

EQUATIONS Letter to UNESCO on the Situation of Evictions of the Local Community in Hampi

December 1, 2017

To

Mechtild Rossler
Director
World Heritage Centre

Dear Ms. Mechtild,

We are writing from Equitable Tourism Options (EQUATIONS) an organisation working since 1985 involved in research, campaigns and advocacy on the various impacts of tourism on local communities. We believe that tourism should be non-exploitative, equitable, just and sustainable towards the local communities. Our website is www.equitabletourism.org

We are writing to you about the situation in Hampi, where the local community is once again facing the threat of eviction, demolition and loss of their livelihood options.

Hampi is one of the largest UN World Heritage Sites in the world and is spread over a huge geographical area with stunning topographical features, monuments and its people. It is a myth that Hampi is nothing but a huge expanse of ruins. The cultural heritage of the area is as important as its monumental heritage. Human settlements that have been here for generations and the people of the region are very much an integral part of the cultural heritage of the region.

HWHAMA is using the name of UNESCO in evicting the local people. The High Court of Karnataka in its final Order (dated 22nd of January 2016) in the case filed by Shri. Kotturawamy Kalyana Kendra [Writ Petition No. 29843 of 2009 (GM-RES-PIL)] laid down that "the unauthorised illegal activities" have to be "removed". The order did not say that the residents of Hampi Gram Panchayat should be evacuated, their dwelling units demolished and converting the village into an inviolate space. The final notices issued to the local community by HWHAMA on 18.11.2017 and on 23.11.2017 mention complete demolition of many dwelling units (the largest number), stopping of commercial activities and removal of encroachments. HWHAMA, in its own discretion, is misrepresenting and misusing the High Court Order.

Every Notice contains the line "Any violation of zonal regulations would put the UNESCO World Heritage tag in jeopardy." This is using the name of UNESCO in a surreptitious manner to make people believe that they are being evicted because of UNESCO. Even during the eviction in 2011 and thereafter, people were made to believe that UNESCO wanted the eviction to happen. It is extremely important that UNESCO stops HWHAMA from misusing its name to legitimise the people's eviction and demolition of their houses and also issues a clear statement in that regard.

HWHAMA is misusing the provisions of the Ancient Monuments and Archaeological Sites and Remains Act 1958 (Amended in 2010) (AMASRA) and the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 (MAHMASRA). The Notices served to people states "It can be seen that the buildings in question is located within the 100 meters of archaeological sites and protected monuments and falls in the Core Zone i.e, prime archaeological area and where any construction is strictly prohibited".

Both the above mention legislations prohibits new construction within prohibited area of a protected area or protected monument. But the reference is about new constructions. According to Section 2 (dc) of AMASRA "construction" means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, *but does not include*

any reconstruction, repair and renovation of an existing structure or building,” . Also, Chapter IV of MAHMASRA lays down specific provisions with respect to mining and construction near protected monuments. These also refer to new constructions. The legislation does not mandate pulling down of existing constructions. Like Hampi, Mahabalipuram, Tamil Nadu is also an UNESCO World Heritage site that is protected by the Archaeological Survey of India applying AMASRA. Old constructions, mostly dwelling units of local community are found standing in the prohibited areas. Till date no objections have been raised either by UNESCO or any other competent authority jeopardising the lives of the people in Mahabalipuram, as is happening today in Hampi because of the arbitrary actions of HWHAMA.

The preparation of the Master Plan 2021 was not an inclusive and democratic process. HWHAMA is using the Master Plan 2021 as the guiding document. No participatory democratic process was followed in drafting of the Master Plan 2021. There were no stakeholder participation, meetings conducted in the name of collecting the views of the people were sham exercises. Though objections on the Master Plan were widely filed by the local communities and many eminent planners and researchers (both national and international), nothing was taken into consideration by HWHAMA while finalising the Master Plan. Kindly, find attached the critique of the Master Plan that EQUATIONS had submitted in 2007.

Since, HWHAMA is a parastatal body which comprises of only administrative officers from various departments. The constitution of HWHAMA as per the HWHAMA Act,2002, does not include any elected representative of the local community. So, basically there is no one within the authority to raise issues, concerns and objections on behalf of the community. It is a top-down model of governance that is contrary to the provisions of local self governance as enshrined in Article 243G of the Constitution of India. Article 40 of the Indian Constitution also directs the government to establish panchayats to serve as institutions of local self-government. It is also in violation of the Karnataka Gram Swaraj and Panchayati Raj Act, 1993 (Amended in 2015).

During demolition of the Hampi Bazar and eviction of people in 2011 the justification given by HWHAMA was that it was necessary and important for the conservation and protection of the archaeological structures and monuments. However, ironically the Master Plan 2021 demarcates the same area with the mandapas as commercial zone. This shows the hypocrisy of HWHAMA and its irrational planning.

The Life and related Livelihood of the people of Hampi are completely dependent on tourism and incidental activities. The lives of the people in Hampi village are integrated to the living culture of the space. People do not come to Hampi to just see the monuments. They come to Hampi to soak into the living heritage, experience the cultural plurality and to understand the symbiotic relationship that has grown between the local people and the ruins that are spread over the region. Over the last two decades, with the influx of more and more people visiting the region, there has been a natural shift in the livelihood of the people. Most people are both overtly and covertly dependent on tourism activities that are small home based activities and not large entrepreneurial in nature. They run businesses like – renting rooms in their own houses where they stay, serving food, running shops selling clothes, trinkets and souvenirs to the tourists – all from their homes. Tourism activities has become their life-line. So if people are stopped from undertaking these home based activities sighting them as “commercial activities”, they should be provided avenues for alternative livelihood practices or options. These families, which includes women, children and elderly people, cannot be thrown out into the street and asked to fend for themselves. That will be like snapping their lifeline and leaving them to die.

Since many years, EQUATIONS has worked closely with the local community in Hampi village and has stood by them during the time of crisis (kindly refer to our Campaign Call after the demolition and eviction of communities from the Mandapas in the Hampi Bazar in 2011). As an organisation that has worked with the local community, we are bringing into your notice certain points that

calls for immediate consideration and intervention by UNESCO. We have been told by UNESCO Delhi office, that UNESCO does not interfere with the internal affairs of the nation states. That may be the general policy of UNESCO, but what is happening now in Hampi calls for intercession from UNESCO. Unless UNESCO intervenes and questions the Hampi World Heritage Area Management Authority (HWHAMA), once again the human rights of the people of Hampi village will be violated as was done in 2011 under the guise of conservation and protection of the site.

We hope UNESCO will consider these points and take the necessary and appropriate actions to save the life and livelihood of the people of Hampi.

Your sincerely,

Team EQUATIONS