

**FRIENDS OF HAMPI, SHREE SHARADA WOMEN WELFARE ASSOCIATION,  
HAMPI, SHREE MAHARSHI VALMIKI SANGHA, HAMPI, SHREE HAMPI  
VIJAYANAGARA GUIDES UNION, HAMPI, SHREE VIJAYANAGARA AUTO  
DRIVERS UNION, HAMPI, CITIZENS RIGHTS AND PROTECTION FORUM,  
HAMPI AND EQUATIONS, BENGALURU**

17.08.2011

*We condemn the inhuman and illegal eviction and demolition at Hampi Bazaar: 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 experience the dynamism and colour of a vibrant bazaar. Today the Hampi Bazaar is facing a crisis, with it having been illegally demolished. Eviction notices were issued a few hours before the demolition, giving no time and opportunity for people to respond and react to the notices. Neither alternate housing nor clear guidelines for conducting business were issued prior to the eviction. The fallout of this demolition has been that many families, some with small children and some with aged people have been pushed on to the streets, do not have a place to live, and livelihoods have been affected. To endorse this statement please send a mail to [campaigns@equitabletourism.org](mailto:campaigns@equitabletourism.org).*

1. Shri V. Kishore Chandra Deo,  
Minister for Panchayati Raj,  
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2. Kumari Selja, Minister  
Minister of Culture,  
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3. Shri. Subodh Kant Sahay,  
Ministry of Tourism  
Government of India,  
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New Delhi – 110 001
4. Shri. Jairam Ramesh,  
Ministry of Rural Development  
Room no 48, Krishi Bhawan,  
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5. Shri. Sadananda Gowda,  
Chief Minister and Minister for Kannada & Culture and Tourism  
Government of Karnataka  
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## **Subject: We condemn the inhuman and illegal eviction and demolition at Hampi Bazaar**

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.

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 artifacts.

Today the Hampi Bazaar is facing a crisis, with it having been illegally demolished. Eviction notices were issued a few hours before the demolition, giving no time and opportunity for people to respond and react to the notices. Neither alternate housing nor clear guidelines for conducting business were issued prior to the eviction. 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. More than 200 families living in Hampi for the past 40 – 50 years are completely dependent on tourism and tourism related activities.

On 28th July 2011 afternoon, the Deputy Commissioner of Bellary issued oral warnings to more than 200 families, asking them to move within 24 hours, so that the process of demolition could be initiated. Issuing of notices started around 7:30 pm and continued until 12:30 am in the night of 28th July 2011. Despite the families requesting that they be given an opportunity to be heard, the district administration refused to provide them any such opportunity and informed them that they would have no say in the matter as the decision to demolish their homes and shops had already been taken.

On 29th July 2011, the district officials came to demolish the homes and shops of the persons living therein, and used the premise of the existence of a High Court Order directing the demolition. On 29th July 2011, just before the demolition was to happen, when the MLA of Hospet and the people of the Bazaar asked for a copy of the High Court

Order, it was not produced. In actuality, the High Court had only asked for a status report on July 25th, 2011, and had not ordered the demolition. Despite all the efforts of the Panchayat members, local communities and the people's representatives, the District authorities went ahead with the demolition. When people questioned the district administration, they were threatened that cases would be filed against them and were told that they will be "booked under Section 420". Why should a person be arrested while asserting rights, which are guaranteed under the Constitution of India? Further, when the people whose homes were being demolished were in silent protest, lathi charge was made on them, and some of them were even kept in detention in the police vans.

The fallout of this demolition has been that many families, some with small children and some with aged people have been pushed on to the streets, do not have a place to live, and livelihoods have been affected. The authorities have not provided any rehabilitation to the families inspite of the court ordering the state Government to look into the matter in W.P. No. 29843/2009.

All the persons whose homes and shops have been destroyed have been residing in the said spot and have been running small shops and businesses to eke out their livelihood for decades. They have been provided pattas, licences by the Gram Panchayat and have also been regularly paying their taxes.

Beyond the specific issue of the illegal demolition of 29th July 2011, is the much broader issue of inclusiveness in the strategising and planning for the conservation of the heritage site. 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 progressive Karnataka Panchayat Raj Act, 1993.
3. What has been the inclusive process in the formation of the Master Plan 2021.

4. 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 livelihood of the people.

Initial discussions with communities living in Hampi make evident that there has been much anxiety since the site has been declared as World Heritage under the UNESCO convention. 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 the use of 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.

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 devotees of the temples and researchers. Tourism's multifarious role and its economic contribution in the region has not been sufficiently acknowledged.

The primacy that has been attributed to the heritage status needs to be relooked and instead a need to see Hampi as a place where people and the heritage it depicts share a symbiotic relationship.

### **We condemn the approach of the State Government and the District administration for the following specific reasons:**

#### **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, the 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 collect their belongings. None of them was 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. The manner in which the persons were forcibly evicted is also 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? When there was no urgency in the matter why was the due process of law not 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 mode of 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 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. 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.

## **7. Role of United Nations Educational, Scientific and Cultural Organization (UNESCO)**

In a meeting that EQUATIONS had with UNESCO representatives they made clear that UNESCO cannot be held accountable legally or morally to the consequences of declaring a UNESCO World Heritage Site. Once a country wishes to declare a site as World Heritage, however it needs to submit a Master Plan. A suitable body would also need to be created which would be responsible for the implementation of the plan.

In this case, the staff of the UNESCO informed us that UNESCO has communicated with the state government their reservation on the manner in which demolition took place on July 29<sup>th</sup> 2011.

### **We demand that National and State Government take immediate steps to address the following:**

1. Constitute a Commission of Enquiry into the sequence of events around this demolition and after, and take action as appropriate particularly in the case of misuse or abuse of power by government officials.
2. To hold the District Administration accountable for giving false information to public.
3. To provide proper rehabilitation to the families evicted in an appropriate place where their livelihood options not be adversely affected or put back in possession of the properties they were residing in/ using for their trade.
4. To compensate the families for the grave damage and loss caused to their lives, and property.
5. To withdraw all further threats to common people including the imminent threat of demolishing of properties in Jantha Plot in Hampi.
6. Revisit the constitutional mandate for the creation of the Hampi World Heritage Area Management Authority Act 2002 and examine its role and powers in retaliation to usurpation of local governance rights as per Karnataka Panchayat Raj Act, 1993. Amend or repeal the Hampi World Heritage Area Management Authority Act, 2002, so that local constitutional bodies may reclaim their full constitutional role in to planning, governance and decision.
7. To have clear guidelines demarcating clear role for all the stakeholders involved in management of the Heritage area and to ensure that all processes there in are participatory, inclusive, democratic and constitutional.

### **We also Demand that UNESCO address the following:**

UNESCO upholds the Universal Declaration of Human Rights. The rights concerned also appears in the United Nations Covenants of 16 December 1966 of Article 27 (The right to participate freely in cultural life) and Article 19 (the right to information, including freedom of opinion). In the case of demolition at Hampi, these have been clearly violated. UNESCO must 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.

**Through this letter and campaign, we the undersigned urge the Union Ministers and Chief Minister of Karnataka to urgently look into the matter and ensure justice to the families living in Hampi.**

**We look forward to meaningful and definitive action in this matter.**

Yours sincerely,

**FRIENDS OF HAMPI**

President: A Govinda Raja

**SHREE SHARADA WOMEN WELFARE ASSOCIATION, HAMPI**

President: Swathi Singh

**SHREE MAHARSHI VALMIKI SANGHA, HAMPI**

President: Kiran Kumar

**SHREE HAMPI VIJAYANAGARA GUIDES UNION, HAMPI**

President: M. Nagaraja

**SHREE VIJAYANAGARA AUTO DRIVERS UNION, HAMPI**

President: Mr. Veeresh

**CITIZENS RIGHTS AND PROTECTION FORUM, HAMPI**

President: Manjunath Gowda

**EQUATIONS, BENGALURU**

Director: Rosemary Viswanath

**Copy to:**

1. Dr. Gautam Sengupta, Director General, Archaeological Survey of India
2. Shri. ANP Sinha, Secretary, Ministry of Panchayat Raj, GOI
3. Shri Jawahar Sircar, Secretary, Ministry of Culture, GOI
4. Shri. Rajen Habib Khawja, Secretary, Ministry of Tourism, GOI
5. Shri. B.K. Sinha, Secretary, Ministry of Rural Development, GOI
6. Shri. Jagadish Shettar, Minister for Rural Development and Panchayat Raj, Government of Karnataka
7. Shri. Amlan Aditya Biswas, Chairperson, Hampi World Heritage Area Management Authority, Hospet
8. Shri G.S. Narasimhan, Superintending Archaeologist, Government of Karnataka
9. Mr. N.B.D. Kemp Gowda, Sr. Conservation Assistant, Archaeological Survey of India, Kamalapura
10. Ms. Martine Christin, Director and UNESCO Representative to India, UNESCO

**Contact us**

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