

Between the Devil and the Deep Lake: Courts and Environmentalists on Evictions in Bengaluru's Keres

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Bangalore becomes an important and central site for the unfolding of an emerging jurisprudence in cities across India, given its specific environmental location and emerging economic status. The recent spate of eviction drives, the move to privatise lakes and the city's influential tech industry illustrate the underlying tensions that have pushed courts to decide against the interest of slum dwellers. In a post-covid world, where the Bangalore Municipality had undertaken several eviction drives to rid the city of 'foreigners' in the name of lake maintenance,¹ the question of how environmental discourse intersects with the displacement of working people is increasingly important.

It is necessary to note how upper-class environmental groups have mobilised in cities against those who live in fragile and unliveable conditions within slums, by designating the slum as a site of pollution. Elite sensibilities of city beautification and aesthetics has therefore generated a "bourgeois environmentalism" that courts must confront by way of litigation.² This in turn has generated a link between environmental improvement and displacement, in which state and capital combine to produce environmental governance that is based on evictions.

Looking at Bangalore: Slum Demolition as Lake Restoration

At the centre of the eviction push by the courts, is the emphasis on city aesthetics – through the emphasis of Bangalore's lake ecology. Ghertner points out that "cleanliness" operates as a substitute for "nuisance" in the RWA-led slum demolition drives in the name of environment.³ In *Vinayak House Building Cooperative Society Ltd. v. Karnataka*⁴, the court observed that "Bangalore was a beautiful city-once" and that it "was rightly called the 'Garden City'". Further, it goes to note "Where slum dwellers on a large scale occupy pieces of land, social and human problems of such magnitude arise that it is virtually impossible for municipalities, and no mean task even for the

¹ The Wire Staff 'Bangladeshi Migrants' Evicted in Bengaluru Demolition Were from the Northeast, Karnataka' *The Wire* (22 Jan 2022) <<https://thewire.in/rights/bengaluru-demolition-bangladeshi-immigrants>>

² Amita Baviskar *Uncivil City: Ecology Equity and the Commons in Delhi*. (2020) Los Angeles: Sage.

³ Asher Ghertner. "Analysis of New Legal Discourse behind Delhi's Slum Demolitions." *Economic and Political Weekly*, vol. 43, no. 20, 2008, pp. 57–66. JSTOR, <http://www.jstor.org/stable/40277691>. Accessed 23 Oct. 2022.

⁴ *Vinayak House Building Cooperative Society Ltd. v. Karnataka* AIR 2019 SC 4473

government, to get the lands vacated.” At the centre of the court’s environmentalism, is an imagination of a green aesthetic driven by private interests. Much like the affluent RWA petitioners who approach courts to safeguard lakes, the court too appears interested in hiding the people who build the city.

Similarly, in *Suo Motu v. Government of Karnataka*,⁵ the Tribunal indicated that the slums were responsible for the pollution of Ulsoor lake. It noted, “Huge quantity of solid wastes including POP idol, mattress, furniture, plastic items, etc. are being disposed in to Ulsoor Lake by the local residences (slum area) and are causing further pollution to Lake water.” The causal connection between ordering of slum clearance, and preservation of lakes is at the centre of nuisance jurisprudence. Benjamin argues that lakes become central discursive sites to hide away working-class communities, and project a global city imagery.⁶

Moreover, the usage of nuisance doctrine as a mode of climate governance has enabled courts to characterise slum-dwellers as illegal encroachers upon the cityscape. In *Lakshmi Bai v. The Principal Secretary*, the respondent chastised the petitioners – who were slum-dwellers – as “unauthorisedly squatting on the tank-bed area.” In *Poojari Peddanna v. State of Karnataka*, the respondents presented to the court that, “the hutment dwellers and slum dwellers on the land in question and the construction labourers from North India are causing nuisance. The hut mates use the open ground as toilets and pollute the environment. The area has become totally unhygienic. We have more than 500 boys and girls staying in the hostel college campus who are, facing threats everyday by the slum dwellers. Land has become a slum where all the construction labourers from North India have come and settled causing nuisance. During night they indulge in all kinds of Anti-Social activities.”⁷ This indicates clearly that slum resettlement is an exclusionary practice of planning⁸ that vilifies outsiders, and reproduces class and caste anxieties of the dominant.⁹ Similarly, in *Farida v Commissioner of Police*, the court held that “any bootlegger or drug-offender or gambler or goonda or immoral traffic offender or slum-grabber that with a view to prevent him from acting in any manner prejudicial to the maintenance of public order” could be detained.¹⁰

⁵ *Suo Motu v. Government of Karnataka* OA 54/2016 IA 95/2022

⁶ Solomon Benjamin ‘Cities within and beyond the plan’ by Crispin Bates, Minoru Mio (eds) in *Cities in South Asia* 2015 Routledge

⁷ *Poojari Peddanna v. State of Karnataka* ILR 2009 KARNATAKA 1789

⁸ Renu Desai “Governing the Urban poor: Riverfront development, slum resettlement and the politics of inclusion in Ahmedabad” 2012 *Economic and Political Weekly*. 47. 49-56.

⁹ Karen Coelho and Nithya Raman. “Salvaging And Scapegoating: Slum Evictions On Chennai’s Waterways.” *Economic And Political Weekly* 45, No. 21 (2010): 19–23. [Http://Www.Jstor.Org/Stable/27807045](http://Www.Jstor.Org/Stable/27807045).

¹⁰ 2007 (2)KCCR 1377

Thus, notions of nuisance mingle with conceptions of illegality – through criminality and citizenship.

The understanding of slums as unhealthy or unhygienic further indicates how slum evictions – though touting a climate discourse – has truly little regard for ecology.¹¹ In *B. Krishna Bhat v. Karnataka*, the court noted that it was at liberty to pass orders to clear slums because it was “irrational, unjustifiable, unethical, unhygienic and antisocial to plan a slum colony.”¹² The court also noted that all sorts of pollution and contamination resulting in health hazards was because of water flow through a slum, and that it was necessary to remove such an impediment for “the upkeep of tanks and lakes in and around Bangalore”. It has been noted that waterfront development, beautification, and eco-restoration, are merely rhetoric for the free functioning of private capital. By recognising slums as unhealthy or unhygienic for lake ecosystems, the court demonstrates how slum demolition is a central pre-occupation of court-led urban ecological projects.

Thinking through the Literature

Historians have highlighted the fundamental relationship of the residents of Bangalore's tanks and the making of the city. Nair for instance, shows how the evictions of slums on Sampangi Tank bed took place after the very same communities had constructed the Vidhana Soudha – an iconic political and architectural structure of the city.¹³ They were evicted and then resettled on the Byrasandra Tank buffer zone. Today, it is called the Tilak Nagar Housing area, one of the historic slums of Bengaluru. This intrinsic relationship between the working people and the water ways of Bangalore can further be seen through the traditional knowledges that original inhabitants of tank beds possessed in maintaining lake areas. From de-weeding lake surfaces, to desilting sand, and ensuring no obstruction to waterways much of the maintenance of the lake was undertaken through their traditional systems of knowledge. However, generations of displacement and migration have resulted in the loss of this very local and specific knowledge.

Coupled with this however, is an unwillingness of state authorities to understand and acknowledge the complex wetland system of Bangalore, and the ways in which the water moves. A 1903 note in the Karnataka State Archives to the President of Bangalore Municipality for instance, noted that

¹¹ Sapna Doshi *Greening Displacements, Displacing Green: Environmental Subjectivity, Slum Clearance, and the Embodied Political Ecologies of Dispossession in Mumbai*. (2019), *Int. J. Urban Reg. Res.*, 43: 112-132. <https://doi.org/10.1111/1468-2427.12699>

¹² ILR 2010 KARNATAKA 949

¹³ Nair, Janaki. *The Promise of a Metropolis: Bangalore's Twentieth Century*. New Delhi: Oxford University Press, 2018.

"the Dharmambudi tank rarely fills and is an eyesore".¹⁴ While the plan is ultimately an agenda to criminalise the slum dweller, it cannot accommodate the complexities of such water systems. In the contemporary moment – the maintenance of a government website for citizens to discern whether their property is on a *rajakaluve* (canal) reveals this internal antagonism between environment and the plan.

Relying on the work of environmentalists can be useful towards understanding the cityscape, given the close eye they maintain over the most minute changes in ecosystems. This can help provide a sensorially rich account of the city's past, and present as useful documents towards the probings of social history.

The idea of the encroacher is central to the understanding of how courts have approached slum dwellers. Bhan's analysis of RWA submissions in Delhi's eviction cases convincingly reveals how encroachment as a category assumes a larger-than-life character.¹⁵ Slum inhabitants are not only conceived of by courts as encroachers to the city, but are further castigated as encroachers towards citizenship. Their residential location in the city delegitimises them as equal and upright citizens of the nation. While 'encroacher' has been illustrated within this critical geography paradigm, the ecological approach flips the category. Therefore, I argue, that looking at environmental approaches can help in flipping the idea of the encroachment, and can instead clearly reveal that elite informalities and incursions of the city plan have resulted in the decline of lake ecosystems in Bangalore.

Looking at the work of ecologists, specially the Environment Support Group – which is a grassroots movements organisation from Bangalore working on the environment, I seek to understand how to approach the housing and lake ecology question in Bangalore. In doing so, I point to how the ESG's work demonstrates empirical instances of elite informalities in Bangalore's lakes – thereby shifting blame away from the working class who dwell in slums, towards the state and private real estate. In doing so, they upturn the very idea of the encroacher itself and offer a new meaning in which social good and environmental justice are emphasised.

While one talks about environmentalists in generalised terms, it is necessary to note that the collections on environmentalism in the archives reveal a large spectrum of heterogeneous voices. In

¹⁴ Karnataka State Archives. *File No. 105, 1903: Conversion of the Bed of the Dharmambudi Tank into a Recreation Ground for the Bangalore City*. Karnataka State Archives, 1903.

¹⁵ Bhan, Gautam. "The Impoverishment of Poverty: Reflections on Urban Citizenship and Inequality in Contemporary Delhi." *Environment & Urbanization* 26, no. 2 (2014): 1-14. <https://doi.org/10.1177/0956247814542391>.

some instances, these voices possess ideas of the city plan and ecology which are conventionally rooted in mis-recognising the position of the slum and tank. Yellappa Reddy's notes on the Green Belt initiative for instance - show disdain for encroachers within the Belt, without recognising the symbiotic function that such dwellers share with the local ecosystem.¹⁶ The ultimate outcome of the Green Belt policy resulted in the expansion of the city and a booming of real estate on the pretext of it being "forest view". While the policy was inaugurated with an attempt to stem outward growth of the city, the outcomes of it were counterproductive towards the environment. Similarly, a letter regarding the installation of a joggers track in Madiwala lake among birders shows profound disdain for those who wash their utensils and clothes at the lake.¹⁷ Given the diversity in these multiple voices, I intend to centre the contribution of ESG primarily, to conceive of how environmental politics in conjunction with people's movements can contribute to sustainable outcomes.

New Meanings of Encroachment

The ESG Papers conclusively point to the role of the state and private builders in privatisation and consequent undermining of the wetland ecosystems of Bangalore.

In 2008, ESG filed a writ petition opposing the privatisation of lakes through the Lake Development Authority (WP No. 817/2008). The LDA had a significant role in handing over wetlands to private corporate entities. The push to emphasise lake commons as the urban heritage of all citizens in Bangalore can be dated to this significant petition. Here it can be noted that the LDA enabled the legitimisation of a plainly perverse act – one of selling lake commons to a private party. In challenging this, ESG took the first step towards countering elite informalities, which are otherwise sidelined by the emphasis on subaltern informality.

Furthermore, the ESG archive entails a diverse range of legal materials after the writ petition, detailing their persistent attempt to keep authorities accountable. One of the applications included an instance of lake encroachment in Subramanyapura Lake by a slum (W.P. No. 38401/2014). However the petition indicates that it is not the slum dwellers, but the government which had encroached the area. Pointing to how the basti was set up as a consequence of the Ashraya scheme by the state government, the petition noted that while the right to housing could not be violated, the

¹⁶ Yellappa Reddy, A. N. *Green Belt Notes, ca. 1999*. MS-022-2-0-2-2, Series 2: Research Reports, A N Yellappa Reddy Papers, Archives at NCBS.

¹⁷ *Small Donations - Ecology and Conservation (SD-002)*. "Madiwala Lake Project, 2000." SD-002-1-1-1-2, Series 1: Zafar Futehally, Sub-Series 1: Projects, Archives at NCBS.

government's actions to resettle and rehabilitate in this manner was in direct contravention with the court order. Thus, even in instances of slums in tank beds, it can be noted that accountability is clearly placed on the administrative apparatus of the state.

Moreover, the legal documents reveal that the nature of privatisation was coupled with majoritarian communalism. One such occasion includes the installation of a Shiva statue in Begur lake island.¹⁸ Through such an example, it is visible that the usurping of lake commons is parallelly accompanied with a majoritarian hue.

Such majoritarianism is also witnessed in wetland systems such as Cubbon Park too. Noting that a conversion of portions of Cubbon Park to a Smart City would ruin the ecosystem, an argument put out by ESG indicated that such a move would not only destroy the natural beauty of the wetland, but would also disrupt the cultural practice of the Bangalore karaga - which is a unique and historical festival in the cultural heritage of the city. In pointing to the cultural significance of the wetland area to indigenous and native cultures, there also emerges a categorical anti-majoritarianism within such ecological assertions. They are not only concerned with the plant and animal life, but are further invested in the cultural expression of communities interacting with the wetland ecosystem. Looking at instances of public spaces as a whole in conjunction with lake ecologies reveals that elite capture or privatisation of any aspect of the ecosystem is in fact, a very threat to city life as a whole.

Thus looking at the environmentalist assertions through the ESG's work reveals that encroachment of lake commons in Bengaluru can largely be attributed to elite and dominant groups. In this regard, they contest the commonplace understanding of who constitutes the encroacher, and provide a new perspective towards conceiving Bangalore and its wetlands within the city plan.

The Way Forward

Benjamin suggests that there is a necessity to move towards a logic of spirits, and away from a logic of real estate.¹⁹ This means that it is necessary to divest away from global north frameworks that categorise the global south city as a problem, and instead embrace “urban porosity” or the margins

¹⁸ Environmental Support Group. "Public Statement Demanding Strict Action Against Communal Elements Threatening with Dire Consequences Those Working to Protect Begur Lake." ESG India. Accessed January 17, 2025. <https://esgindia.org/new/resources/media/press-release/public-statement-demanding-strict-action-against-communal-elements-threatening-with-dire-consequences-those-working-to-protect-begur-lake/>.

¹⁹ Cities Beyond the Plan by Solomon Benjamin (2015) https://www.academia.edu/11997826/Cities_beyond_the_plan

and cracks of planning that have opening possibilities as well. Through this, marginalised communities in the third world can claim and occupy space in their own register, not mediated by a planning framework. Thus, shifting away from the plan also means moving to a new legality that includes indigenous imaginations of land and belonging.

At the centre of reconstructing an imagination of justice that accounts for sustainability, resilience and safety is also strengthening people's movements to shape and push the law. Harvey illustrates how it is necessary to invoke and unify the right to the city as both "a working slogan and a political ideal".²⁰ This implies that working class struggles should push legality to further democratise the process of urbanisation and the utilisation and production of surplus. It is thus necessary to conceive of a new language of rights in which the dispossessed can "take back control of the city".

²⁰ Harvey, D. (2003), The right to the city. *International Journal of Urban and Regional Research*, 27: 939-941. <https://doi.org/10.1111/j.0309-1317.2003.00492.x>