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Forum against
EWS Land Grab

Bengaluru's Continuing Inequity

An Eviction Impact Assessment of
Ejipura/Koramangala Four Years After
its Demolition



Suggested Citation:

Bengaluru's Continuing Inequity: An Eviction Impact Assessment of Ejipura/Koramangala Four Years After its Demolition, Housing and Land Rights Network, Forum against EWS Land Grab, and Fields of View, New Delhi, 2017

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Published by:

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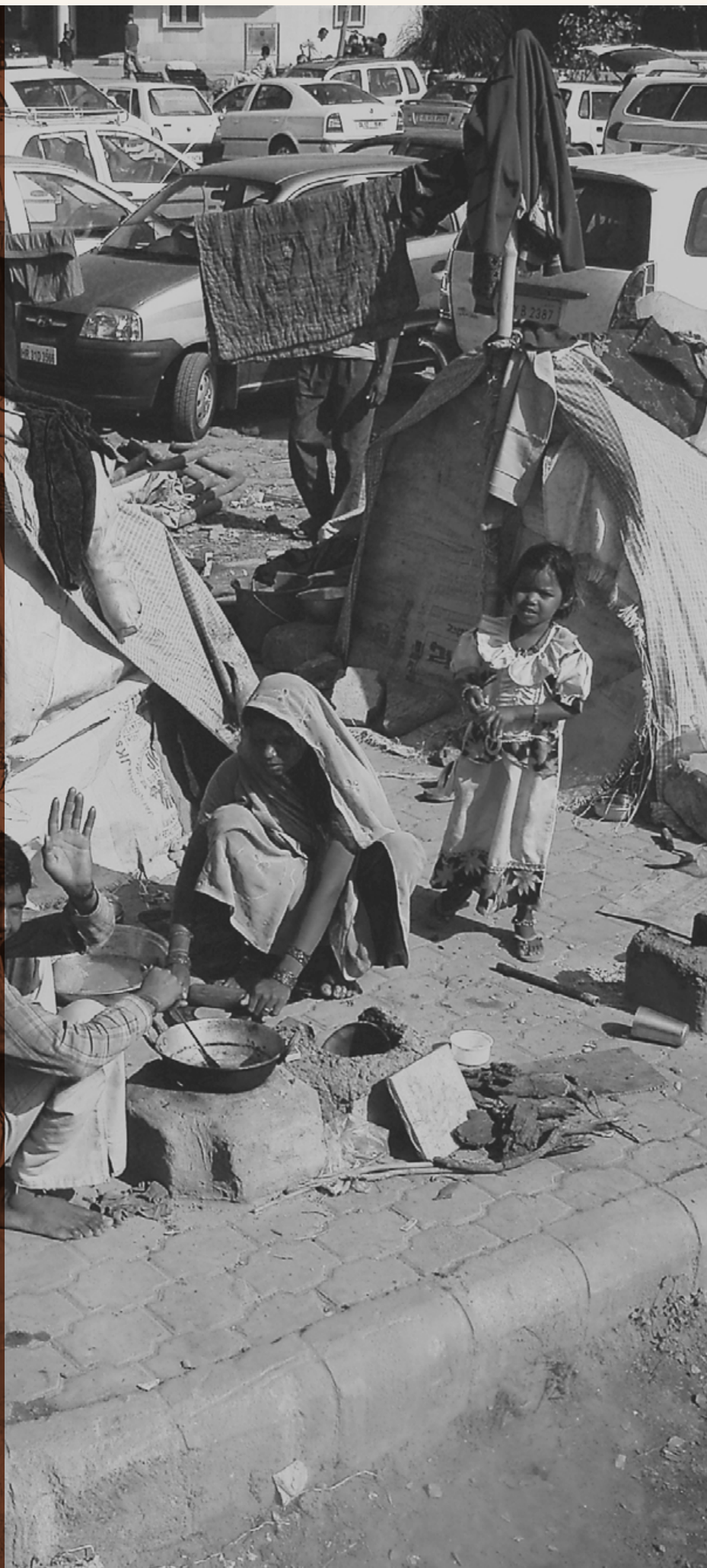
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New Delhi, July 2017



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Amidst the all-encompassing enthusiasm for growth and progress, the rapid pace of urbanization in India brings with it the challenges of inequality and inequity, including those related to dispossession and displacement of the urban poor, which need to be addressed. The city government of Bengaluru forcibly evicted over 1,500 families from Ejipura/ Koramangala in January 2013. A human rights-based ‘Eviction Impact Assessment’ study was carried out between June and August 2015. The study was a collaborative effort of Housing and Land Rights Network, Delhi; Forum against EWS Land Grab, Bengaluru; and, Fields of View, Bengaluru. This report presents the findings of the study, documents the current living conditions of the displaced families four years after their forced eviction, and presents recommendations to the Government of Karnataka.

Acknowledgements

This report is a culmination of efforts by various groups and individuals who have worked tirelessly to understand and document the lives of those affected by the forced eviction in Ejipura/Koramangala in 2013.

We would like to take this opportunity to thank all the people who have been extremely helpful to us during the process of research and writing of this report.

Our entire team is extremely grateful to the people of Ejipura/Koramangala for speaking with us and sharing their stories of pain, suffering and struggle. We thank all our respondents for selflessly sharing their perspectives with us, knowing very well that they stand to gain nothing from talking to us.

We are also thankful to the interns from Bangalore Oniyavara Seva Coota (BOSCO) for helping us to conduct the field surveys in Ejipura/Koramangala.

We would like to especially acknowledge the assistance received from the following individuals in the preparation of this report:

- M.R. Prabhakar (Forum against EWS Land Grab); and,
- Shantha Mary (evicted resident of Ejipura/Koramangala).

While the surveys for the Eviction Impact Assessment were carried out between June and August 2015, this report, in addition to the survey findings, also documents the current living conditions of the displaced families, four years after their forced eviction. We sincerely hope that this report will strengthen the efforts of the evicted residents of Ejipura/Koramangala in their struggle for justice, and for the realization of their legally guaranteed human rights to adequate housing, work/livelihood, health, education, food, water, sanitation, security of the person and home, participation, and information.

On behalf of our teams,

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July 2017

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Executive Summary

History of Bengaluru

Bengaluru (formerly Bangalore) has been witnessing an exponential growth in population (with an estimated population of 5.1 million as per Census 2001 and 8.4 million as per Census 2011). The city hosts several major public sector units of the nation and has seen tremendous growth in high-technology business activities in the last two decades. It is the fifth largest city in the country and amongst the fastest growing cities. It is now recognized as a 'global city' and is the preferred destination of many global corporations to position their businesses. The challenge before the Bruhat Bengaluru Mahanagara Palike (BBMP) and government agencies involved in the provision of services to the poor is to meet the unprecedented demand for 'citizen services' and the need to address equity issues in service provision.

Alongside the high-tech industries is the large number of inadequate settlements. The city attracts large migrant populations in search of employment, who have established settlements on available land. Bengaluru presents a typical urban agglomeration, experiencing the problems of rapid urbanization and unplanned growth in all directions. Unplanned development of the city, especially in the last two decades, has left the city falling far below accepted norms for service delivery, be it good roads or clean environment, especially in informal settlements.

Urban Poverty and Settlements in Bengaluru

'Slums'/urban settlements are an integral part of Bengaluru and contribute significantly to the city's economy both through their labour market contributions and informal production activities. Thus, it is important that these settlements are seen as integral part of the planning and development framework of the city.

While it is understood that not all residents of settlements in Bengaluru are poor and that not all the urban poor reside in such settlements, it is also recognized that people's settlements are essentially manifestations/products of urban poverty. Hence, for the purpose of this study, these settlements have been considered as an appropriate representation of the urban poor.

The 'slum'/informal settlement population in Bengaluru has more than doubled from an estimated 300,000 in 1981 to about 712,801 in 2011 (Census of India). Current estimates of the 'slum' population in Bengaluru vary widely, between 10 and 26 per cent of the urban population. While the census figures include 'slums' within the erstwhile Bangalore Mahanagara Palike (BMP) area, City Municipal Councils (CMCs) and Town Municipal Council (TMC), the Karnataka Slum Development Board records only 'slums' under its jurisdiction i.e., the 'declared slums.'

A 2003 study on 'Bangalore Slums' conducted by the organizations Janasahayog and Citizens' Voluntary Initiative for the City (CIVIC Bangalore), records that, "No one single government department has the complete slum profile or even the data about the number of slums in Bangalore."

Recent reform programmes for achieving "slum-free" cities, such as the Jawaharlal Nehru National Urban Renewal Mission's (JNNURM), Basic Services for the Urban Poor (BSUP), and the Rajiv Awas Yojana (RAY), signalled a new policy paradigm in low-income housing. This is manifested in an integrated approach to 'slum redevelopment' that combines housing, infrastructure, and land titling.

The human right to adequate housing has been recognized and guaranteed by the United Nations (UN) and in the Constitution of India as an implied right. Both national and state policies articulate various strategies to enable the realization of this human right. Reservation of 20 per cent of land for housing the poor is also stipulated. *In situ* housing, built by people themselves, is recommended, not multi-storied housing or transfer of development rights (TDRs). The Karnataka Slum Act's amendment of 2002 gives the Slum Board the power to obtain government land or land in privately developed areas (called layouts in Bengaluru) to sell to low-income groups and to make improvements in their settlements. Bengaluru's City Development

Plan, prepared under JNNURM, exhibits a lofty, rational, and humane vision of the city and its dwellers, but the final specific plan, offers only one option of multi-storied housing for the urban poor, and that too only on half of the area occupied by them, the other half being made available for commercialization through the private sector.

Forced Eviction in Ejipura/Koramangala

In 1993–94, the Bangalore Mahanagara Palike (BMP), now renamed the Bruhat Bengaluru Mahanagara Palike, or BBMP, constructed 1,512 Economically Weaker Section (EWS) flats in Ejipura/Koramangala, at a distance of three kilometres from the city centre. Constructed by private contractors, these EWS quarters were of substandard quality. Despite knowledge of their structural instability, BBMP 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. On 9 November 2007, the third collapse of a block resulted in the death of two children. 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, 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 and electricity. These families were then evicted from the site between 18 and 21 January 2013. All evicted families had a ration card, voter/election card, Aadhar card, BBMP card, and a Below Poverty Line (BPL) card. They were thus recognized as legal residents of the EWS settlement.

Between 18 and 21 January 2013, BBMP demolished all homes in the EWS settlement of Ejipura/Koramangala, without due process, compliance with human rights standards, or provision for resettlement.

After losing their homes and personal possessions, many families were forced to survive on the streets without any shelter, food, livelihood and healthcare. Many lost their jobs, as they had no alternative housing; children dropped out from school and started working to substitute the income of their parents. Some of the evicted families returned to their native villages, while some were shifted to Kudlu, Sarjapur Road. Others took up rental accommodation in the settlements of Ambedkar Nagar, LR Nagar, and Corporation Colony, but are facing financial problems as they cannot afford to pay the rent, water, and electricity bills.

“When we were in Ejipura, we were surviving peacefully but after moving from there we are not eating sufficiently and don’t have proper food. We are eating diluted rice porridge (*ganji*). Our life is devoid of peace. My elder daughter has gone to school without any breakfast and my son is still starving here. Our income is not sufficient for paying rent, electricity bills, water bills, and interest to moneylenders. Everything goes in paying everyone; nothing remains for food.” – *Jaquin, an evicted woman*

For the evicted families who are staying in tents on pavements, life is a tragedy, as they do not have access to any basic facilities and security. They have to constantly safeguard their belongings. They also have to deal with mosquitoes and rats, which often causes health problems, including vector-borne diseases such as dengue, malaria, and chikungunya. Whenever it rains, the drains overflow and they are further displaced without any alternative place to stay.

Before the eviction, most families used their houses for livelihood and income-generating activities such as petty shops and hotels. As a result of the loss of their livelihoods and regular income, their stress level has increased. This has resulted in an increase in the consumption of alcohol and tobacco in many families.

“For the last four years, we are staying on the pavement here. Till now nobody has cared about us, not even the government. We are not getting jobs, if we go in search of jobs from the pavement, because of our vulnerability people perceive us as thieves. Till the EWS apartment was there, everybody saw us as human beings, but after the eviction, we think everyone assumes we are dead. This has happened because the government has pushed us into this situation. We have been exploited in many ways.” – *Shantha Mary, an evicted woman*

The impacts of the eviction have been devastating and long-lasting for the affected families. Given the apathy of the government and the complete lack of state response, Housing and Land Rights Network (HLRN), Delhi, in collaboration with Forum against EWS Land Grab and Fields of View, Bengaluru, decided to carry out an 'Eviction Impact Assessment' (EvIA) using HLRN's EvIA Tool, to determine the real extent of the losses and costs incurred by the community, as a direct result of its forced eviction in January 2013.

The forced eviction and demolition of homes of families in Ejipura/Koramangala have had a devastating impact on their housing, livelihoods, education, health, and access to basic services. This study found that as a result of the eviction, people who could walk to their work places, schools, healthcare centres and markets are now forced to rely on public and private modes of transport, which, in turn, has increased their monthly expenditure. There has been a reduction in their monthly household income, by an average of seven per cent, whereas, their monthly expenditure has increased by six per cent. The decrease in income and increase in expenditure has resulted in families adopting different strategies in order to survive. This includes reducing food consumption (by a factor of three) or not visiting hospitals, in order to keep healthcare costs to a bare minimum. As a coping strategy, consumption of intoxicants has increased after the forced eviction.

Four years after the eviction, the displaced families are living in rental housing or in relatives' homes, or *crèches/anganwadis*. Only 42 per cent of those surveyed earlier have permanent housing, whereas 55 per cent are living in temporary structures. Two per cent of the families are living in semi-permanent structures and one per cent are reported to be homeless. The demolition of houses without the provision of alternative housing or resettlement and without any compensation and access to transportation has resulted in extreme hardships in the form of rising ill-health, mental trauma, loss of livelihood, loss of education, and increased security and safety concerns.

Based on the findings, this study makes several recommendations, including the immediate need for all families residing in the EWS quarters on the date of demolition to be provided with adequate rehabilitation and financial reparation for their losses by the government. At a minimum, the study recommends that each evicted family should be paid Rs 400,000 as compensation for their losses incurred as a direct result of the eviction. The study also recommends that the human right to adequate housing must be respected, protected and fulfilled by the concerned government, in collaboration with Urban Local Bodies, within a consultative framework, which includes the voices of those affected and adheres to India's national and international human rights obligations and commitments. The need for a national right to housing law has also been proposed by the Special Rapporteur on Adequate Housing after her mission to India.¹

The demands of the affected community are to cancel the public private partnership (PPP) between Maverick Holdings and the state government; to build adequate housing for the evicted families at the original site; and, to provide adequate compensation for the cumulative losses suffered by them. Additionally, those responsible for the forced eviction, including the acts of violence and arbitrary detention of residents, should be investigated and prosecuted according to the law.

The collaborating organizations and authors of this study hope that the findings of this EvIA will help in raising the issues of violations of multiple human rights of the displaced families and urge the Government of Karnataka to take immediate action to provide restitution and reparation to all affected persons, while ensuring that such forced evictions do not take place again.

¹ Report of the Special Rapporteur on Adequate Housing, Mission to India, January 2017, A/HRC/34/51/Add.1. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/51/Add.1





Introduction

Forced evictions, often accompanied by violence, have unfortunately become a routine feature in India. The city's poorest and most marginalized communities often find themselves at the receiving end of the state's authoritarian and destructive might, and of inhumane state policies that segregate, violate and isolate while claiming to 'develop.' Urbanization in India, in its mania to attain 'world class city' standards, is dominated by a neo-liberal paradigm that continues to forcibly evict the urban poor from their settlements with alarming impunity and illegality. The affected families are ignored and forgotten by the state that first denies them their human rights through its acts of omission and then further violates them through its acts of commission. The severe and often intangible consequences of forced evictions affect not just the displaced communities, but have wide-ranging impacts on society and the nation – impacts that are long-lasting and often irreversible. Yet these impacts are seldom assessed and almost never quantified.²

A severe case of forced eviction was witnessed in the city of Bengaluru in January 2013. The Bruhat Bengaluru Mahanagara Palike (BBMP)—responsible for providing infrastructure and services in the Greater Bangalore Metropolitan area—bulldozed 1,512 homes in the Economically Weaker Sections (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.³

Early in the morning, around 7.30 a.m., 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 on false charges, and detained overnight. Residents reported 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 2013, 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 school books, uniforms,

2 Foreword by Shivani Chaudhry and Ruchira Gupta to the report – *From Deprivation to Destitution: The Impact of Forced Eviction in Topsia, Kolkata*, Apne Aap Women Worldwide, and Housing and Land Rights Network, New Delhi, 2015. Available at: http://hlrn.org.in/documents/Topsia_Eviction_Impact_Assessment_Report.pdf

3 See, *Governance by Denial: Forced Eviction and Demolition of Homes in Ejipura/Koramangala*, Housing and Land Rights Network and People's Union for Civil Liberties, New Delhi, 2013. Available at: http://hlrn.org.in/documents/Bangalore_Fact_Finding_Mission_Final_Report_June_2013.pdf



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 state government did not provide any relief or alternative housing to the affected families after the demolition.⁴

Even four years after the demolition and forced eviction, the government has not provided any rehabilitation or compensation for loss of housing, belongings, livelihoods, education, and health, to the evicted residents. People have lost jobs, children's education has been disrupted, and the economic condition of the community has further deteriorated. Several families who cannot afford to move to rental accommodation are still living on the pavement alongside the cleared land of their former settlement. They, reportedly, face continued harassment from the police, political representatives, and criminal elements. Other families have moved to alternative locations and live in rental accommodation. Details about the current housing status of affected families are provided in the later chapters of this report.

The impacts of the eviction have been devastating for the affected families and long-lasting.⁵ Given the apathy of the government and the complete lack of state response, HLRN, Delhi, in collaboration with Forum against EWS Land Grab-Bengaluru, and Fields of View, Bengaluru, decided to carry out an Eviction Impact Assessment (EvIA) using a modified/adapted version of HLRN's EvIA Tool, to determine the real extent of the losses and costs incurred by the community, as a direct result of its forced eviction in January 2013.

This report presents the findings of the EvIA survey study (carried out over June–August 2015) and an analysis of the extensive losses suffered by the community. It also makes recommendations to the Government of Karnataka and BBMP in order to provide restitution of the human rights of the evicted persons; and, to develop a comprehensive housing policy for the state that prohibits forced evictions.

⁴ Ibid.

⁵ Given the human rights violations resulting from the act of forced eviction in Ejipura/Koramangala, Housing and Land Rights Network (HLRN) also filed a complaint with the National Human Rights Commission in 2013.

Bengaluru's Urban Development

History of Bengaluru

Bengaluru (formerly Bangalore) has witnessed rapid growth over the last 40 years. The population was over two million, four million, and over six million in 1971, 1991, and 2001 respectively. In 2011, the population of the city was over eight million⁶ whereas it was approximately 228,000 in 1901. It grew exponentially from 1941 and 1971,⁷ and is now rapidly growing because of the establishment of the software industry in the city. Earlier known as the “pensioners’ paradise,” it is now known as the Silicon Valley of India. Companies like Infosys, Wipro, and Biocon began in Bengaluru, and have become some of India’s largest companies. Now, Bengaluru contributes to over 30 per cent of India’s information technology (IT) export. But Bengaluru’s rise to the top of the IT food chain was not unprecedented. The city has a long history of being supported by large industries such as Hindustan Aeronautics Limited (HAL) and Bharat Electronics Limited (BEL) and was the centre of textile production before the IT industry took over. Bengaluru was already a hub for Indian electronics and the government had invested a considerable amount of resources to ensure that science and technology were emphasized as major industries within the city.⁸ This urban agglomeration of Bengaluru (or Bangalore) is the administrative capital of the state of Karnataka in south India. Historically, the city was divided into the east and the west zones.⁹ The western zone has existed for over 400 years. The eastern zone, established in 1809, was the British military station known as the ‘Cantonment.’ These two parts of the city merged in 1949 to become Bengaluru City. Since then, Bengaluru has seen an unprecedented growth in its geographic size, from 69 square kilometres in 1949 to 741 square kilometres in 2007.¹⁰

The city has seen phases of growth that correspond to the different waves of industrialization. The first wave of immigration took place between 1880 and 1920, when the textile establishments such as Binny Mills, Mysore Mills, and Minerva Mills were set-up in the western portion of the city. The second wave of industrialization took place in the eastern/northern portion when a slew of state-owned industries

6 Census of India, 2011.

7 Glaeser, E. L. (2010). ‘Making Sense of Bangalore.’ Legatum Institute, London.

8 Ibid.

9 Nair, J. (2005). *The Promise of the Metropolis: Bangalore’s Twentieth Century*. Oxford University Press, New Delhi.

10 Sudhira, H., Ramachandra, T., and Subrahmanya, M. (2007). ‘Bangalore.’ *Cities*, 24 (5), 379–390.

such as HAL, BEL, Indian Telephone Industries, Hindustan Machine Tools, and Bharat Heavy Equipment Limited were created between 1940 and 1960. At the same time, state-owned research and development establishments such as National Aeronautics Limited, Defence Research and Development Organization, Indian Space Research Organization, and Central Power Research Institute, were created in the north-western region of the city. The final wave can be characterized post-1990, with the establishment of Special Economic Zones for electronics and the IT industry (which was initiated in the 1980s by the state government).

Administration of the city is under the charge of the Bruhat Bengaluru Mahanagara Palike (BBMP), while the Bengaluru Development Authority (BDA) is responsible for planning and zoning regulations within the city. The administered structure in the city consists of multiple other organizations, such as the Bengaluru Metropolitan Region Development Authority (BMRDA), Bengaluru Water Supply and Sewerage Board (BWSSB), and the Bengaluru Metropolitan Transport Corporation (BMTTC).

Perhaps it is 'inevitable' that a city that is growing at such a rapid and inequitable pace, and has a per capita GDP that is almost twice the national average, would also experience high levels of poverty. The 'pull' factors of jobs in the city and the 'push' factors of failing agriculture in rural areas have contributed to a rapid rise of migration to the city.¹¹ If we take into consideration the unofficial numbers, it is likely that a quarter of the entire population of Bengaluru's migration is an underestimation. The city is not just home to engineers and software professionals; it is also home to the millions of informal workers who live in informal settlements ('slums').¹² Water and sanitation continue to be major challenges and the road networks and public transportation are ill-planned and ill-supported.¹³

This rapid growth led to a variety of problems, including the shortage of housing and labour. Housing needs were met by the city by creating different townships at the edges of the city; state-owned bodies created townships for their employees and the remaining demand for those in the formal sector was met by a wave of housing co-operative societies between 1980 and 1990.¹⁴ As an indicator, the annual compounded growth of the informal sector was over five per cent between 1981 and 1991, as compared to two per cent in the informal sector. Employment in the informal sector rose from 55.25 per cent in 1971 to over 69.16 per cent in 1991.¹⁵ As a result, the housing needs of those employed in this sector were largely unmet and the issue of 'legality' of housing was not addressed.¹⁶ This rapid shortage of housing and increased demand for labour in the city led to the creation of informal and inadequate housing settlements in Bengaluru. Such settlements have expanded from 159 in 1971 to over 2,000 (notified and non-notified) in 2015. Those living in these settlements accounted for a little over 10 per cent of the city's population in 1971 and an estimated 25 to 35 per cent of the city's population in 2015.¹⁷ In India, as in other countries of the global south, the rural poor have been migrating to urban areas, in an attempt to escape destitution and abject poverty. But the lack of options for adequate, affordable housing and living conditions does not always result in a better quality of life; in fact, in many instances, the poverty they experience in urban areas is as bad as or worse than in the rural areas.

Urban Poverty and Settlements in Bengaluru

In the past 20 years, the city of Bengaluru has witnessed unprecedented growth. Between 2001 and 2011, there has been a 47 per cent growth in the number of people living per square kilometre.¹⁸ The growth in population has been accompanied by an expansion into the land surrounding the city. On the one hand, there is a severe shortage of affordable urban housing, a national trend that is mirrored in Bengaluru.¹⁹ The

11 Supra note 7.

12 Ibid.

13 Lefèvre, B. (2009). 'Long-term Energy Consumptions of Urban Transportation: A Prospective Simulation of "Transport– Land Use" Policies in Bangalore.' *Energy Policy*, 37(3), 940–953.

14 Supra note 9.

15 Thippaiah, P. (1994). 'Informal Sector and the Urban Poor in a Metropolitan Area: A Case Study of Bangalore,' PhD Thesis, ISEC, Bangalore.

16 Vyasulu V. and Reddy, A.K.N. (1983). 'Essays on Bangalore,' Vol. 1-4, Karnataka State Council for Science and Technology, Bangalore.

17 Karnataka State Development Board, 2015.

18 'Karnataka population growth slows, Bangalore gets more crowded,' *Mint*, 7 April 2011, Available at:

<http://www.livemint.com/Politics/RJ1Gt5Q1JkPXaMQSBhvPyL/Karnataka-population-growthslows-Bangalore-gets-more-crowd.html>

19 Supra note 2 (p. 7).

national urban housing shortage at the end of 2012 was estimated at 18.78 million, of which 95 per cent was for EWS and Low Income Groups (LIG).²⁰ On the other hand, there is a glut of real estate projects aimed at high income groups, the unsold inventory of which is estimated to be around Rs 85,000 crore (850 billion).²¹ This skewed development of the city is symptomatic of how the EWS and the LIG or the urban poor are perceived in the larger scheme of the city's growth and future.

Such a perception of the urban poor stems from the vision of Bengaluru as an internationally acceptable destination for a global workforce and global capital, articulated by its planners, which started solidifying in the late 1990s.²² Bengaluru was envisioned as the next Singapore, but the vision is myopic, translating to flyovers, ring-roads, and other such projects, but not public housing projects, for which Singapore is also known for.²³ Therefore, the vision of Bengaluru that has now been realized and continues to take root, is that of a selective Singapore, an enclave for the elite.

When translated into housing for the poor, such a vision of the city implies a planned city that is 'slum-free.' Framing the city in this fashion is not limited to Bengaluru; making Indian cities 'slum-free' is one of the aims of the former Rajiv Awas Yojana and currently the Pradhan Mantri Awas Yojana (PMAY), a central government scheme aimed at providing 'Housing for All by 2022.'²⁴ In addition, such a vision of the city is in line with the increased role of the private sector, the logical beneficiary and patron of global capital. Therefore, the stepping back of the state in implementing different schemes and the emergence of the public-private partnership (PPP) as the mode of implementation supports the increased role of the private sector. In 2010, a Draft Housing Policy in Karnataka marked the advent of the PPP model in the area of urban housing in the state.²⁵ The public-private partnership as the preferred mode of implementing public housing projects marks an ideological shift of the state from being a benefactor to an enabler. As the Draft Housing Policy in Karnataka states: "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."²⁶

20 Ibid.

21 'Bengaluru's unsold residential inventory hits record high at Rs 85K cr,' *The Economic Times*, 20 March 2015. Available at: http://articles.economictimes.indiatimes.com/2015-03-20/news/60322930_1_bengaluru-s-unsold-inventory-brigade-enterprises

22 Supra note 9 (p. 135).

23 Ibid (p. 164).

24 Supra note 2 (p. 8).

25 Ibid.

26 Karnataka Housing and Habitat Policy – 2009 (Draft). Available at: <http://housing.kar.nic.in/housing.pdf>

The Human Right to Adequate Housing

Introduction and Legal Basis

The Special Rapporteur on Adequate Housing defined the human right to adequate housing, as: “The right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity.”²⁷

The Universal Declaration of Human Rights (UDHR)²⁸ states, in Article 25.1, that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

On the basis of the provisions established in UDHR, the right to adequate housing was elaborated and reaffirmed in 1966 by the International Covenant on Economic, Social and Cultural Rights (ICESCR), which in Article 11.1 declares that:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.²⁹

The scope of the human right to adequate housing, as guaranteed by Article 11.1 of ICESCR, was elaborated by the UN Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 4 on ‘The right to adequate housing.’³⁰

27 Report of the Special Rapporteur on Adequate Housing, E/CN.4/2006/41, March 2006. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

28 Universal Declaration of Human Rights, General Assembly Resolution 217A (III), November 1948. Available at: <http://www.un.org/en/documents/udhr/>

29 International Covenant on Economic, Social and Cultural Rights, General Assembly Resolution 2200A (XXI), December 1966. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

30 General Comment 4, ‘The right to adequate housing (Art. 11.1 of the Covenant), United Nations Committee on Economic, Social and Cultural Rights

India also has domestic legal obligations under the Constitution and other laws regarding housing and eviction.

Article 21 of the Indian Constitution guarantees the right to life. In 1985, the Supreme Court of India in the famous pavement dwellers' case (*Olga Tellis vs. Bombay Municipal Corporation*) ruled that the right to shelter, and the right not to be removed from such shelter without due process of law, is part of the right to life under Article 21 of the Constitution.

In 1981, the Supreme Court, in the case *Francis Coralie vs. Union Territory of Delhi*,³¹ stated:

We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow beings.

In the case of *Shantistar Builders vs. Naryan Khimali Tatome*, the Supreme Court held that:

Basic needs of man have traditionally been accepted to be free-food, clothing, and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. For a human being [the right to shelter] has to be a suitable accommodation which would allow him to grow in every aspect-physical, mental and intellectual... A reasonable residence is an indispensable necessity for fulfilling the constitutional goal in the matter of development of man and should be taken as included in "life" in article 21.

The human right to adequate housing, including the need for due process of law during evictions and adequate rehabilitation, has since then been upheld by numerous decisions of the Supreme Court of India and several High Courts.³²

In the case of *U.P. Avas Evam Vikas Parishad vs. Friends Coop. Housing Society Ltd.* (1996),³³ the Supreme Court affirmed that:

The right to shelter is a fundamental right, which springs from the right to residence under Article 19(1)(e) and the right to life under Article 21.

In the case of *Chameli Singh and Others vs. State of Uttar Pradesh* (1996),³⁴ the Supreme Court provided a holistic understanding of the right to shelter and adequate housing. It stated:

Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being. Right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right... Want of decent residence therefore frustrates the very object of the constitutional animation of right to equality, economic justice, fundamental right to residence, dignity of person and right to live itself.

31 (1981) AIR SC 746 753.

32 See, *How to Respond to Forced Evictions: A Handbook for India*, Housing and Land Rights Network, New Delhi, 2014. Available at: http://hlrn.org.in/documents/Handbook_on_Forced_Evictions.pdf

33 (1996) AIR 114 1995 SCC.

34 (1996) 2 SCC 549.

In 1997, in *Ahmedabad Municipal Corporation vs. Nawab Khan Gulab Khan and Others*, the Supreme Court stated:

It is the duty of the State to construct houses at reasonable rates and make them easily accessible to the poor. The state has the constitutional duty to provide shelter to make the right to life meaningful.³⁵

The human right to adequate housing, including the need for due process of law during evictions and adequate rehabilitation, has also been upheld by several High Courts of the country. Among the significant judgements is that of *Sudama Singh and Others vs. Government of Delhi and Anr.* (2010),³⁶ in which the High Court of Delhi observed that:

26. 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 quality of life of a city or a country's inhabitants.

34. The recognized importance of the right to housing over time has led to its ratification and reinforcement through other international declarations, conventions and conferences, in which more precise and complex objectives have been developed.

39 (...) Protection of life guaranteed by Article 21 encompasses within its ambit the right to shelter to enjoy the meaningful right to life. The right to residence and settlement was seen as a fundamental right under Article 19 (1) (e) and as a facet of inseparable meaningful right to life as available under Article 21.

The judgment also recognizes the structural causes of informal settlements and the contribution of the working poor to the city and its economy, and states:

44. In the last four decades, on account of pressure on agricultural land and lack of employment opportunities in the rural areas, a large number of people were forced to migrate to large cities like Delhi. However, in cities, their slender means as well as lack of access to legitimate housing, compelled them to live in existing *jhuggi* clusters or even to create a new one. They turned to big cities like Delhi only because of the huge employment opportunities here but then they are forced to live in *jhuggies* because there is no place other than that within their means. These *jhuggi* clusters constitute a major chunk of the total population of the city. Most of these persons living in the slums earn their livelihood as daily wage labourers, selling vegetables and other household items, some of them are rickshaw pullers and only few of them are employed as regular workers in industrial units in the vicinity while women work as domestic maid-servants in nearby houses. The city would simply come to halt without the labour provided by these people. Considerations of fairness require special concern where these settled slum dwellers face threat of being uprooted. Even though their *jhuggi* clusters may be required to be legally removed for public projects, the consequences can be just as devastating when they are uprooted from their decades-long settled position.

Protection against Forced Evictions

The human right to adequate housing includes the right to be protected against forced evictions. A forced eviction is defined in General Comment 7 of the UN Committee on Economic, Social and Cultural Rights (CESCR) as, “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”³⁷

³⁵ (1997) 11 SCC 121.

³⁶ *Sudama Singh and Others vs. Government of Delhi and Anr.*, W.P. (C) Nos. 8904/2009, 7735/2007, 7317/2009 and 9246/2009, High Court of Delhi, 11 February 2010.

³⁷ General Comment No. 7 of the United Nations Committee on Economic, Social and Cultural Rights, 1997.



General Comment 7 of CESCR also lays down the obligations of state parties regarding forced evictions: “The obligations of states parties with regard to forced evictions arise from article 11(1) dealing with the right to housing. The right not to be forcefully evicted is complemented by the guarantee against ‘arbitrary or unlawful interference’ with one’s home guaranteed under article 17(1) of the ICCPR.”³⁸ Where eviction is considered justifiable, it should be “carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality.”

In Resolution 1993/77, the UN Human Rights Commission stated that, “The practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing.”

The Basic Principles and Guidelines on Development-based Evictions and Displacement (2007) also define forced evictions, establish that they may only occur in ‘exceptional circumstances,’ and lay down operational procedures, based on human rights standards, to be followed in the event of a forced eviction.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 mandates social impact assessment, consent, compensation and rehabilitation before any land acquisition and displacement can take place.

Other national and state laws that protect people from forced eviction are: The Protection of Human Rights Act (1993), Karnataka Slum Areas (Improvement and Clearance) Act (1973), and the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act (2014).

38 International Covenant on Civil and Political Rights, 1966.

The Settlement at Ejipura and its Eviction

History of Ejipura/Koramangala³⁹

The rapid growth of Bengaluru, governed by an exclusionary vision of the city, which implies a weakened role of the state and a stronger participation of the private sector, sets the context in which the demolition of the settlement in Ejipura/Koramangala and the continued suffering of its residents occur.

1983 – 2003: A Shaky Foundation

To cater to the needs of the economically weaker sections, the Government of Karnataka and then Bangalore Mahanagara Palike (BMP) decided to establish housing quarters at subsidized rates.⁴⁰ In 1983–84, BMP, assisted by HUDCO (Housing and Urban Development Corporation) formulated a scheme for the construction of 1,512 flats in 42 blocks (each block having 36 tenements) on BMP land measuring about 11 acres in Ejipura/Koramangala. The quarters were constructed by private contractors. In 1993–94, BMP called for applications and selected 1,512 beneficiaries. Since 86 of them refused, letters of allotment were issued to 1,426 beneficiaries and lease-cum-sale agreements were executed in their favour.

The housing, however, lacked basic amenities, such as water, sanitation, and electricity. In ‘Living in India’s Slums: A Case Study of Bangalore,’ Hans Schenk described the condition of the Ejipura settlement: “In 1992, there were about 200 huts, the majority of which were made with make shift material like palm leaves. Entering the slum, one passes a huge pile of wood, which is sold as fuel wood. A little further down, there is a small teashop, which also sells some sweets and biscuits. There are no roads and no electricity. Beyond the teashop, there is one hand pump, which serves the whole community, because no one in the area has private water connection. The hand pump was funded by the Netherlands Habitat Committee (NHC).

Children defecate in front of the huts and others mostly use the ‘open field’ because nobody has a private toilet. Further down the dusty

39 This section is predominantly drawn from *Governance by Denial: Forced Eviction and Demolition of Homes in Ejipura/Koramangala, Bangalore*, Housing and Land Rights Network, and People’s Union for Civil Liberties, Karnataka, New Delhi, 2013.

40 Ibid (pp. 11–14).

area, there is a small shed like structure, which can be used for taking a bath. While it is very narrow, it does give some privacy particularly for women. Earlier there used to be a block of public latrines, but the building collapsed most probably due to construction mistakes. Funds for these public toilets were made available by the NHC, which had not bothered to repair the toilets after the breakdown. Now there was a terrible smell in the hole on top of a large sewer through which a sizeable share of Bangalore's waste flowed and which attracted many mosquitoes and created a dangerous situation for playing children.”

Many of those who were allotted housing in Ejipura/Koramangala continued to live there despite the issues of inadequacy and other challenges that they faced. Some rented their flats while some sold them to third parties under registered General Power of Attorneys and other legal instruments.

Due to poor construction, Block Number 13 of the settlement collapsed on 9 November 2003, resulting in several injuries and loss of possessions for 36 families residing there. An investigation conducted by a civil engineering firm engaged by BBMP revealed severe flaws in the construction, and the agency proposed that the blocks be demolished, as they were unfit for habitation.

In 2004, BBMP demolished seven blocks in the settlement and constructed temporary tin sheds at the same site for the affected families. These tin sheds were 10 feet by 12 feet in size, and were contiguous, without windows and without attached toilets. Not only did these sheds suffer the vagaries of the weather, being too hot in summer and with roofs unable to bear the onslaught of rain, but the lack of sanitation facilities meant that people had to use one of the 30 toilets constructed for 5,000 people, by paying two rupees for each use. A survey conducted by BBMP on 14 November 2003 found 248 original allottees, 1,101 tenants, and 163 locked houses.

2004 – 2007: Slow Collapse

Around 2004, BBMP, without any consultation with the residents, took the decision to develop the area where the EWS quarters were located, and build residential and commercial structures through a public-private partnership. The BBMP council passed Resolution Number 3 (7) on 31 May 2004, resolving to demolish ‘unsafe’ houses. On 28 June and 29 July 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 *guruthina cheetis* (beneficiary identity cards) to the residents.

On 26 July 2007, another block of houses in the settlement collapsed. A one-and-a-half-year-old child Mahalakshmi and a 30-year-old man, Perumal, died in the collapse. On 10 August 2007, a young boy, Siddique, died when he accidentally came in contact with a live wire in one of the collapsed structures. On 9 November 2007, a third block collapsed. Ten-year-old Xavier and twelve-year-old Gabriel died as a result. The Karnataka State Human Rights Commission filed a *suo moto* case, on the basis of press reports of the houses collapsing. BBMP then demolished the remaining houses, and shifted 1,500 families to tin sheds at the same location. They were assured that houses would be constructed for them on the site by BBMP.

Court Cases

In 2008, some allottees sought permanent housing from the Karnataka High Court in a written petition. The Court directed BBMP to secure appropriate funds from HUDCO to proceed with construction of the new residential complex. Some other allottees approached the Karnataka High Court with a public interest litigation (PIL) seeking a direction to the government to release funds for the construction of the new units. While the matter was pending, BBMP and M/s Maverick Holdings Private Limited executed a concession agreement dated 1 February 2012 as a public-private partnership.⁴¹

The Karnataka High Court passed an interim order dated 10 July 2012, holding that the Division Bench, in Writ Petition Number 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 45915/2011, BBMP, and M/s Maverick Holdings Private Limited, and it is on this basis that the

41 Ibid.

Karnataka High Court disposed the matter on 24 August 2012 with a direction to clear the EWS settlement.⁴² The Karnataka High Court directed that, *inter alia*, only the 1,512 original allottees would be entitled to newly constructed houses, and that all occupants should be evicted from the site after 8 October 2012.⁴³

The Forced Eviction

From 18–21 January 2013, BBMP bulldozed 1,512 homes (comprising 42 blocks) and evicted over 5,000 people, who were living in the tin sheds provided by BBMP.

On the morning of Friday, 18 January 2013, when the BBMP bulldozers arrived at Ejipura, *Citizen Matters*, a news site reported: “At least a hundred policemen were in the area on Friday morning, chasing hundreds of men and women who dared to resist. While buildings were being demolished, police wielded their lathis and forced residents to retreat to a corner.”⁴⁴

The police arrested 21 women who protested the demolition of their homes, and detained them overnight in jail. Residents told the demolition crew that the BBMP Commissioner had assured them that evictions would not commence until the end of the school-going year. Residents asked for documentation authorizing the demolition, but no notification was provided. Instead, the authorities asked them to file a Right to Information (RTI) appeal if they wanted to see a copy of the demolition order.⁴⁵

Though residents were initially informed that houses of only those who were willing to vacate would be demolished, authorities destroyed all houses after providing families with very little time to collect their belongings and move out.⁴⁶ By noon of 18 January 2013, the families were told to collect their belongings and vacate their homes. BBMP told the media that no additional time would be given to the families and that the



⁴² Ibid.

⁴³ Ibid.

⁴⁴ ‘Hundreds of Ejipura slum residents thrown out of their homes,’ *Citizen Matters*, 19 January 2013. Available at: <http://bangalore.citizenmatters.in/articles/4828-hundreds-of-ejipura-ews-residents-thrown-out-of-homes>

⁴⁵ Ibid.

⁴⁶ Ibid.

demolition would continue until all homes were razed to the ground.⁴⁷ The media reported cases of violence, police *lathi* charges, and injuries.⁴⁸ The demolitions continued on Saturday, 19 January, and by Monday, 21 January, no homes were left standing.⁴⁹ All the affected families, including children and young women, had nowhere to go and were rendered homeless.

BBMP had promised the residents accommodation at Sulekunte Village along Sarjapura Road, around 18 kilometres away from Ejipura. But the project was set to be completed a year-and-a-half from the date of demolition, which meant that the people were evicted without any alternative arrangements for their accommodation.⁵⁰ With no toilet facilities, and without any electricity, residents were forced to huddle on the streets in the winter cold.⁵¹

Impacts of the Forced Eviction

The forced eviction in Ejipura adversely affected the residents' lives and livelihoods. They had to resort to various strategies to overcome and live with the complete failure of the state to provide any compensation, rehabilitation, and resettlement, as well as the challenges created by the lack of mechanisms for redress. Some of the survival strategies adopted by the displaced families include reducing consumption of food and cutting healthcare costs. After their eviction, most of the affected families had to travel almost twice the distance to reach their workplaces and schools. In the aftermath of the eviction, multiple human rights, including the human rights to adequate housing, food, water, sanitation, health, security of the person and home, work, and education continue to be violated. The affected persons have no access to remedy or justice and have been left to fend for themselves.

47 Ibid.

48 'Hundreds rendered homeless in Ejipura,' *The Hindu*, 20 January 2013. Available at: <http://www.thehindu.com/news/cities/bangalore/hundreds-rendered-homeless-in-ejipura-colony/article4323730.ece>

49 Supra note 2 (pp. 1-2).

50 Supra note 44.

51 Supra note 48.

Eviction Impact Assessment Study

Eviction Impact Assessment Tool

Housing and Land Rights Network (HLRN) has developed a human rights-based 'Eviction Impact Assessment (EvIA) Tool' to quantify the material and non-material losses and costs incurred as a result of forced eviction.

The HLRN EvIA Tool draws its origin from the UN Basic Principles and Guidelines on Development-based Evictions and Displacement (hereafter *UN Guidelines*),⁵² which call for an 'eviction impact assessment' to be carried out before any planned eviction by state and non-state actors. The UN Guidelines specifically mention:

32. States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, **with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions.** "Eviction-impact" assessment should also include **exploration of alternatives and strategies for minimizing harm** (*emphasis added*).

33. Impact assessments must take into account the differential impacts of forced evictions on women, children, and the elderly and marginalised sectors of society. All such assessments should be based on the collection of disaggregated data, such that all differential impacts can be appropriately identified and addressed.

The HLRN EvIA Tool is intended to be used to prevent evictions, and where evictions have occurred, to help advocate for just compensation

52 Presented in the report of the Special Rapporteur on Adequate Housing, A/HRC/4/18, February 2007. Available at: http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf
A Handbook on the UN Guidelines prepared by HLRN, which includes the full text of the Guidelines, is available at: http://hlrn.org.in/documents/Handbook_on_UN_Guidelines_2011.pdf
A translation in Kannada is available at: http://hlrn.org.in/documents/UN%20Guidelines_Kannada.pdf

and adequate rehabilitation based on international human rights law, guidelines, and principles. As has been well established and documented, evictions most severely affect women, children, and marginalized and historically discriminated communities. The differential impacts on these communities also need to be assessed, understood, and recorded, with the aim of developing adequate preventive strategies and frameworks for reparation.

The EvIA Tool is based on the premise that any appraisal of forced evictions would have to include material as well as non-material costs, such as psychological and social effects of the eviction, and other indirect costs, including loss of children's education, loss of access to adequate healthcare facilities, loss of livelihoods and access to critical resources, including water. The Tool also aims to document the disproportionate impacts of evictions and displacement on women, children, persons with disabilities, older persons, minorities, and other marginalized communities. The Tool can be used in situations before an eviction takes place (with the aim of preventing the eviction) and in the post-eviction/displacement context to analyse and assess the actual losses incurred, in order to negotiate for better compensation and rehabilitation packages, and also for restitution and long-term durable solutions. The Tool lists the various material and non-material costs/losses that should be included in the computation of the total impact of the eviction/displacement. All costs factored in the assessment need to be calculated at current market values/replacement values to ensure accurate assessment. The Tool aims to capture the damages/costs/losses arising at any and/or all stages of the eviction/displacement process: pre-eviction, during eviction, and post-eviction.

The UN Guidelines also specify that:

69. States should actively monitor and carry out quantitative and qualitative evaluations to determine the number, type and long-term consequences of evictions, including forced evictions that occur within their jurisdiction and territory of effective control. Monitoring reports and findings should be made available to the public and concerned international parties in order to promote the development of best practices and problem-solving experiences based on lessons learned.

The EvIA Tool of HLRN, thus, also aims to assist the state in monitoring the impacts of evictions and displacement, and in amending existing housing and resettlement policies to incorporate accurate and holistic human rights-based impact assessment mechanisms.

Study Methodology

In order to understand the extent of suffering, the human rights violations, and the actual losses incurred by persons evicted from Ejipura/Koramangala, Housing and Land Rights Network, Forum against EWS Land Grab, and Fields of View carried out an Eviction Impact Assessment using HLRN's EvIA Tool. The Tool was modified to develop a survey questionnaire for the affected families. A pilot survey was carried out with 10 respondents and modifications were made to the questions based on the feedback of the residents. The final questionnaire (see Annexure Two) contained questions pertaining to demographics (family structure and details, caste and religion, and age); number of years the family had been living at the site; use of the house pre- and post-eviction (for example, for home-based manufacturing); current place of residence; nature of housing; accommodation/rental cost; mode of financing for current residence; and distance to places of work, education, and healthcare.

A series of questions dealt with post-eviction changes related to livelihood/work, medical treatment and health, loss of vital documents and subsequently loss of entitlements, consumption, income, access to and expenditure on food, access to basic services, and standard of living. The survey questions also documented changes in education and travel as well as the use of public utilities. The results from the pilot survey, led to the inclusion of issues surrounding safety, and future demands and expectations of those evicted from the EWS settlement.

Some of the erstwhile residents of the Ejipura settlement are now living on the pavements near their demolished houses. A few families have migrated back to their native villages in Tamil Nadu, while others have moved to informal settlements in Ambedkar Nagar, LR Nagar, Corporation Colony, and Vivek Nagar. While all efforts were made to ensure an adequate representative sample, the EvIA covered a total of 102

households or one-tenth of the affected families that were accessible after the eviction. The sample included those living on the pavements alongside the demolished settlement, and those living in settlements in Ambedkar Nagar and LR Nagar.

The questionnaire was prepared in English and the field interviews were conducted predominantly in Kannada and Tamil. The physical responses were then digitized and checked for inconsistencies. The data was then cleaned manually in order to ensure consistency and reduce any biases associated with self-reported data.

Findings of the Eviction Impact Assessment Study

Socio-economic Profile of the Participants

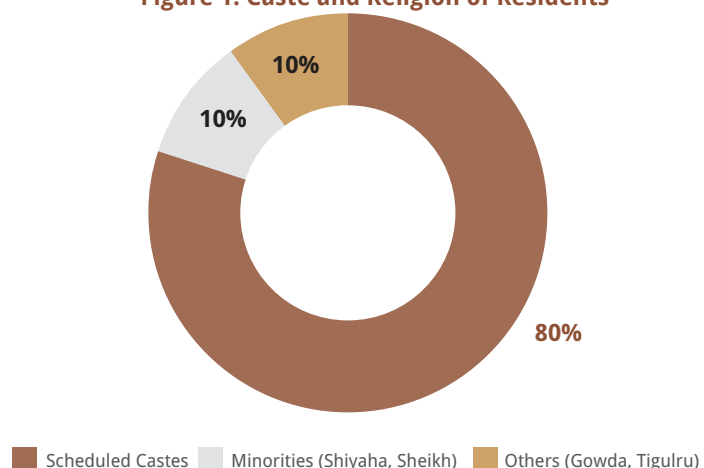
1. Caste and Religion

The study reveals that the majority of the residents belong to Scheduled Castes.

Table 1: Caste and Religion of Surveyed Households

CASTE AND RELIGION	NUMBERS
Scheduled Castes	33
Minorities	4
Others	4
No response	61

Figure 1: Caste and Religion of Residents



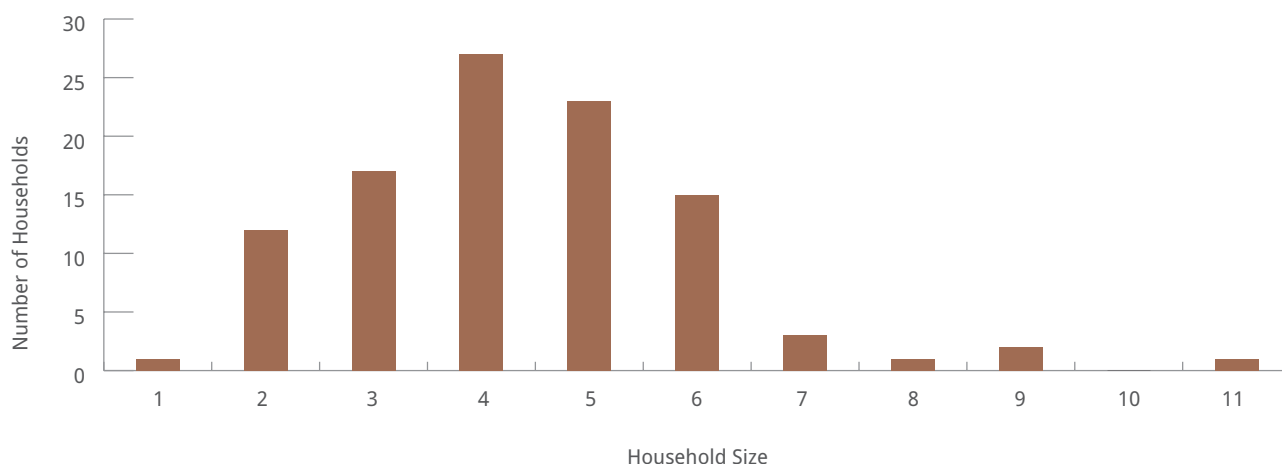
2. Gender

Of the total sample size of 102 households, the male population is marginally higher than the total female population, which is akin to results from studies on similar settlements in Bangalore.

3. Family Size

The average size of the family is 4.37. As seen from the graph below, 27 households have four members and 23 households have five members in their family.

Figure 2: Average Household Size



Human Rights Impacts of the Forced Eviction

1. IMPACT ON THE HUMAN RIGHT TO FOOD

Food Consumption

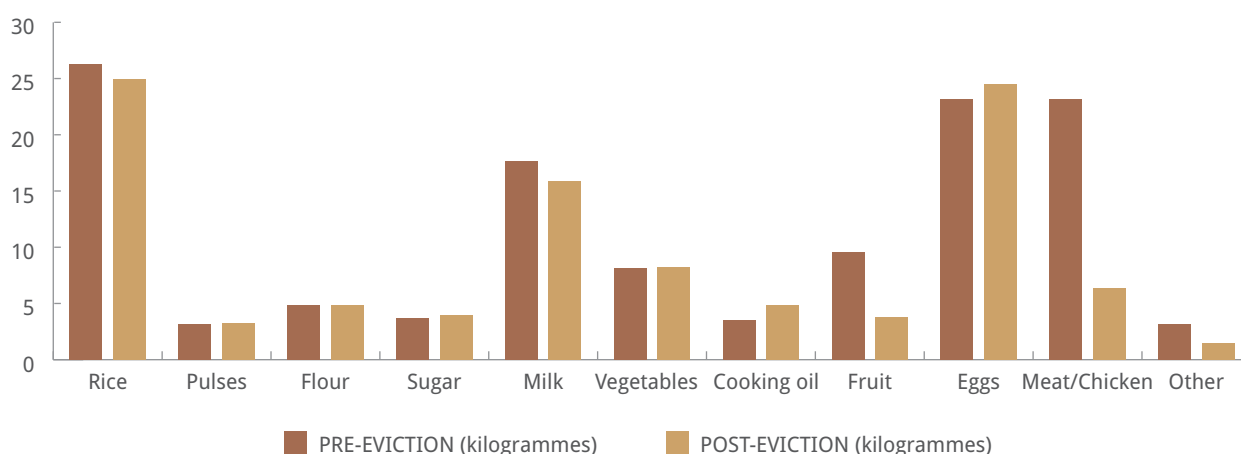
The survey findings reveal that after the eviction on average, families are consuming less food. The average monthly consumption of rice per family reduced from 23 per cent of total food consumption (26 kilogrammes) to 24 per cent (about 25 kilogrammes), fruit from eight per cent to four per cent, and meat/chicken from eight per cent to six per cent. The consumption of flour increased from four per cent of the total monthly food consumption to five per cent, sugar from three per cent to four per cent, vegetables from seven per cent to eight per cent, cooking oil from three per cent to five per cent, and eggs from 21 per cent to 24 per cent of total food.

After the eviction, some of the families lost their livelihoods and thus have no source of income. A few families lost their ration cards during the eviction, and subsequently access to subsidized rice at Public Distribution System (PDS) shops. As a result, they have had to reduce their monthly consumption of rice from 10 kilogrammes to five kilogrammes since they cannot afford rice at the regular market price.

An additional coping strategy employed by the evicted families is to reduce their expenditure on food and other items that are deemed as “luxury in the current situation.” As an indicator, the consumption of fruit and meat/chicken has reduced. As the costs of food have drastically increased over the past three years (as a result of inflation), and given that evicted persons have had to spend more on utilities, they, therefore, have resorted to buying lower quantities of food grains and essentials in order to ensure that the expenditure on food does not spiral out of control.

Table 2: Average Monthly Household Consumption of Food Items

FOOD ITEMS	PRE-EVICTION (kilogrammes)	POST-EVICTION (kilogrammes)
Rice	26.27	24.98
Pulses	3.12	3.28
Flour	4.85	4.85
Sugar	3.66	3.96
Milk	17.64	15.91
Vegetables	8.17	8.26
Cooking oil	3.51	4.86
Fruit	9.52	3.81
Eggs	23.17	24.50
Meat/Chicken	23.17	6.34
Other	3.16	1.50

Figure 3: Average Monthly Household Consumption of Food Items: Before and After Eviction

Expenditure on Food

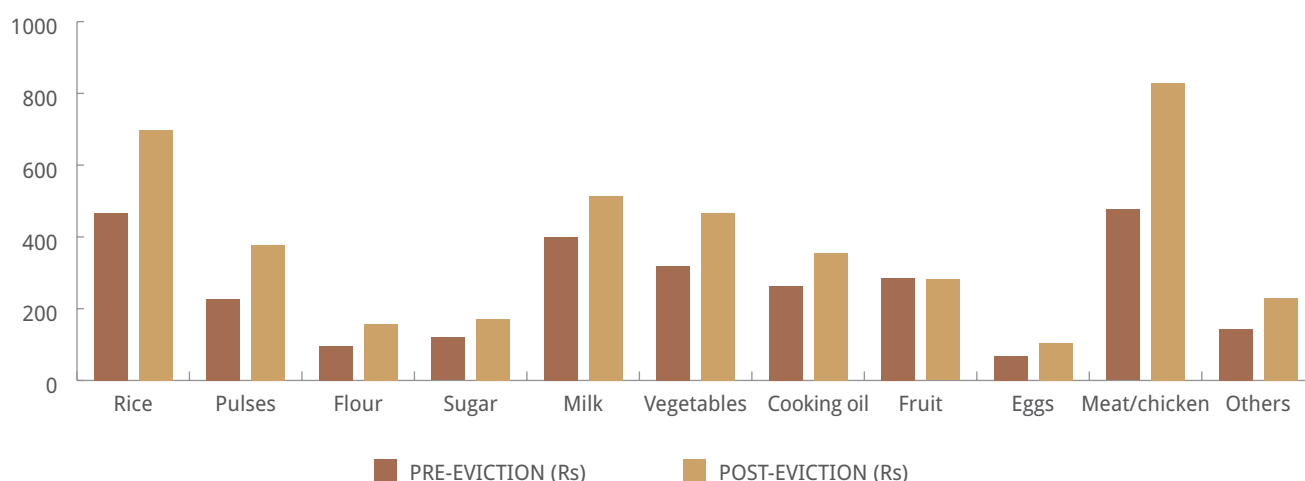
The interviewed households reported that before the eviction, of their total monthly expenditure on food, the average monthly expenditure on rice was 16 per cent, on pulses eight per cent, on flour three per cent, on sugar four per cent, on milk 14 per cent, on vegetables 11 per cent, on cooking oil nine per cent, on fruit 10 per cent, on eggs two per cent, and on meat/chicken 17 per cent.

In the post-eviction period, the reported average monthly expenditure on rice stood at 17 per cent of the total monthly expenditure on food items, nine per cent on pulses, four per cent on flour, four per cent on sugar, 12 per cent on milk, 11 per cent on vegetables, nine per cent on cooking oil, seven per cent on fruit, two per cent on eggs, 20 per cent on meat/chicken, and five per cent on other items.

Expenditure on fruit decreased from 10 per cent (Rs 284) of the total monthly expenditure on food items to seven per cent (Rs 281) whereas expenditure on meat/chicken increased from 17 per cent (Rs 104) of the total monthly expenditure on food items to 20 per cent (Rs 829). Although the average monthly consumption of both these food items reduced to half after the eviction, the average monthly expenditure on these food items increased significantly due to a sharp rise in the prices of these food items during the past three years (as a result of food inflation).

Table 3: Average Monthly Household Expenditure on Food Items

FOOD ITEMS	PRE-EVICTION (Rs)	POST-EVICTION (Rs)
Rice	467.23	697.72
Pulses	228.06	378.34
Flour	96.67	156.59
Sugar	119.62	171.74
Milk	400.50	513.02
Vegetables	318.38	466.57
Cooking oil	263.71	355.81
Fruit	284.46	281.45
Eggs	66.90	103.66
Meat/Chicken	476.49	828.65
Others	144.00	230.00

Figure 4: Average Monthly Expenditure on Food Items: Before and After the Eviction

The above data thus highlights the adverse impact that the eviction has had on the affected families' human right to food. A reduction in household income and increased monthly expenditures since the eviction in 2013 has greatly impeded people's ability to consume adequate and sufficient food. Over the course of time, this has reduced their nutritional levels, especially of children, and is likely to also have adverse impacts on their health. This constitutes a violation of national and international laws as well as Supreme Court judgments protecting the right to food.

2. IMPACT ON THE HUMAN RIGHT TO WORK

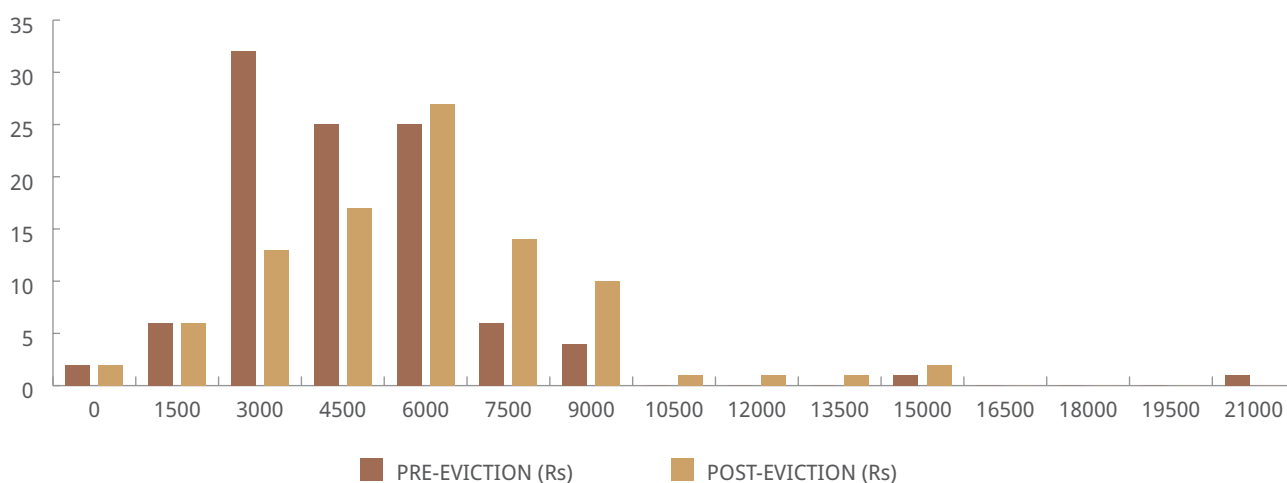
Loss of Work and Income

As a direct result of the eviction, several members of the sampled population reported losing their sources of livelihoods/jobs or having to spend around three months to find a new job. This led to a sharp decline in the average monthly household income during the review period.

After the forced eviction, the 102 households surveyed in this study reported a fall in their average monthly household income from Rs 5,130 to Rs 4,720. In addition, the average monthly household expenditure increased from Rs 14,392 to Rs 15,366 during the review period.

As the evicted households had to live out on the street, they could not cook, and thus had to buy food/eat out until they were able to find alternative housing. Many of them had to shift to rental accommodation where they incurred additional expenditures on rent, water, electricity, and other public utilities. All this contributed to a rise in their monthly expenditure.

Figure 5: Average Monthly Household Income: Before and After the Eviction



Travel to Places of Work: Before and After the Eviction

Before the eviction, 60 per cent (98 people) of the total population from 102 households used to walk to their workplaces, whereas 28 per cent (46 people) preferred to take buses, eight per cent (13 people) used to go by bicycle, one per cent by auto rickshaws and three per cent by other modes of transport. After the eviction, 48 per cent (77 people) of the total respondent population reported walking to their workplaces, 35 per cent (56 people) use buses, seven per cent (11 people) use bicycles, six per cent (10 people) use auto-rickshaws, and four per cent (six people) use two-wheelers.

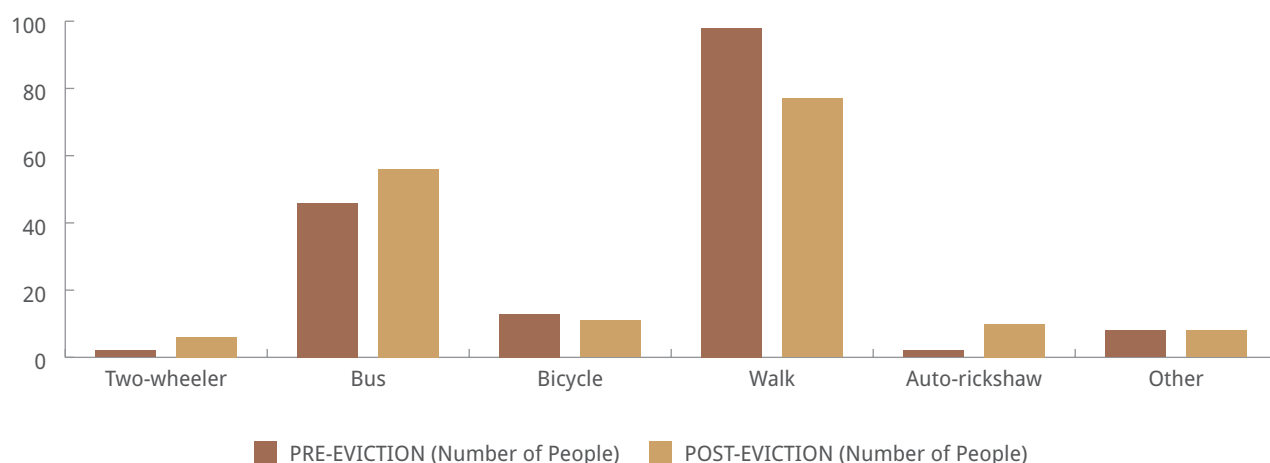
After the eviction, as a result of forced relocation to distant locales, the percentage of people walking to their workplaces has reduced from 58 per cent to 46 per cent, while there is increased use of other modes of transport.

Immediately after the destruction of their homes, a few families had moved to the Kudlu Gate government apartments but after a few months of staying there, they moved back to the pavement near the demolished site, as they were not able to travel from Kudlu to their workplaces, because of the increased expenditure on transport. The distance also resulted in delays in reaching work, which caused salary cuts for some of the people. They thus preferred staying in temporary accommodation on the streets near their places of work.

Table 4: Modes of Transportation to Places of Work

MODE OF TRAVEL	PRE-EVICTION (NUMBER OF PEOPLE)	POST-EVICTION (NUMBER OF PEOPLE)
Two-wheeler	2	6
Bus	46	56
Bicycle	13	11
Walk	98	77
Auto-rickshaw	2	10
Other	8	8

Figure 6: Modes of Transportation to Workplaces: Before and After the Eviction



3. IMPACT ON THE HUMAN RIGHT TO EDUCATION

School Drop-outs After the Eviction

In the post-eviction period, 22 children dropped-out of school due to financial losses of their families directly caused by the eviction. Children also lost books and valuable documents during the demolition process. As a result, many of them could not appear for their annual examination and could not join new schools either.

Financial problems and increased school fees resulted in many children dropping out from schools and working to supplement their family income. After the eviction, many families have had to move to distant locales and do not have accessibility to government schools.

Table 5: School Drop-Outs After the Eviction

REASONS FOR DROP OUT	DUE TO EVICTION, THEY COULD NOT STUDY FURTHER	FINANCIAL PROBLEMS	LOSS OF DOCUMENTS	LOSS OF SCHOOL BOOKS	SCHOOL FEES WERE TOO HIGH. IT IS VERY DIFFICULT TO TRAVEL TO SCHOOL	FAILED IN THE EXAM
Number of Children Who Dropped Out	7	10	1	1	2	1

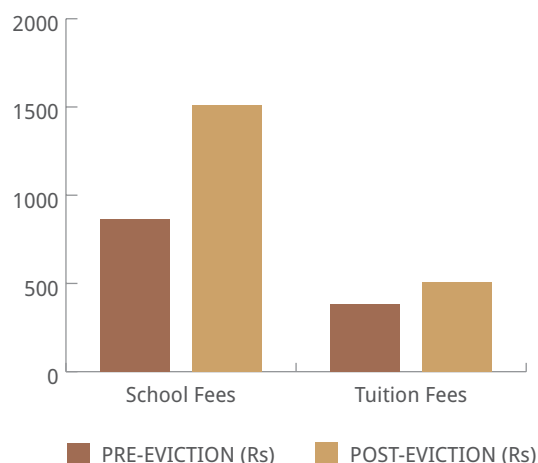
Expenditure on Education

Before the eviction, the study participants reported that they spent 26 per cent of their total monthly expenditure (Rs 863) on children's school fees and 12 per cent (Rs 385) on supplementary tuition fees. After the eviction, the displaced families are spending 38 per cent (Rs 1,509) of their income on school fees and 13 per cent (Rs 508) on tuition.

After the eviction, school fees reportedly increased by 75 per cent, from Rs 863 a month to Rs 1,509 a month, whereas tuition fees increased by 32 per cent, from Rs 385 to Rs 508. But the expenditure on school books per year reduced from 62 per cent (Rs 2,011) to 49 per cent (Rs 1,942). On further inquiry, it was indicated that this is a result of a combination of factors, such as the number of children who have dropped out of school and are currently working, the need to reduce spending on non-essentials, and in some cases, school fees being inclusive of the cost of books.

Table 6: Average Monthly Expenditure on Education

FEES	PRE-EVICTION (Rs)	POST-EVICTION (Rs)
School Fees	862.58	1,509.12
Tuition Fees	384.78	508.33

Figure 7: Average Monthly Expenditure on Education

Travel to Places of Education: Before and After the Eviction

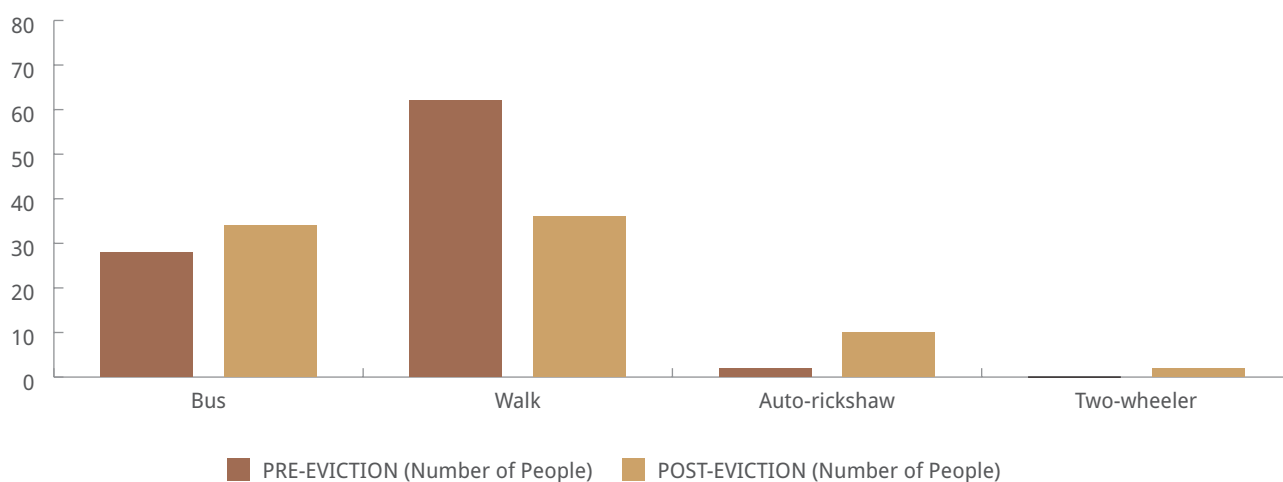
Prior to the eviction, 67 per cent (62 households) of those surveyed used walking as their mode of travel, 30 per cent (28) used buses, and three per cent (two) used auto-rickshaws (autos). After the eviction, 44 per cent (36 households) of the surveyed households reported walking, 41 per cent (34) said they use buses, 12 per cent (10) use auto-rickshaws and three per cent (two) use two-wheelers (scooters/motorcycles) as their mode of travel to places of education.

After the eviction, only 44 per cent of students reported walking to school/college while respondents reported an increase in using buses, autos, and two-wheelers. This is because the evicted families have moved to different areas located further away but their children are still attending school near the demolished settlement in Ejipura/Koramangala, thereby indicating a change in the mode of transport.

Table 7: Modes of Transportation to Educational Institutions

MODE OF TRAVEL	PRE-EVICTION (NUMBER OF PEOPLE)	POST-EVICTION (NUMBER OF PEOPLE)
Bus	28	34
Walk	62	36
Auto-rickshaw	2	10
Two-wheeler	0	2

Figure 8: Modes of Transportation to Educational Institutions Before and After the Eviction



Expenditure Incurred on Transport to Places of Work and Education: Before and After the Eviction

Before the eviction, surveyed families reported spending an average of Rs 217 per month to commute to workplaces and an average of Rs 83 per month to commute to schools and colleges. But after the eviction, the average amount spent on transport to places of work and study increased to Rs 436 and Rs 269, respectively.

The increased monthly expenditure on transport is because of the increased distance of affected persons' current sites of residence and their places of work/study. They have to use different modes of travel to reach their workplaces and educational institutions after the eviction. Most people are still working near Ejipura and thus have to travel longer distances every day. Those who had their own businesses in Ejipura lost their livelihoods and belongings during the demolition, and thus could not continue with their businesses. As a result, these persons have been forced to look for new jobs and are travelling to their new workplaces. The increased burden of transportation cost and time has forced many children to drop-out of school and start working in distant places. This also has led to an increase in their monthly transportation costs.

Table 8: Average Monthly Expenditure on Transport

DESTINATION	PRE-EVICTION (Rs)	POST-EVICTION (Rs)
Work place	216.82	436.06
School/College	83.14	268.94

Figure 9: Average Monthly Transport Expenditure: Before and After the Eviction



The right to education is recognized as a fundamental right in India. Furthermore, the Right of Children to Free and Compulsory Education Act 2009 makes it obligatory for the state to make provisions to ensure that all children are able to fulfil their right to education. With the eviction of families in Ejipura, the Government of Karnataka has created a situation that has forced children to drop out of school and lose access to education, thereby violating both the Constitution of India and the national right to education law.

4. IMPACT ON THE HUMAN RIGHT TO HEALTH AND HEALTHCARE

Healthcare Costs: Before and After the Eviction

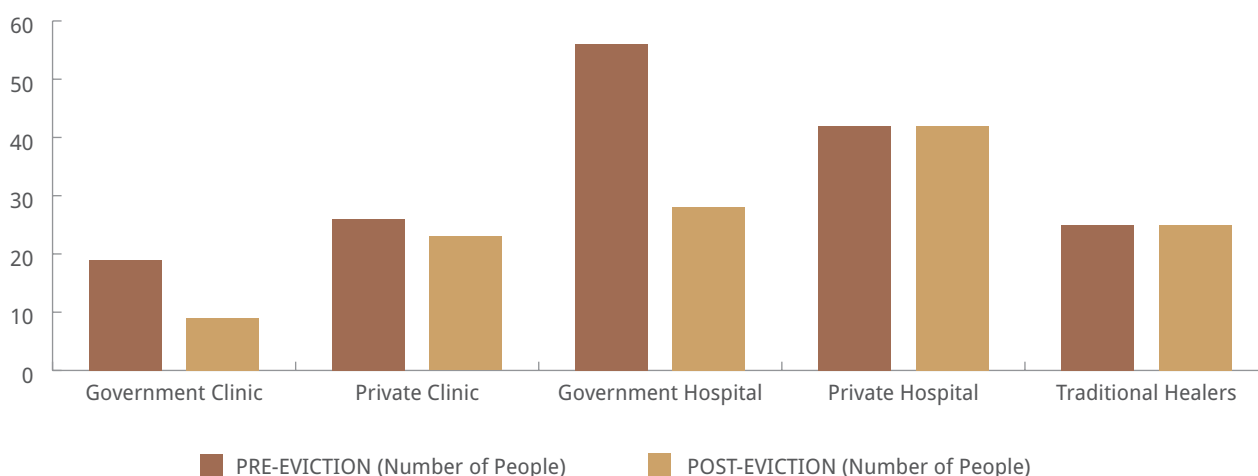
Before the eviction from Ejipura/Koramangala, the survey participants reported that 33 per cent (56 people) of the total sampled population used to visit government hospitals, 25 per cent (42 people) used to visit private hospitals, 15 per cent (25 people) used to visit traditional healers, and 11 per cent (19 people) used to visit government clinics, whereas 15 per cent (26 people) visited private clinics for their healthcare needs. After the eviction, the study reveals that 37 per cent (28 people) of the total sampled population visit government hospitals, 27 per cent (42 people) visit private hospitals, 16 per cent (25 people) visit traditional healers, six per cent (nine people) visit government clinics, and 15 per cent (23 people) visit private clinics.

Visits to government clinics have reduced from 11 per cent to seven per cent of the total healthcare-related visits, whereas visits to government hospitals have reduced from 33 per cent to 22 per cent. After the eviction, the displaced families are not able to visit government clinics and government hospitals that are situated in Ejipura/Koramangala, as they have moved to distant locations. The study also highlights that the number of visits to hospitals or clinics have reduced due to the additional burden of paying rent and increased expenditure on public utilities. This has resulted in families spending less on healthcare and denying themselves required medical treatment.

Table 9: Choice of Healthcare Institutions: Before and After the Eviction

SOURCE OF HEALTHCARE	PRE-EVICTION (Number of People)	POST-EVICTION (Number of People)
Government Clinic	19	9
Private Clinic	26	23
Government Hospital	56	28
Private Hospital	42	42
Traditional Healers	25	25

Figure 10: Choice of Healthcare Institutions Before and After the Eviction (Number of People)



Expenditure on Healthcare

The study reveals that the average monthly household expenditure on healthcare has reduced significantly from Rs 6,939 to Rs 2,660 after the eviction.

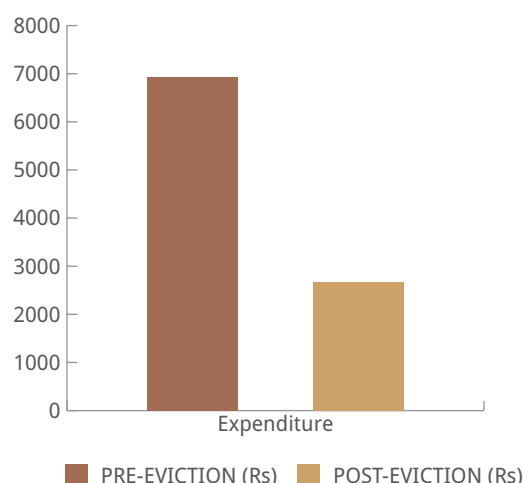
Healthcare expenditure has declined after the eviction as a few of the sampled families reported being able to receive free medical treatment from a local doctor. Most of the respondents, however, do not have sufficient money to spend on healthcare and this has led to a sharp decline in the expenditure on medical treatments. One of the respondents reported that her three-month-old baby died due from exposure to the cold, as she did not have money for her treatment after the eviction.

While the usage of medical facilities seems to have either increased marginally, remained constant, or reduced marginally, it is worrying to note that the overall expenditure of the affected families on healthcare has reduced drastically by a factor of three. Due to the increased financial burden on families, such as higher rental and transportation costs, the eviction has forced families to reduce healthcare expenditure, as a coping strategy. This reveals the serious impact of the forced eviction on the human right to health.

Table 10: Average Monthly Expenditure on Healthcare

EXPENDITURE	PRE-EVICTION (Rs)	POST-EVICTION (Rs)
Expenditure	6,938.94	2,660.31

Figure 11: Average Monthly Healthcare Expenditure: Before and After the Eviction



Article 12 of the International Covenant on Economic, Social and Cultural Rights recognizes and protects the right to the highest attainable standard of health. As a state party to the Covenant, India is required to guarantee to all residents of the country the right to health. In the aftermath of the forced eviction in Ejipura, as demonstrated above, displaced families have suffered from the loss of access to healthcare and health. This constitutes a violation of not just their right to health but also of international law.

5. IMPACT ON THE HUMAN RIGHT TO ADEQUATE HOUSING

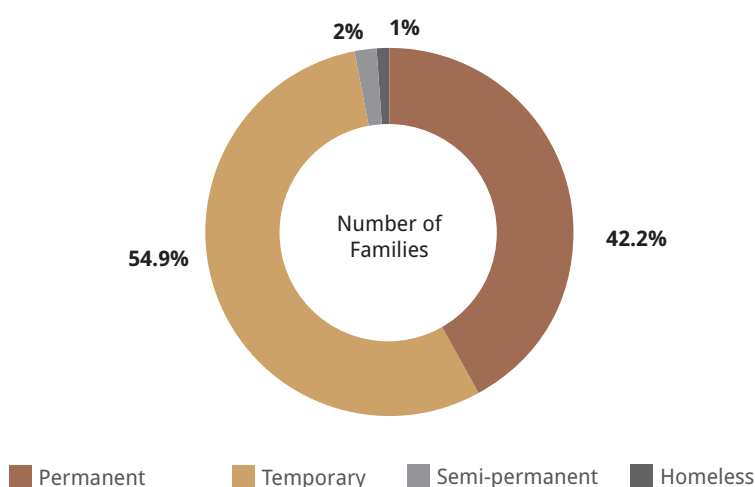
The demolition of houses without the provision of alternative accommodation or resettlement has resulted in a situation where 55 per cent of the respondents (56 households) live in temporary structures, two per cent live in semi-permanent structures, and one per cent are homeless. After the forced eviction, this study reveals that permanent structures account for only 42 per cent (43 households) of the total sample size of 102 households. Permanent accommodation comprises rental housing or relatives' homes where several displaced families are living, or crèches/anganwadis, where some families have sought refuge. The new living situation of displaced families has resulted in a rise in their monthly expenditure as they have to pay for rent and public utilities.

Those living in temporary accommodation, such as tents on pavements, and those rendered homeless by the eviction are living in dismal conditions and suffering from the acute absence of basic services, security, and livelihood support. During the monsoon season, the drainage water overflows into their tents and also makes them susceptible to infection and diseases. As they do not have a permanent source of income, they are not able to access adequate healthcare/medical treatment.

Table 11: Type of Housing after the Eviction

STRUCTURE OF PRESENT ACCOMMODATION	NUMBER OF FAMILIES
Permanent	43
Temporary	56
Semi-permanent	2
Thatch roof with temporary walls	0
Homeless	1

Figure 12: Type of Housing after the Eviction



The human right to adequate housing is recognized in several international human rights treaties, including in Article 11.1 of the International Covenant on Economic, Social and Cultural Rights. By destroying homes of and forcefully evicting residents of the EWS settlement in Ejipura and failing to provide any rehabilitation or alternative housing or compensation for the loss of their homes, the state government has violated their human right to adequate housing as well as international standards that protect the right to housing. These include General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights, as well as the Basic Principles and Guidelines on Development-based Evictions and Displacement. The acts of demolition and eviction also violate provisions of the national Housing for All-2022 scheme or the Pradhan Mantri Awas Yojana.

6. IMPACT ON ACCESS TO BASIC SERVICES

Access to adequate basic services, materials, and infrastructure is an integral component of the human right to adequate housing, as expounded by General Comment 4 of the UN Committee on Economic, Social and Cultural Rights in 1991.

Expenditure on Public Utilities: Before and After the Eviction

Before the eviction, survey respondents stated that they spent 86 per cent (Rs 180) of their total monthly expenditure on toilets followed by eight per cent (Rs 16) on electricity, and six per cent (Rs 13) on water during the pre-eviction period.

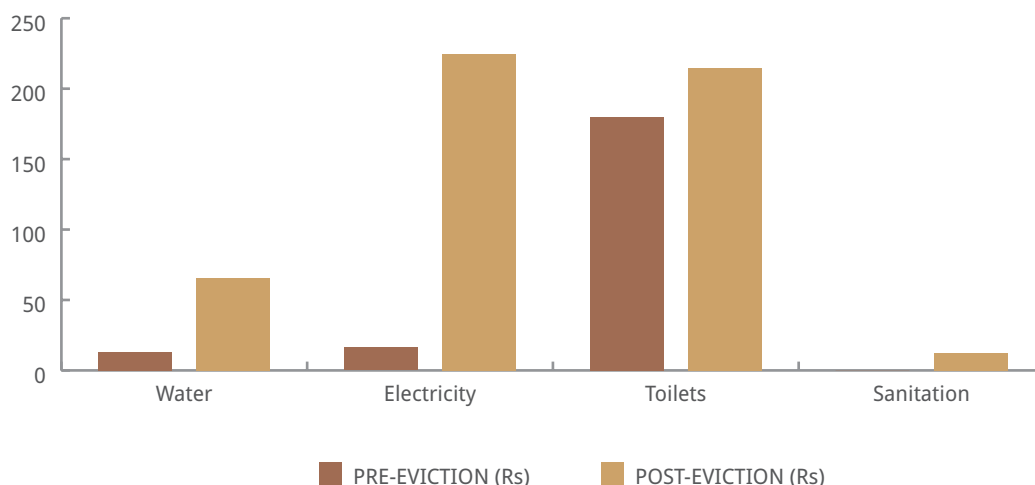
After the eviction, the survey respondents reported spending 41 per cent (Rs 215) on toilets, 43 per cent (Rs 225) on electricity, 13 per cent (Rs 66) on water and two per cent (Rs 13) on sanitation. Before the eviction, none of the households had their own toilets and thus used public (pay and use) toilets. However, after the eviction, most of the people moved to rented houses with toilets. As a result, the monthly expenditure on toilets has reduced after the eviction. However, after the eviction, they have to pay for all utilities including water, electricity, and sanitation in their new rented houses.

Only the families who are living on the pavements near the demolished site at Ejipura are using public (pay and use) toilets. The charge for the use has increased from Rs 2 per person to Rs 5 per person and they have to travel about half-a-kilometre to access the toilets in Neelasandra.

Table 12: Average Monthly Expenditure on Public Utilities

PUBLIC UTILITIES	PRE-EVICTION (Rs)	POST-EVICTION (Rs)
Water	13.26	65.55
Electricity	16.28	224.78
Toilets	179.64	214.74
Sanitation	0	12.5

Figure 13: Average Monthly Expenditure on Public Utilities



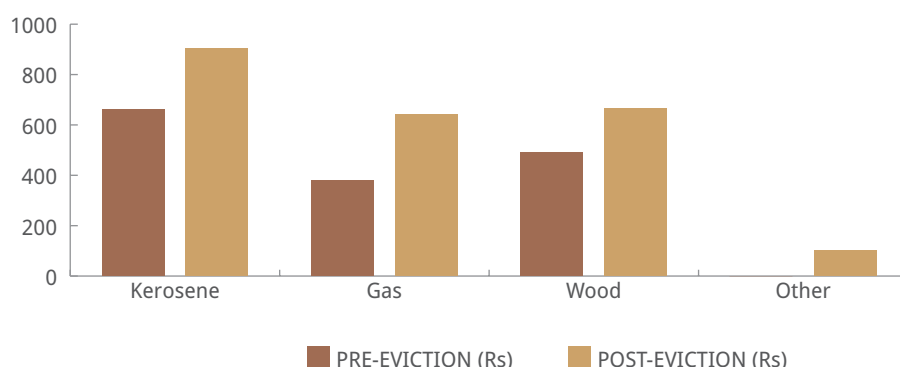
Expenditure on Fuel

During the pre-eviction period, of their total monthly expenditure on fuel, affected families reported spending 43 per cent on kerosene, 25 per cent on liquefied petroleum gas (LPG), and 32 per cent (Rs 492) on wood. After the eviction, their monthly expenditure on kerosene increased by 39 per cent (Rs 904), on gas by 28 per cent (Rs 642), on wood by 29 per cent (Rs 665), and on other fuel sources by four per cent (Rs 100).

The affected families who are now staying in rental accommodation reported that the house-owners do not allow them to use wood, so they have to use gas, which costs more. The families living on the pavement reported that before the eviction most of them used wood, as it was less expensive, but after the eviction they are afraid to use wood, as one of the tents caught fire; they have, therefore, switched to using kerosene. A few respondents mentioned that during the eviction they lost their ration cards (for subsidized food and fuel) and now have to buy kerosene at regular market prices, which has raised their monthly fuel expenditure. Some families reported that in ration shops they get only four litres of kerosene, which lasts for two weeks; the remaining monthly supply has to be bought from the market, which is expensive.

Table 13: Average Monthly Expenditure on Fuel

FUEL TYPE	PRE-EVICTION (Rs)	POST-EVICTION (Rs)
Kerosene	662.14	903.75
Gas	379.00	641.87
Wood	491.62	664.61
Other	0.00	100.00

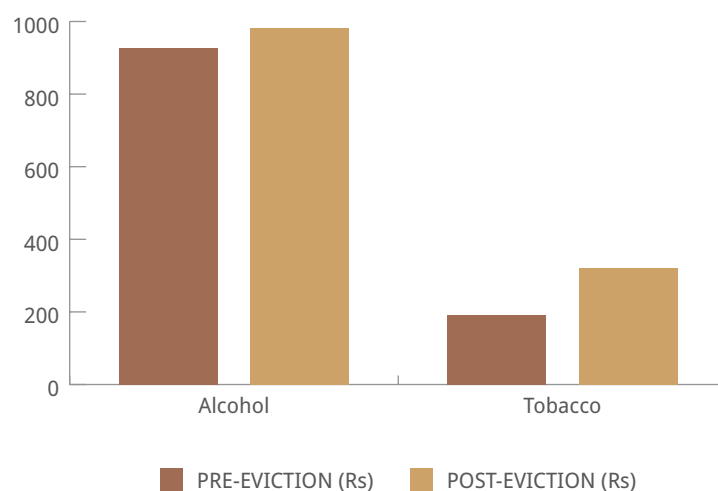
Figure 14: Average Monthly Expenditure on Different Types of Fuel

Expenditure on Intoxicants

The average monthly expenditure on alcohol increased from Rs 928 to Rs 982 after the eviction; whereas the expenditure on tobacco increased at a higher rate from Rs 193 to Rs 322. The consumption of alcohol and tobacco by the evicted population has increased in order to cope with the stress of losing homes, personal belongings, vital documents, and also their livelihoods. The number of consumers of alcohol and tobacco from the same household has increased after the eviction, which also contributed to the significant increase in the average monthly expenditure on intoxicants.

Table 14: Expenditure on Intoxicants

INTOXICANTS	PRE-EVICTION (Rs)	POST-EVICTION (Rs)
Alcohol	927.53	981.97
Tobacco	192.62	322.11

Figure 15: Average Weekly Expenditure on Intoxicants

Total Household Expenditure

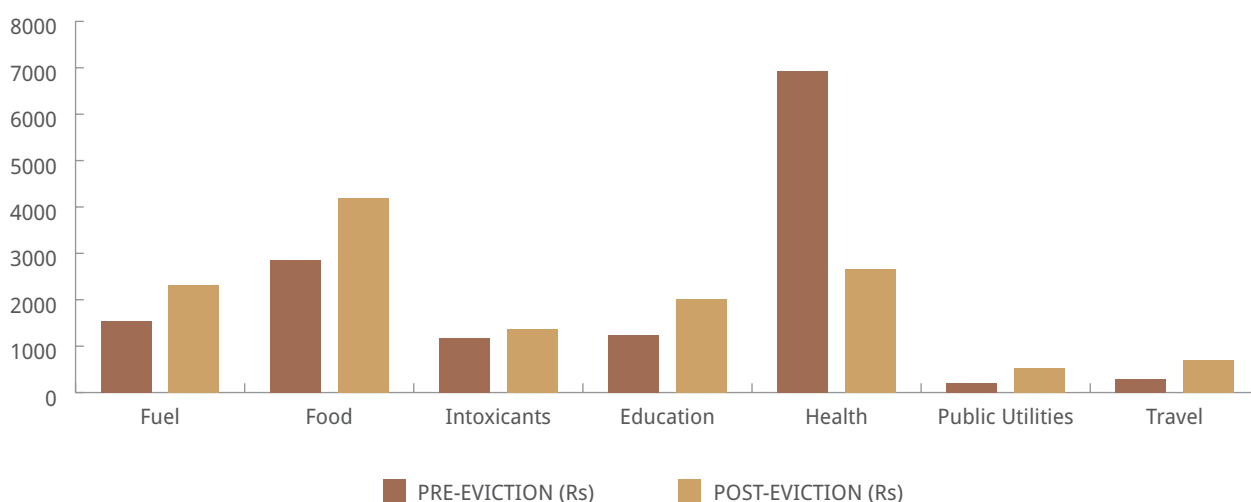
Before the forced eviction of families in Ejipura/Koramangala, their average monthly expenditure on fuel was reported as 11 per cent of the total monthly household expenditure. Each family spent an average amount of 20 per cent of their budget on food, nine per cent on education, 49 per cent on health, one per cent on public utilities, two per cent on transport, and eight per cent on intoxicants. After the eviction, the composition of the average monthly expenditure changed. Fuel accounted for 17 per cent of the total monthly household expenditure, food for 30 per cent, education for 15 per cent, health for 19 per cent, public utilities for four per cent, transport for five per cent, and intoxicants for 10 per cent of the family's total monthly expenditure.

As a result of the eviction, affected families witnessed a rise in their average monthly household expenditure. While the average monthly expenditure on fuel, food, education, public utilities, and travel increased, the monthly expenditure on healthcare fell after the eviction, as families were forced to cut down or compromise their healthcare requirements and medical treatment, in order to cope with the additional burden of spending more on other household requirements.

Table 15: Average Monthly Household Expenditure

THEMES	PRE-EVICTION (Rs)	POST-EVICTION (Rs)
Fuel	1,532.76	2,310.24
Food	2,866.07	4,183.59
Intoxicants	1,184.15	1,369.09
Education	1,247.35	2,017.46
Health	6,938.94	2,660.31
Public Utilities	209.20	517.57
Travel	299.96	704.99

Figure 16: Average Monthly Household Expenditure Before and After Eviction



The above findings reveal how the forced eviction has greatly affected the right to an adequate standard of living of all affected families. While some of the impacts are more direct and visible, others are more subtle and long-lasting, such as the effects on mental health, nutrition, family life, and access to community networks and healthcare.

Conclusion



This study highlights the extensive suffering, human rights violations, and losses of families evicted from the EWS settlement in Ejipura in January 2013. The study documents violations of the human rights to food, health, adequate housing, education, and work/livelihood. It reveals that the families have an increased monthly deficit of Rs 3,700 (accounting for the changes in expenditure in Bengaluru since the eviction, please see Table 15 of this study). As presented in the previous sections, families have had to resort to various strategies such as reducing expenditure on healthcare to the amount of Rs 4,000 and reducing consumption of food and food items as a means to cope with increased monthly expenditure and reduced sources of income. This is likely to have affected their levels of nutrition and health, the costs of which have not been computed in this study. As mentioned in the report, expenditure on healthcare has also been substantially reduced (by a factor of three). This, in turn, has meant that those families with older family members and persons with disabilities have been severely impacted. The eviction has directly resulted in severe impacts on affected persons' mental, psychological, physical, and economic well-being.

In addition, the eviction resulted in the direct loss of housing of Rs 49,000 (paid by each evicted family to BBMP for the demolished EWS housing). While the current value of housing units is Rs 120,000, several of the evicted families have to pay a monthly rent in alternative accommodation. As of May 2017, the construction of the resettlement site in Sulikunte Village had not been completed, neither had any alternative housing been provided to the affected families. According to information provided by BBMP in January 2017, houses for rehabilitating identified evictees of the Ejipura settlement would be ready for occupation by June 2017. The alternative housing, being built under the erstwhile central government scheme of Rajiv Awas Yojana, comprises 900 (Ground + 4) housing units and is located at a distance of 18 kilometres from Ejipura and 23 kilometres from the city centre. These units will be allotted only to those evictees who have documents showing residence at the demolished site on or before the eviction. Those residents who are not in possession of such documents will be denied rehabilitation. The demolished site, however, continues to lie vacant; in the last four years only excavation work has been carried out while housing for the original allottees is nowhere in sight.

The demolition process also destroyed personal possessions and household items of residents as well as vital documents, including election and ration cards, which are critical for the urban poor to avail services, access subsidies for daily use ranging from rice, sugar and kerosene, and to access low cost healthcare.

The impact of the eviction on children is evident on two fronts: education and healthcare. School fees have increased by 75 per cent for evicted children, as they now have to go to new schools where they are staying, which charge higher fees. In order to cope with the increased financial stress after the eviction, families have resorted to reducing expenditure on books and educational supplies for their children. The monetary costs of this have not been calculated.

The eviction has had severe and long-lasting consequences, including four deaths, several births in the open, discontinuation of education of children, exposure of displaced persons to health hazards, loss of health, income, and livelihoods, psychological and mental stress and trauma, hunger and starvation, and the recent death of a child at the Maverick construction site.

These serious costs have not been computed by this study. Due to the hardships and trauma experienced by the displaced community, the research team was unable to collect data on the loss of household assets and documents. Excluding these various costs and losses, each evicted household, on average, has had to incur a monthly deficit of Rs 3,700 for its monthly expenditure. Given that over four years have elapsed since the eviction, at a minimum, each evicted family should be paid at least Rs 203,500 (monthly deficit of 3700 * 55 months)⁵³ by the state to help families overcome their losses and debts incurred as a result of the forced eviction in 2013. They should also be paid Rs 169,000 for the loss of housing. The minimum compensation required per family, thus, amounts to Rs 372,500. If the loss of personal and household items, including educational material, as well as other non-material losses such as loss of health was added, the total compensation owed by the state to each evicted family would be much higher.

Forced evictions and demolitions violate international law and India's international and national human rights obligations and commitments. India, which is a party to the International Covenant on Economic, Social and Cultural Rights, under Article 11.1, must recognize the human right of everyone to "an adequate standard of living, including... adequate housing, and to the continuous improvement of living conditions." Evictions have an impact on the congruent human rights of inhabitants related to adequate housing, including the human rights to food, water, health, sanitation, education, security of the person and home, and livelihood/ work.

Given the extensive losses and costs incurred by persons affected by forced evictions, all state and non-state actors must comply with the requirement of the UN Guidelines to conduct comprehensive 'eviction impact' assessments before any relocation is carried out and to pay adequate compensation to all affected families, based on the real losses incurred by them as a result of the eviction.

⁵³ The forced eviction was carried out in January 2013. This report is being printed in July 2017. Hence, the number of months for which compensation is required is 55 months.

Recommendations

Based on the findings of the study, the team would like to suggest the following recommendations.

Recommendations to the Government of Karnataka from the Study Authors

1. Rehabilitate all displaced families with the provision of adequate housing and basic services, as per international standards, including those stipulated in the Basic Principles and Guidelines on Development-based Evictions and Displacement.
2. Ensure financial reparations to the affected families based on a comprehensive impact assessment, such as the one carried out in this study.
3. At a minimum, based on the calculations explained in the last chapter, pay Rs 400,000 to each evicted family as compensation for their losses.
4. Provide security of tenure to all residents living in urban settlements in Bengaluru.
5. Implement India's national and international human rights obligations and commitments.
6. Evolve and adapt a participatory planning framework in urban areas to reduce conflict and increase transparency.
7. Organize consultations with a wide range of actors to develop a law on the right to housing by the central and state governments along with the city government.⁵⁴

Recommendations to the Government of Karnataka from the Affected Community

The families affected by the forced eviction at Ejipura have sought judicial support and approached the city council through various forums and means. However, the city council has so far not responded to the affected community's needs and petitions. The community, therefore, recommends the following:

1. Cancel the Public-Private Partnership between BBMP and Maverick Holdings Pvt. Ltd.
2. Ensure that the city council (BBMP) constructs new housing at the site of eviction in Ejipura for all evicted families with the provision of basic services and tenure security.

⁵⁴ Also see recommendations presented in *Governance by Denial*, at supra note 2.

3. Conduct a judicial enquiry against those responsible for the forced evictions, including for acts of violence and arbitrary detention, followed by stringent action against offenders.
4. Provide adequate compensation to the affected families for the extensive losses incurred as a result of the demolition of their homes, loss of personal belongings, and loss of education, livelihoods, health, security, and income – from both BBMP and Maverick Holdings Pvt. Ltd.

In addition, recommendations of the Special Rapporteur on Adequate Housing in her India mission report⁵⁵ as well as recommendations from UN treaty bodies, other Special Procedures,⁵⁶ and the Human Rights Council, including from India's Third Universal Periodic Review,⁵⁷ related to housing and land should be implemented by the concerned government authorities.

55 Report of the Special Rapporteur on Adequate Housing, Mission to India, January 2017, A/HRC/34/51/Add.1. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/51/Add.1

56 For details on all recommendations made to India by the United Nations, see, *United Nations Documents Related to Housing and Land Rights in India*, Housing and Land Rights Network, New Delhi, 2017. Available at: http://hlrn.org.in/documents/UN_Documents_on_Housing_and_Land.pdf

57 See, Draft Report of the Working Group on the Universal Periodic Review, A/HRC/WG.6/27/L.8, 8 May 2017. Available at: https://www.upr-info.org/sites/default/files/document/india/session_27_-_may_2017/a_hrc_wg.6_27_l.8.pdf

Annexures

Annexure One:

Testimonies of Persons Evicted from Ejipura/Koramangala

In 1985, in a landmark judgment, the Supreme Court of India declared that Article 21 of the Constitution included the right to housing and livelihood, as well as other human rights recognized under the law. The Court established that a place of residence is not just an address, it is an anchor for security, livelihood, and identity. Therefore, when BBMP bulldozed 1,512 homes (comprising 42 blocks) and evicted over 5,000 people from their homes in the EWS quarters at Ejipura, what the people lost was not only a roof over their heads, they lost security, livelihoods, and identity. The demolition and eviction was thus not an event, it is a process, something that continues to unfold and affect people's lives long after that fateful January 2013.

Jaquin Sebastian lost her three-month-old child as a result of the scramble during the eviction. With the loss of housing, Nirosha had to give birth to her second son on the road. Palaniyamma, a tuberculosis (TB) patient, has to go to the public toilets near a church in Neelasandra to relieve herself, as she suffers from diarrhoea caused by the TB medication. Twenty-one-year-old Rajeshwari who dreamt of studying further has had to discontinue her education and take up a job, after the eviction. Shantha Mary is struggling to find a job as people who live on the pavement are not trusted or respected.

In the following interviews, different people who lost their homes narrate how their life unimaginably altered its course after something as critical as a home was destroyed.

- | | |
|-------------------------------|------------------|
| Respondent: | Jaquin Sebastian |
| Gender: | Female |
| Location of interview: | EWS pavement |
| Site of residence: | Marappa Garden |
| Date of interview: | 8 October 2015 |



What is your name?

My name is Jaquin, age is 42.

What is your husband's name?

My husband's name is Sudhakar Sebastian.

What is your occupation?

I work as a housemaid and my husband works as a painter. Just now I am returning from the work place, where they pay me Rs 500 per month.

Where are you staying now?

Now I am staying in Marappa Garden (grapes garden), half-an-hour walking distance from Ejipura.

How many years did you stay in the Ejipura EWS quarters?

We stayed there for 10-12 years. We stayed in EWS quarters on rent.

What documents do you have for the EWS settlement?

We have EWS biometric card, ration card, Aadhaar card, and voter card.

How many children do you have?

I had four children, two passed away and now I have only two children.

How did they pass away?

When we were in the EWS quarters, one child died in the womb itself, from the fear and stress caused by neighbourhood quarrels and noises. Another three-month-old baby passed away during the eviction. Now I have two children. One child is very sick, as he was born at home. Now he is suffering from fits, jaundice, and brain disease. He was admitted to Indira Gandhi Government hospital, as we could not afford any other private hospitals. Despite being given concession because of having blue ration card (below poverty line card), the hospital charged us Rs 150,000. We had borrowed money for the hospital cost from a moneylender on weekly and monthly interest. We are still paying the interest.

How is the child now?

Now his right hand does not function and he is not so well. We have enrolled him in the nearby *anganwadi*. When we were in the EWS settlement, we were surviving peacefully but after moving from there we are not eating sufficiently and don't have proper food. We are eating diluted rice porridge (*ganji*). Our life is devoid of peace. No breakfast has been given to children, now also we don't have anything to cook. My elder daughter has gone to school without any breakfast and my son is still starving here. If I have anything, I cook, otherwise I let them starve or get two Rs 5 biscuit packets and give it to them. Our income is not even sufficient to pay rent, electricity bills, water bills, and interest to the money lenders. Everything goes in paying everyone; nothing remains for food.

When my husband comes from work, I keep asking him, 'What to cook, what to cook?' He resignedly says, 'What can we do...?' He asks me to do, what can I do, with nothing in hand?

Through the ration card we were getting 30 kilogrammes of rice before, then the government reduced it to 24 kilogrammes but now we are getting only 12 kilogrammes of rice for four members. It is not sufficient at all. Only rice is free, we have to buy sugar, wheat, oil at subsidized price. The oil quality is horrible, my daughter and son get allergies from eating that oil. We cannot afford to purchase the Rs 85 per litre oil from the market.

My income is only Rs 500 per month and I have to travel to Ejipura for work. My husband does not get regular work. Even now, while coming I asked a lady to lend me money on interest to feed my kids. Sometimes I think of committing suicide, as we are not getting income even to feed my children. My children ask me for food after watching other children eat.

My younger son asks my husband on phone, 'Get me *chee chee kabab*.'" I am so broken-hearted, as we don't have anything. We have not even paid my daughter's school fees, so she was not allowed to write her exams. She just goes for the sake of it, sits there and comes back. In school they complain that my daughter is not studying well, but we don't have money for her tuition.

What is the age of your children?

My daughter is eight years and son is 3.5 years. I don't know where to go and what to do to solve my problems. I look healthy and strong but I am also not well. I have body pain, stomach pain, and keep falling ill regularly. Just the fear that I have to pay the rent makes me go to work.

My job there is sweeping and mopping bedrooms and hall, washing toilets, and sweeping the balcony. For that they pay only Rs 500 per month, it is daily for half-an-hour. What to do if we sit at home idle, who will earn even that?

2.	Respondent:	Nirosha
	Gender:	Female
	Location of Interview:	Pavement near Ejipura EWS settlement
	Location of Residence:	Pavement near Ejipura EWS settlement



What is your name?

My name is Nirosha and my age is 20 years. My husband's name is Ravi; he is working as a *coolie* (porter) in loading and unloading sand for lorries. He earns Rs 300 to 400 per day.

What is your education?

I have studied till seventh standard in Government KKTB School in the EWS settlement itself.

Did you have your own house in the EWS settlement?

Yes, my mother purchased a house in the EWS apartment.

Do you have documents of that house?

Yes, my mother has the house document given by the government when the apartment was allotted. After the apartment developed cracks and became unsafe, we moved to the sheds nearby. We have a document that we have moved out because the house became unsafe. We also have a biometric card, which was given before the eviction.

After your marriage, did you continue to stay with your mother?

Yes, as my husband used to go to work at night, we could not afford to take a rented house and pay rent, so we stayed at my mother's place.

Do you have a ration card?

Yes, we have a BPL (below poverty line) card. We get 24 kilogrammes of rice, pulses, *ragi*, sugar, soap, oil, Surf washing powder, and wheat with it.

What fuel do you use to cook?

We use firewood and kerosene to cook and boil water. Without ration card, we get only three litres per month for Rs 90. Rest is purchased from the 'black' market, where one litre costs Rs 60.

How many litres do you need for a month?

If we purchase in bulk, per month it costs Rs 700-800, just for kerosene. My mother gets firewood (*kottanguchi*) and coconut shells from the workplace for Rs 200 per month. But if we purchase firewood from the shop it costs us Rs 50 per *mana* (a local unit to measure quantity of firewood. One *mana* is equivalent to 10 kilogrammes) and we need minimum five kilogrammes (1/2 *mana*).

After the eviction did you move anywhere?

No, we have been staying here but my mother moved to a rented house. After two months she also returned, as the advance and rent were very high. Before the eviction, I gave birth to my first son on the road at midnight on 24 December. He couldn't wait till Christmas to be born. Neighbours called the ambulance in the morning and shifted me to the hospital. My second son was born in the government hospital in Austin town.

3. Respondent:	Palaniyamma
Gender:	Female
Location of interview:	Pavement near Ejipura EWS settlement
Site of residence:	Pavement near Ejipura EWS settlement
Date of interview:	8 October 2015



What is your name?

My name is Palaniyamma, my age is 40 years. My husband has deserted me.

How many children do you have?

I have three children. Two of them are staying in a hostel and studying. My eldest daughter is 19 years. She is married and has two girls. Her husband works as a *tammatte* player. (Tammatte is a drum, which is played during festivals and funerals. Only Dalits play the tammatte.)

Which caste do you belong to?

We are Hindu.

Any other details about your caste?

No, I don't know anything about that.

How many years did you live in the EWS settlement?

I stayed there for 25 years. We came here when the government hospital was being constructed. (This was the construction of a PHC in the Koramangala settlement area.) We came to work there. I migrated from Thiruvannamalai, Tamil Nadu, with my parents. After the construction was over, we moved to the EWS quarters on rent. Then my parents passed away and the neighbours helped me to perform their last rites and took care of me. After that I was married and gave birth to three children. My husband deserted me 15 years ago.

Do you have any documents related to the EWS housing?

No, before we did not have any document but later we got a document. But after the demolition, I got a BBMP identity card. It is in my sister's name.

Why is the document in your sister's name?

I brought up my sister. When the sisters from the Church got us the house in the EWS quarters, my sister had no other security. At least I had my children so I suggested that we create the document in her name. Also, we were staying together at that time.

Did your children continue their studies after the eviction?

For two or three months they were not able to go to school, as there was no place to stay and change their clothes. There was also no water. Then the sisters from the Church hostel came and enrolled them in the hostel.

Did they join the same class or another class?

No, they were enrolled in the same class. My daughter is studying in class eight and my son in class three.

Do you know which hostel?

My daughter is in Chaitanya Boarding and my son is near Domlur. I don't know the hostel's name.

Do you have a ration card?

No, I don't have a ration card or identity card. But during the election, we got a slip of paper. I have applied for the identity card. The slip I got during the election has been photocopied and made like an identity card.

What is your occupation?

I was working in the school bus, and there I was getting Rs 3,300 per month. But for the past two months I have not been working, as I have TB.

How are you leading your life without a job?

My son-in-law is taking care of me. First he was working in an office but I was not well and he took care of me. He was taking me to hospital and lost his job. Now he is working as a *tammatte* player, but he does not get regular work.

Where do you get your treatment?

First we went to Bowring Government Hospital, and they treated me by removing the cold and blood. Then we went to Rajiv Gandhi Hospital (government) by borrowing Rs 2,000–3,000 from the moneylender. After a check-up, they told me that I have TB. I cannot eat properly, sleep or walk, I feel so weak. I am taking tablets regularly.

How do you get the tablets?

They have given me a slip from the government hospital where I can get free tablets monthly. The doctor told me to consume these tablets regularly for eight months.

How are you now?

The pain has reduced a bit, but I feel very tired, vomit, and my body shivers and sweats. Without support, I cannot walk at all.

Where are you staying now?

Since the demolition of our homes, we are staying on the pavement in front of the settlement where our homes stood.

When you take the medicine for TB, diarrhoea is the major problem, how about toilet facilities?

We go to public toilets near the church in Neelasandra. As I am not able to walk, I use the open space nearby.

4. Respondent:	Rajeshwari
Gender:	Female
Location of interview:	Pavement near the EWS settlement in Ejipur
Site of residence:	Pavement near the EWS settlement in Ejipur
Date of interview:	8 October 2015

**What is your name?**

My name is Rajeshwari, I am 21 years old.

How many people are there in your family?

We are four people. My mother, my sister, my brother, and I.

What's your occupation?

My mother works as a house maid and I work as a sales girl in a mall named Lifestyle, near Sony World signal, for the last 1.5 years.

What's your education?

I have completed my II PUC (Pre-University College) in Commerce, English Medium. Till the tenth class, I studied in a Kannada-medium school in Austin town.

After the eviction, did you continue your studies?

No, I am at home, but I had aspirations to study further. My father was an alcoholic and we had financial problems at home after the eviction. Due to increased poverty after the demolition of our home, I could not continue my studies, and so started going to work. First I joined Lido Mall and was earning Rs 5,000 a month. As the pay was low, I quit the job there and then joined data-entry work. But it was running under loss and they were also not paying me properly, so I quit that, too. Then I went to do housekeeping work with my mother for five months but the manager there asked for my educational qualifications and recommended me as a sales girl. Now I earn Rs 8,000 per month and extra if I complete my target. My sister and brother also have completed their education till I PUC. As my father was not willing to send my sister to college, she had to stop her studies and start working. But she had a lot of interest in completing her education.

Can't you go to evening college?

The work we have is shift-based; sometimes, day, and, sometimes, night shift. My brother can study, but he has lost his interest in studies and is passing his time by talking to girls in this area. Only we women are earning; he is just roaming idly. We don't tell him to go and work; if he completes his education that's enough for us.

My father passed away due to a rat bite one year ago. He used to drink and lie down, and during that time rats would bite his toes again and again, on the same wound. There are many rats in the tents. That gave him jaundice. Due to that pain, he completely became addicted to alcohol.

What is your future aspiration?

It was my childhood dream to join the IPS or IAS. If the eviction had not happened, it may have been possible. But what to do now, it is not possible.

Which caste do you belong to?

We belong to the Scheduled Caste – Adhi Dravidas. I don't know any further details about this, as this information was given by my father when he enrolled me in school.

Which is your parent's native place?

My mother is from Mulbagal, and father is from Folar Gold Fields (KGF) near Kolar district. Both parents are illiterate.

What was your house used for before the eviction?

We had a petty shop before the eviction, and my mother was taking care of that but after the eviction it was demolished and now we don't have that income. At present we are staying on the pavement in front of the demolished EWS settlement.

5.	Respondent:	Shantha Mary
	Gender:	Female
	Location of interview:	Pavement beside the EWS settlement in Ejipura
	Site of residence:	Pavement beside the EWS settlement in Ejipura
	Date of interview:	8 October 2015



My name is Shantha Mary. I have been staying here for the last 19 years. I came here after my marriage. My age is 41 years, I have three children. My older daughter is married, son is working as a painter, and my youngest daughter is studying in class 10. My husband deserted me and went away.

When we were in the EWS quarters, we did not have any problem – no problems with rent, water, or electricity bills. As we cannot afford paying rent in another location, we are staying on the pavement since our home

was demolished. Many people went to live in rental accommodation. But after paying rent, water, and electricity bills, they don't have anything left to pay for food, and so a few people even died of hunger. Some others have been admitted to hospital because of diseases caused by hunger and starvation. Many people have joined work in military quarters, where they are not getting any salaries but only get 10 kilogrammes of rice, 10 litres of kerosene, and a rent-free room to stay. Hence they also have to work in other places to earn money to survive. They are not able to send their children to school; many children have dropped-out of school and have started working. Now the situation is becoming worse and worse day-by-day; we do not have any income, so we are living on the pavement.

We are waiting for solutions to this land problem from the government. After the eviction, we went to the High Court and I was the main petitioner. When the case was in the High Court, we were waiting happily, thinking that justice will be on our side. After everything was done, we had to pay some money, after paying the balance amount, the court exploited us, and we lost. So we approached the Supreme Court but there also we lost, as the judgement was based on the High Court judgement.

Now the situation is very difficult. We have daughters who have no place to bathe, to use the toilet, and no water, as we are living on the pavement. We are waiting eagerly to get permanent shelter from the government, but we don't know when that will happen. We are getting tortured to vacate this place, but we are tolerating all of this and staying in this place. We should get some solution. I plead to everyone to support us.

When did the eviction happen, from when are you staying on the pavement?

Since January 2013, we are staying on the pavement here. Till now nobody has cared about us, not even the government. When the case was in court, we had hope that we will get some respite, but after that our situation has become very, very bad. I think you can understand the situation from the way I speak.

We are not getting jobs, if we go in search of jobs from the pavement, people perceive us as thieves. They have cancelled our identity card and Below Poverty Line card. Till the EWS apartment was there, everybody saw us as people, but after the eviction, we think everyone assumes we are dead. This happened because the government has pushed us into this situation. We have been exploited in many ways.

What happened to your children's education after the eviction?

A few children were taken by sponsors from government hostels to give them education but the children who were above 14 or 15 years have given up studies and have started working as house maids, in housekeeping, and as painters. During the eviction, exams were going on and many children were not able to write exams and lost their whole year, especially the tenth standard students. Due to the eviction, few children had no place to stay and so were not able to go to school for three to four months and missed classes.

What about your children?

I have three children. During the time of the eviction, my elder daughter was studying in the ninth standard. I was fighting for justice, and I was beaten up by rowdies. My daughter and son dropped out from school after the eviction, as there was nobody to take care of them. My elder daughter is married and my son who is 14 years is now going for painting work. My husband deserted me. My son and my younger daughter are taking care of me. Beena Sister from Francis School said that she will help my younger daughter to study and for three years she paid the fees and educated her. At present, we are surviving with my son's income. I beg from others and educate my daughter. She should get a good education and help in work related to slums; that is my dream.

What about toilets and other facilities?

Before the eviction, we paid Rs 1 or 2 per person to use the toilet but now the charge is Rs 5 per person. We have to travel till the church in Neelasandra or Ambedkar Nagar, which is 0.5 kilometres away; if there is an emergency, we have to use open spaces nearby. We get drinking water from individual houses in Samatha Nagar. For water for other kinds of use, we go to the BBMP office, which is near the pavement and ask the watchman for water.

Annexure Two: Survey Questionnaire

Eviction Impact Assessment
EWS Settlement, Koramangala, Bangalore
June 2015

Name of the surveyor: _____

Mobile number and e-mail address of the surveyor: _____

Name of the respondent: _____

Mobile number of the respondent: _____

Present address: _____

Mother tongue: _____

Religion: _____

Sub-religion: _____

Caste: _____

Sub-caste: _____

Number of years living at EWS Ejipura: _____

Proof of residence: _____

a. _____

b. _____

c. _____

1. Family Members' Details

S. No.	Name	Relationship with respondent	Gender	Age	Marital status	Literacy - Able to read and write	Status of literacy

2. Use of House

Use of House	Pre-eviction	Post-eviction	Comments	Additional Instructions for Surveyor
a. For the purpose of living				
b. For home-based livelihood				Self-employed [manufacturing/ other activity in the house]
c. For small vending				All shops, including small and big shops
d. Other uses				

3. Accommodation after the Eviction:

	Cost of temporary accommodation	Distance from EWS settlement	Time spent in temporary accommodation (in days)	Comments
a. Village				
b. Rental accommodation				
c. Pavement at the same location				
d. On the pavement at another location				
e. Friends'/relatives' house				
f. Other				

4. Present Accommodation

Where do you now live?	Distance from EWS settlement	Time that you have been living in this accommodation (in months)	Cost of alternative accommodation	Comments
a. Village				
b. Rental accommodation				
c. Pavement at the same location				
d. Pavement at another location				
e. Friends'/relatives' house				
f. Other				

5. Financing for Present Accommodation/Housing

How did you finance the cost of deposit for your current house	✓	Cost/ Value in Rupees	Comments
a. Bank loan			
b. Loan from money-lender			
c. Sale of land			
d. Mortgage of land			
e. Sale of jewellery			
f. Mortgage of jewellery			
g. Sale of other items			
h. Donation			
i. Mortgage of other items			
j. Other			

6. Structure of Current House

Type of structure of present house	√	Time taken to search for the alternative house (months)	Comments
Permanent			
Temporary			
Semi-permanent			
Thatch roof with temporary walls			

7. Vital Documents Lost During the Eviction

Vital documents lost	Documents held prior to the eviction (tick)	Documents currently held (tick)	Problems faced due to loss of documents	Cost of replacing document			Time taken to get new document (months)
				Fees	Bribe/ Extortion	Transport	
a. Caste certificate							
b. Income certificate							
c. Land record							
d. Bank pass book							
e. Voter card							
f. Driving licence licence							
g. Birth certificate							
h. Vehicle registration book							
i. Death certificate							
j. Ration card							
k. Marriage certificate							
l. Employee ID							
m. ATM card							
n. PAN card							
o. School mark sheets/ certificates							
p. Medical records/ certificates							
q. Disability certificate							
r. Gas booking card							
s. Lease record							
t. Passport							
u. Senior citizen card							
v. Bus pass							
w. Biometric card							
x. Others							

8. Loss of Livelihood

	Occupation Prior to the eviction	Monthly income prior to the eviction	Occupation after the eviction	Monthly income after the eviction	Number of months unemployed after the eviction	Reasons for unemployment
1.						
2.						

Reasons for change in family income:

9. Fuel Details

Fuel	Purpose [cooking, boiling water for bathing etc.]	Monthly expenditure before the eviction	Purpose [cooking, boiling water for bathing etc.]	Monthly expenditure after the eviction
a. Kerosene				
b. Gas				
c. Coal				
d. Wood				

Reasons for change in expenditure:

10. Consumption and Cost of Food

Consumption and cost of food	Average quantity consumed (kilogrammes or litres) per month before the eviction	Monthly expenditure on food before the eviction	Average quantity consumed (kilogrammes or litres) per month after the eviction	Monthly expenditure on food after the eviction
a. Rice				
b. Pulses				
c. Flour				
d. Sugar				
e. Milk				
f. Vegetables				
g. Cooking oil				
h. Fruit				
i. Eggs				
j. Meat/Chicken				
k. Others				

11. Intoxicants

Expenditure on intoxicants	Weekly expenditure before the eviction	Weekly expenditure after the eviction	Reasons for change in expenditure
a. Tobacco			
b. Alcohol			
c. Other			

12. Health and Healthcare

Health issues	Pre-eviction	Post-eviction	Monthly expenditure on healthcare before the eviction	Duration of treatment (days/months) before the eviction	Monthly expenditure after the eviction	Duration of treatment (days/months) after the eviction
a. Physical injury						
b. Psychological trauma/problems						
c. Malaria/fever						
d. Water-borne diseases						
e. Problems during pregnancy						
f. Heart problem/blood pressure problems						
g. Asthma						
h. Skin disease						
i. Dental						
j. Dog bite						
k. Urinary infections						
l. Kidney problems						
m. Ulcer						
n. Other/s						

13. Chronic Health Issues

Chronic Health issues	Pre-eviction	Post-eviction	Monthly expenditure before the eviction	Duration of treatment (days/months) before the eviction	Monthly expenditure after the eviction	Duration of treatment (days/months) after the eviction
a. Disability						
b. Heart-related problems						
c. Cancer						
d. Tuberculosis (TB)						
e. Women's health issues						
f. Asthma						
g. Diabetes						
h. Hypertension						
i. Kidney						
j. Mental illness						
k. Other						

14. Medical Treatment

Where do you go for medical treatment?	Distance of healthcare source from residence		Distance of healthcare source from residence	
	Pre-eviction	Post-eviction	Pre-eviction	Post-eviction
a. Government clinic				
b. Private clinic				
c. Government hospital				
d. Private hospital				
e. Traditional healers				
f. Others				

15. Education

A. Pre-eviction

	Monthly expenditure on education	Monthly expenditure on tuition classes	Could take their annual exam [Yes/No]	Loss of books, uniforms (in rupees)	Dropped out from school [Yes/No]	Reasons for dropping out

B. Post-eviction

	Monthly expenditure on education	Monthly expenditure on tuition classes	Could take their annual exam [Yes/No]	Loss of books, uniforms (in rupees)	Dropped out from school [Yes/No]	Reasons for dropping out	How long did children not attend school after eviction (days)

16. Transportation

	Mode of travel to work place		Monthly expenditure on travel to work place		Mode of travel to place of education		Monthly expenditure on travel to place of education	
	Pre-eviction	Post-eviction	Pre-eviction	Post-eviction	Pre-eviction	Post-eviction	Pre-eviction	Post-eviction

Reason for change in mode of transport and expenditure to workplace:

Reason for change in mode of transport and expenditure on transport to places of education:

17. Public utilities

Public utility	Source	Monthly expenditure before the eviction	Monthly expenditure after the eviction	Reasons for change in expenditure	Additional information for surveyor
a. Water					
b. Electricity					
c. Toilets					
d. Sanitation					Including public toilet and bathroom
e. Other					

Qualitative questions:

19. Have you faced any safety and security issues before the eviction? If yes, what are the issues?

20. Are you facing any issues related to safety and security at the current site? If yes, what are the issues?

21. What are your future demands and expectations after the eviction?

Annexure Three:

A White Paper on Ejipura by Forum against EWS Land Grab

The Blatant Bangalore Land Scam:

15.64 Acres of Public Land Earmarked for EWS (at Ejipura/Koramangala) Given by the Government to a Private Company (Maverick's Holdings Pvt. Ltd.)

Early History

During 1983–84, the Bangalore City Corporation, with assistance from the Housing Urban Development Corporation, and with the intention of providing shelter to the Economically Weaker Sections (EWS) of society, formulated a scheme for the construction of 1,512 flats in 42 blocks (each block having 36 tenements) on land belonging to the BBMP measuring about 11 acres 37 'guntas' in Koramangala, Bangalore.

Private contractors constructed the EWS quarters. The construction of the EWS was substandard and the BBMP was aware of this structural insecurity even at the time of allotment but yet went ahead with allotment of these flats to the original allottees, during the period 1993–94, and executed a lease-cum-sale deed in respect of individual flats to the respective original allottees.

After taking possession of the flats, the original allottees found that the EWS quarters were unsafe for human habitation and hence gradually began to move out of the quarters and rented them to tenants i.e., the presently evicted residents who are extremely poor. Even otherwise, numerous allottees also sold off their flats to third parties under registered General Power of Attorneys (GPA) and other legal instruments.

Thus, except for a handful of original allottees, the residents of the EWS settlement were tenants or GPA holders. These families are the bona fide residents of the EWS quarters and possess ration card, election card, and other identity proofs. As per a survey conducted by the BBMP on 14/11/2003, there were 248 original allottees and 1101 tenants residing in the said EWS quarters, and 163 houses were locked.

During this time, the stability of the structure substantially degraded endangering the lives of the residents. On 9 November 2003, Block 13 collapsed, causing injury and loss of possessions to the 36 families residing there. Almost all of these 36 families were then shifted to tin sheds constructed nearby. As a result of this incident, BBMP engaged M/s Torsteel Research Foundation to conduct a detailed evaluation of the structural soundness of the EWS quarters. M/s Torsteel Research Foundation submitted a detailed report "*Summary of Evaluation of Structural Soundness of EWS Quarters in Distress at Ejipura, Bangalore*" in November 2003 highlighting that several blocks required to be immediately evacuated and demolished, while others could be retained, but only with major restoration measures. As per the findings of M/s Torsteel Research Foundation, the seven blocks found to be very dangerous and unfit for human habitation were demolished, and the residents were shifted to tin sheds on the same land.

BBMP Resolutions

On 31/05/2004, the BBMP Council passed a resolution bearing No. 3(7) resolving to demolish the structurally unsafe EWS Quarters and offer Rs 5,000 as eviction expenses to be recovered from residents when new houses would be allotted to them.

Thereafter, on 28/06/2005, the BBMP Council (vide resolution in Subject No. 345) amended the above-mentioned resolution (bearing No. 3(7)) and resolved that all persons residing in the said area, whether or not they were original allottees, would be identified and provided with housing. To quote the resolution:

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.

Subsequent to the same, BBMP issued Identity Cards dated 15/06/2007 to all the current residents of the EWS quarters.

Eventually it became extremely dangerous for the tenants to continue to reside in the buildings, as several accidents took place. On 26/07/2007, another block of EWS Quarters collapsed causing the death of a one-year-old child, Mahalakshmi, and Perumal, aged 30 years. On 10/08/2007, a young boy named Siddique residing at the EWS settlement died from electrocution when he accidentally came into contact with a live wire in one of the collapsed structures. On 09/11/2007, another block in EWS Quarters collapsed causing the death of 2 children, Xavier aged 10 years and Gabriel aged 12 years.

In November–December 2007, BBMP demolished all the remaining blocks and shifted its residents to more tin sheds on the same land, with a solemn assurance that they would be provided with houses on the same land to be constructed at its own cost.

Public-Private Partnership (PPP)

Incidentally, way back in the year 2004, BBMP unilaterally and without any consultations with the present residents, took the decision to develop the area on which the EWS quarters stood, to build residential and commercial structures through a PPP with the assurance that the residents would be rehabilitated in the newly built residential quarters at the same place.

On 15/10/2004, BBMP issued a notification inviting “Expression of interest” (EOI) for the redevelopment of the Economically Weaker Sections housing complex and development of a commercial complex. Thereafter, it appears, expression of interest (EOI) was evinced by 21 applicants, including Maverick Holdings.

The Public Works Standing Committee approved the contract favouring Maverick Holdings vide proceedings of its meetings dated 19/05/2006. Thereafter, it appears that on 30/10/2006, the Council passed a resolution bearing No. 13 (306) approving the project in favour of Maverick Holdings.

On 23/11/2006, BBMP issued a letter to the Principal Secretary, Urban Development Department (UDD) raising serious questions with regard to the granting of the contract, and also highlighted that previous PPP projects entered in Magarath Road and Maharaja Complex were not in the interest of BBMP and BBMP interests were subordinated, and hence there was a need for a comprehensive review of the entire PPP framework.

The Government of Karnataka issued a show-cause notice dated 25/04/2008 stating that the state government was considering cancellation of the Council resolution dated 30/10/2006 bearing No. 13 (306) approving the project in favour of Maverick Holdings. Thereafter, the state government examined this issue under Section 98(2) of the Karnataka Municipal Corporation Act and, after issuing show-cause notice to the BBMP on 25/04/2008, decided to cancel the resolution No. 13 (306) mentioned above. Subsequently, the Government of Karnataka passed an order confirming the cancellation of the Resolution No. 13 (306) vide Government Order no. NAE 261MNG 2006 dated 09/06/2008.

On 25/06/2008, Maverick Holdings filed an Appeal under Section 98 (4) of the Karnataka Municipal Corporations Act to the Principal Secretary, UDD seeking reconsideration of the order dated 09/06/2008 and acceptance of the BBMP resolution No. 13 (306). On 26/09/2008 vide G.O No. NAE 261 MNG 2006, the Government passed an order withdrawing Government Order No. NAE 261 MNG 2006 dated 09/06/2008 and confirming BBMP Resolution No. 13 (306), dated 30/10/2006.

Cases in the High Court

1. Some original allottees approached the Karnataka High Court in Writ Petition No. 11912/2008 for relief, and the Court disposed 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.
2. Thereafter, some other allottees approached the Karnataka High Court with a public interest litigation Writ Petition No. 45915/2011, whereby a direction was sought to the Government to release funds for the construction of the dwelling units.

The Karnataka High Court passed an Interim Order dated 10/07/2012 on the above-mentioned W.P. No. 45915/2011, holding that the Division Bench in W.P. No. 11912/2008 did not permit BBMP to enter into any contract with third parties for the reconstruction of flats and that the entering into such a contract between BBMP and the third party prima facie appeared to be in contempt of the order of the Division Bench dated 12/02/2009.

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 on this basis the court disposed the matter on 24/08/2012 with a direction to clear the EWS land.

The BBMP had suppressed vital facts from the Court, which it was duty-bound to disclose:

- The resolutions of BBMP dated 28/06/2005 and 29/07/2005 passed in the Council to allot dwelling units after reconstruction in favour of the actual occupants irrespective of whether they were original allottees or not;
- The circumstances and manner in which the tenants were shifted to the tin sheds;
- The legal rights of the tenants that were recognized by BBMP; and,
- The fact that except for less than 250 original allottees, none of them were residents of the tin sheds, among others.

During the pendency of the matter, BBMP and M/s Maverick Holdings Private Limited executed a concession agreement dated 02/01/2012 to enter into a public-private partnership. As per the said Concession Agreement, M/s Maverick Holdings Pvt. Ltd., has the right to commercially exploit more than 50 per cent of the said land and would have to transfer 50 per cent of the built-up area therein at the end of the concession period. In the remaining 50 per cent land, M/s Maverick Holdings Pvt. Ltd. is obligated to construct 1,640 residential flats for allotment. This term of the concession agreement is stated to be 32 years from the date of receipt of the commencement certificate.

The advocate Mr. Ashok Aranhalli, Senior Council, representing BBMP in the eviction case and present case filed by residents is a close relative of Maverick Holding founder and Managing Director Mr Uday Garudachar (Ashok Aranhalli's son has married Uday Garudachari's daughter). So with this background, the two opposition councils jointly worked against the people in the High Court.

The project was allotted to Mr Garudachar for the reason that he is a BJP Rajya Sabha candidate from Bihar and an active BJP member in Karnataka, and also candidate of the legislative assembly in the Chamrajpet constituency in Bangalore from BJP in the last election. The local Congress MLA, Mr N.A. Harris, is actively supporting Maverick Holding, as he is a family friend of Uday Garudachar. The two retired engineers-in-chief of BBMP, Mr. Prasad and Mr. B.T. Ramesh, have joined Maverick Holdings as employees.

The judiciary, department officials, and elected representatives joined hands with the private company in this case. During the last state assembly election, none of the mainstream parties were interested to speak for the evicted people even though the eviction happened a few days before the election. Land is being grabbed in the name of government housing schemes, which are facilitating PPP models in order to take away the meagre land available with the poor driving the poor away from the city.

The Forced Eviction

From the morning of 18 January up to the evening of 21 January 2013, the officials of BBMP and M/s Maverick Holdings Pvt. Ltd. accompanied by bulldozers and a large number of police and administrative personnel, came to the EWS quarters and demolished the tin sheds.

Impact of Eviction on Residents

Forty women who tried to protect themselves and their families during the eviction were arrested. The eviction had severe consequences: four deaths, several births in the open, discontinuation of education of children, vulnerable exposure to health hazards, loss of livelihoods, and a recent death of a child at the Maverick construction site. Voices of residents, even after protesting at least four times in front of BBMP and the Chief Minister's residence went unheard. EWS community members were frequently misled with rumours of availability of houses at Kudlu, and consequently a large number of families ended up living in the streets of Kudlu in the hope of getting alternative housing.

Other Facts:

1. There are two pending Lokayukta enquiries against the beneficiaries of the project, with regard to PPP agreements entered into by them.
 - Lokayukta enquiry against M/s Maverick Holdings Pvt. Ltd., in the matter relating to construction of houses for EWS at Ejipura under the PPP initiated vide Government Order No. NAE 261 MNG 2996 dated 28/10/2008. The enquiry was initiated to probe the quality of prior construction of EWS houses, misappropriations in house allocation, legal action against the former builder for poor quality of building, and basis of awarding the contract to Maverick Holdings. Lack of information and non-availability of documents from BBMP impeded Lokayukta's investigation in taking the case forward.
 - Lokayukta enquiry (Lokayukta No. Compt/LOK/BCD/426/2006) pending against Maverick Holdings with regard to the tender process, compliance with bye-laws, and administrative lapses in the transaction between BBMP and Maverick Holdings in regard to another PPP project, namely the Garuda Mall.

The Garuda Mall project was allotted to Maverick holdings to build a parking area, 80 per cent of which was for parking municipality vehicles (since earlier the site was for municipality garage vehicles) and 20 per cent for commercial purpose. But the Maverick subjugated the entire land by doing just the opposite, making the commercial allotment at 80 per cent and 20 per cent for parking for the visitors of Garuda Mall.

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As per floor area ratio (FAR) 3, based on the comprehensive development plans of BDA, the built-up area in this prominent area of the city (15.64 acres) can be 20,45,222 square feet. The built-up area for 1,512 houses with other amenities will be 6,53,183 square feet (1512 houses x 375 + 20% of common area) and will cost the builder around Rs 93.55 crores. As per the agreement, the builder share ratio stands at 73:27 instead of 50:50. With this the builder stands to gain Rs 515.977 crores. (14,74,222 square feet/Rs 3500 per square foot).

This land, which is being transferred to Maverick Holdings, has been valued at Rs 300 per square foot, even though the sub-registered land is valued at Rs 1,200 per square foot.

Annexure Four: Data on Major Indicators

Monthly Income of Ejipura Residents			Monthly Income of Ejipura Residents		
Response ID	Pre-eviction (Rs)	Post-Eviction (Rs)	Response ID	Pre-eviction (Rs)	Post-Eviction (Rs)
4	7000	12,000	54	6000	10,000
5	8200	6200	110	2000	6500
6	7500	19,000	56	5600	9250
7	7000	19,000	60	4600	1500
8	2000	3800	58	9000	14,000
9	3500	6600	59	3000	5
10	3000	6000	63	21,500	16,000
12	3000	8000	64	8000	10,000
13	7500	5300	65	1000	1000
14	5000	7000	66	12,000	18,000
15	6000	3000	67	6000	2500
16	9000	18,000	68	6000	13,000
17	3000	6000	69	600	1500
18	2500	6000	70	11000	14,000
19	5900	6500	71	8000	9000
20	16,700	10,800	72	14,000	12,000
21	7500	7900	73	6000	5500
22	6500	6000	74	9000	5000
23	1200	5000	75	14,000	15,000
24	6000	4000	76	9000	10,000
25	2500	3000	78	150	20,000
26	6000	4000	79	12,500	8000
27	16,000	18,600	80	4000	18,000
28	6000	6000	81	13,000	21,000
29	24,500	15,400	82	6300	5000
113	6000	5000	83	3500	8000
30	750	2750	84	10,000	13,000
31	6000	8000	85	10,000	9800
32	4000	6500	86	15,700	19,000
33	6000	3000	87	16500	2100
34	500	3000	88	3500	11,000
35	10,000	11,000	89	12,000	11,000
36	5500	5000	90	7000	13,500
37	3000	7500	91	9000	8000
112	4800	7000	93	9000	10,000
38	6000	18,000	94	9000	6500
39	10,000	5000	95	5000	7000
40	9000	11,000	96	9000	10,000
41	3000	21,500	97	4500	8000
42	14,000	5200	98	4000	9000
43	18,000	18,000	99	8500	8000
62	10,500	11,500	100	2000	5000
45	3000	12,000	101	1800	9000
46	5300	3750	102	15,000	4500
47	9500	6000	103	7000	8000
48	3000	13,700	104	13,500	15,000
49	2000	6500	107	3000	6000
50	6000	5000	106	15,800	19000
51	90,000	8000	108	10,000	11,500
53	9100	30,000	109	21,000	19,000

Household Monthly Expenditure on Public Utilities					
Response ID	Water	Electricity	Toilets	Sanitation	Others
4	200	600	0	0	0
5	0	250	480	0	0
6	0	0	630	0	0
7	15	250	0	0	0
8	0	0	100	0	0
9	300	500	0	0	0
10	200	200	0	0	0
12	0	800	0	0	0
13	200	300	0	0	0
14	0	300	150	0	0
15	250	600	0	0	0
16	0	0	240	0	0
17	0	0	600	0	0
18	0	0	90	0	0
19	300	150	300	0	0
20	150	0	300	0	0
21	0	0	90	0	0
22	0	0	600	0	0
23	0	0	400	0	0
24	150	0	600	0	0
25	300	200	500	0	0
26	0	0	500	0	0
27	0	0	450	0	0
28	200	200	0	0	0
29	0	0	90	0	0
30	0	0	120	0	0
31	300	700	0	0	0
32	300	0	0	0	0
33	150	500	450	0	0
34	0	0	0	0	0
35	300	0	400	0	0
36	0	350	0	0	0
37	0	400	750	0	0
38	200	350	0	0	0
39	0	900	0	0	0
40	150	400	0	0	0
41	0	0	200	0	0
42	0	0	0	0	0
43	0	350	0	0	0
45	150	0	0	0	0
46	200	300	0	0	0
47	150	800	600	0	0
48	200	0	250	0	0
49	250	350	0	0	0
50	0	0	180	0	0
51	0	350	0	0	0
53	200	300	0	0	0
54	0	0	180	0	0
55	0	0	900	0	0
56	0	0	450	0	0
58	300	500	0	0	0
59	0	0	360	0	0

Household Monthly Expenditure on Public Utilities					
Response ID	Water	Electricity	Toilets	Sanitation	Others
60	0	400	450	0	0
62	0	350	0	0	0
63	0	1500	0	0	0
64	0	120	0	0	0
65	0	300	0	0	0
66	0	0	450	0	0
67	0	0	150	0	0
68	0	0	0	0	0
69	0	0	360	0	0
70	0	0	0	0	0
71	0	0	1200	0	0
72	200	1600	0	0	0
73	0	0	600	0	0
74	0	500	0	0	0
75	0	0	0	0	0
76	0	0	450	0	0
77	300	0	0	0	0
78	0	0	0	0	0
79	0	500	0	0	0
80	100	300	0	0	0
81	0	0	900	0	0
82	0	400	300	0	0
83	0	350	0	0	0
84	0	0	90	0	0
85	0	700	120	0	0
86	0	150	0	0	0
87	0	0	900	0	0
88	0	0	600	0	0
89	0	0	300	0	0
90	0	200	0	0	0
91	50	200	0	0	0
93	0	0	240	0	0
94	0	0	120	0	0
95	100	350	0	0	0
96	0	0	0	0	0
97	0	0	300	0	0
98	70	0	600	0	0
99	0	0	300	0	0
100	0	0	0	0	0
101	0	0	180	0	0
102	120	0	120	0	0
103	200	300	0	0	0
104	100	350	0	0	0
106	0	0	240	0	0
107	0	200	0	0	0
108	0	600	0	0	0
109	0	0	360	0	0
110	0	400	540	0	0
112	200	210	0	0	0
113	0	250	0	0	0

Amidst the drive for development, growth, and progress, the rapid pace of urbanization in India brings with it the challenges of inequality and inequity, including those related to dispossession and displacement of the urban poor, which need to be addressed urgently.

The city government of Bengaluru forcibly evicted over 1,500 families from the Economically Weaker Section (EWS) settlement in Ejipura/Koramangala in January 2013, without due process and without providing any alternative housing, resettlement, or compensation. Between June and August 2015, Housing and Land Rights Network, Delhi; Forum against EWS Land Grab, Bengaluru; and, Fields of View, Bengaluru carried out a human rights-based ‘Eviction Impact Assessment’ to analyse the long-term impacts of the forced eviction on the affected families.

This report presents the findings of the Eviction Impact Assessment study and also documents the current living conditions of those evicted from Ejipura/Koramangala in Bengaluru in 2013. The report also makes recommendations to the Government of Karnataka to provide immediate restitution to the affected families, to guarantee the human right to adequate housing, and to prevent further forced evictions in the state.

Housing and Land Rights Network (HLRN)—based in New Delhi—works for the recognition, defence, promotion, and realization of the human rights to adequate housing and land, which involve securing a safe and secure place for all individuals and communities, especially the most marginalized, to live in peace and dignity. A particular focus of HLRN’s work is on promoting and protecting the equal rights of women to adequate housing, land, property, and inheritance. HLRN aims to achieve its goals through advocacy, research, human rights education, outreach, and network-building – at local, national, and international levels.

Fields of View is a not-for-profit research group based in Bengaluru that works on designing research-based games and simulations to make better policy. These games and simulations are tools based on research at the intersection of technology, art, and social sciences. The work of Fields of View consists of three threads: research in the domains of poverty, energy, transportation, and disaster management to design games and simulations for policy-making; training and workshops for government officials (city, state, and national levels) in South Asia on the use of such tools; and, designing artifacts, which include graphic novels, games, and videos, to make policy more accessible and actionable.

Forum against EWS Land Grab is a Bengaluru-based coalition of over 40 peoples’ organizations, non-government organizations, and community-based organizations, including Dalit and human right organizations, from across the state of Karnataka. It evolved as a platform to advocate for the protection the human rights of EWS residents, especially those who have been evicted and displaced.



**Forum against
EWS Land Grab**