

# Inhuman and Illegal Eviction and Demolition at Hampi Bazaar

A fact-finding report in August 2011

EQUATIONS

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*In July 2011, the district administration authorities of Hampi, one of the most important tourist destinations in India, demolished more than 200 shops located in the historic Hampi Bazaar, and justified the act by claiming the shops were illegal encroachments. Some of the shops had homes attached to them, and this inhuman demolition forced hundreds of people on to the streets, with no access to basic facilities such as housing, sanitation, medical facilities and clean water. EQUATIONS conducted a fact-finding on the demolition and eviction, helped the local communities to exercise their legal rights and followed the proceedings of the case in the High Court.*

## Background and Context

Hampi, in Bellary district, is one of the most visited tourist places in Karnataka, and one of India's most prominent heritage sites. Of the three main complexes, the most significant is the Virupaksha temple, which is the oldest, and the principal temple in Hampi. The origin of Hampi as a sacred place revolves around the history associated with this temple – it is believed to be functioning uninterrupted since the 7<sup>th</sup> century, making it one of the oldest active temples in India. Access to the temple's main entrance tower is through the chariot street in front, popularly called as the Hampi Bazaar.

On 29<sup>th</sup> July 2011, in a sudden act, the district administration authorities demolished more than 200 shops in Hampi Bazaar, and justified it by claiming the shops were illegally constructed by the people. Some of these shops had houses attached to them, and they were also razed. Notices were served to the people in the late evening the previous day, from 7.30 pm to 12.30 am in the night of 28<sup>th</sup> July 2011, which apart from being a violation of procedure, gave them hardly any time to challenge the order or take any preventive measures. They were not even able to secure their personal belongings and wares.

The fallout of this demolition led to hundreds of people being forced on to the streets. Some of them have lost their homes, almost all of them have lost their primary source of income and livelihood. Children and aged people form a considerable percentage of the affected people. Their living conditions are far from adequate: many people have no access to basic needs such as housing, sanitation, medical facilities and clean water.

## Demographics

Area Calculation for Hampi World Heritage Site (Source: Hampi World Heritage Area Management Authority Act 2002)	
Core Zone / inscribed area	41.8 Sq.KM
Buffer Zone	53.0 Sq.KM
Peripheral Zone	31.0 Sq.KM
Total	125.8 Sq.KM

*Population as per 2001 Census – 2134.*

## Why an Investigation?

On July 30<sup>th</sup> 2011, EQUATIONS received information from affected people in Hampi including some photographs showing that people had resisted the eviction.

The information received by EQUATIONS indicated the seriousness of the issue. This and the disturbing lack of reportage about the demolition in mainstream media motivated the organisation to conduct a fact-finding.

A two-member team visited Hampi for a preliminary investigation, and had discussions with a wide range of stakeholders, including the affected communities, the Panchayat representatives, Tahsildar, a Senior Conservation Assistant of the Archaeological Survey of India (ASI), the police and other Government officials. The visit was carried out from 5<sup>th</sup> to 7<sup>th</sup> August, 2011, and this report is a result of the investigation.

This investigation was undertaken to understand the situation on the ground better, and to assess what is happening to lives and livelihoods of people, all in the name of preserving heritage.

### **Objectives of the Investigation**

- o To express our solidarity with the affected people and to extend our support
- o To get a first-hand account of the situation on the ground and document the events as they happened
- o To express our concerns over the violations of human rights and the Principle of Natural Justice, *audi alteram partem*
- o To understand the authority and role of the various governing bodies in the demolition and eviction
- o To understand the legal nuances of the existing Writ Petition (WP 29843/2009) which was used as a legal instrument for the demolition and eviction
- o To understand UNESCO's role, if any, in view of the fact that the demolition and eviction happened at one of their World Heritage Sites

### **Methodology**

- o Field visit
- o Discussions with the affected communities and the local people
- o Discussions with the Panchayat representatives
- o Discussions and interviews with various Government officials
- o Discussions with Civil Society Organisations (CSOs) working in Hampi
- o Individual interviews with representatives from the tourism industry
- o Focus Group Discussions (FGDs)
- o Informal discussions
- o Photo documentation
- o Collection of secondary data from various sources

### **History**

Hampi is a village in Bellary district of Karnataka. It is located within the ruins of Vijayanagara city, which was the capital of the erstwhile Vijayanagar empire. Since the existing village sits in the centre of the original Vijayanagara city, it is sometimes confused with the ruined city itself.

#### Epical History

Hampi has a history from the epical age of Ramayana, which pre-dates the Vijayanagara empire. The ancient name of the Tungabhadra river was Pampa, and Hampi was then known as Pampa Kshetra. The word Hampi or Hampe is generally considered as a later Kannada version of Pampa. Kishkinda of Ramayana is believed to have been situated close to Hampi. Kishkinda was ruled by the monkey kings, Vali and Sugreeva. After a quarrel between the two, Sugreeva, was driven out, and he took refuge on the Matanga Parvata, along with Hanuman. When Rama and Lakshmana came south in search of Sita, who had been carried away to Lanka by Ravana, they met Sugreeva and Hanuman. Rama killed Vali, restored Sugreeva's kingdom to him, and then stayed on the Malyavanta Parvata nearby awaiting the results of Hanuman's search for Sita in Lanka.

Matanga Parvata and Malayavantha Parvatha are tourist attractions to this day.

#### Empirical History

The Hampi of today was built by Harihara and Bukkaraya, two brothers more popularly known as Hakka and Bukka, in 1336 AD under the guidance of their guru, Vidyaranya. Known as Vijayanagara – the city of victory – it was the capital city of the kingdom that the brothers were in the process of establishing. It was situated on the southern banks of the Tungabhadra, opposite the older fortress of Anegundi.

Hakka and Bukka were the sons of Sangama, and became the forebearers of the Sangama dynasty. The city of Vijayanagara gained importance not only for the numerous temples that were built, but also as an important trade centre, possibly one of the largest in those times. .

The Sangamas were followed by the Saluvas, and then by the Tuluvas. Krishnadevaraya was the last ruler who left behind a legacy which is recalled by historians. Most of the architecture of that period owes a lot to him

His death led to the decline of the empire. As brothers and brothers-in-law fought amongst themselves, the five Sultans of Deccan – Bidar, Bijapur, Golconda, Ahmednagar and Berar – attacked Vijayanagara in 1565. The city was plundered of vast amounts of its treasures, and several temples destroyed. The city did not regain its original grandeur.

### **Virupaksha Temple and the Bazaar Street**

The original place of worship was believed to be a collection of a few, disconnected, smaller shrines. Over the years, the temple complex gradually expanded, and in the 16<sup>th</sup> century, Krishnadevaraya made significant renovations. The approach to the temple is through the bazaar street, historically known as the Virupaksha bazaar. Both sides of the streets are lined with a series of stone pavilions (called 'mantapas'), with some of them being two-storied. These structures were once part of the busy market that was famous for trade and commerce.

Over the years, the Virupaksha temple retained its significance as a religious place, and was regularly visited by pilgrims. The Hampi bazaar is of religious importance, as it has developed to serve as a setting for festivals, much as it did in the Vijayanagara times. Efforts were made by the people living in Hampi bazaar to keep alive the historical significance of the place, and in retaining the bazaar as a living bazaar. The living heritage also had a symbiotic relationship with the natural environment, within which it originally evolved.

The Hampi Bazaar, or Virupaksha bazaar is a kilometre long stretch in front of the temple lined with shops, restaurants and small lodges. Closest to the temple were shops selling items used for worship, followed by the souvenir shops and small restaurants. Many of Hampi's tourist accommodations are located towards the western end of the Hampi bazaar street.

### **Tourism in Hampi**

Hampi is a primary tourist destination in Karnataka. Due to the historical importance, rich culture and heritage, and the architecture and landscapes, tourism in Hampi gradually grew. Hampi broadly sees 2 kinds of tourism – Heritage Tourism and Pilgrimage/Religious tourism. The motivations of international and domestic tourists visiting Hampi are different. While there is a group of domestic tourists who like the foreign tourists visit the region due to its landscape and architecture, the large number of domestic tourists visit Hampi primarily to offer obeisance at the Virupaksha temple.

About 4000 families live in Hampi, which is governed by the Village Panchayat. People started living in Hampi in the early 1940's. The street facing the Virupaksha temple is popularly called Hampi bazaar, or Virupaksha Bazaar. Historically, it was also known as Chariot Street. Hampi Bazaar is one of the many heritage sites in Hampi, a focal point of the village and an important tourist destination. Before demotion, the Bazaar consisted of rows of shops selling numerous products like jewels, embroidered textiles and antique coins as mementos and other artefacts.

For the past 40-50 years, with the increase in tourist activity, people dependency from tourism and tourism-related activities has also increased. Based on the statistics from the Department of Tourism, Government of Karnataka, over the last two years there has been a threefold increase in tourist inflow to this region. In 2009 the tourist arrivals in Hampi, Hospet was more than 10 lakhs, and this increased to more than 13 lakhs in 2010. The Karnataka Tourism Policy 2009-14 states that Hampi is one of the thrust areas for Culture / Heritage Tourism, and talks about creating a Heritage Zone around Hampi.

The growth of tourism in Hampi has happened in an unregulated manner. Hampi's tourism plans lack vision and clear objectives. There is no strategy for developing tourism at the world heritage site, identifying what kind of tourism would be favourable for the area and people or on how to deal with the fact that Hampi is also important as a living pilgrim site.

Tourism plans and policies do not seem to have taken into account aspects of limits of acceptable change and impact assessment which are important to be considered in the planning and development of tourism. It is essential to link tourism plans to local community benefit, assessing the form of tourism development and impacts of tourism. Further, local community participation in tourism planning is critical, and this has not happened for Hampi.

Hampi has been more than just a collection of ruins scattered in a magnificent landscape. It is part of the historical and ancient city of Vijayanagara, which has survived as a living site. Here visitors (domestic, foreign, pilgrims, researchers etc) experience the dynamism and colour of a vibrant bazaar.

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### **Legal framework**

In 1986, 58 out of the more than 500 monuments in Hampi, were brought under World Heritage Status, and listed as a UNESCO World Heritage Site, under the name *Group of Monuments at Hampi*. However, in 1999, they were put in the endangered list, since two bridges were constructed inside the inscribed area, and they were deemed to threaten the Site's Outstanding Universal Values (OUVs), Authenticity and Integrity<sup>2</sup>. Following this inclusion in the World Heritage in Danger, preparation of a management plan for the site was necessitated. UNESCO played the role of a catalyst, initiating this exercise that was taken up by the State (Government of India) as a compliance measure, since it was a signatory to the World Heritage Convention of 1972.

To implement the management plan, the Hampi World Heritage Area Management Authority was legislated through an Act in 2002. Hence, the Hampi World Heritage Area Management Authority (HWHAMA) was created in 2003, as prescribed in the Act.

The HWHAMA has been entrusted with the management of all developmental activity in Hampi, and its surrounding areas – including the villages of Kamalapuram, Kaddiramapura, Virupapura Gaddi and Anegundi (Final Integrated Management Plan for Hampi World Heritage, Section 12, ASI 2007). The Authority does not have any representation from Panchayat members from any of these villages or from local communities (Section 3 of HWHAMA Act, 2002). The creation of this Authority negates the role of the Panchayats in planning for and managing the Hampi Heritage Site (Section 14 and Section 32 of HWHAMA Act, 2002). The authority comprises of bureaucrats from the departments of Town Planning, Archaeology and Museums, Tourism, Police, Forests and Irrigation among others, and is headed by the Deputy Commissioner of Bellary as Chairperson. Particularly relevant to the tourism is the issue of trade licenses in the Hampi area. Prior to the Act, the Panchayat used to issue trade licenses, but since the Authority has been in place, this is now done by the Panchayat only after obtaining clearance from the Authority (Section 14 of HWHAMA Act, 2002). This is a clear violation of the powers and autonomy of the Panchayat, accorded by the Constitution of India and strengthened by the 73<sup>rd</sup> constitutional amendment.

The responsibilities of the HWHAMA are not clearly delineated in the Act and the Rules pertaining to this have not yet been formulated, even after nine years of the Act being in force. According to the Act, HWHAMA has overriding authority over all aspects of planning in the area. This is unreasonable, as planning for local development cannot be done by a management authority whose focus is heritage conservation. As Article 243G of the Constitution of India devolves the powers of preparation and implementation of plans for economic development and social justice on the Gram Panchayat. Further, the Hampi Gram Sabha has been completely kept out of the decision making process in violation of the Karnataka Panchayati Raj Act, 1993 in addition to this the lack of representation and role of panchayats in planning and determining local development action has been effectively nullified by the HWHAMA.

In 2005 the Integrated Management Plan (IMP) for Hampi World Heritage Site was developed. In its recommendation it states that the Hampi Bazaar should be handled as a 'Living Heritage Project with international expertise required towards a conservation strategy and plan for the bazaar. The IMP further recommends that there is no demolition and getting rid of people as IMP has been prepared with national legal framework and the spirit of our constitution. Since IMP recommends no demolition there is no resettlement to follow as Hampi world heritage site should be looked as a living site and not as a monument. The IMP has also recognized the importance of engagement of all people from gram panchayat to gram sabhas and the need to provide for political decentralisation and systems of local governance at grassroots levels. However the authorities have failed to take these aspects into account which is in violation the Integrated Master Plan prepared by the Archaeological Survey of India.

In 2009, Shri Kottur Swamy Kalyana Kendra, Hospet and others<sup>3</sup> filed a case in the High Court of Karnataka, through its Writ Petition No. 29843/2009, against the State of Karnataka and others<sup>4</sup>, one of the prayers being for the removal of illegal and unauthorised constructions in the Hampi World Heritage Area. During the court proceedings on

15<sup>th</sup> February 2011<sup>u</sup> the Commissioner (HWHAMA) respondent number 3 in this case informed the court that "rehabilitation plan was submitted by respondent No.3 to the State Government, which is still pending consideration and disposal at the hands of the State Government, even though the said rehabilitation plan was submitted on 31.12.2009. He further states, that another communication dated 08.06.2010, was addressed by respondent No.3 to the State Government, requiring it to grant a sum of Rs.10,31,00,000/-, for implementation of some of its proposals. It is submitted, that no decision has been taken by the State Government even on the aforesaid claim raised on behalf of respondent No.3. Accordingly, it is submitted, unless respondent Nos.1 (The State of Karnataka) and 4 ( The Deputy Commissioner, Bellary District) and 7 (Superintendent of Police, Bellary District) co-operate with the Hampi World Heritage Area Management Authority, nothing can proceed further in the matter"

On 25.7.2011, the Court directed the respondents to file objections in the matter, failing which "an adverse inference was liable to be drawn". This order worked as a pressure on the district administration and used as the basis for the demolition that followed. From this it is clear that the Court had not ordered for demolition. The people were misguided and were not given an opportunity to be heard.

Subsequently on 05.09.2011 the Archaeological Survey of India (ASI) (Respondent No. 2 in the case) submitted a memo before the court stating that they are ready and willing to contribute its share for the rehabilitation project. It was however, submitted that before making a commitment, it was essential for the ASI to verify the factual position depicted in the media reports. On 12.09.2011 the State Government stated that they will look at the eligibility of persons for the rehabilitation scheme and further states, in principle, the Central Government was willing to bear the expenses that would ensue for rehabilitation. Based on this the Central Government and the State Government would meet to remove any errors that have crept-in insofar as identification of 314 persons who have been found to be eligible for rehabilitation.

On 17.10.2011 the affected communities who were not provided an opportunity to being heard nor a party to the existing case but whose houses were demolished filed an impleading application in this existing case approaching the High Court to be heard as affected and essential parties in the case. They prayed before the court that they have been carrying their trade in the vicinity of Hampi and have been residing in that areas hence they must be given an opportunity to be heard in this case. The contention was that the respondents (state government, HWHAM, ASI) have not carried out the project of maintaining the archaeological sites at Hampi satisfactorily. One of the fallouts is the removal of the occupants from within the precincts of the temple complex. The communities who were living in the site and other persons similarly placed are entitled to rehabilitation. On the same day the Commissioner, HWHAMA presented a layout plan before the court showing the map in Kaddirampura which is 4 km away from Hampi Bazaar (from the area where they communities where residing currently) where all the occupants are intended to be rehabilitated and stated that the layout has provision for 327 plots.

On the same day ASI filed a memo before the court stating that the central government has taken a decision to share the costs, which would be expended in the court of rehabilitation. The State Government stated that they have already "released a sum of Rs.5 crores already, and estimates that the total requirement shall be between Rs.18 to Rs.20 crores. Keeping the emergent and urgent requirements in view, we expect that the Central Government or the ASI shall make available a sum of Rs.4 crores to the State Government so that the rehabilitation may be placed on an expeditious course".

In December 2011 the HWHAMA sated that "the layout would not be completed before a period of six months, if roads and other facilities are to be first provided, and occupants are thereafter be rehabilitated. Keeping the circumstances of the case in view, and the urgency of rehabilitation, it is submitted that within one month demarcation of the plots and the roads shall be carried out at Kaddirampura Housing project. Thereafter the occupants will be allotted plots where they can relocate themselves and their families within a further period of 30 days."

They also mentioned before the court that the impleading communities would not be disturbed for a period of two months from 12.12.2011. Therefore, the High Court passed an order stated in view of this submission made by HWHAMA (respondent no.3), the court was satisfied that the applicants (the communities who were affected due to eviction) need not be impleaded in these proceedings. Therefore, the impleading application was accordingly rejected by the court.

In January 2012, the respondents in this case clarified before the court that, there would be no obstacles in the way of the allottees approaching the authority and take possession of the sites. The court also took note of the fact that allottees have been provided substantial assistance to the tune of Rs.1,30,000/- as per the norms of urban Ashraya Scheme for carrying out constructions of their residential units.

However though this is what the court has ordered even after three months the situation of the communities have not changed and they have not got any remedy as promised by the respondents in the court. While this is pending few communities representatives from Hampi have approached the High Court praying if they are relocated as per the above order, they may be required to shift to Kadiramapura, which is over 4 kms from the Market, and would render them without any source of employment hence requesting the HWHAMA to relocate them to Prakashnagar, as per the Master Plan 2021.

### **Master Plan**

The **HWHAMA developed a Master Plan 2021** for Hampi Local Planning Area in 2006. This Plan prepared under the provisions of the Karnataka Town and Country Planning Act, 1961, aims to regulate and guide development activities in the planning area. The Plan attempts to understand the heritage area of Hampi and envisages the protection of the historic urban fabric, hillocks, water bodies, forests and prohibited areas. However in the plan there are areas which lack specificity and where definitions are insufficient, which could lead to multiple interpretations. There is lack of local community representation in this planning exercise. Often tourism negatively impacts communities, but it also has the potential to benefit them if it is planned and implemented in a consultative manner. Hence, there was a need to ensure that tourism develops responsibly and sustainably and while planning, planners and implementers must ensure that all members of the community have access to participate and influence the plan.

However the demolitions which took place in July 2011 is in contrary to the Master Plan – 2021 as the Master Plan envisages that the Gram Panchayat will be involved in the implementation of the Master Plan including 'improvement schemes, Town/ Village extension schemes, Formations of roads, Development of land for commercial use, Civic amenities and Traffic improvement schemes' Further, the Master Plan – 2021 also recognizes that zoning will only be retrospective, and therefore the demolition is in contravention of the same.

According to Part B Zonal Regulations, Master Plan – 2021 *'Zoning is not retrospective. It does not prohibit the uses of land and buildings that are lawfully established prior to the coming into effect of the Zonal Regulations. If these uses are contrary to the newly proposed uses, they are termed non-confirming uses and are gradually eliminated over years without inflicting unreasonable hardship upon the property owner'* Master Plan – 2021 for Hampi Local Planning Area prepared by the Hampi World Heritage Area Management Authority that envisages that the Gram Panchayat will be involved in the implementation of the Master Plan including 'improvement schemes, Town/ Village extension schemes, Formations of roads, Development of land for commercial use, Civic amenities and Traffic improvement schemes'

### **Pre-cursor to the Events of July 29<sup>th</sup>**

On the 28<sup>th</sup> of July, the Deputy Commissioner of Bellary district, Aditya Amlan Biswas did a survey of the bazaar street, along with the Tahsildar, Mr. P.S.Manjunath, Mr. Kempe Gowda, Senior Conservation Assistant, Archaeological Survey of India (ASI), Kamalapura, Mr. Kari Gowda, the Assistant Commissioner of the district and others from the Hampi World Heritage Area Management Authority (HWHAMA). The DC issued oral warnings to all the shops that had been constructed in front of the *mantapas*, ordering them to leave with all their belongings, and said that all the illegal encroachments would be demolished within 24 hours. He claimed that he was acting under pressure from the court. Repeated requests for a copy of the court order were rejected, and the people were rudely asked not to interfere when they tried to say that they had legal documents for their businesses. When the Panchayat President tried to speak on behalf of the people, the DC responded by saying that he was going to supersede the Panchayat's power.

Notices to the shops and restaurants constructed in front of the mantapas were served on the 28th, starting in the evening and continuing well into the night. There is differing information on the actual number of notices issued, but all sources quote figures well above 200.

This was not the first time eviction was spoken about by district authorities however no action had been taken thus far. In the words of one shopkeeper, "We were used to getting these warnings, nothing had happened before. But this time when they gave us notices, we were scared. Some people called our MLA who was in Bangalore and asked him to come to Hampi." Many others echoed similar sentiments, and said that no information was shared about alternate housing or any potential alternative sites for them to conduct their businesses.

### **The Events of July 29<sup>th</sup>, and Beyond**

Demolition began at around 8:30 AM in the morning, despite hundreds of people turning up in protest. "About 120 police personnel and 6 JCBs came and immediately started demolition – it was extremely unsettling and frightening", says a shopowner who lost his shop in the demolition. He recounts, "Everyone had gathered, all of us [shopowners] were there, others from the village, and neighbouring villages also. Many people were there."

When the local MLA, Mr. Anand Singh intervened, the evictions were halted temporarily. He asked to see a written demolition order, but there was none to show. The Assistant Commissioner present at the site simply repeated the DC's earlier claim of acting on the direction of the High Court. The MLA appealed to the district administration authorities to stop the demolition, and to instead have a dialogue with the people of Hampi about their plans. Not only was his request turned down, but he was arrested by the police on the direction of the Tahsildar and on the grounds of causing obstruction. He was taken into preventive custody and taken to the police station, only to be released in about half an hour. As soon as he was released, the demolition resumed.

At this point, the people began to agitate strongly. Some women made repeated appeals to the police to stop the demolition, but their cries and distress fell on deaf ears. Others were so shocked that they were unable to even react. Some made attempts to gather their belongings in the midst of the chaos. However, the demolition continued till all the shops were removed. In a matter of a few hours, decades of hard work was reduced to mere rubble. This authoritarian and inhuman act has rendered whole families homeless and destroyed livelihoods of several hundreds of people. The human rights violations are stark.

To add to the people's misery, the MLA has not come back to visit the site since his arrest, and neither has he met any of the affected community. At the time of writing this report, the affected people are able to reach him only on the phone.

The specific issue of the illegal demolition of 29<sup>th</sup> July 2011, is intricately linked to the issue of lack of inclusiveness in the strategising and planning for the conservation of the heritage site. A few questions/issues confronting us are:

1. Were the local people consulted before Hampi was declared as a UNESCO World Heritage Site in 1986?
2. What is the constitutional mandate for the creation of the Hampi World Heritage Area Management Authority Act 2002, when there is a Karnataka Panchayat Raj Act, 1993?
3. Has there been an inclusive process followed in the formation of the Hampi Master Plan 2021?

The people of Hampi have rights like people living in any other village in India and that the UNESCO tag on Hampi has fundamentally impacted the lives and livelihoods of the people.

Initial discussions with communities living in Hampi make it evident that there has been anxiety on many fronts since the area has been declared as a World Heritage site under the UNESCO convention and since the consequent HWHAMA Act. Issuing trade licenses have to wait for the approval of the HWHAMA, and the Panchayat cannot take independent decisions on this. People have not been consulted on any development plans, and neither have they been informed of them. However, no attempts seem to have been made by the state government to address these anxieties. Instead, the situation has been exacerbated with repeated threats of eviction with every new draft master plan and under the pretext of the case filed in the High Court of Karnataka by Shri Kotturawamy Kalyana Kendra against the State of Karnataka through W.P. No 29843/2009.

### **The local communities**

Many of the people who have been impacted, belong to extremely impoverished backgrounds. There are around 10 families belonging to the Lambani community, who have barely been able to eke out a living by working as coolies, and selling firewood and timber occasionally to tourists. A male member of the Lambani community has been on contract labour as a sweeper and cleaner of drains with the HWHAMA for the past several months. And yet the

HWHAMA has destroyed his home (which was a temporary structure attached to the Mantapas), and has left him and his family without a place to live.

Eeramma, a widow aged around 58, used to live a simple life by selling fish that she caught in the Tungabhadra river, and running a small tea shop in the Hampi market. The shop was completely destroyed, and the house that she has been living in, has come under the scanner – she, like many others, have received notices from the ASI requiring them to vacate their houses. In many cases, the people had valid licenses to run their shops. Even that didn't help.

Hampi is not just a historical heritage site. While many tourists visit the site due to its heritage status, the majority of the visitors are pilgrims and researchers. Tourism's multifarious role and its economic contribution in the region has not been sufficiently acknowledged in the vision and planning for Hampi as a heritage site.

The demolitions are contrary to the Master Plan 2021 for Hampi Local Planning Area, prepared by the HWHAMA. The Master Plan envisages that the Grama Panchayat will be involved in the implementation of the Master Plan, including improvement schemes, town/village extension schemes, formation of roads, development of land for commercial use, civic amenities and traffic improvement schemes.

The demolition, the process followed, and its fallout are also in stark violation of the National Resettlement and Rehabilitation Policy 2007, which mandates that before any involuntary displacement is caused, a social impact assessment be carried out and a rehabilitation plan be made in consultation with the affected families.

The Hampi bazaar has an inextricably linked cultural history with the temple itself. After the UNESCO World heritage status, the Grama Panchayat had passed resolutions recognising the importance of the bazaar to the temple, the tourists, the devotees and the local economy. Taking their lack of involvement in the planning procedures into account, and fearing a possible threat to their lives and livelihoods, the Grama Panchayat had passed a resolution saying it would be improper to shift the people who carried out commercial activities, from the bazaar.

The alternate site that was identified is Kadiramapura, a place around 4 kms away from the bazaar street. This is unacceptable to the local people, as it would mean their trading would take a severe hit. Prakashnagar, a place much closer (around 2 kms from the bazaar street) is preferred by the local communities. But as the HWHAMA failed to involve them in any process of dialogue and negotiation, this preference has not been considered.

There were 3 rehabilitation efforts in the past. One of the first was to shift the people residing in huts within the outer courtyard of the Virupaksha Temple were shifted out into the Bazaar Mantapas. The second was to shift the people from the Mantapas to a plotted layout behind the Bazaar Mantapas. The third was to shift from the Bazaar Mantapas and the surrounding areas to Prakashnagar behind Virupaksha Temple. However, in all the above three mentioned no comprehensive approach was taken to do rehabilitation and instead remained as an incomplete task and led to current situation.

### **The act of State Government and District Administration was in complete violation of the following:**

#### **1. Violation of Human Rights:**

Homes and Livelihood: Hundreds of people have lost their homes, livelihoods or both. Their living conditions are far from adequate: many people have no access to basic needs such as housing, sanitation, medical facilities and clean water. In addition, after the shops have been demolished, people live with the daily threat of next being forced out of their homes. The notice for evictions was served late in the evening and evictions took place the very next morning, with police and bulldozers, leaving the residents little or no time to challenge the order or take any preventive measures or even to collect their belongings. None of them were given an opportunity to be heard, and persons who had been living in the place for over 40 to 50 years were displaced in a period of one day. They were forcibly evicted which is in complete violation of established principles of law.

Forced evictions are gross social injustices. The district administration has shared that the issue of evicting people from the Hampi Bazaar has been in existence since the early 1990s. However, there has never been any clarity on what the site/master plans are and what impacts these plans would have on the people. There has been no consultative process. Several drafts of the master plan have been circulated to different groups of people, yet the master plan which was finally arrived at was not placed in the public domain for the 60-day period as is mandated by the *Hampi World Heritage Area Management Authority Act 2002*. In fact even the Master plan 2021 recognizes that



any zoning would not be retrospective, and there is no prohibition on the use of land and buildings that are established prior to the coming of the regulations. "Even if the same are contrary to the newly proposed uses, they are to be gradually eliminated over years without inflicting unreasonable hardship upon affected persons" (page 72 of Master Plan). Instead in this case, persons who have residing in the said land for decades with documents have been uprooted without as much as a hearing.

Forced evictions have also been acknowledged as human rights violations. This is reinforced in the right to housing and freedom from forced evictions which are universal human rights standards defined in *Article 25 (1)* of the Universal Declaration of Human Rights, *Article 14 (2) (h)* of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and *Article 11* of the International Covenant on Economic, Social and Cultural Rights (ICESCR). These International Covenants and other widely adhered international human rights treaties and Declarations have been signed and ratified by India. Hence it is the State's responsibility to provide adequate housing, security for those whose basic right to adequate housing has been denied and to provide people with access to water, sanitation, healthcare and education.

## 2. Violation of Fundamental Rights and Directive Principles of State Policy

Equality before the law: Article 14 of the Constitution of India states that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. It is the State's duty to provide peace, fairness and equity to the people. To evict its people without adequate and reasonable prior information, adherence to the mandated process, proper compensation and providing alternative homes for the families affected, are denial of fundamental rights of people. The people were not provided with any protection, and in fact the police was present as the homes of people were demolished and destroyed.

In the instant case, the approach of the government has been insensitive. The fundamental judicial question herein is that how could the district administration take a decision to uproot the families that have been residing in their homes and earning a livelihood without providing them any hearing whatsoever? What was the urgency in the matter for the due process of law not to be followed? The illegality of enforcing the eviction order is manifestly seen in the manner the eviction order was served and executed.

Protection of life and personal liberty: Article 21 of the Constitution of India guaranteed to all persons the right to life including 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. The right to livelihood also forms an important facet of this right. The persons in Hampi have not only been deprived of their homes, but their fundamental right to earn a livelihood has also been snatched away from them, with their shops being destroyed. The families have now been left homeless and without any livelihood.

Their constitutionally protected right to live with human dignity guaranteed under Article 21, the right to carry on a business and trade a profession guaranteed under Article 19 (1) (g) and the right of equality guaranteed under Article 14 have all been grossly violated by the actions of the district administration.

## 3. Violation of Principles of Natural Justice

The Supreme Court has stated "...our laws of procedure are grounded on a principle of natural justice which requires that men should not be condemned unheard, that decisions should not be reached behind their backs, that proceedings that affect the lives and property should not continue in their absence and that they should not be precluded from participating in them".

That the principles of natural justice in the instant case have been violated is clear from the facts and circumstances leading finally to the eviction. Notices requiring the families to vacate their homes were given to them a few hours before the actual eviction and demolition took place, and no opportunity whatsoever was granted to them. In fact when they sought for an opportunity to be heard, they were informed by the AC that the decision to evict them had already been taken.

The consequences that were meted out to the inhabitants of Hampi bazaar are shocking. Families who have been forcefully evicted have to face innumerable challenges. They have found nowhere to relocate themselves in a better

and `safer place than the adjoining areas surrounded by polluted water. In this case, there is clear violation of the principles of natural justice by denying the right of the people to be heard.

#### 4. Misleading the public

The District administration gave false information to the people's representative and the people living there stating that demolishing the houses and shops was due to the pressure from the High Court of Karnataka based on the Order dated 25.07.2011, W.P. No 29843/2009. But, the Court has not ordered for demolition. The order has only stated the "respondents in the W.P. No. 29843/2009 to file counter affidavits/ states of objections before the next date of hearing, failing which, an adverse inference is liable to be drawn". The people were misguided and were not given an opportunity to be heard.

It is inappropriate action of the district administration to demolish the buildings while the case was pending before the High Court of Karnataka and while the State Government was looking into the matter of rehabilitation of people. The Commissioner, The Hampi World Heritage Area Management Authority, Hospet has submitted a rehabilitation plan to the State Government. It was the State's responsibility to rehabilitate the people by providing them with adequate facilities.

As public officials in charge of the district, it is highly improper that active steps were taken to mislead the public to demolish the homes of families who had been residing in the said place for decades.

#### 5. Superseding the powers of Panchayats

According to the Hampi World Heritage Area Management Authority Act, (HWHAMA) 2002, the authority has control over all activities in the heritage area. But the responsibilities pertaining to the HWHAMA are not clearly delineated in the Act and the Rules pertaining to this have not yet been formulated even after 9 years of the Act being in force though the Authority has started functioning.

According to the Act, the authority has overriding authority over all aspects of planning in the local planning area. This is unreasonable as planning for local development cannot be done by a management authority whose focus is heritage conservation. The lack of representation and role of panchayats in planning and determining local development action has been effectually nullified. This is of serious concern as it take away the constitutional powers accorded to panchayats under the 73<sup>rd</sup> amendment of the Constitution.

#### 6. Violation of democratic processes

In Hampi, there has been no local participation or public consultation either in the planning process or in the implementation. The Master plan – 2021 for Hampi has been finalised without involving the people. While it is important to recognise history, archaeology, architecture, landscape, nature and culture, this cannot be at the cost of denying the involvement of the local communities in planning and decision making process.

### **Conclusion**

Development of tourism and conservation of culture and heritage cannot come at the cost of people's life and livelihood. EQUATIONS strongly condemns this illegal and inhuman act of demolition and eviction from one of the premier tourist destinations not just in Karnataka, but in the whole of India.

The master plan has inefficient definition of 'illegal development' and outdated and incoherent statistics are used for preparation of the Plan. In chapter 9 of the master plan - problems and proposals, there is no categorizing of 'illegal developments' i.e. the basis for declaring development as illegal is not defined.

As mantapas are archaeological monuments the conversion of these sites into homes and shops by the local communities is not an act that needs to be ignored. However, it is of utmost importance that this be viewed in the larger and broader socio-economic context, and keeping in mind the manner in which the people made the mantapas their homes – it did not happen overnight and some of them have papers dating to the 70s which prove that the then authorities knew of, and acknowledged, their living there.

Also, instead of destroying the shops and severely impacting the livelihoods, a possible solution could have been found in a participatory, consultative manner – which took into account the views of the people and addressed the issue of conservation in an equitable and democratic manner by giving them an opportunity to be heard by upholding their fundamental right to life and adhering to the principles of natural justice.

Further, we recommend that -

- A Commission of enquiry be constituted to look into the sequence of events around this demolition and after, and appropriate action be taken in the case of misuse or abuse of power by government officials.
- The Hampi Bazaar be reinstated as a living bazaar, and be allowed to continue as a living bazaar.
- Compensation be paid to the families for the grave damage and loss caused to their livelihoods and property
- Proper rehabilitation be provided to the families evicted in an appropriate place where their livelihood options will not be adversely affected or they be put back in possession of the properties they were residing in/ using for their trade.
- UNESCO actively and publicly condemn such acts to impress upon local, state and national authorities that World Heritage tags cannot be earned or retained sacrificing human and democratic processes and respect for the rule of law.
- The Hampi World Heritage Area Management Authority Act 2002 be repealed, the Hampi World Heritage Area Management Authority be scrapped and the powers of the Panchayat guaranteed under the Constitution of India, be reinstated
- The Master Plan 2021, which was prepared undemocratically and without public consultation, be scrapped, and a new Master Plan considering the views and aspirations of the local people and Local Self-Governing Institutions, be drafted
- Clear guidelines demarcating clear roles for all the stakeholders involved in management of the Heritage area be made and to ensure that all processes are participatory, inclusive, democratic and constitutional

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**End Notes**

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*Audi alteram partem* (or *audiatur et altera pars*) is a Latin phrase that literally means “hear the other side” or “hear the alternative party”. It is most often used to refer to the principle that no person should be judged without a fair hearing in which each party is given the opportunity to respond to the evidence against them

i” Integrated Management Plan for Hampi World Heritage Site “ developed by Prof Nalini Thakur, School of Planning and Architecture, New Delhi in 2005 as part of Hampi Heritage Team for the Archaeological Survey of India.

ii The Petitioners in this case are 1. Shri kotturswamy kalyana kendra, 2.Siddalinga Swamiji Suvarnagiri Viraktamath, 3.Shantamala Swamiji, 4. Ari Mahanth Swamiji Oppatteshwar Math, and 5.Mahanthaling Shivacharya Hiremath

iii The respondents in this case are: 1.The State of Karnataka- Chief Secretary, 2.Archaeological Survey of India,3. The Commissioner- HWHAMA, 4. The Deputy Commissioner- Bellary Dist, 5. The Deputy Commissioner- Koppal Dist, 6. Superintendent of Police- Koppal Dist, 7. Superintendent of Police- Bellary Dist

iv. All these judgements can be accessed from the Karnataka High Court website: [http://causelist.kar.nic.in/caseStatus\\_CaseNumber.asp](http://causelist.kar.nic.in/caseStatus_CaseNumber.asp)- W.P. No 29843/2009

[v](#) Government of Karnataka, Master Plan 2021 for Hampi Local Planning Area Report 2006 developed by Hampi World Heritage Area Management Authority, Hospet

[vi](#) Chapter 11, Part A, Master Plan – 2021 for Hampi Local Planning Area, Hampi World Heritage Area Management Authority