my mother wasn't around. When I asked the police why they were doing it, they came to beat me up and chased me away. I could salvage some things. Now I'm staying on the footpath. I stopped going to school since 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.

6) Kenneth (infant)

I study in nursery. I lost my books.

7) Manjula (woman around 30 years old, spoke in English)

I used to work as a telephone operator and earn Rs. 10,000–10,500 per month. I have a uterine problem, but can't afford treatment. I have one daughter. My husband and I were arrested during the demolition. The police treated us like criminals and denied us food, water and medicine. We were first taken to the Adugodi Police Station and then to the Basavanagudi Women's Police Station. At 5 pm in the evening, the police produced us in the Sessions Court without giving us an opportunity to apply for bail. The police failed to even inform our families of the arrest. The police kept saying that they would release us by the evening of the same day. However, from 8 pm to 12.30 am, we were kept in a police van. At 12.30 am we were taken to the Central Jail where we were detained until 2 pm the next day. We were kept in two rooms and were provided only with a pillow and one sheet in spite of the cold.

I am suffering from allergy and rashes from the dust and pollution from living out in the open after the demolition. We get free tests done at the PHC but treatment is not free. My husband has blood cancer and I cannot afford treatment for his cure. He is not able to work and I have to support both him and my daughter.

8) Shireen (44-year-old woman)

My name is Shireen. I'm 44 years old. I work in a courier company in Jakkasandra as a housekeeping staff. My husband had a job as a security worker, but now he is not well and hence is not working. I've three children - my eldest daughter, Dilshaad, is married and is working. The younger daughter Tabassum has a six-month old baby and is living with me currently. My son, Izhak, is 19 years old and has passed SSLC and has no work. I'm the only earning member of the family.

I have been living in the Ejipura area for 32 years and in the EWS quarters for the last 16 years. The National Games Village was like a jungle (wild outgrowth) at that time. People from L R Nagar and nearby areas used to go to toilet there as there were no sanitation facilities in these areas. When I first moved into EWS quarters, the buildings were there but nobody used to live there. My husband knew the owner of a house there and we rented his house for an advance of Rs. 3,000 and rent of Rs. 300. There was no water or electricity. It used to get really dark in the evenings; it was frightening to live there. Only 11 houses were occupied initially. Rizwan *bhai* was one of the people who used to broker houses there. Slowly through our efforts, more people started coming and living there.

In EWS quarters, there was no water. Those days we used to buy four pots of water for one rupee from the houses in L.R. Nagar, which had water. Much later, we all struggled and got a few bore wells dug in the quarters. But there was still no electricity.

Each building had 26 houses. In 2002 November, one building fell. S. M. Krishna was the chief minister at that time. The government came and did some soil testing at that time. In 2006, they issued a '*guritina chiti*' to all of us who were living there, and promised that they will build houses for us. In 2007, they demolished all the houses. They made tin sheet houses for all of us on the ground, but they did not cement the floor of the houses. We got that done ourselves. At that time, we also got electricity connections. Slowly, through the efforts of the residents, every lane of houses had one tap and there was a system to share water and pay for it.

9) Antony Raj (41 years old)

I am a painter and work as a daily labourer. I was away at work during the demolition and returned home at 5 pm to witness that my home and everything in it had been destroyed. I suffered a severe spinal cord injury at a construction site some years ago, as a result of which I cannot do construction

work. I go to seek work daily but only when a painter is needed do I get some employment. After the demolition, I was unable to work for almost a month. I have recently again started working. But 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.

10) Lisy (middle-aged woman)

I have been living at Ejipura for the last 33 years. I've been alone for the last five years. During the demolition, I lost around Rs. 20,000 worth of goods that were destroyed by the bulldozer. I have pain in my left side and cannot see properly from my left eye.

11) Jennifer (a young pregnant woman)

I am in my fourth month of pregnancy. Since the demolition I have been suffering from acute knee pain. During the demolition drive, I fell on the debris and injured my foot and knee. My husband is a cook in a restaurant. My father was taken to jail during the demolition. I have a one-year-old child. The police demolished our homes without telling us anything. We lost two mobile phones, a CD player, clothes, grains, cooking supplies and utensils during the demolition. I had to carry my baby in my arms and could not save any of our belongings.

12) Jyoti (a young pregnant woman)

I was seven months pregnant at the time of the demolition. Since our houses were broken, I have not been able to go for a medical check-up. I have severe pain in my legs and stomach. I also have fever. It is very difficult to walk to the public toilet, which is located two kilometres away from here. My husband is a drummer but he has not been able to go to work after the demolition. We have no income. We lost everything in the demolition.

13) Malini (fifth standard student)

I could not attend school for two weeks after the demolition, as I needed to help my family.

14) Allen (15-year-old student who spoke in English)

I lost most of my books and one school uniform in the demolition drive. I have the uniform that I was wearing at the time of the eviction and have been able to resume going to school. It's not possible to study here as there's no light, no water, and too many mosquitoes. I want to join the army when I grow up.

15) Others

We are domestic workers and earn Rs. 3,000 per month, on an average. We've lost our jobs since we couldn't go to work for a month and were replaced by others. There is no safety for women here. We don't sleep at night; five of us take turns to stay awake, playing carom. The police and *goondas* (hooligans) get drunk at night and go around. Last night, one policeman told us that we couldn't stay out and talk at night since it was a public place. We have to go the Infant Jesus Church nearby for bathing (for which they charge Rs. 20 per head), and using the toilet (four rupees each time). We bathe once in five days.

600-700 families have moved to Sarjapur. They went there out of compulsion or necessity. There are no vacant quarters there. Harris told us to go there and we could fend for ourselves. It costs Rs 100

a day to travel there and back. 100-150 families are living here on the footpath, facing harassment daily.

Many allottees, fearing complications for themselves, have taken away documents from their tenants.

B. EJIPURA/KORMANGALA TENANTS RELOCATED IN KUDLU (OFF SARJAPUR ROAD)

1) Shaheeda (27-year-old, mother of 3 children – Mehek - 3 years, Ruksar - 2 years, Ian - 18 days)

My name is Shaheeda. My husband Sheriff (27 years old) is a helper in Godrej bureau making company at Neelsandra which is within a kilometre from my home, and he earns Rs. 4,000 per month. We had taken a house for rent at Rs. 500 per month with an advance of Rs. 5,000 and had been living there for the last 20 years. My three-and-a-half-year-old daughter Mehek was going to a school nearby. After the demolition she could not attend school, so they have removed her name from the school register and now they are asking us to do a fresh registration for the next academic year.

Even while we were living in the quarters, for years we struggled without the toilet facility, and houses used to get filled with drainage water; there were many kinds of health and hygiene issues. During the last 12 years we have been continuously struggling for housing at the quarters. Those days no one was interested as there was not much development in this area. But once the cost of the land value went up in this area, they did not want us to stay there and all companies started eyeing the area to grab it from us. All families here have all kinds of cards like Ration Card, and Voter ID card to validate our rights to this place, but still we have become unwanted people here.

I was eight months pregnant during the demolition. Initially they said that the houses of allottees who have already vacated will be demolished. Then they started demolishing other houses also, so we headed to Sarjapur as suggested by some people in order to look for a house on rent. When we went there, we were informed by neighbours that our homes being demolished. We had to rush back to save our belongings. That day we pleaded with a lot of people to give us a small portion of space to survive. But our pleas fell on deaf ears. When youngsters began resisting the demolition, the BBMP Chief Engineer ordered the police men to beat them up. When we approached B.T. Ramesh after reading Ashok's and Siddaiah's statements in the newspapers about stopping demolition, he asked us to bring the order in writing to stop the demolition. The demolition started on Friday and finished on Monday. Our family did not get any biometric card on the grounds that we were non-allottees.

After the demolition, with the help of neighbours we managed to put up a *kutchra* (temporary) tent. I delivered my baby 18 days ago at the hospital. I had to incur the delivery cost of Rs. 2,000 also. Now I stay in the same tent with my infant since taking a house for rent is impossible as they ask for Rs. 60,000 advance and Rs. 3,500 as rent for a small house. We are having a difficult time with the 18 day- old infant, which I never had with my earlier kids. I don't know how I will manage in the forthcoming days. With my husband's salary of Rs. 4,000, this is not possible. Even now the police keep on threatening us and trying to evict us from the footpath too. We get food when different social service organizations supply it. Many aged people and children are suffering without sleep struggling to live in this kind of shelter. Many are falling ill also. We don't know what is in store for us in future.

2) Yashodha (woman)

My name is Yashodha; I was living in Ejipura/Koramangala slum for the last 19 years. My husband had some mental problems and has not been living with us for many years now; I have been working hard as a domestic worker and raising all my children alone. I have three sons; my eldest son studied till the ninth standard and after that decided to work as a daily wage earner to support the family. My other two sons were studying in the fifth and third standard respectively. I was living as a permanent resident and had no problems related to travel and other facilities. I did not know where to go when I was asked to vacate the slum. When I came to Sarjapur, it was very problematic to find a place of stay; I had to live outside the quarters for almost a week before I could get a house to settle down. The people already living in the slum are also not friendly or welcoming, hence I feel very alienated being here.

The provisions available here are expensive and getting water here is a struggle since the residents who are already living here take the water first and sometimes do not let me take it. I am at present making incense sticks to earn a living. I have to make nearly 1,000 sticks per day in order to earn a daily wage of Rs. 150 and it is really hectic and hard. The worst disaster has been the education of my children; it's been a month since my children went to school. I have been working hard all my life to get them educated, but now things have turned out beyond my control. Transport is a big problem and hence my children have not been able to go to their previous school for their education and the examinations are approaching, I do not want to spoil the education of my children. I am searching for a better job somewhere and also want to do something about the education of my children.

3) Shashi (woman)

I used to work as a cook in homes near Ejipura. But now there is no work in the vicinity here. I have visited all the buildings in the neighbourhood, seeking a job as a cook, but no one is willing to employ me. My husband, who worked as a security guard near Ejipura, is also unemployed and cannot not find work nearby.

4) Fatima (a widow with six children)

I am all alone. I have to work to bring up my children. But I have lost my job after the demolition. There is no work here. How will I feed by children if there's no work? How are we going to live?

5) Woman tenant

We have fought many struggles and leaders, in order to show their capacity, have taken us to several places for demonstration, protests, rallies etc. The leaders eventually are bribed and desert us, and we return in pain. Even when we were protesting the first time, Rekha, Jeeva and I were very badly injured. We did a *dharna* in front of National Games Village. We have been involved in struggles for a long time. We don't want any meeting, any party, there is no point doing *dharna* or protest. We have launched a lot of struggles in front of the Corporation, as well as taken part in numerous meetings in the scorching heat along with children. All we get is a packet of food--that too sometimes, it won't be available. All these meetings I feel take place just to show 'numbers', though the authorities keep informing us that they are going to meet and discuss the issue at EWS Quarters.

We asked only for land space, we never demanded that they construct any bungalow for us. We don't know how many days we will live and when we will die, we don't understand why they cheat us with land and housing. So many years we stayed there, that too in tin sheds, but no one has built houses for us. They talk about laws; when we don't follow traffic rules, they impose a fine on us, whether it is a two-wheeler, car or auto that we're driving. If that is the case, why is the same law not applied when we as citizens are being thrown out in streets? Where should we go? What kind of influence do we need? We have all the required ID's. They are chasing us like thieves! Are we

thieves? Police beat and chase us, when they do this where do we go? Isn't it the responsibility of police to protect us? They do their duty because of pressure from higher officials. Many have come and spoken, even we have spoken on TV-9 but it has not brought us any benefit. They told us that in a year, they will render justice to us, and we should wait and watch. Already one month has gone by, another 11 months are remaining. My husband doesn't have a job; we don't know how to manage.

6) Woman tenant 2

Our employer may give us a week's absence from work, now I don't have a home, how do I attend work? I have very small children, four and 10 years old. The older one got jaundice while shifting from the demolished EWS Quarters. Half of my belongings were stolen from the tempo. Even my stove got stolen. If someone distributes cooked food, then we have food, otherwise, we starve. A relative who stays nearby helps me a bit, and there is no drinking water; for a can of water, they charge Rs. 20 here.

7) Sahil (13-year-old boy)

I have a sister, two brothers and Ammi and Abba. My mother's name is Rizwana and my father's name is Ataullah. My father is an auto-rickshaw driver.

I had been living in Ejipura EWS quarters since I was born. I was studying in the seventh standard at the government school in Edgundapalya when I lived there. Now I'm living in the slum quarters in Kudlu. I'm not able to go to school, as it is too far from here. There is a van arranged by some people in the morning to take children to schools near Ejipura, but that van goes only up to Vivek Nagar and my school is 2-3 kilometres further away from there. I have to walk to school from there. So, I don't go to school now.

When I lived in Ejipura, I used to come back from school by 3-3.30 pm in the afternoon. Then I would play with my friends in the quarters till 6pm, when I went for Arabic classes till 8 pm. After that I would come back and play with my friends for some more time before my studies. During weekends, we would go and play in an ABCD ground nearby. We used to play cricket, *gilli-danda*.

I used to live near the water tank inside the quarters. We had to go to the beginning of the queue to collect water from the common taps. I used to go on a bicycle and get water for the family.

On 18 January, bulldozers came and started demolishing the houses. I don't know why houses were being demolished. The original allottees were given money and were breaking their houses themselves. Other houses were bulldozed. I felt really sad and angry when my house was demolished. Some of us were so angry; we threw stones at the bulldozer.

The *masjid* (mosque) people and many others gave us food after our houses were demolished. I will never forget their help. After a few days on the street with our belongings, my father came to Kudlu to see if we can get houses. He had known about this place before and so came here to find us a house. Then three families from Ejipura came here in a tempo.

I liked it better in Ejipura because all my friends were there. Even now I go there every week to meet my friends. I have lived there since my childhood, so I like it there. I feel sad when I think about the place and my friends there. The house here is slightly bigger than the tin sheds we used to live in, but that is not the important thing. This place is okay, but there are no friends and it's not the same as the quarters. I cannot go to school now because it is too far. But I would like to go to school. I would like to go back to Ejipura quarters. What happened with us was not right.

C. CIVIL SOCIETY ACTORS

1) Isaac Arul Selva (Secretary, PUCL - Bangalore)

The course of the struggle by Bangalore slum people for their land rights falls into three periods: 1996-97, 2005-07, and 2010-11. In 1996-97, we started our work as an association among the slum people here. Then, Bangalore was entering the IT phase of its development. Prior to this period, Bangalore comprised about 200 square kilometres, but now Bangalore Mahanagar Palike expanded to BBMP, as part of an yet greater zone called BMRDA (comprising urban, rural, Ramnagara rural and so on, an area of 8,400 square kilometres). A City Development Plan (CDP) was prepared and handed over to BDA. The BDA covers an area of 1370 square kilometres, and the BBMP covers an area of 800 square kilometres. According to the CDP, the central area of Bangalore was redesignated the central business district, comprising shops, malls, and government and private offices; a residential district outside the business district, covering suburbs like Jayanagar, Rajaji Nagar, Nandini Layout, Koramangala and so on; and an outer district comprising industrial areas such as Peenya, Bommanahalli, Kumbalgod and so on. As a consequence, maximum commercial exploitation started in 2005-07. But in the last four years, this process has accelerated in new and unexpected ways. Earlier, we used to get immediate response (relief and compensation) to complaints to the authorities about slum demolition incidents, usually carried out by the local land mafia. In 2010-11, four slums were demolished to benefit corporate interests. All the gains we secured from the government have been nullified by a new administration and judiciary acting at the behest of the corporate interests. For example, in the Ejipura EWS issue, it is a fight between two corporate entities, Maverick Holdings and Aakruti. When the agreement is skewed in favour of Maverick, the other corporate competitor goes to court. In the course of the case, an unknown party, representing two allottees (who have not been traced yet, with the government making every effort to suppress their antecedents), approaches the court under Justice Rammohan Reddy, complaining of delay in construction of quarters. Justice Reddy combines the two cases, and delivers a judgment, purportedly to expedite the plan for construction. The petition by Aakruti is dismissed with a fine of Rs. 5,000 (for delaying the construction). Aakruti files a revision petition which is settled out of court between the two corporates (due to secret intervention by an urban land mafia). Aakruti withdraws from the case, and the decks are cleared for the project. In the meanwhile, a new government, under Governor's rule now, senses a conspiracy and sends the case to the Lokayukta court (in 2007-08). It has two terms of reference: 1. Punishment to be given to officials responsible for the collapse of the quarters; and, 2. Examining the contract given to Maverick Holdings for corruption. This case is still pending in the Lokayukta court as the investigating officer in charge of the case rules that BBMP hasn't yet supplied the court with the relevant documents.

In the meanwhile, Maverick Holdings is leased four and a half acres of prime land in Biligere (where there was a BBMP vehicle workshop) for a multi-storeyed parking lot, and is permitted to use a small part of it (18%) for commercial purposes. Maverick reverses the equation (72% for commercial use and 18% as parking lot) after securing many amendments to the agreement. This case has also gone to the Lokayukta court and is still pending. This in fact has been Maverick's strategy of deception right from the beginning: amendment to the original agreement, violation of amendment, followed by regularisation of the violation. Hence there is every chance that the Ejipura EWS agreement will not be adhered to, but will be diluted and amended to suit Maverick.

In the Ejipura EWS case, there has been eviction of residents who had lived there for 15 years, due to a High Court order because the court was misled on two counts: 1. The BBMP did not place before the court two resolutions unanimously passed by the BBMP council, an elected body, which recommended that all existing residents would be relocated by BBMP in the same area; and, 2. A BBMP survey in 2003 that recognized the existence of tenants in the area. In 2007, BBMP issued ID cards confirming them as tenants. The BBMP suppressed information about the existence of

these tenants who had lived there for 15 years. How can such a court order be valid that doesn't involve consultation with these residents and keeps out their interests? Until PUCL collected these resolutions through careful research, nobody knew about these resolutions. 140 tenants, assisted by PUCL, filed a writ petition challenging this order in November 2012. One month was spent in admitting it, and the stay of the order was not given. Notice was served on 16th February to the Maverick and the BBMP to answer the charges. To offset this notice (which would have damaged their case), on 18th February, demolition was started and completed in twenty days. A Special Leave Petition will be shortly filed by Supreme Court advocate and PUCL member Sanjay Parikh.

In conclusion, what all this shows is the starting point of an all-Indian state policy which will establish the nexus of State power, judicial power and corporate power.

2) Venkat

I run 'Swabhiman', an NGO organization and 'Lifeline Foundation', working in the Koramangala and Ejipura areas in the fields of education and health. We arrange microfinance for the needy and assist them in availing government schemes. We run a clinic and provide rations to the poor. We raise funds through friends and other contacts. There are two other organizations we work closely with. 'Millat Trust' is run by Muslims for the welfare of the community, and they facilitate our work by receiving funds on our behalf. The Bilal masjid is the nerve centre of our activities and we work together to reach groceries to 200 families on a monthly basis.

On 18 January, Arif and I were working in the *masjid* area when we were confronted by the police in their eviction drive. When we protested the demolition, we were detained. Then, we realized there would be an exodus of the residents, many of whom wanted to go back to their villages. We immediately arranged tempos to shift them to Sarjapur (48 families), Ramnagara, and Chennai. Arif and I had to grapple with three issues: 1. if the families shifted out of the area, a bulk of the children would stop going to their schools; and, 2. Women who are employed in nearby homes would lose their jobs; 3. livelihoods of men working as carpenters, plumbers, painters etc. would be destroyed. Equally important, they would lose out in their struggle for their right to live in Ejipura. Arif's father announced to the residents that every family would be granted Rs. 10,000 as security deposit to find alternative accommodation in the same area. This, of course, would be a small incentive since they'd have to find money to pay rent for the first time.

But the moment we started our work in Bilal masjid, we got opposition from N.A. Harris, the local MLA, who asked us to stop our work since it was interfering with the demolition. The police also stopped us, alleging that it was a communal activity. The police even stopped us from delivering food. We decided to shift our operations to Rajendra Nagar where we work with the government Urdu school. We initially estimated a budget of Rs. 30 lakh, but the response of the public to our appeal was so overwhelming that the money just came. Funds were collected from many masjids, from 'Facebook', and through fundraising programmes. Many donors have insisted that their names be not revealed. Arif's company employees carried out the disbursal of funds. The first ten days of the demolition were pure hell when the evictee families had to spend cold nights in the open; one woman died of exposure to the cold; pregnant women faced sheer misery.

While 100 evictee families were relocated, with their consent, to Iglur near Sarjapur, 900 families have been relocated in the neighbourhood area of Rajendra Nagar, L.R. Nagar, and areas nearby, within a distance of three to four kilometres. We have so far disbursed money of Rs. 1,000 each to about 1,000 families. Right now, three families in our list have not been paid, everyone else has been paid. We've rejected about 100 applicants who were living in EWS quarters at the time of demolition but had moved out a long time ago; or people had already collected money and had come for more money. We'd given guidelines to volunteers who were disbursing the money; some

of them might have shown excessive zeal in rejecting applicants. But later we reached out to these applicants too and eventually paid them. We also disbursed money to some people who had been recommended by Babu who works with Harris, the MLA. But in each case, we made sure it was a bonafide applicant, and went through the same procedure we'd worked out for others, verifying their IDs, biometric cards, etc.; we went with the families, paid the new landlord in each case. Babu couldn't have cheated us, but a number of people cheated us, by striking a deal with the landlords in the area. Many people we've paid money to are still around without shelter since they tell us that Rs. 10000 is not enough and hence they're stuck. In the meanwhile, families from Sarjapur still come here and collect rations from us.

The work of volunteers like Kaveri and Gee is extraordinary. Kaveri's approach is even better than ours - she worked with the families closely, and spent a lot of time to understand their needs.

No, it is not the case that we played into Harris's hands by relocating them out of the area; in fact, we defeated his plan by ensuring that they are still around to continue their struggle. I have known Harris for the last four years. Earlier he was accessing government schemes for the poor people of the area, and he runs an educational trust. Two years ago, he came to the Bilal mosque and promised that every single resident would be provided a house in the 1512 quarters that would be built. But with the original allottees filing a petition in the court, he must have realised that he'd not be able to deliver homes to the tenants. Still, if he had come to Ejipura during the demolition, he'd have definitely been able to stop it. At least, he could have delivered food and provided some succour. But he failed to do so.

On 19 January 2013, when two of us arrived at EWS quarters, we had to travel deep inside the slum to find forced demolitions taking place, with families and mothers holding tiny infants inside their homes while bulldozers smashed the roofs and tore off tin walls. We sent off SOS messages and were joined by Adv. Narasimhamurthy, Akhila of JAAK and later by four students. We protested that demolitions could not take place while families were inside their homes. The resistance was strongest in preventing the demolition of the five common women's bathrooms which served 1,512 homes in the slum.

Meanwhile, the only sizeable crowd of residents were at a nearby tent where biometric slum board cards were being issued to people. People were falsely told that these biometric cards would serve as their guarantee towards getting rehabilitation "in roughly a year" in Sarjapur - over two hours away by bus. This eventual, distant, unguaranteed, and delayed rehabilitation would be of no immediate use to those rendered homeless, and would disrupt everyone's livelihoods and children's access to local schools. Many people refused the biometric card because they were told that their houses would be demolished immediately after issuance. Apart from this means to distract the masses of residents away from political mobilization, monetary inducements and *goonda* violence were being deployed by the local Congress MLA Harris in collusion with the mall builders. In the week preceding the demolition we had been helping a coalition of people in mobilizing in other slums including the one where we lived, to come to EWS quarters on 20 January 2013 for a public program on slum issues. We were planning a play with the EWS community highlighting the issue of land grab by builders. It is probably no coincidence that the demolition took place two days before this planned programme. All those activists and organizations such as Samata Sainik Dal (SSD) who were mobilising until the day of demolition were absent from the site during the demolition and for weeks afterward. They mobilised instead in front of government offices. A large number of local people also mobilised EWS quarters residents to go to the protest before the BBMP office on 18 January. At night when people returned to find 40-50 destroyed homes they were very angry.

3) Kaveri Rajaraman, human rights activist

On the morning of 19 January, starting at 5 a.m. a large group of women residents of EWS quarters mobilised door-to-door asking people to come out and sit in a peaceful *dharna* out on the main road with photos of Ambedkar, and with children ready for school, to make the point that children cannot move during the school year and that the basic tenet of Dr Ambedkar's insistence on education for dalit and converted minorities was being violated. Throughout this time, not having seen the court order or any demolition notice, everyone was unaware that this was a court-mandated demolition. However, soon the police gathered, and dragged us away. One woman's foot was broken by a police *laathi*, two of us were brutalised inside the police van by a policewoman, and male police people even grabbed women protestors. This violence was completely unwarranted as all protestors were inert and limp, being held by multiple police people, as is evident in the video footage shot by a supporter, Karthik, who reached the spot in time. A total of 27 people (23 women, two infants, each one-year-old, and two children) were taken into custody; false charges were foisted on the adults and we were thrown in jail. During incarceration, the biggest worry the women had was the separation from their children who were unattended in their houses during the demolition. While we were incarcerated, the demolitions speeded up. Several civil society organizations mobilised on the morning of the 19th at the site, but after they left in the evening, the demolitions were completed.

People were still living on the site, amidst the rubble, and the process of taking over the land strongly relied on police brutality. Several people complained that police have spoken sexually abusively to women and hit people with *laathis* (sticks) to move them. The other process that aided the quick clearance from the site was money from the builder and the local MLA to clear the site, as well as local NGOs trying to help. The final push was directly made by representatives of Maverick Holdings and Investments Private Ltd., who after forcing the belongings of the last 20 people living on the EWS site into tempos, handed out Rs. 5,000 and obtained their signatures on official receipts. This way the area was cleared and a fence was erected. Many residents who were physically thrown off the site by police, resisted strongly. One woman poured kerosene over herself to self-immolate because she literally had nowhere she could go with her children. Her courage created the political and physical space for the rest of the few remaining community members (around 500 people) to camp around the periphery of the fence. They carried out a tough campaign to safeguard inches of sidewalk turf of their own land from the builders occupying it. In order to sustain those continuing to resist the eviction by staying at the site, some people including community organizations like LesBiT, students organizations from IISc, NIAS and APU, unions like ITEC etc., raised funds to start a food relief effort as people were economically devastated by the demolition. Auto-rickshaw drivers and residents played a strong role in organising distribution of food and water. While many men led the relief effort, women residents have led the resistance movement, partly due to the perceived vulnerability of men to intense physical abuse by goons and the police. Some men in the area who were active in the relief or resistance efforts were rounded up on false pretexts of assorted criminal cases and soundly thrashed by police. Relief workers have been sexually abused, grabbed by drunken policemen on duty and goondas alike. However, the abuse endured by the women residents was far worse. They have not slept for days, guarding their children from these men. The police have been the architects of displacement by day, and the goons of the Congress Party have implemented the more dirty work by night.

There are three main factors for the immense and quick success of the demolition of 1,512 houses and the eviction of 1512 families. The use of money as a dividing force in a community that has been historically deprived and marginalized has created a huge rift in the community. The second factor was the lack of any strong organizational structure that could resist power with courage and conviction. The local MLA had already completely bought off one set of local leaders who were originally protesting for residents' rights and later joined Congress ranks as *goondas*. A second round of leadership was intimidated or co-opted. These complications mean that the

struggle is politically very compromised. If even some of the 10,000-odd residents were part of a strong unfunded organization that respected their strong politics on class, caste and gender, they could have unitedly opposed this land grab. The absence of such organizing lies on our collective conscience.

Finally, the public, in whose name public land was diverted towards constructing a mall which the public would go on to use for movie-watching, shopping and accessing AC on a hot day - this public was fully complicit in the demolition.

4) Dr Sylvia Karpagam (Co-convenor, Jana Arogya Andolana, Karnataka)

Overview of health issues at the EWS demolition site submitted to the fact finding team

I am Dr Sylvia Karpagam, a public health doctor. I live at Viveknagar which is walking distance from the EWS site. I first got involved a day before the demolition because I received an SMS saying houses were going to be destroyed. On the day of the demolitions, I went to the site to be available to people who needed medical certificates (following police violence) or first aid due to injuries because of the demolitions. There were some people who needed first aid for cuts and bruises the first day.

When I went around the site, people were crying and wailing. Mothers were trying to collect belongings and hold their small children at the same time. I saw things literally being taken and thrown out of the houses. Most people were in shock. Those women who shouted at the goondas were surrounded by police men and women and some of them were taken into the waiting police jeeps. In the evening, I went around asking people if they needed any medical help. Most of them told me that their homes themselves had been destroyed and that they had no time to think about their health.

When I came back 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. 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.

By the third and fourth day, the number of cases of injuries and, 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. Many of the men were drunk during the daytime. The women were desperate - alternating between being tearful and angry. There was a lot of uncertainty and confusion about allotment of houses. Curses were heaped on the MLA Harris. Some of the people started moving out. People were complaining about the severe cold during the nights.

By the fifth day many people called out to me complaining of different ailments. The thought that crossed my mind repeatedly was that a healthy productive adult population and an active school going child population had been overnight rendered without homes, water, toilets and jobs and had become an ill population. Many women said that they were not drinking water because the nearest public toilet was a twenty minute walk. The elderly and those who were injured found it difficult to access toilets.

Five to six women were pregnant and had not visited a health centre even at six months. I gave them iron and folic acid and asked them to visit the nearest PHC for their routine checks.

Many adolescent girls were out in the open and vulnerable to physical and sexual harassment. One lady was mentally challenged and had been sexually harassed. The police took two young men into custody following this incident.

Food was being brought to the residents every day by the volunteers. Some of them also got blankets and clothes from the volunteers.

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 new-born baby and two other children less than five years, both of whom had upper respiratory infections. I started her on pain killers and antibiotics and she has been better since yesterday.

Two weeks ago, following a protest march, a few more ladies were injured and one more had her foot in a cast.

One lady was out in the open and had jaundice and severe pain in the abdomen. She was taken to the local hospital, investigated and started on medication. The volunteers pooled up enough money to pay for her advance to live in a house.

There were two episodes of rain since the eviction. People's possessions were soaked and the illness levels went up again. There were large and small collections of water. People were given mosquito coils by the volunteers and bleaching powder was sprayed on the water collections.

The issue that has not been documented at all is the post-traumatic stress due to the forced evictions.

Dr Guruprasad from Manipal has been coming regularly and seeing to the paediatric cases.

D. GOVERNMENT OFFICIALS

1) B.T. Ramesh (Engineer-in-Chief, BBMP)

We issued the notice of eviction to the residents on 1 January 2013. But we couldn't serve the notice to individual residents because they refused to receive it. Then, on 8 January, we went and posted them on the doors of their houses, of which we have photographic evidence. An area of 15.64 acres was acquired by BBMP and handed over to Maverick Holdings under the PPP. One acre adjacent to this plot of land has been reserved for the residents from Marenahalli when the EWS quarters there collapsed. No one was injured during the eviction operation. 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. Maverick and the local MLA have also provided Rs. 10000, to each of the residents as compensation. 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. Alternative accommodation in the new EWS colony will be provided to the 1512 original allottees. As for all the other residents, as identified in the BBMP 2007 survey, they will be given free houses in Sulikunte, Sarjapur. They had all agreed to this plan. We had originally identified five acres of land in Iglur for their resettlement, but the local people in Iglur rejected this plan for environmental reasons (e.g., overcrowding). In the meanwhile, they can continue to stay in the area around the former EWS quarters. We won't disturb them. They are safe and secure there, and are receiving food from NGOs, and they have no problems (in respect of health, shelter etc.) where they are staying now. The company is doing

everything in respect of relief for them. We have asked them to stay somewhere for one and a half years, and then the quarters will be ready for them. Maverick will definitely complete construction of the quarters within that time, give or take a few months. Many of these residents have criminal connections, having come from Parappana Agrahara area. The EWS colony was rife with all kinds of illegal activities, including prostitution and murders, and *goondaism* (hooliganism) was rampant.

2) Lakshmi Narayana (Principal Secretary, Ministry of Housing)

The Ejipura EWS issue doesn't come under our purview since it was executed by BBMP, which functions under Urban Development Ministry. It was the Infrastructure Department of BBMP that undertook the joint venture with Maverick Holdings. The Slum Board, which functions under our Ministry, is responsible for the rehabilitation of Ejipura tenants who have been displaced in the recent eviction drive. It is the agency for the construction of houses of EWS quarters, for which five acres of land have been allotted at Sulikunte, near Sarjapur. Tenders have been called for the construction of the houses, which will be built under the Rajiv Awas Yojana, and handed over to BBMP, which will allot them to the Ejipura tenants.

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. (In fact, the EWS project at Ejipura was stopped for some time because of a dispute between the two commercial parties. This PPP project is an individual, stand-alone project and can't serve as a model for other EWS housing projects.) Our ministry has adopted a policy of 'no slum eviction', and relocation *in situ*. Not a single slum dweller will be shifted out of their locality; they will be shifted vertically to G+2 storeyed quarters. (The proposed G+9 EWS planned complex at Ejipura is in fact dangerous because of the paucity of lifts, which also consume a lot of electrical power.) We don't want the beneficiaries to incur any unnecessary expenditure for their houses.

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.

3) Interview with Mr Venkatesh Murthy, Bangalore City Mayor

Q: We have tried to take an appointment through phone and letter, of the Chief Engineer, Mr B.T. Ramesh and the Commissioner, Mr Siddaiah regarding EWS Quarters, but they didn't bother to respond to us. This is a serious issue of 1512 families, so we have approached you to take your opinion on this issue.

The discussions at the council level have been already completed. Now it is in the hands of commissioner who has to take it forward. So it is better your team approaches the commissioner and discusses the issue with him.

Q: In the BBMP council, a resolution was passed deciding that the rehabilitation has to be provided to all the families at the site, but this was hidden from the court during the proceedings.

Yes, the resolution was passed stressing that the rehabilitation be provided. You can take the necessary information through RTI from our office.

Q: The court has passed the order of construction of houses only for allottees, though all the residents have various kinds of IDs. The court has called them encroachers because BBMP has hidden the actual information regarding the Council Resolution.

This is an issue related to administration which is under the Commissioner's control; the appointment of the advocate and producing evidence are under his regime. These kinds of responsibilities are being kept away from the elected bodies and we don't know anything about the administration. The government officials are given more power. The Council has to just pass the resolutions which are brought into the house.

Q: Isn't it necessary for BBMP to respect the Council decision?

It is up to the wish of the Commissioner to implement the resolution, as per Section 102. We send the file to the government and it will be pending there.

Q: If they are not implementing the resolutions passed in the Council, as a mayor and as an elected representative is there any possibility for you to take action against the BBMP Commissioner?

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. Even in the waste management case, there were three commissioners who were replaced but the government strongly felt that only the current Commissioner can handle it well. The administrative officials and others play the same kind of role and we won't even know whether they will send our recommendations to Chief Minister's office.

Q: As a mayor is it possible for you to take up this issue?

You can take it up in Court only. We write to government, and one-third of the Council needs to agree. As you know the politics around here, most of them won't support and some will be absent and take the side of 'others.'

Q: How did you feel about the non-implementation of your Council Resolution?

It is not merely the question of allottees. They should have decided to allot houses to all 1512 families. Instead, what they have done is issued biometric cards and shifted people from the site. The people have gone to court which has ordered to evict them by giving Rs. 30,000 or house to be provided. They have started the project also. You need to appeal for the rights of 1512 people in Court.

Q: What about your resolution not being implemented?

It is necessary to start the struggle now itself, so as to get the houses for all the residents.

Q: What about your role and responsibility?

We have already passed the regulation. Use this resolution in court proceedings when the allotment phase comes.

Q: What about your support?

We will be there, the Corporation will be there, elected bodies are there and definitely during allotment process, definitely, we will raise this issue.

Q: The court has already pronounced that they are encroachers, but your resolution is not being followed?

Court decision is final. You need to question that in the court itself.

Q: We have appealed to the court again, and BBMP has been served with a notice. Now is it possible for you to interfere?

It has already been passed in the Council, so it won't be discussed again here. It lies in the Commissioner's jurisdiction. The Commissioner has all powers to handle it by appointing a lawyer, and providing documents; everything will be looked into by the lawyer.

Q: The Council is the one which takes the decisions and drafts the policies, is it not?

Policies are made by the government, we don't have any power. BBMP works under the government, we just recommend to the government and then the government makes the policies and sends it back for implementation. The government passes the G.O.s and gazette notifications.

Q: BBMP has an agreement with Maverick Holdings, that the EWS land will be utilized for a mall and for residential purpose in equally shared land. Was there any discussion in the Council regarding this?

As per SC order it has been done. That's what the Council directed, nothing was decided regarding construction. Regarding the lease, half of the land has to be given to the lessee Maverick Holdings, half for parking and another for residential purpose—this has been passed in the Council and sent.

Q: The EWS land is for public purpose, it was reserved for construction of houses of the poor.

All these need to be argued in the court, even if you discuss with the Commissioner, there is no use. Your advocate needs to argue this in the court.

Q: We are doing it in the court.

There is no point in debating it here.

Q: We are engaged in the legal proceedings, but our request is that since there is a notice served to BBMP, can you see that in the brief produced in court, the resolution by BBMP asking housing all the residents is included.

They won't produce it in the court, they will argue and keep points on behalf of them; your lawyer needs to bring this out and say that BBMP is cheating the people, and then it becomes evidence in the court.

Q: When there are so many cases before the court, what is your stake on this?

There is no role for you or me in front of court.

There are no powers to the mayor. In 1974, under KMC Act, it was clear that the local bodies need to be given power. But all the power lies with the administrative officials. All cases and related responsibilities like submitting documents etc., everything lies with them. Wherever there is injustice caused, your advocate should take it up saying that the Council Resolution is not being implemented. Then the judge will consider this and pass orders in your favour.

E. OTHERS

1) Uday Garudachar Owner, Maverick Holdings

What I'm telling you is absolute fact, since I'm anxious that the truth comes out. Unfortunately, aspersions are being cast on us, which misleads many people who are not able to understand the issue. For example, the freedom fighter Shri Doreswamy is a figure worthy of respect, but he hasn't read the reports and is unaware of the real facts. My question is: can people take the law into their own hands?

In 2005, an expression of interest in the Ejipura EWS was called for by the then Congress government. Thirty-one parties participated in the tender process. It was announced as one of the most prestigious projects, under which we would have to build 1640 flats in one half of the land; in the rest of it, we could build a commercial complex, of which 50% would be taken away by the BBMP for its use. We negotiated with the BBMP to make it financially viable and persuaded them to give it to us on a thirty year lease. The BBMP wanted in-built clauses such as: we would have to maintain the EWS housing area as well as provide elevators and other services for this area. Three of us finally qualified for the project.

There were heavy rains in Ejipura area during which two children died of electrocution. The BBMP was in a hurry to take up the project. PPP is the most preferred route to slum rehabilitation because the revenue from it can be used by the government for public purpose projects. It is a win-win situation for the BBMP since it works for the benefit of economically weaker sections of the people, brings revenue to the BBMP, and creates permanent assets. In the tender process, the third bidder was eliminated on technical grounds. Since my bid was in accord with the by-laws, the tender was awarded to us. The 2006 October resolution, which was a preliminary resolution without legal force, specified that it would have to be a PPP project. Aakruti, the other bidder, went to court in 2006. He obtained a stay in the court. In 2010, some residents filed a Writ Petition complaining about delays in taking up the project. Aakruti's case was dismissed with heavy costs. He filed an appeal, and the case was finally dismissed. There was a mandamus issued by the court that work had to be taken up immediately, so BBMP signed the commissionerate in January 2012.

Suddenly, some allottees filed a Writ Petition before the court of Justices Vikramajit Sen and Arvind Kumar challenging the agreement. In the meanwhile, I'd already approached the financial agencies for loans to take up construction.

Then, the whole thing unfolded in the court. There are three categories of residents in the Ejipura EWS area: (1) 1212 original allottees, who had purchased the flats and entered into a lease cum sale agreement with BBMP. When their quarters collapsed, the allottees were given Rs. 5,000 each by BBMP which put up sheds for them. (2) Encroachers (800 in number) to whom the original allottees had rented out the flats, and 3) Squatters who have been brought by various political outfits for their own reasons. The case filed by allottees went on for two months. The BBMP Commissioner Shankar Linge Gowda faced the wrath of the High Court. The plea was that the land belongs to us the allottees, and not the encroachers. The encroachers also filed a writ petition asserting that they too had a claim. After two months, the court decided that the flats would be built only for the original allottees; the court asked us to improve the facilities for the EWS quarters, for example, to provide two lifts instead of one. This increased the cost considerably for us; we were made the scapegoats in the dispute between the residents and BBMP.

The second aspect of the High Court order was a very strict one: every resident in the area should be evicted ('thrown out' was the expression used). The High Court ordered the BBMP to evict everyone before October 8. Moreover, we had to take the allottees to Iglur for temporary relocation and give

each a sum of Rs. 30,000 for a period of 30 months. All the other people should be summarily evicted.

Now comes my humanitarian side. I signed a joint agreement with allottees and the BBMP. The court granted the status of imprimatur to our agreement, which was a stamp of recognition. We had discussions with the BBMP, its executive engineer, the local MLA about finding another resettlement area, Sulikunte village in Sarjapur, about 7 kilometres from Ejipura. We approached the Housing Minister who contacted the Health Minister. The two ministries agreed to give five acres of '*gomala land*' for this purpose. I then arranged a free bus service to take the encroachers to this area. The Health Minister demurred and wanted a slum-free settlement. Under a government scheme, the project was developed to give free houses for 900 encroachers, all other duties being waived. Twice, the BBMP pasted this notification on the dwellings in Ejipura, in September and October. The encroachers removed all the notices. The original allottees filed a contempt petition at the end of October stating that the police is not supporting allottees in evicting encroachers. The police then gave an assurance in December that they would be given protection. A third petition, identical to the other two, was put up. MLA Harris said he would get biometric cards to the encroachers. The Revenue Department and other departments inspected their ledgers and gave the cards to the 900 encroachers. On January 8, the leaders of the encroachers were called and told about the order of the court and that they'd be evicted. The police landed in the Ejipura colony on 18 January and between 18th and 23rd, they evicted all these people. Actually, there were hardly any people left in the colony. On humanitarian grounds, I arranged for my office to give Rs. 5,000 to find alternative accommodation. The same people who collected the money from my office are now sitting there in the footpath of the colony. This includes many of the leaders of the encroachers. We have visual evidence.

Big organizations (like PUCL, for example) are creating dangerous and inflammatory campaigns, comparing my actions with the atrocities in Sri Lanka, just to frustrate me.

Just see it from my point of view: as a businessman, I have an institutional right to apply for tenders. Yet, aspersions have been cast on me, I have been maligned. A banker told me that due to all this bad publicity my loan application may have to be put on hold. The caste factor is also being brought to malign me. I am happy that you people from PUCL have come to listen to my side of the story. I will be happy to give you all the documents at my disposal.

As for the allegations that the encroachers have been injured in the eviction, it is all fake. They are all play-acting (they're very good *kalaakaars*). They are exhibiting selective faces. There has not been a single death so far. They're all staying in dwellings of their own in nearby localities, for example LR Nagar. The whole thing is being blown out of all proportion. I am determined to complete the construction in 30 months after I get the necessary certificate for construction.

I have had no role in the eviction. Our security staff is staying within the boundary of our property and are not interfering with the people squatting there.

Out of the 22 acres of Ejipura, seven acres went to a dog pound, then a *dhobi ghaat*. 15.64 acres have been fenced in. The figure of 11 acres in the site map is a fictitious one. We will commercially exploit 6.74 acres, and 6.25 acres has been set aside for EWS quarters, plus an acre for civic amenities there.

As for the petition filed by the encroachers, we will say (so will BBMP) that the case has already been disposed. The ownership claims of the owners have been quashed.

As for the case against the Garuda Mall project, no illegalities have been committed. When I submitted my original plan for a parking lot complex, a number of changes were pointed out

by BBMP officials, which I readily agreed to. All changes in the original plan conform to BBMP regulations.

2) Hemant Gulati (Chairman, *Aakruti Nirman Pvt. Ltd.*)

A dream project like this needs a lot of experience to handle, and Maverick didn't have any. He had only executed the Garuda project by then—with a lot of irregularities. Maverick shouldn't have been given the contract at all because it is full of illegalities. The bids of much better builders than Maverick were bypassed in favour of Maverick.

To begin with, he did not qualify to participate in the tender since he failed to submit the balance sheet statements for the years 2003, 2004, and 2005. He is ineligible on several other counts: According to BBMP rules, he should have had, as of 2004: (1) a business turnover of Rs. 10 crore; (2) a net worth of Rs. 5 crore; and (3) cash accruals of Rs. 5 crore. He did not have financial capability under any of these three heads to execute the project.

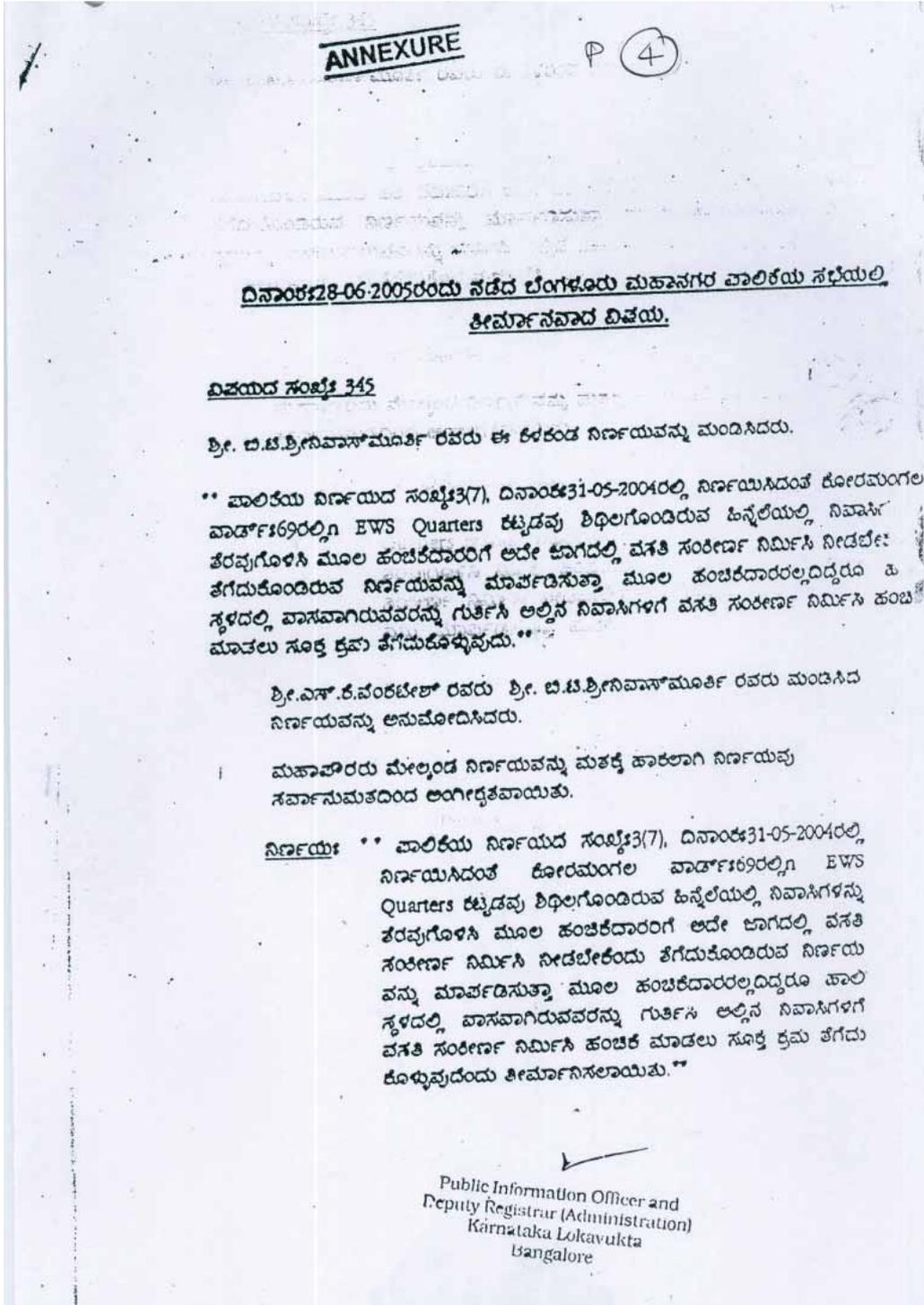
What has he done after the eviction? Nothing. He has only paid Rs. 30,000 each to 60 families, which amounts to Rs. 18 lakh. The families should have been rehabilitated before the eviction at his cost, as per rules, and at least temporary accommodation should have been provided. In our construction projects across the country, we provide portable transit homes made of steel structures. On the contrary, he has made BBMP spend money on the eviction on his behalf.

As for the financials, if you include the revised Floor Area Ratio (FAR) of three for 15 acres of built-up area, he is paying a rent of Rs. 8.73 per square feet per month for 30 years, whereas the market rent for this area, is Rs. 13 approximately per square feet, so he is making, over 30 years (with 10% appreciation of land value every 3 years), a huge gain at public chequer's expense. According to our calculations, he should be making a gain of Rs. 500-600 crore, under revised FAR over 30 years from the project.

In fact, I feel that the whole project has to be scrapped and BBMP can get money from NABARD and build quarters for all the residents.¹

¹ Statements submitted by Aakruti Nirman Pvt. Ltd. before the court are included in Annexure VIII.

BBMP'S RESOLUTIONS OF 2005



SUBJECT DECIDED BY THE BANGALORE CITY CORPORATION IN THE
MEETING DATED 28.06.2005

SUBJECT No. 345

Sri. B.T. Srinivas Murthy proposed the following decision.

"In lieu of the decision taken vide Corporation Decision No. 3(7), dated 31.05.2004 to evict the residents in view of the dilapidated condition of the EWS Quarters building at Koramangala Ward No.69 and to allot the original allottees by putting up residential complex in the very same place, the decision has been changed to take necessary action to identify the present residents and by constructing the residential complex allot the same to the present residents even if they are not original allottees.

The motion proposed by Sri. B.T. Srinivasa Murthy has been seconded by Sri. S.K. Venkatesh.

The decision has been accepted unanimously on it being put for voting by the Mayor.

DECISION: "It is hereby decided that the decision taken in view of

the dilapidated condition of the EWS Quarters building at Koramangala Ward No.69 vide Corporation Decision No. 3(7), dated 31.05.2004 to evict the residents and to put up residential complex in the very same place and to allot the original allottees has been changed to take necessary action to construct the residential complex and to identify the present residents therein and allot the same to the present residents even if they are not original allottees.”

Sd/-

Public Information Officer and
Deputy Registrar (Administration),
Karnataka Lokayukta
Bangalore.

ANNEXURE

5

ದಿವಾಂಶ:29-07-2005ರಂದು ನಡೆದ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಸಭೆಯಲ್ಲಿ
ತೀರ್ಮಾನವಾದ ವಿಷಯ.

ವಿಷಯದ ಸಂಖ್ಯೆ: 1/05.06

ಶ್ರೀ. ಬಿ.ಬಿ.ಶ್ರೀನಿವಾಸಾಚಾರ್ಯ ರವರು ಈ ಕೆಳಕಂಡ ನಿರ್ಣಯವನ್ನು ಮಂಡಿಸಿದರು.

ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ದಿ:28-06-2005ರ ಸಭೆಯಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ನಿರ್ಣಯ ಸಂಖ್ಯೆ:345ನ್ನು ಮಾರ್ಪಡಿಸುತ್ತಾ, ಕೋರಮಂಗಲ ವಾರ್ಡ್ ಸಂಖ್ಯೆ:69ರಲ್ಲಿ ಅರ್ಥಿಕವಾಗಿ ಹಿಂದುಳಿದ ಕುಟುಂಬಗಳಿಗೆ ಪಾಲಿಕೆಯು ವಸತಿ ಸಂಕೀರ್ಣವನ್ನು ನಿರ್ಮಾಣ ಮಾಡಿ ಹಂಚಿಕೆ ಮಾಡುವ ವಿಷಯದಲ್ಲಿ, ಹಾಲಿ ಕಟ್ಟಡಗಳು ಶಿಥಿಲಗೊಂಡಿರುವುದರಿಂದ ಮುಂಜಾಗ್ರತಾ ಕ್ರಮವಾಗಿ ಈ ನಿವಾಸಗಳನ್ನು ತೆರವುಗೊಳಿಸಿ, 1512 ಜನ ಮೂಲ ಹಂಚಕದಾರರಿಗೆ ಮತ್ತು ಹಾಲಿ ಸ್ಥಳದಲ್ಲಿ ವಾಸಿಸುತ್ತಿರುವ ನಿವಾಸಗಳನ್ನು (ಬಾಡಿಗೆದಾರರು) ಗುರ್ತಿಸಿ, ಉಳಿಕೆ ಜಾಗದಲ್ಲಿ ವಸತಿ ಸಂಕೀರ್ಣವನ್ನು ನಿರ್ಮಿಸಿ ಹಂಚಿಕೆ ಮಾಡುವುದು.

ಶ್ರೀ.ಎಸ್.ಕೆ.ವೆಂಕಟೇಶ್ ರವರು ಶ್ರೀ. ಬಿ.ಬಿ.ಶ್ರೀನಿವಾಸಾಚಾರ್ಯ ರವರು ಮಂಡಿಸಿದ ನಿರ್ಣಯವನ್ನು ಅನುಮೋದಿಸಿದರು.

ಮಹಾಪೌರರು ಮೇಲ್ಕಂಡ ನಿರ್ಣಯವನ್ನು ಮತಕ್ಕೆ ಹಾಕಲು ನಿರ್ಣಯವು ಸರ್ವಾನುಮತದಿಂದ ಅಂಗೀಕೃತವಾಯಿತು.

ನಿರ್ಣಯ: " ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ದಿ:28-06-2005ರ ಸಭೆಯಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ನಿರ್ಣಯ ಸಂಖ್ಯೆ:345ನ್ನು ಮಾರ್ಪಡಿಸುತ್ತಾ, ಕೋರಮಂಗಲ ವಾರ್ಡ್ ಸಂಖ್ಯೆ:69ರಲ್ಲಿ ಅರ್ಥಿಕವಾಗಿ ಹಿಂದುಳಿದ ಕುಟುಂಬಗಳಿಗೆ ಪಾಲಿಕೆಯು ವಸತಿ ಸಂಕೀರ್ಣವನ್ನು ನಿರ್ಮಾಣ ಮಾಡಿ ಹಂಚಿಕೆ ಮಾಡುವ ವಿಷಯದಲ್ಲಿ, ಹಾಲಿ ಕಟ್ಟಡಗಳು ಶಿಥಿಲಗೊಂಡಿರುವುದರಿಂದ ಮುಂಜಾಗ್ರತಾ ಕ್ರಮವಾಗಿ ಈ ನಿವಾಸಗಳನ್ನು ತೆರವುಗೊಳಿಸಿ, 1512 ಜನ ಮೂಲ ಹಂಚಕದಾರರಿಗೆ ಮತ್ತು ಹಾಲಿ ಸ್ಥಳದಲ್ಲಿ ವಾಸಿಸುತ್ತಿರುವ ನಿವಾಸಗಳನ್ನು (ಬಾಡಿಗೆದಾರರು) ಗುರ್ತಿಸಿ, ಉಳಿಕೆ ಜಾಗದಲ್ಲಿ ವಸತಿ ಸಂಕೀರ್ಣವನ್ನು ನಿರ್ಮಿಸಿ ಹಂಚಿಕೆ ಮಾಡುವುದೆಂದು ತೀರ್ಮಾನಿಸಲಾಯಿತು."

Public Information Officer and
Deputy Registrar (Administration)
Karnataka Lokayukta
Bangalore

Translated - PS

SUBJECT DECIDED BY THE BANGALORE CITY CORPORATION IN THE
MEETING DATED 29.07.2005

SUBJECT No. 1/05-06

Sri. B.T Srinivasa Murthy proposed the following decision.

"The decision taken by the Bangalore City Corporation in its meeting vide Corporation Decision No.345, dated 28.06.2005 in the matter of constructing residential complex at Koramangala Ward Bo.69 to the families belonging to the economically weaker sections has been changed to evict the residents therein in view of the dilapidated condition of the present buildings as a precautionary measure and to put residential complex, allot the same to 1512 original allottees and by constructing residential complex in the remaining portion and allot by identifying the present residents (tenants).

The motion proposed by Sri. B.T. Srinivasa Murthy has been seconded by Sri. S.K. Venkatesh.

The decision has been accepted unanimously on it being put for voting by the Mayor.

DECISION: "It is hereby decided that the decision taken by the Bangalore City Corporation in its meeting vide Corporation Decision No.345, dated 28.06.2005 in the matter of constructing residential complex at Koramangala Ward No.69 in view of the dilapidated condition of the present buildings, to evict the residents therein as a precautionary measure and to put up residential complex therein and allot the same to 1512 original allottees and to a lot the present residents (tenants) by putting up residential complex in the remaining portion."

Sd/-

Public Information Officer and
Deputy Registrar (Administration),
Karnataka Lokayukta,
Bangalore.

LETTER BY DALIT AND MINORITIES PROTECTION FORUM TO THE BANGALORE MAYOR

**Dalit and Minorities Land Protection Forum No. 21, 25th Block, EWS
Quarters, Vivek Nagar Bangalore 560047
98440, 98443, 9449820566, 9480452037**

To

18.5.12

The Honorable Mayor
BBMP Bangalore

Subj.: Demand for revoking the decision to hand over the EWS
land reserved for Dalits and Minorities

Dear Sir,

In 1984, the then city municipal corporation (BBMP) constructed 1512 quarters for economically backward sections in an area neighbouring the centrally located Viveknagar. In 1995/1996, these quarters were allotted after entering into an agreement with the beneficiaries to collect the payment in instalments over a period of 13 years. (See attachment 1) But basic amenities like minimum water supply and toilets were not provided in these 3 storeyed quarters. Moreover, the standard of construction was so grossly inferior that in 5 years of the quarters being allotted, the buildings developed defects and started collapsing in the 7th year of construction. 3 persons, including one child, died and scores injured during this collapse of the quarters. Instead of taking action regarding defective construction, the government and the BBMP appointed a committee to assess the quality of construction, and washed its hands off the matter. Hence the enormous corruption taking place during the construction was entirely suppressed. The report of the assessment committee made their recommendation that 21 of the 42 buildings should be rebuilt and 21 others needed repairs. Instead of considering this recommendation, the BBMP authorities demolished all the buildings. This shows that this step was clearly pre-planned with a view to handing over this land to a private company. It is on this company's behalf that all these actions are being carried out with deliberate intent by the BBMP. After the houses were levelled and demolished, tenements of tin sheets were built for the residents. Since 2004, the residents have been living in these tin sheet houses. In 2007, the government (including the chief minister Kumaraswamy and corporator R. Ashok) declared that houses for the residents would be built on the same land, and provided Identification Cards ('guruthina cheeti') to them.

Even though it was estimated that 3000 dwellings could be built on this land measuring 15.64 acres, it was announced that only 1640 dwellings in 10 storeyed buildings would be built for and allotted to the original beneficiaries. (But there are no records of the stipulated allotment.) On the other hand, records show that it has been decided that 8 acres of land will be left for the private company (Maverick Holdings Company of Garuda Mall fame). This action is nothing but a land grab operation of land reserved for the poorer sections of dalits, minorities and backward sections. On 17.4.12 when questioned about this action, the present commissioner Shri Shankarlinge Gowda stated that he was only implementing the decision of the council. (See attachment 2) However, it is worth noting that this agreement was worked out only after this commissioner assumed office. The government's pretext for providing this land to the private company is that it doesn't have money to build quarters. However, the allegation that the BBMP has not properly utilised funds sanctioned for the weaker sections is well known. Moreover, in 2011-2012, when the Chief minister Yediyurappa presented the budget, he announced that 3 lakh houses will be built for the poor. Our demand is that of these 3 lakh houses, 3000 dwellings be built for the poor on this land.

Sir, we have been living in this land for several years, and have protected it from land grabbers. Hence we are the true owners of this land. Since we have been living on this land on the basis of natural and social justice, the government cannot take a decision on this matter without consulting us as well as the elected representatives. For, this land belongs not to the government, but to the poor, since it was sanctioned for the poor.

It is in the context described above that our forum representing several dalit, human rights and women and minorities organizations has been waging several struggles on this issue. We request you, our representatives, to adopt the following actions in our support:

1. A regular meeting of the BBMP be convened to decide to immediately revoke the anti-people and dangerous decision to allow a private company to grab land reserved for the poorer sections.
2. The BBMP should immediately repeal the anti-people agreement to grab the EWS land entered into by the BBMP and the private company.
3. Demand the government to build on this same land houses for the presumed allottees as well as for the homeless people residing there.
4. Demand the government to construct houses for all the homeless presently living there as well as the original allottees by sanctioning money under these schemes: BSUP, RAY, SC/ST 22.75% anudana for SC/ST, 15 % anudana for minorities, and 7.5% anudana for backward sections as well as anudana for corporators.

It is imperative to protect the land allotted for the benefit of EWS from a private company. For this, your assistance is essential. Expecting that you will aid us, the affected residents as well as people's organizations in the state supporting them:

Signed by 11 members of the Forum

Receipt of Acknowledgment from Mayor's office, BBMP dt.18.5.2012

Member Organizations represented in the Forum

Samatha Sainik Dal, Dalit Sangharsha Samiti (Bheemawada), Savitri Bai Phule Women's Organization, Dalit Panthers of India, Minorities People's Federation, Sadhana Mahila Gumpu, Akash Chandrappa Nagar, Swabhimani Bahujanara Vedike-K, PUCL-K, Karnataka Tamil Makkal Iyakkam, Bangalore Hutment Dwellers Association, Slum Janara Samanvaya Samiti, SICHREM, Bidge Network, Bangalore Janara Vedike, Dalit Bahujana Chalivali, Slum Janandolana-Karnataka

JUDGEMENT OF THE HIGH COURT OF KARNATAKA ON THE ECONOMICALLY WEAKER SECTION (EWS) HOUSING SETTLEMENT

1

4 copies
31/07/12
J. Rangaswain

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 24TH DAY OF AUGUST, 2012

PRESENT

THE HON'BLE MR. VIKRAMAJIT SEN, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE ARAVIND KUMAR

Writ Petition No.45915/2011(LB-BMP-PIL)

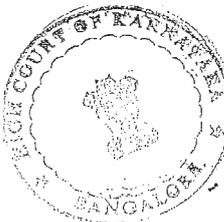
Between:

1. Smt.Meena S.
L/R of Sri.Venkitaiiah
Aged about 68 years,
Block No.41, House No.35,
E.W.S Tin Shed,
Vivek Nagar,
Bangalore - 560 047.

2. Smt.E.Pramila
Aged about 43 years,
W/o Bhaktachalam
No.27, E.W.S Tin Shed,
Vivek Nagar,
Bangalore - 560 047.

3. Smt.Irudhyamary
Aged about 55 years,
W/o L.Arokiadass
Old Block No.22, House No.21,
E.W.S. Tin Shed,
Vivek Nagar,
Bangalore - 560 047.

4. Sri.S.Ravi
Aged about 47 years,
S/o D.Swamy
Old Block No.26, House No.18,
E.W.S Tin Shed,
Vivek Nagar,



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W/o Anwar Begh
No.22, East Street,
Neelasandra,
Bangalore.

53. M.Velu
S/o Murugesh
No.84, 2nd Cross,
Sonnehalli,
Vivek Nagar,
Bangalore.

54. Smt.Sharadamma
W/o Jeevarathnam
No.12, S.M.Road,
Vannar Pete,
Bangalore - 560 047.

....Respondents

(By Sri Anniyan Joseph, Advocate and Sri Clifton Rozario,
Advocate for R-4; ..
Smt.Anna Lucia, Advocate for R-5 to R-32;
Sri D.N.Nanjunda Reddy, Sr.counsel a/w Sri R
Subramanya, Advocate for M/s.Ashok Haranahalli
Associates, Advocates for R-2;
Sri S Sriranga, Advocate for M/s.Just Law, Advocates for
R-3;
Sri R Devadas, AGA for R-1;
Sri K Chandrakanth Ariga, Advocate for R-33 to R-54.)

This Writ Petition is filed under Articles 226 and 227
of the Constitution of India praying to direct the first
respondent to allocate funds as directed expeditiously start
the reconstruction of the demolished E.W.S quarters, etc.

This Writ Petition coming on for orders this day, Chief
Justice made the following:

ORDER

Vikramajit Sen. CJ (Oral)

Office objections on the amended memo of parties is
over-ruled in view of specific orders passed by the Court.

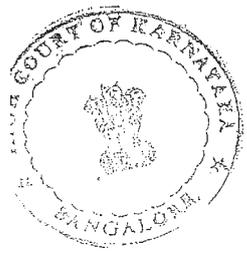


directing the applicants to be arrayed/impleaded as Respondents. Amended memo of parties is taken on record.

2. So far as list of allottees prepared by BBMP and filed in these proceedings, if there are any parties who hold valid Lease-cum-Sale documents, Agreement and/or an Allotment letter, such persons may approach BBMP for correction of the list. Learned Sr.Counsel appearing for BBMP states that each such complaint/request if any would be duly considered and decided on merits. Said submission is placed on record.

3. Allotment of 1512 Flats shall be carried out by BBMP by draw of Lots.

4. Concession Agreement between Respondent No.2 and Respondent No.3 shall remain in force except where the provisions are contrary to the Agreement - Exhibit-C which has been duly signed by Petitioners - EWS Welfare Association and counsel for Petitioners as well as newly impleaded Respondents on the one hand and by Respondent Nos.2 and 3 together with their respective Advocates.



5. Learned AGA states that Respondent No.1 has no objection if the Agreement is given the imprimatur of the Court.

6. It is observed that some of the Petitioners have not subscribed their signatures or their thumb impressions to Exhibit-C. Their counsel submit that each one of them has agreed to the terms of Agreement – Exhibit-C but for one reason or the other are physically unable to subscribe their signature or their thumb impressions. Similar position obtains sofar as some of the impleaded Respondents are concerned.

7. We have carefully perused the terms of Exhibit – C and are satisfied that it is to the advantage of the original allottees of the subject lands. This Writ Petition is in public interest and therefore Exhibit-C shall bind all original allottees or 1512 original allottees regardless of whether they have signed Exhibit-C or not. Several of the Petitioners are present in Court and affirm the submissions made by counsel for Petitioners and counsel for newly added Respondents.

8. Sofar as Stamp Duty on the conveyance which will ultimately be executed is concerned, we are of the view that provisions of Section 2(1)(mna) of the Karnataka Stamp Act,



1957 clarifies that market value shall be the price mentioned in the Lease-cum-Sale Agreement or Allotment letter (in original) as the case may be.

9. Learned AGA submits that so long as the conveyance mentions the price contained in the original Lease-cum-Sale Agreement and/or Allotment letter, Sub-Registrar would have no objection treating that price as the market price. We clarify that BBMP shall only mention the price in the Lease-cum-Sale agreement executed earlier as the sale consideration for the allotment now being made in respect of the EWS Flats now being constructed by Respondent No.3 under the agreement.

10. Registry is directed to place any Writ Petition if filed in future pertaining to project of 'Development of Housing Complex for Economically Weaker Sections at Koramangala, Bangalore' before Court Hall No.1 along with the papers of the instant Writ Petition.

11. All those desirous of taking up the offer of Rs.30,000/- in lieu of alternate re-location/rehabilitation shall do so within two weeks from today. Respondent No.3 shall tender aforementioned payment by cheque or DD drawn in the name of original allottee who are residing in



the site, in terms of the Joint memo. Such person shall vacate the premises within 15 days thereafter.

12. Respondent No.2 has made available five acres of land in Iglur, on Hosur Road for rehabilitation of 1512 original allottees minus those who have accepted Rs.30,000/- . Respondent No.2 undertakes to handover possession of the site within 15 days from today to Respondent No.3 who shall immediately thereupon construct temporary transit sheds and other infrastructure for temporary rehabilitation of the said original allottees, within four weeks thereafter.

13. In view of the above arrangement, we are satisfied that there will be no justification for any person to remain on the present site after six weeks from today. Accordingly, Respondent No.2 shall have the authority to evict/eject all occupants from the present site after 8th October, 2012 and if necessary taking the aid/assistance of police force.

14. Learned AGA undertakes to the Court that there shall be adequate Police presence, protection and Patrolling on the present site 24 hours in order to provide safety and security to persons concerned. This arrangement shall continue till 8th October, 2012. This order should not be

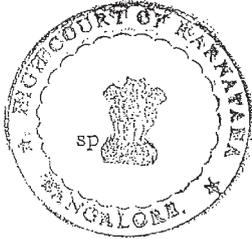


understood to indicate that thereafter BBMP shall not be entitled to seek Police aid.

Public Interest Litigation stands disposed of in the above terms.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE



TRUE COPY

[Signature]
Session Officer
High Court of Karnataka
BANGALORE

- a) The date on which the application was filed. 25-8-12
- b) The date on which charges and additional charges, if any, are called for. 28-8-12
- c) The date on which charges and additional charges, if any, are recommended. 29-8-12
- d) The date on which the copy is sent to the date of delivery. 29-8-12
- e) The date on which the complaint is received in respect of the case. 29-8-12
- f) The date on which the case is disposed of. 29-8-12
- g) The date on which the case is disposed of. 29-8-12

VI. LETTER BY SAMATHA AND DALIT AND MINORITIES PROTECTION FORUM TO THE COMMISSIONER OF BANGALORE

**Samatha Sainik Dal
and
Dalit and Minorities Land Protection Forum**

**No. 21, @5th Block, EWS Quarters Vivek Nagar Bangalore 560047
9844085332, 9844367323, 9449820566, 9480452037**

To,
The Commissioner,
BBMP, Bangalore

Dated 10.1.13

Subj: Request to reconsider the decision to alienate to a private company the land (Ward no. 115)
designated for EWS quarters in Koramangala

Sir,

BBMP declared that houses would be constructed for economically weaker sections on land designated for EWS which, prior to 1994, was a garbage dump yard. Taking a loan for this purpose from HUDCO, 1512 houses in 3 storey buildings were constructions, but they turned out to be constructions of mud and ash. The quality of construction of these houses was so substandard and grossly inferior that they developed cracks and were on the verge of collapse even before they were distributed among the people. The BBMP officials, who were not bothered in the least about this problem, proceeded to distribute the houses like peanuts among those who had political influence and had given bribes, and washed their hands off the whole matter. These houses had no basic amenities, and due to seepage of rainwater in the foundation, the buildings from 2003 onwards started collapsing one by one. Before this happened, many of the original allottees either sold off their houses at whatever prices they could get or rented them out to others. (As per attachment 1 of the BBMP survey report of 2003) When the first building collapsed, BBMP officials as well as government ministers visited the site and assured the residents: 'We will build and provide houses for you on this land' and put pressure on them to vacate their houses. When the officials were asked

as to whom the houses would be allotted (see attachment 2, copy of Decisions of BBMP), they distributed allotment tokens among all the people resident there at that time and, in addition, built tin sheds as a temporary measure to enable them to stay there until houses were built for them. Even as thousands of homeless dalits, linguistic and religious minorities were living in this area, private companies and BBMP officials agreed internally to work out a strategem to rob this piece of land. According to this agreed plan, based on the Mumbai model of land sharing, half of the land would be provided to a private company and houses would be built in the other half for these residents. This land isn't the property of any private individual but has instead been designated for dalits and minority sections of the poor. To forcibly deprive them of this land and hand it over to a private company is a conspiracy against the Indian constitution which promotes social justice.

In the meanwhile, a writ petition was filed by the original allottees before the high court praying for the quashing of the agreement, and for specifying who should be allotted the houses in the event of them being built. On the pretext of expediting the project, the BBMP withheld from the court all the vital information regarding its previous decisions on the subject, its survey as well as its allotment tokens. Instead, the BBMP submitted information selectively, thereby misleading the high court, and thereby succeeded in getting the kind of judgement that they and the private company wanted. (Attachments 3, 4, 5, Writ petition and copy of the High Court judgment)

The residents of this area have in their possession Identification Cards, 'paditara cheeti' issued by the BBMP, as well as their Voters IDs, declaring that they have been residing in this area for several years. But some officials of the BBMP, who are serving as agents of the private company, have furnished false information to the high court. Challenging this, local residents have approached the high court with a petition (No. 42743) which has been admitted and hearings are going on. (Attachment 6) In this application, they have made submissions made before the high court to the effect that 'the court's orders don't apply to us since they were passed without our being a party to it, even though we lived for several years in tin sheds on this land designated as housing for EWS. We are confident that the high court will reexamine its judgment and provide justice to us.'

Since the inception of Karnataka state until now, injustice has been done and is still being done to dalits and minorities in respect of allotment of land in proportion to their population. There are no instances of land being designated/reserved for us. Primacy has always been given to dominant castes and communities in respect of development of urban housing colonies. Hence a first step needs to be taken to correct this historical injustice by overturning the decision to provide land designated for EWS to a private company. Several BBMP officials, who have been working as agents of a private company, are misleading you just as they have misled the high court. Since you are at the helm of BBMP administration, we request you to intervene by recommending our appeal to the government and correcting the injustice that is being done to dalits and minorities. The city corporation should build houses for the poorer dalits by activating schemes provided by the state government and the centre for this purpose. As partners in the city, we have the right to live with dignity. Instead of focusing single-mindedly on the commercial development of the city, the ends of social justice should be met by providing housing to the poor.

The EWS people's struggle for land demands that the agreement with the private company is rescinded and the government releases funds for construction of houses in this land. We trust that you will intervene before this struggle becomes a widespread struggle by dalits and minorities for land across the state. We demand that the conspiracy of 'land sharing' schemes to grab land that belongs to the city's poor people is stopped forthwith.

Demands

1. The land sharing agreement regarding the EWS land between the BBMP and the private company should be suspended forthwith.
2. For the dalits and minorities poor living in this land for more than 15 years, houses should be built immediately at government expense and hakku patra should be given. Or, as per the provisions of Karnataka Slum Development Act, district authorities should be urged to declare this area as a kolageri area.
3. B.T.Ramesh, chief engineer of BBMP played a central role in the substandard construction by BBMP of EWS quarters as well as other regularities, and is equally involved in the land grab operation of this land by a private company. We demand that B.T. Ramesh is removed so that BBMP is saved.
4. In this area, there are more than 2000 children from about 2000 families who are studying in neighbouring corporation, government and anudana schools. If people are evicted from this area, it will be considered a violation of the right to education of these children by the BBMP. We request that the BBMP makes arrangements to see that the court order is stayed till the beginning of the schools summer vacation.

Yours faithfully,

M. Venkataswamy
State President
Samata Sainik Dal

Samata Sainik Dal, Dalit Minorities Land Protection Vedike, and Slum Janandolana-Karnataka

SPECIAL LEAVE PETITION FILED BY THE AFFECTED RESIDENTS OF EJIPURA/KORAMANGALA: EXTRACTS

[Special Leave Petition (SLP) filed in the Supreme Court of India in response to the Karnataka High Court's judgement of 24.08.2012 directing BBMP to clear the EWS settlement in Ejipura/Koramangala]

The Petitioners are the erstwhile residents of the tinsheds erected by the Bruhat Bangalore Mahanagara Palike (henceforth referred to as BBMP for the sake of brevity) on the EWS Quarters land. The Petitioners, amongst about 1500 families, were all residents of the 1512 flats in EWS Quarters, who were shifted to the tinsheds when the EWS Quarters was demolished by BBMP.

The EWS Quarters was conceptualized in 1983-84 by the BBMP to provide housing for persons from economically sections of society. The construction quality was very poor and its structural stability questionable. Despite this, BBMP selected 1512 beneficiaries for allotment of these flats, and sought to issue lease-cum-sale agreement to all of them but 86 beneficiaries refused the same. Thus in 1993-94, 1426 allottees were issued letters of allotment and lease-cum-sale agreements were executed in their favour thereafter by the BBMP.

After these allotments, most of the original allottees did not live in the flats and instead let the flats out on rent to various tenants, including to some of these Petitioners. Several other original allottees sold off their flats to third parties under registered General Power of Attorneys and other legal instruments. Thus, except for a handful of original allottees, the most of the residents of the 1512 flats were tenants including some of the Petitioners. During the time that the Petitioners, and other tenants, inhabited the EWS Quarters, several blocks collapsed resulting in the deaths of about 5 persons, injuries to scores and loss of property. BBMP then demolished all the EWS Quarters buildings and shifted its residents, including the Petitioners, to tinsheds erected on the very same EWS Quarters land as a temporary measure promising that it would immediately undertake construction of a new residential complex for them in situ. At the time of shifting all families to the tinsheds, the number of original allottees who were shifted was about 230. Thus, the Petitioners and other erstwhile residents of the EWS Quarters came to reside in these tinsheds until the demolitions in January 2013.

The BBMP Council recognised the rights of these above said residents, including the Petitioners and passed a resolution in their favour being, resolution bearing No. 3(7) on 31/05/2004 as amended by resolution in Subject No. 345 on 28/06/2005 and Subject No. 1/05-06 on 29/07/2005. BBMP

resolved that a residential complex would be put up for housing the 1512 original allottees and in the remaining portion another residential complex would be put up for housing the present residents. During this time, some original allottees approached the Karnataka High Court in W.P. No.11912/ 2008 for relief, and the Court disposed of the matter on 12/02/2009 with a direction to the 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 being Writ Petition No.45915/2011 whereby a direction was sought for to the Government release funds for the construction of the dwelling units.

During the pendency of the matter the BBMP and M/s Maverick Holdings Private Limited executed a concession agreement dated 02/01/2012 as a private public partnership (hereinafter referred to as PPP). The Karnataka High Court passed an Interim Order dated 10/07/2012 holding that the Division Bench in W.P. No.11912/2008 did not permit the 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 W.P. No. 45915/2011, the BBMP and M/s. Maverick Holdings Pvt. Ltd., 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 Quarters land on which the Petitioners were residing. The Petitioners were unaware of these proceedings and were not party to the same.

Thereafter from the morning of 18th January up to the evening of 21st January, 2013 the officials of BBMP and M/s Maverick Holdings Pvt. Ltd. accompanied by bulldozers and large number of police personnel, came to the EWS Quarters and demolished the tinsheds, including the homes of the Petitioners, and have rendered them homeless.

IN THE SUPREME COURT OF INDIA [ORDER XVI RULE-4(1)(A)] CIVIL APPELLATE
JURISDICTION (UNDER ARTICLE-136 OF THE CONSTITUTION OF INDIA)

SPECIAL LEAVE PETITION (CIVIL) NO..... OF 2013

(Against final order/judgment dated 24.08.2012 passed by the High Court of Karnataka at Bangalore in W.P. No. 45915 of 2011)

(With a Prayer for Interim Relief)

BETWEEN POSITION OF PARTIES

In the High Court of Karnataka

Smt. Jacqueline
W/o Shri Xavier

Aged about 34

Hon'ble Court

1. In this Court

Petitioner No. 1

Resident of No. 25, 17th Block,
EWS Quarters, Bangalore - 560 047
Presently residing on footpath adjoining EWS quarters, Koramangala,
Bangalore - 560047

2. Smt Shabeena,

Petitioner No. 2

W/o Shri Jeeya,

Aged about 25 years

Resident of No.3, 15th Block,
EWS Quarters, Koramangala,
Bangalore - 560047.

Presently residing on footpath
adjoining EWS quarters,
Koramangala, Bangalore - 560047

Petitioner No. 8

Aged about 35 years

Resident of No.3, 33rd Block,
EWS Quarters, Koramangala,
Bangalore - 560047

Presently residing on footpath adjoining EWS quarters,
Koramangala, Bangalore - 560047

Versus

1. State of Karnataka through its Secretary,

Respondent No. 1

State of Karnataka.

Housing & Urban Development,
Bangalore-560001.

2. Bruhat Bangalore Managara Palike,

Represented by its Commissioner,

Respondent No. 2

Bruhat Bangalore Mahanagara Palike
N.R. Square, Bangalore-560002.

3. Maverick Holdings & Investment (P) Ltd.,

A Company registered under the Companies Act-1956, having its Respondent No. 3

Office at: No.78/1, New K.R. Road, Basavanagudi,
Bangalore - 560002.

4. Economically Weaker Section's Respondent
Respondent
Residential Welfare Association,
No. 4 (A registered Association),
No.12, 25th Block, E.W.S. Quarters,
Viveknagar Post, Bangalore-560047
Represented by its
General Secretary
Mr. P.S. Dass.

5. Sri. Daniel Richard,
Respondent Respondent
S/o T.Daniel, Opp. Sri. Kumarans' High School,
Ramamurthynagar, Bangalore-560016.

6. Sri. S.Govindraj, S/o Sundaram,
No.37/4, Bazar Street,
Neelasandra, Bangalore-560047.

7. Smt. K. Kodhanatchi,
House No.11, Old Block No.38,
No.11
No.65, EWS Tin Shed,
Vivek Nagar, Bangalore-560047.

66. Sri. Ramachandran, Petitioner
House No.34, Old Block No.34,
No.1 2
Respondent

No.66

EWS Tin Shed,
Vivek Nagar, Bangalore-560047.

67. Smt. Bharathi,

Petitioner

W/o late Dhanbhadur,
No. 1 Respondent

No. 67

House No. 8, Old Block No.7,
EWS Tin Shed,
Vivek Nagar, Bangalore-560047.

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUDGES OF THE HON'BLE SUPREME COURT OF INDIA THE HUMBLE PETITION OF THE PETITIONERS ABOVE NAMED MOST RESPECTFULLY SHOWETH:

1. That the Petitioners herein prefer this Special Leave to Appeal against the final der/judgment dated 24.08.2012 in Writ Petition No.45915/2011 passed by the High Court of Karnataka at Bangalore. The Petitioners, who were residents of the tinsheds on the EWS Quarters land, were not parties in the said Writ Petition before the High Court but pursuant to the said impugned order/judgment dated 24/08/2012 they have been thrown out from their tinsheds/homes and the said structures have been completely razed to the ground and demolished. The Petitioners and their families, men, women and children, are at present without any proper shelter. They are directly affected by the impugned order/judgment and therefore they are filing the present Special Leave Petition with an application permitting them to challenge the impugned order/judgment dated 24/08/2011 in W.P. No. 45915/2011 passed by the High Court of Karnataka at Bangalore.

3. QUESTIONS OF LAW:

The following questions of law arise for consideration by this Hon'ble Court:

- i) Whether an Order could be passed to evict persons who were in settled possession by evicting and ejecting them with the aid/assistance of police force without affording them an opportunity to be heard and put-forth their case which would be in violation of principles of natural justice?
- ii) Whether the Karnataka High Court could have passed the order under the false assertion by the BBMP that the residents of the tinsheds were unauthorised occupants, when in fact the residents were put into possession of the tinsheds by BBMP themselves, by virtue of being residents of the EWS Quarters, and having resolved that a residential complex would be constructed for them in situ?
- iii) Whether the Petitioners herein who were not encroachers and who were put in the tinsheds by reason of demolition of EWS Quarters due to its structural instability, could have been thrown out from the tinsheds/homes without their rehabilitation in terms of Article 21 of the Constitution, particularly in view of resolutions (Annexures -P3, P4 and P5).
- iv) Whether the High Court in exercise of its Writ jurisdiction could have permitted the BBMP, the Private Developer and some of the original allottees to enter into a compromise contrary to a procedure analogous to that prescribed under Order-XXIII Rule-3B, Sub-Rule-2 of CPC which provides for the procedure to be followed in case of a settlement to be entered into in a representative suit?
- v) Whether the Karnataka High Court could have passed the order without giving the residents, including the Petitioners, an opportunity to be heard and whether it is contrary to the principles of natural justice?
- vi) Whether the order of the Karnataka High Court could have been passed relying upon the Joint Memo of settlement, which is not duly signed by all the parties to the proceedings including the 8th petitioner in W.P. No. 45915/2011 and the 8th, 12th, 13th, 14th, 18th, 19th, 24th, 27th, 28th, 29th, 33rd, 42nd, 46th, 48th and 49th respondents in W.P. No. 45915/2011?
- vii) Whether the Karnataka High Court could rely on the Joint Memo attested by the Commissioner of BBMP who had no authority to enter into such a settlement and further had no authorization from the BBMP Council to do so?

- viii) Whether the order of the Karnataka High Court is binding on all the residents of tin sheds, including the original allottees who have not signed the compromise petition and on the residents of the tinsheds most of whom are not original allottees?
- ix) Whether the order of the Karnataka High Court is justified in light of suppression of vital resolutions passed by the BBMP (placed as Annexures – P3, P4 and P5) wherein the legal rights of the erstwhile tenants and residents of the tinsheds have been recognised and protected?
- x) Whether the Karnataka High Court could have passed the order on the incorrect premise that, firstly, there were 1512 allottees, and secondly, that all the original allottees were residing in the tinsheds on EWS quarters land?
- xi) Whether the order of the Karnataka High Court could be passed without adjudication of the rights of the tenants who were shifted to, by the BBMP, and residing in, the tinsheds on the EWS Quarters land?
- xii) Whether the order of the Karnataka High Court could be passed in light of the order dated 21/09/2010 in W.P. No. 13918/2008, wherein the State Government was required to allocate funds for construction of the residential complex?
- xiii) Whether the order of the Karnataka High Court could have been passed when there was a pending investigation before the Karnataka Lokayukta in the matter relating to construction of houses for weaker sections at Ejipura under the PPP, and the same was suppressed?
- xiv) Whether the order of the Karnataka High Court could have been passed in light of BBMP having consciously suppressed vital facts and circumstances?

4. DECLARATION IN TERMS OF RULE 4 (2):

The Petitioners state that no other petition seeking leave to appeal has been filed by them against the impugned judgment and order.

4. DECLARATION IN TERMS OF RULE 6:

The Annexures- P – 10 to P – 14 produced along with the Special Leave Petition are true copies of the pleadings/documents which formed part of the records of the case in the High Court against whose order leave to appeal is sought for in this Petition.

5. GROUNDS:

The leave to appeal is sought for on the following, amongst other grounds:-

- A. Because the above-said order dated 24th August, 2012 has been passed in WP No. 45915/2011 without giving the residents like the Petitioners whose occupation has been legally recognized an opportunity to be heard and has been passed only after hearing some of the original allottees, most of whom do not reside in the present site, and this is contrary to the principles of natural justice.
- B. Because the Petitioners are bonafide tenants of the original allottees who were issued identification cards by the BBMP with the assurance that they would be provided houses in the said quarters and were subsequently shifted to the tinsheds after demolition of the EWS Quarters.
- C. Because the order of the High Court adjudicates on the rights of the residents without providing them any opportunity of being heard, and is violative of the principles of natural justice.

- D. Because despite recognizing that there were persons other than the original allottees in actual possession of the tinsheds on EWS Quarters land, the Karnataka High Court permitted and relied upon a settlement arrived at among few petitioners, BBMP and M/s Maverick Holdings Pvt. Ltd., without any enquiry as to the nature of the rights of the residents, and without issuing any notice to them.
- E. Because the order of the High Court is based on a Joint Memo of settlement entered into between some of the Petitioners therein, the BBMP and the private company, which is not duly signed by all the parties including the 8th petitioner and the 8th, 12th, 13th, 14th, 18th, 19th, 24th, 27th, 28th, 29th, 33rd, 42nd, 46th, 48th and 49th respondents, who all claimed to be original allottees. In fact the Court took cognizance of the same in (para 6 of the order) but disregarded the solely on the submissions of the counsels for these parties that they agree to the terms of the agreement.
- F. Because the compromise vide the Joint Memo cannot be held to be binding on all the residents of the EWS tin sheds, whether original allottees who are not signatories or parties to the proceedings, or on the residents of the tinsheds most of whom are not original allottees.
- G. Because the Commissioner of BBMP had no authority to enter into a compromise agreement without authorization from the Council to do so.
- H. Because the order of the Karnataka High Court is premised on the false conception that the 1512 allottees are also the residents of the EWS quarters who were rehabilitated in the tinsheds after the quarters were demolished (paras 12 and 13 of order). This is due to the conscious suppression of the true facts in this regard by the BBMP, which failed to bring to the Court's attention the fact that there were no 1512 original allottees in the first place, since lease-cum-sale agreements were not issued in favour of 86 of these beneficiaries; and secondly, that as per the survey carried out by BBMP on 14/11/2003, only 248 original allottees were in occupation of their flats, while the remaining tenements were occupied by 1101 tenants.
- I. Because the Karnataka High Court failed to observe that even all the allottees who were before the Court were not residing in the tinsheds as is apparent a perusal of the addresses of the parties from the cause-title of the order of the Karnataka High Court in W.P. No. 45915/2011 wherein it is apparent that the original allottees arraigned as petitioner No.1 to petitioner No. 13 were residing in the tinsheds, while the original allottees arraigned as Respondent No. 5 to Respondent No. 54 were not residents of the tinsheds.
- J. Because in the Joint Memo itself [at para 3(f)] it is admitted that approximately 250 to 300 original allottees are residing in the tinsheds in the project area.
- K. Because the BBMP is guilty for suppression and misled the Karnataka High Court by failing to bring to its attention the various resolutions passed by the BBMP Council (Annexures - P3, P4 and P5) wherein the legal rights of the erstwhile tenants and residents of the tin sheds have been recognised and protected. On the contrary the BBMP has misled the Karnataka High Court into believing that: (a) there are 1512 beneficiaries; (b) all the 1512 allottees are residing in the tinsheds; (c) the other residents of the tinsheds are unauthorised occupants; (d) the residents of the tinsheds were put into the tinsheds by the BBMP itself because they were residents of the EWS Quarters at the time of its demolition; (e) these tenants were promised new houses in situ;
- L. Because the BBMP has also suppressed that there are pending Lokayukta enquires against M/s Maverick Holdings Pvt. Ltd., in the matter relating to construction of houses for weaker

sections at Ejipura under the PPP initiated vide Government Order No. NAE 261 MNG 2996 dated 28/10/2008 (Annexure - P8)

M. Because the illegal suppression by the BBMP is evident from the Joint Memo:

“5. Obligations of Respondent No. 2: a) Within 8 weeks from the decision of this Hon’ble Court, Respondent No. 2 agrees to hand over the clear and vacant possession of 15.64 acres of unencumbered land to Respondent No. 3 to commence the project as per concession agreement, parties seek appropriate directions from this Hon’ble Court for effecting evacuation of occupants of the project area, many of whom are unauthorised and/or are not amongst the Original 1512 Allottees of the EWS Apartments.”

BBMP is the Respondent No. 2 referred to above and M/s Maverick Holdings Pvt. Ltd. is the Respondent No.3.

N. Because the BBMP, which was arrayed as Respondent no.2, is guilty of having consciously suppressed vital facts from the Court with respect to the resolutions of the BBMP to allot after reconstruction dwelling units in favour of the actual occupants irrespective of whether they were original allottees or not; the manner in which the tenants were shifted to the tin sheds; the legal rights of the tenants that were recognized by the BBMP; that except for less than 300 original allottees none of them were residents of the tinsheds, among others. Not content with suppression of these vital facts, the BBMP is also guilty of wantonly misleading the Court as pointed in the ground above.

O. Because the Petitioners submit that in the present case, there was no advertisement or public notification before such settlement was entered into between some of the parties. When the Court did recognize that when there were persons other than the original allottees in actual possession, the Court while permitting a settlement amongst the original allottees, the BBMP and the Maverick Holdings & Investments Private Limited ought to have advertised calling upon interested parties to have a say in the matter and hence, the Court proceeding to order for eviction of all persons without any enquiry as to the nature of their possession has committed gross injustice.

P. Because the tenants are the persons who have faced loss of life and property due to regular collapse of the EWS Quarters building owing to its structural instability and were shifted to the tinsheds by the BBMP themselves.

Q. Because the High Court totally overlooked the issue of rehabilitation of the petitioners/tinshed-residents, which was an issue covered by Article 21 of the Constitution as well as the Directive Principles. It was not an issue of private nature, which could have been concluded on settlement of the parties. It was necessary for the High Court to examine as to who are the persons, who are required to be rehabilitated. The Petitioners herein were admittedly those persons who were residing in the EWS Quarters and were shifted to tinsheds for no fault of theirs. The shifting had taken place for the reason that the buildings constructed for economically weaker sections were structurally weak and some of the buildings had already collapsed. While shifting the Petitioners to the tinsheds they were given assurance by the BBMP and resolutions dated 31/05/2004, 28/06/2005 and 29/07/2005 to that effect were passed. The Petitioners were therefore not encroachers or unauthorised occupants on the EWS Quarters land. They were persons legally in settled possession and therefore they could not have been thrown out without the basic compliance of rule of law i.e. the principles of natural justice. The impugned order

passed by the High Court on the basis of settlement is on the face of it, wholly untenable, as it results in violation of Article 14 and well as Article 21 of the Constitution i.e. right to shelter and life.

- R. Because the High Court inspite of being aware that there are thousands of poor people living in tin sheds who are required to be rehabilitated failed in its constitutional duty to enquire and provide for their rehabilitation on the EWS Quarters land, as they were in legal and settled possession and were not encroachers or unauthorised occupants. The Petitioners hasten to add that even encroachers are entitled to rehabilitation as per the National Resettlement and Rehabilitation policy and as per the rehabilitation granted to several project-affected persons. Unfortunately the High Court failed to consider such a serious issue involving human life and as a result of the impugned order thousands of persons, women and children are without any shelter today.

6. GROUNDS FOR INTERIM RELIEF:

- i That the High Court has failed to appreciate that the rights of thousands of residents of the tinsheds who were shifted there by the BBMP themselves, was being ignored and violated while allowing the settlement amongst the BBMP, some original allottees and the Developer and hence to the detriment of the petitioners.
- ii That the BBMP consciously suppressed and withheld from the High Court the resolutions passed by the BBMP Council recognizing the rights of the residents and resolving that they would be provided with houses on the EWS Quarters land;
- iii That High Court has passed the impugned order on the premise of a false contention that there were 1512 allottees and that they were all the residents of the tinsheds, when in fact there were less than 300 original allottees in the tinsheds. This was since the BBMP consciously mislead the Court in to believe so.
- iv That the Petitioners and thousands of others with valid rights have been thrown to the streets due to the collusion between the BBMP and M/s Maverick Holdings Pvt. Ltd, and them misleading the High Court into passing the impugned order.
- v That permitting BBMP and M/s Maverick Holdings Pvt. Ltd. to proceed with the PPP and the concession agreement would compromise the rights of the Petitioners, and all other residents of the tinsheds.
- vi The Petitioners herein believe that a prima-facie case exists in favour of the Petitioners and in favour of granting stay of the operation of the impugned judgment of the High Court. If the operation of the impugned judgment is not stayed, it will cause hardship to the interests of the Petitioners. On the other hand, no prejudice will be caused to the Respondents if the stay, as prayed for, is granted.
- vii That these forced evictions have rendered 5,000 persons homeless, running helter skelter trying to find, for their families and children, some shelter. Hundreds of families have put up small temporary plastic mat shelters for themselves on the footpaths around the EWS Quarters land and continue to languish under such dire conditions.

7. MAIN PRAYER:

- a) Grant Special Leave to Appeal against the final judgment and Order dated 24th August, 2012 has been passed in W.P. No. 45915/2011 passed by the High Court of Karnataka at Bangalore; and
- b) Pass such further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.

8. PRAYER FOR INTERIM RELIEF:

- a. Grant ad interim stay on the operation of the final judgment and Order dated 24th August 2012 has been passed in W.P. No. 45915/2011 passed by the High Court of Karnataka at Bangalore;
- b. Order status quo in regard to the EWS Quarters land in question pending disposal of this matter;
- c. pass an ad interim ex-parte order of stay in terms of prayer (a) to (b) hereinabove and confirm the same after notice to the Respondents; and
- d. pass such further or other order or orders as this Hon'ble Court may deem fit and proper.

DRAWN & FILED BY:

ADVOCATE FOR THE PETITIONERS

DRAWN ON:

FILED ON: --.02.2013

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION SPECIAL LEAVE
PETITION (CIVIL) NO. _____ OF 2013

(Against the final judgment and order dated 26.5.2011 in Writ

Petition No. 29752 of 2009 (LB-BMP) passed by the High Court of Karnataka at Bangalore)
(With a Prayer for Interim Relief)
Smt. Jacqueline & Others.

.... Petitioners

.... Respondents

Versus

The State of Karnataka & Ors
WITH

I.A. No. _____ of 2013: An application for exemption from filing official translation of annexures

PAPER BOOK

(KINDLY SEE INSIDE FOR INDEX)

ADVOCATE FOR THE PETITIONERS:

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION SPECIAL LEAVE
PETITION (CIVIL) No. of 2013

Smt. Jacqueline and Ors. Petitioners

.... Respondents

Versus

State of Karnataka & Ors

CERTIFICATE

Certified that the Special Leave Petition is not confined only to the pleadings before the Court/
Tribunal whose order is challenged and the other documents are relied upon which were not
produced in those proceedings. It is further certified that the copies of the documents/annexures
attached to the Special Leave Petition are necessary to answer the question of law raised in the
petition or to take out grounds urged in the Special Leave Petition for consideration of this Hon'ble
Court. This certificate is given on the basis of the instructions given by the Petitioner/person
authorised by the Petitioner whose Affidavit is filed in support of the S.L.P.

ADVOCATE FOR THE PETITIONERS

New Delhi,

Dated:

SUBMISSION BY AAKRUTI NIRMAN PVT. LTD.

EWS QUARTERS, EJIPURA Tender of BBMP to rehabilitate 1640 families and construction of commercial complex.

The Highest Bidder recommended by the sole appointed consultant by BBMP for this PPP scheme is –ACKRUTI CITY LTD (ACL formerly known as Akruti Nirman Ltd) however Maverick Holdings and Investments Pvt ltd (MHIPL) has clandestinely.....

- (i) The QMF (Quarterly Management Fee) of MHIPL's bid is lower by Rs 30,00,00,000/- (Rupees Thirty Crores) than the highest bidder ACL– (refer iDeCK report dt 24.2.08)
- (ii) MHIPL has interpolated the tender documents by showing car parks without any fixed financial payment as prescribed in the tender in collusion with the then BBMP Commissioner & two other officers.
- (iii) In deviation from tender terms MHIPL inserted undated reports from two consultants not validly appointed by BBMP ie not having any council resolution nor any agreement. The RTI records reveal it as a goodwill gesture by these consultants who were given false facts besides not even being appointed.
- (iv) Discarding tender terms a resolution was passed by Council of BBMP on its last day, ie 31.10.2006 in favour of MHIPL. This resolution was stayed by High Court of Karnataka and thereafter cancelled on 9.6.2008.
- (v) During the court proceedings on inspecting the records available with BBMP and the records produced, it was found that **MHIPL did not even financially qualify to participate in the tender**. The bidder is required to produce the balance sheet of 31.3.2003, 31.3.2004 and 31.3.2005 to satisfy three parameters. MHIPL did not satisfy the required parameters and the tender criteria has been blatantly violated to exclusively favour them. All these documents are on record through the RTI Act.
- (vi) Government on the basis of firm opinion from Ld. Advocate General having cancelled the resolution, recommended award of contract to ACL based on the High Court proceedings. Further the

Government had directed consideration in terms of IdeCK report to award it to the highest bidder ACL.

- (vii) Strangely, the State Govt, through a Cabinet decision on 18.9.2008, being misled by then UD Secretary Mr Jyotiramlingam, reversed its stand and decided to award contract to MHIPL without reasons, even without decision by BBMP, *de hors* the tender terms, without reference to any law.
- (viii) For this act of the Govt, being reprimanded and on getting severe pressure from the public, media and the opposition, referred the matter to Lokayukta for investigation.
- (ix) Meanwhile, ACL once again obtained a stay from the High Court on 6.11.2008. Judge Rammohan Reddy wrongfully took over the case without any classification and despite an application to recuse from the case passed an order in favour of MHIPL. ACL challenged the single bench order and succeeded in getting a stay with the Double Bench on 19th Oct 2010.
- (x) Protracted litigation of over 5 years where the tendering process had begun in the year 2004, plus the matter not being heard due to several other pending cases, would have continued indefinitely. ACL waited till the last work day prior to court vacation on 21.4.2011. Since the matter was still in que, ACL considering its social objectives and seeing the miserable plight of the residents living in tin sheets, withdrew its appeal. This EWS tender, despite being a case very strong on its merits, became a case of justice delayed resulting in justice denied.

Now, it is upto to BBMP to decide whether to

- a. go ahead with an ineligible and unqualified bidder whose bid is lower by 30 crores.
- . In this option BBMP stands to lose heavily at huge personal gains of some corrupt officials and a unqualified and inexperienced bidder who is subject to further litigations. For instance, the Garuda mall car parking income to BBMP clearly shows that the car park revenue is inconsistent besides being very meagre and does not bridge the gap making BBMP lose heavily on this count for the EWS project. Secondly as is popularly known, the Garuda Mall has large scale



violations where the BBMP is losing very heavily by being shortchanged in built up areas, property tax dues and the revenues to BBMP. Further it is also popularly known in the business trade that the contract has been bagged illegally giving a bad name to the Department and the State Government.

b. Execute it themselves or to go in for fresh tendering.

c. Award the contract to the Highest bidder as per the tender terms.

DOCUMENT SUBMITTED BY AKRUTI NIRMAL
PVT. LTD

BULLET POINTS RE EWS, EJIPURA TENDER OF BBMP WHERE MAVERICK HOLDINGS & INVESTMENTS PVT LTD HAS.....

- (i) Maverick Holdings and Investments Pvt. Ltd. was disqualified on account of failure to submit its bid in time;
- (ii) Its QMF (Quarterly Management Fee) bid is lower by 30 crores than the highest bidder. – (refer iDeCK report dt 24.2.08)
- (iii) It has tampered with tender documents after opening of tender,
- (iv) In deviation from tender terms it managed to get reports from two consultants who are not validly appointed by BBMP.
- (v) Discarding tender terms a resolution was passed by Council of BBMP on its last day;
- (vi) The resolution was stayed by High Court of Karnataka,
- (vii) Government on the basis of firm opinion from Ld. Advocate General has cancelled the resolution recommending award of contract to Maverick Holdings and Investments Pvt. Ltd.;
- (viii) Government has directed consideration in terms of IdeCK report;
- (ix) **Despite the above, Cabinet being misled by wrong , illegal and fraudulent reports of consultants, as per the press reports has decided to award contract to Maverick Holdings and Investments Pvt. Ltd.**

DOCUMENT SUBMITTED BY AKRUTI NIRMAN
PVT. LTD.

Additional Revenue to BMP from Akruti Nirman Ltd, the highest bidder vs the second highest bidder Maverick holdings for Ejjipura Slum rehabilitation Project.

Quarterly Management Payment -QMP of Akruti Nirman Ltd	Rs 1,50,50,500/-	(A)
Quarterly Management Payment -QMP of Maverick Holding	Rs 1,35,00,000/-	(B)
Difference per quarter: (A - B)	Rs 15,50,500/-	C = (A - B)
Difference per year the 1st three years	Rs 62,02,000/-	C X 4 quarters

Additional Revenue to BMP with 10% increase every 3 years

Years	Amount		3 yearly amount
1st - 3rd	6202000	3	18606000
4th - 6th	6822200	3	20466600
7th - 9th	7504420	3	22513260
10th - 12th	8254862	3	24764586
13th - 15th	9080348	3	27241045
16th - 18th	9988383	3	29965149
19th - 21st	10987221	3	32961664
22nd - 24th	12085943	3	36257830
25th - 27th	13294538	3	39883613
28th - 30th	14623992	3	<u>43871975</u> 296531722

= APPROX 30 CRORES

Rupees Twenty nine Crores Sixty five Lacs Thirty one thousand Seven Hundred Twenty Two.

LOSS TO BBMP BY GOVT RECOMMENDING
MAVERICK HOLDINGS IS 30 CRORES

RFQ EVALUATION REPORT

Eleven applications were received in response to the Request for Qualification issued to the EoI applicants. The summary of preliminary evaluation set out below:

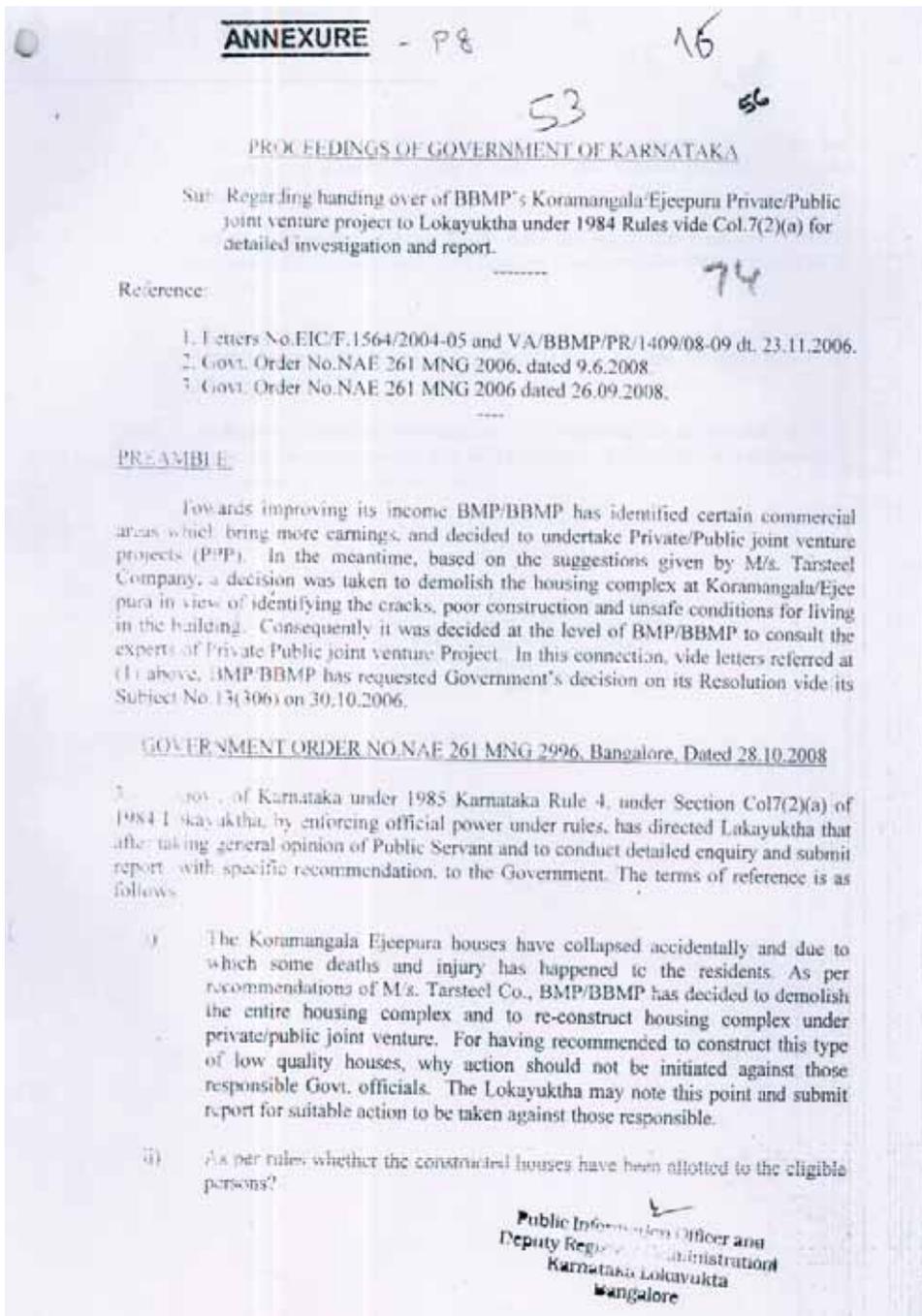
Sr. No.	Applicant	Qualification Status
1	Ranky Infrastructure Limited, Hyderabad	Qualified
2	IDEB Construction Projects (P) Ltd, Bangalore	Qualified
3	Akruti Nirman Ltd., Mumbai	Qualified ✓
4	Brigade Group, Bangalore	Provisionally Qualified
5	Subash Projects and Marketing Ltd., Kolkata and M/s B S Agrawal	Provisionally Qualified
6	Maverick Holdings and Investments Pvt. Ltd, Bangalore	Provisionally Qualified
7	Ashoka Buildcon Limited, Nashik	Not Qualified
8	Ranka - N - Ranka Group, Bangalore	Not Qualified
9	Maharaja Buildtech and Developers Pvt. Ltd., Bangalore and HM Group, Bangalore	Not Qualified
10	Rohan Builders and Developers Pvt. Ltd., Bangalore	Not Qualified
11	Bagmane Developers Pvt. Ltd, Bangalore and Skyline Construction and Housing Pvt. Ltd	Not Qualified

Clarifications were requested from provisionally qualified applicants and were obtained from them. The evaluation is presented in the Annexure. The final evaluation summary is set out below:

Sr. No.	Applicant	Qualification Status
1	Ranky Infrastructure Limited, Hyderabad	Qualified
2	IDEB Construction Projects (P) Ltd, Bangalore	Qualified
3	Akruti Nirman Ltd., Mumbai	Qualified
4	Brigade Group, Bangalore	Qualified
5	Subash Projects and Marketing Ltd., Kolkata and M/s B S Agrawal	Qualified
6	Maverick Holdings and Investments Pvt. Ltd, Bangalore	Qualified*
7	Ashoka Buildcon Limited, Nashik	Not Qualified
8	Ranka - N - Ranka Group, Bangalore	Not Qualified
9	Maharaja Buildtech and Developers Pvt. Ltd., Bangalore and HM Group, Bangalore	Not Qualified
10	Rohan Builders and Developers Pvt. Ltd., Bangalore	Not Qualified
11	Bagmane Developers Pvt. Ltd, Bangalore and Skyline Construction and Housing Pvt. Ltd	Not Qualified

Infrastructure Development Corporation (Karnataka) Ltd.

COMPLAINT TO THE LOKAYUKTA



5275 (5)

- (i) Why so much delay has taken place in construction the houses for economically weaker sections of society and reasons thereof? Who is responsible for this?
- (ii) Whether BMP/BBMP under KPPP rules has strictly followed and executed tenders rules for construction of housing complex under Private/Public joint venture?
- (iii) Whether there is any mal-practice has taken place while granting bid by BMP/BBMP authorities to Private/Public Joint venture for construction of housing complex?
- (iv) Is there any other recommendation/s for completing this project and action to be taken for speedy completion of this project? Lokayuktha may recommend and advise for taking suitable action.

✓
Public Information Officer and
Deputy Registrar (Administration)
Karnataka Lokayukta
Mangalore

'VACATE ORDER' ISSUED BY BBMP



BRUHAT BENGALURU MAHANAGARA PALIKE
Office of the Engineer-In-Chief, 1st floor, Annex Building,
N.R.Square, Bengaluru-560002

No.EIC/PR/ 822 /2012-13

Date: 01.10.2012

NOTICE

As per the Judgement / orders of Hon'ble High Court of Karnataka in W.P.No. 45915/2011 dated 24.08.2012 all the residents of Ejjipura EWS quarters are directed to vacate the premises within 7 days and hand over vacant possession to BBMP. Failing which BBMP will initiate action to remove the occupants as per order of Hon'ble High court.


Engineer-in-Chief
BBMP 1/10/12

REQUEST FOR POLICE PROTECTION BY BBMP

**BRUHAT BANGALORE MAHANAGARA PALIKE**

No.EIC/PR/1697/2012-13

Office of the Engineer in Chief
Palike Office, N.R. Square,
Bangalore, Dated: 8.1.2013To:
The Commissioner of Police,
Bangalore City,
Bangalore.

Sir,

Sub: Request for Police protection at Ejipura Site on 9th January 2013 from 8 am onwards.
Ref: Judgement with regard to W.P.No.45915/2011 dated 24.8.2012 and Mandamus issued to BBMP and the Karnataka State Police Department.

With reference to the above, we wish to submit that BBMP has undertaken to build 1512 apartments for the economically weaker sections at Ejipura and also a commercial complex on PPP model with M/s.Maverick Holdings & Investments Pvt. Ltd., Bangalore (MHIPL). In this regard the original allottees of these apartments had approached the Division Bench of the Hon'ble High Court and the Division Bench in its judgement delivered on 24.8.2012 declared that the to be constructed apartments should be given to the original allottees only and the illegal encroachers should be evacuated/ejected from the site. It had further said that these original allottees who are residing on the site numbering not more than 300 people should be given a compensation of Rs.30,000/- to move out of the premises.

The representatives of the original allottees along with the officers of BBMP have sat together and finalised the list of original allottees who are residing at the Ejipura site along with original documents and other requirements as per the terms of the judgement of the Division Bench of the Hon'ble High Court. In accordance with the judgement M/s.MHIPL would be making the payment to the original allottees on 9.1.2013. The representatives of EWS quarters original allottees, BBMP and M/s.MHIPL would be there. The original allottees who are residing in the premises, as per the terms of the judgement are supposed to vacate their transit sheds and handover the peaceful physical possession of the same to them forthwith.

...2



BRUHAT BANGALORE MAHANAGARA PALIKE

-2-

As we apprehend some miscreants would be taking law in to their hands and create law and order problems, we request you to kindly provide us with adequate police protection in order to complete this formality in accordance with the judgement of Division Bench of Hon'ble High Court dated 24.8.2012.

Thanking you,

Yours faithfully,


Engineer-in-Chief
B.B.M.P. Bangalore

Copy for information to:

1. The Dy. Commissioner of Police, Bangalore South, Bangalore,
2. The Asst. Commissioner of Police, Jayanagar Sub-Division, Bangalore,
3. Mr. Aniyam Joseph, Advocate of EWS Quarters Original Allottees,
4. M/s. Maverick Holdings & Investments Pvt. Ltd., Bangalore,
5. The President, Economically Weaker Section Residential Welfare Association.



BRUHAT BANGALORE MAHANAGARA PALIKE

-2-

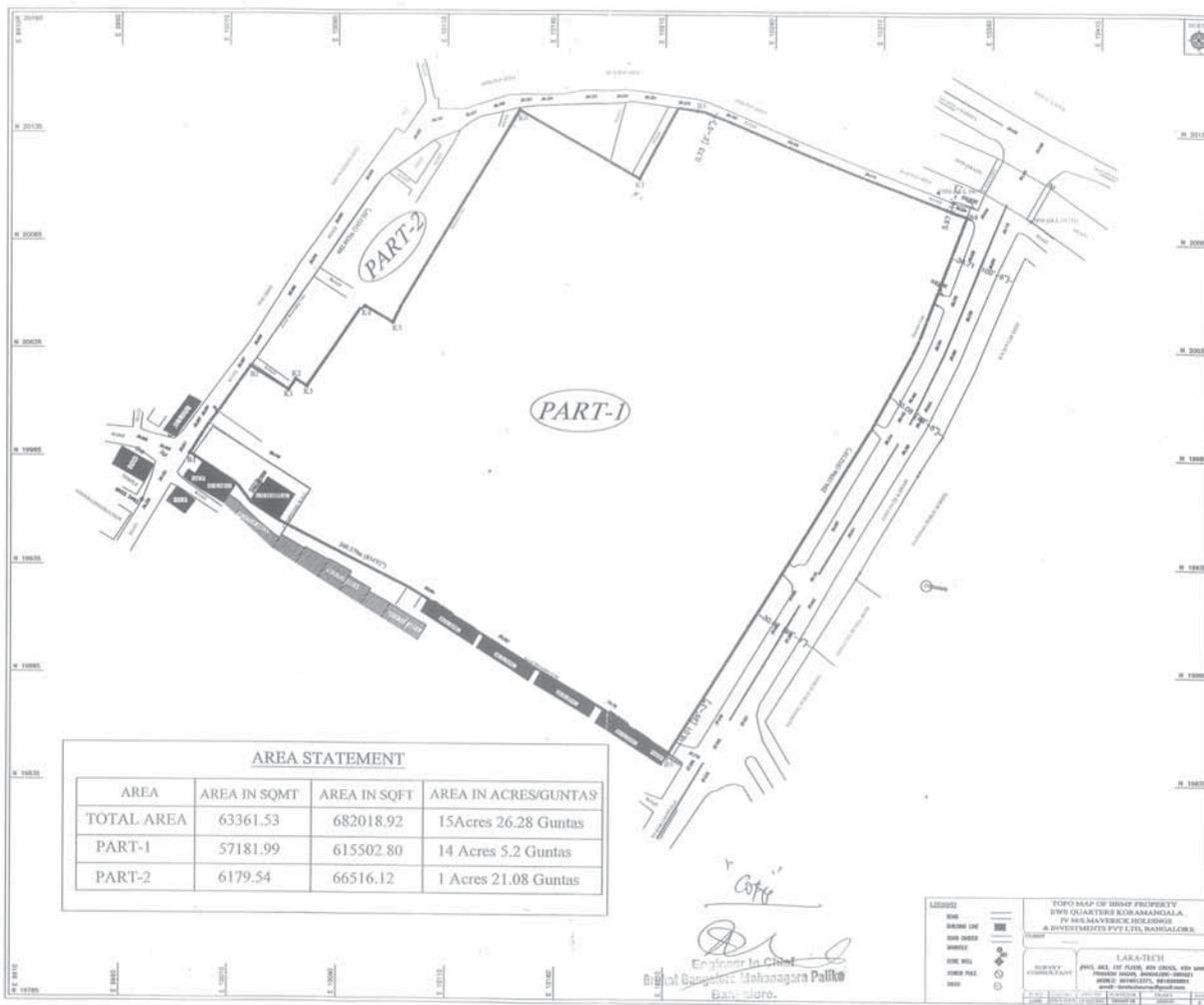
As we apprehend some miscreants would be taking law in to their hands and create law and order problems, we request you to kindly provide us with adequate police protection in order to complete this formality in accordance with the judgement of Division Bench of Hon'ble High Court dated 24.8.2012.

Thanking you,

Yours faithfully,


Engineer-in-Chief

MAP OF EWS LAND PROPOSED UNDER PPP



REFERENCES

1. Karnataka Urban Infrastructure Profile – Ernst and Young, 2012.
2. Janaki Iyer, The Promise of the Metropolis: Bangalore’s Twentieth Century (Oxford 2005).
3. Upendra Baxi, “A Philosophical Reading of the RTTC” in One-Day National Consultation on Urban Poor and the Law: “Selected Readings” (5 January 2003).
4. Usha Ramanathan, “Illegality and the Urban Poor” in One-Day National Consultation on Urban Poor and the Law: “Selected Readings” (5 January 2003).
5. Diya Mehra, “Urban Spatial Exclusion: A Historical Perspective” in One-Day National Consultation on Urban Poor and the Law: “Selected Readings” (5 January 2003).
6. Solomon Benjamin and Bhuvaneshwari Raman, “Claiming Land: rights, Contestations and the Urban Poor in Globalized Times” in One-Day National Consultation on Urban Poor and the Law: “Selected Readings” (5 January 2003).
7. Gautam Bhan, “‘This is No Longer the City I Knew’-Evictions, the Urban Poor and the Right to the City in Millennial Delhi” in One-Day National Consultation on Urban Poor and the Law: “Selected Readings” (5 January 2003).
8. Gautam Bhan, “Seven Propositions and One Challenge from Ejipura” in Kafila (blog posting on 23 January 2013).
9. Of Master Plans and Illegalities in an Era of Transition, Alternative Law Forum, Bangalore, 2003.
10. Lalitha Kamath and P. Rajan, From Policy to Practice: How Bangalore’s City Government Develops and Implements BSUP Housing Projects (A Study) March 2010.
11. Kathyayini Chamaraj, “A Roof for the Homeless” in infochangeindia.org/poverty/features/a-roof-for-the-homeless.
12. Miloon Kothari and Shivani Chaudhry, “Taking the Right to the City Forward: Obstacles and Promises,” 2009; available at: [http://www.hic-sarp.org/documents/Right to the City Obstacles and Promises FINAL.pdf](http://www.hic-sarp.org/documents/Right%20to%20the%20City%20Obstacles%20and%20Promises%20FINAL.pdf)

For more information on the Ejipura/Koramangala demolition and current updates, please visit the following website links:

<http://storify.com/thealternative/ews-ejipura-demolitions-timeline-since-1991>

<http://ejipuraevictions.wordpress.com>

<http://storify.com/thealternative/ejipura-timeline-january-to-may-2013/>

http://www.youtube.com/playlist?list=PLWagunDHwgbPlTxF_c6Stsz8UicX1Aj4x

<https://www.youtube.com/watch?v=pjrxsINf-Lk>

<https://www.youtube.com/watch?v=nQ3QsMtMvoM>

<https://www.facebook.com/media/set/?set=a.10151439992971737.511754.135629861736&type=3>

<https://www.facebook.com/media/set/?set=a.10151444717791737.512072.135629861736&type=3>



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G-18/1 Nizamuddin West

Lower Ground Floor

New Delhi: 110013

Phone/Fax: (+91)-11-2435-8492

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

www.hic-sarp.org

People's Union for Civil Liberties (PUCL) – Karnataka

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