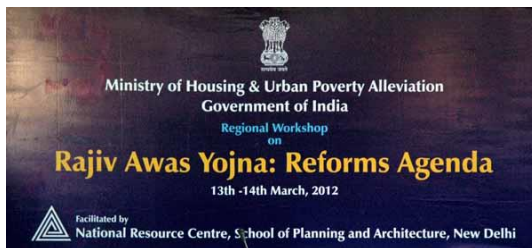


DRAFT REPORT



Rajiv Awas Yojana: *The Story so far*

SARKO HAD SARKA SAMMAN - GATISHHEEL, RAHE BHARAT NIRMAN



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Saath, Vigyan Foundation & Amita Bhide-

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Rajiv Awaas Yojana: The Story So Far

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1. Introduction:

In the recent two decades the rate at which our country is urbanizing, in the near future the urban population is to surpass the rural population in absolute numbers. In towns and cities poor constitute a significant number and they face the issue of in-adequate and absence of housing and other basic amenities. The *India Urban Poverty Report 2009* well acknowledges in detail the condition of the urban poor- “appalling conditions in the slums, with poor access to basic services, insecure tenurial rights; the predominantly informal and self-employed nature of employment and issues related to skill insecurity and access to credit. With the growing urban population has been also growing the number of urban poor and according to some urbanization in general is leading to urbanization of poverty also. Although the policy documents acknowledge the growing incidence of urban poverty and poor but the policy prescriptions and practices are not geared towards addressing the issues of multiple kinds of vulnerabilities faced by urban poor. Very recently, the government of India has reiterated the policy agenda of “affordable housing for all” in the 12th Five Year Plan and also has come up with a National Urban Poverty Reduction Strategy. At the same time one is witnessing the urban restructuring and transformations which are happening at the cost of lives and livelihoods of urban poor as the cities are emerging as sites of exclusion and are becoming less accommodative. Many of these changes are due to the policy interventions of the state which are favouring urban development with is exclusive and detrimental to the interests of the poor. Thus one is witness to these contradictory trends, one where is more and more acknowledgement of the urban poor and initiatives of they being provided with entitlements and the second where the cities are turning out to be exclusionary and less accommodative.

In the last few years there have been number of initiatives including the Basic Services for Urban Poor (BSUP) and Integrated Housing & Services Development Programme(IHSDP) which had the objective of provisioning of housing and basic services to the urban poor. As these schemes have un-folded they have exhibited the contradictory trends discussed above. The ground experiences of these programmes are in contradiction to the laid down aims and objectives. Since in most of the cities provisioning of housing has meant relocation to the periphery of the city, loss of livelihood and housing designs which are inappropriate to the living style of people. At the same time moving out of the slum settlements from the cities has meant their gentrification.

In this context it is important that we understand the scope and possibilities of RAY as well as its threats to enable a more effective yet cautionary engagement which might lead to some improvement in the situation of the urban poor and prevent further deterioration.

Also due to the past experience many of the organizations working with urban poor and academicians have well placed apprehensions and reservations about the newly introduced Rajiv Awas Yojana and the associated programmes, be it the legislation in regard to assigning property rights to slum dwellers or the mandatory reform of reserving land and built up area for the poor. Similarly, for many the proposed reforms are nothing but only

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tokenism as the past experience tells that they are never really meant to be implemented. The slogan of slum free city might turn out be the excuse to push the poor out of the city and lead to evictions, has been the allegation of some.

This Report has been prepared with the above objective in mind and is based on the visits made to the different cities, where in collaboration with the local organizations meetings-round table conferences were held with local activists, organisations, government officials, slum dwellers. Information was also accessed using right to information and news reports have also been referred to. In Orissa collaboration was done with All India Roadside Vendors Association, in Jharkhand with Adarsh Sewa Sansthan, in Gujarat with Saath, in Madhya Pradesh with Deen Bandhu Samaj Sahyog and in Uttar Pradesh with Vigyan Foundation. The present report is the outcome of this collaborative endeavour.

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2. Understanding RAY:

Rajiv Awas Yojana(RAY) is the programme of the central government with the vision of a slum free India. As per the RAY Guidelines it envisages a “slum free India” with inclusive and equitable cities in which every citizen has access to basic civic and social services and decent shelter”. The Rajiv Awas Yojna inter-alia aims at (i) tackling the shortages of urban land and housing that keep shelter out of reach of the urban poor and force them to resort to extra-legal solutions, and (ii) redressing the failures of the formal system that lie behind the creation of slums (iii) bringing all existing slums, notified or non-notified within the formal system and enabling them to avail of the same level of basic amenities as the rest of the town.



Components of RAY:

1. Property Rights to Slum dwellers
2. Reforms
3. Housing Schemes

Model Property Rights to Slum dwellers Act, 2011:

The central government introduced a model bill regarding property rights to slum dwellers act to provide for “inclusive growth and slum free cities, to provide assured security of tenure, basic amenities and affordable housing to slum dwellers”. The salient features of the Bill are that it guarantees right to property to every slum dweller provided he/she can prove that they have been residing in that particular slum prior to the date of 9th June 2009. It

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provides for protection against summarily eviction as provision has been made for alternate accommodation.

Reservation of 20% BUA for Urban Poor:

A set of model guidelines have been issued which provide for amendment to the respective State Regional & Town Planning Acts, Municipal Acts, Urban Development Acts and/or new legislations to be made by the state governments in order to provide for reservation of land/built up area for EWS/LIG housing. As per these guidelines:

- In all Town Planning Scheme or Development scheme, there shall be reservation of not less than ten percent of the gross land area under each scheme for the purpose of providing housing accommodation to the members of Economically Weaker Sections (EWS) and Low Income Groups (LIG).
- In all plotted development schemes of area above one hectare (10,000 sqm) not less than 10% of the gross land (which should not be less than 20% of developed land) area shall be earmarked for economically weaker sections and low income groups. Either land may be reserved for EWS & LIG or shelter fee as prescribed by the appropriate government, shall be collected as the case may be.
- In all group housing schemes of total plot area of 3000 sqm and above reservation to the extent of 15% of permissible FAR or 35% of the total dwelling units, whichever is higher shall be provided.

Reservation of 20 % Budget for Urban Poor:

The Urban Local Bodies(ULBs) are expected to earmark 25% of the budget of the municipality to provide basic services to the urban poor. This budget is to be non-lapsable and this reform was earlier introduced under Jn-NURM.

Administrative Structure for RAY:

Under RAY a 3 tier administrative structure has been introduced, under which at the Central government level 3 bodies have been constituted-National Steering Committee(NSC) which is headed by the Minister-MoHUPA with the objective to provide overall vision and policy direction related to RAY, Central Sanctioning & Monitoring Committee(CSMC) to be chaired by Secretary-MoHUPA for sanctioning and monitoring of projects under RAY and Programme Management Unit(PMU) for assisting in implementation of RAY.

At the state level State Level Sanctioning & Monitoring Committee (SLSMC) is to be appointed which is to be headed by the Chief Minister for the purpose to recommend, monitor and guide the preparation and implementation of projects and reforms. In addition a State Level Nodal Agency (SLNA) is to be appointed which will pursue the projects for approval by SLSMC. In addition Technical Cells are to be constituted at the State & City

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level (SLTC & CLTC) having experts from the field of MIS, GIS, Town Planning, Social Development, Capacity Building and any other.

At the city level City Mission Directorate is to be constituted and to be headed by the Municipal Commissioner/Chief Executive Officer.

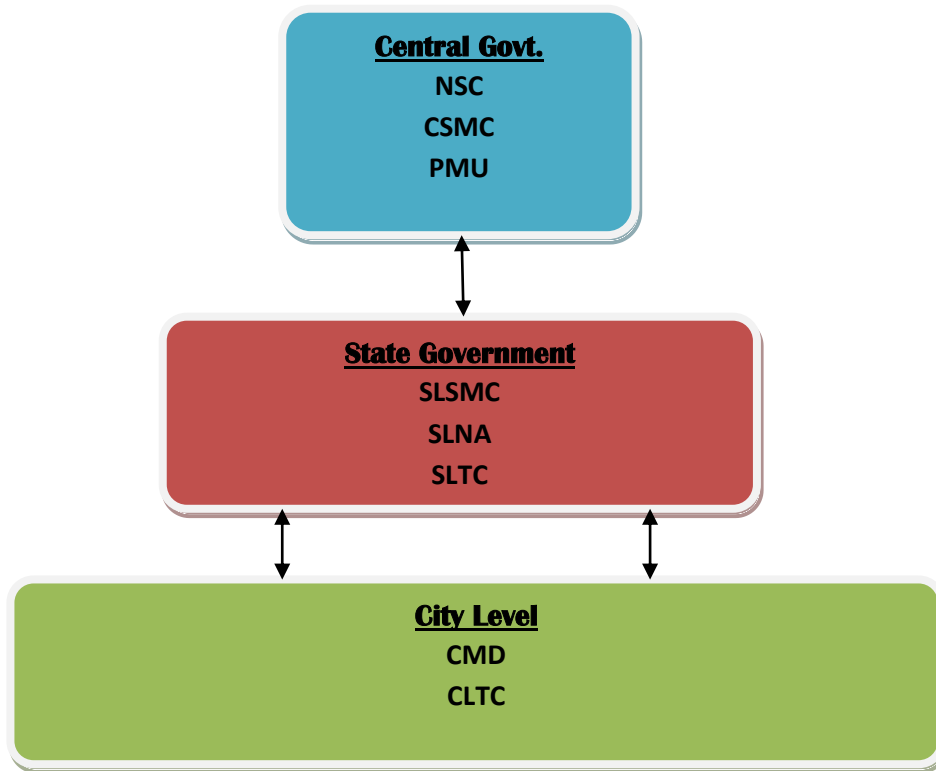


Diagram: *Administrative Structure of RAY*

In the second step, city and slum profiles are to be prepared which would include listing of slums(notified and non-notified), undertaking of surveys of slums, households and livelihood and integrating along with GIS-MIS mapping. After the analysis and interpretation of the data Micro Level Planning is to be done with participation of slum dwellers and CBOs. After MLP the Plan is to be prepared for a DPR. The DPR is to be approved by the ULB as well as the SLNA which will forward it to Central Steering & Monitoring Committee(CSMC) /Ministry of Housing & Urban Poverty Alleviation MoHUPA.

The Process:

The ULB, after finishing the task of Each DPR would be submitted through the State Nodal Agency (SLNA) with the approval of the SLSMC for appraisal by HUDCO & BMTPC. In the next stage the DPR along with the appraisal report are to be placed in the Central Sanctioning & Monitoring Committee (CSMC) for consideration and approval.

Admissible & Inadmissible Components under RAY:

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Admissible Components-

Integrated development of all slums, notified or non-notified, Development/improvement/ maintenance of basic services to urban poor including water supply, sewerage, drainage, solid waste management, approach and internal road, street lighting, community toilets/baths, informal sector markets, livelihood centres, pre-school, child care centres, schools, health centres to be undertaken in convergence with programmes of respective Ministries.

Creation of affordable housing stock including rental housing and ownership housing.

Capacity building, Community mobilization, Planning etc.

In-admissible Components:

Power generation

Telecom

Employment generation programmes

Staffing

Definition of Slum under RAY:

For the purposes incidental to implementation of RAY the definition of slum proposed by the Pronab Sen Committee has been adopted, the same definition has also been adopted for the Census, 2011. As per the Report “a slum is a compact settlement of atleast 20 households with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitary and drinking water facilities in unhygienic conditions”.

Preparatory Phase of RAY:

The period of the preparatory phase of RAY was from March 2010 to June 2013. During this phase the states were to undertake the following:

1. Preparation of legislation for the assignment of property rights to slum dwellers.
2. Slum surveys, MIS, GIS Mapping of slums,
3. Creating mechanism and structures for community mobilization
4. Developing institutional and human resource capacity, and
5. Undertaking pilot projects

Implementation Phase of RAY:

The implementation phase of RAY will begin as soon as the State/City Plan of Action(POA) is accepted and approved by the Centre. Along with the POA the Act or the executive order related to assignment of property rights to slum dwellers is to be approved by the SLSMC and submitted to the Centre. The Central government support under RAY will be calculated and dependent on the S/C POA.

The States & ULBs would be required to execute a Memorandum of Agreement(MoA) with MHUPA indicating their commitment to implement the reforms mentioned in their PoA. Signing of tripartite MoA would be a necessary condition to access central assistance.

During the Implementation Stage, before release of funds for projects it will be required minimally that:

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1). Enactment of legislation regarding property rights to be done within one year of the first project sanctioned.

2). Enactment of legislation for enforcement of the pro-poor reforms(begun under JNNURM) reservation of 20-25% of developed land for EWS/LIG housing in every public/private residential development and for a non-lapsable earmarking of 25 % of the budget of all municipalities providing basic municipal services to meet the revenue and capital expenditure of urban poor colonies and slums. It is mandatory to enact the respective legislation for the above reforms within one year of the first project sanctioned.

Financial Implications: Central Support, State, ULB & 'Beneficiary' Share:

Fifty per cent of the cost of provision of basic civic and social infrastructure and amenities and of housing would be borne by the Centre.

A minimum beneficiary share of 12% (10% in case of SC/ST/BC/OBC/PH and other weaker sections) of the cost of the shelter is to be recovered.

Guidelines for Preparation of a Slum Free City Plan of Action(SFCPoA):

SFCPoA is an important instrument for cities to attain the objectives of RAY. It is a citywide plan of action, which consists of two parts; a plan to bring about the improvement of existing slums through participation of the existing dwellers and strategies for prevention of future slums.

Broad Principles of SFCPoA:

The first principle is of inclusion. This implies no-eviction unless there is no alternative and in such cases alternative locations, chosen in consultation with the concerned urban poor communities must be provided.

In-situ upgradation of slums is the preferred option. Slum Resettlement, if absolutely necessary, will be to the extent possible within the same ward/zone or the adjoining ward/zone to minimize adverse impacts on livelihoods and community assets and access to health and education facilities. Plans are to be prepared with the involvement of the people.

Community participation should be ensured in all the stages of SFCP i.e. pre-survey activities, including mapping, conduct of survey, development of slum redevelopment model, implementation and monitoring.

Retaining livelihood linkages and home based economic activities in the slum redevelopment, up-gradation and improvement.

Rental housing is to be developed as an important component of the preventive strategy.

Guidelines on Community Participation:

The Guidelines on Community Participation describe the process of engaging communities in all the stages of RAY, including pre-survey, survey, preparation of slum re-development plans/strategy and Slum Free City Plan of Action (SFCPoA), micro planning i.e. preparation of DPR, implementation of slum re-development plans/projects, and operation and maintenance of the created assets.

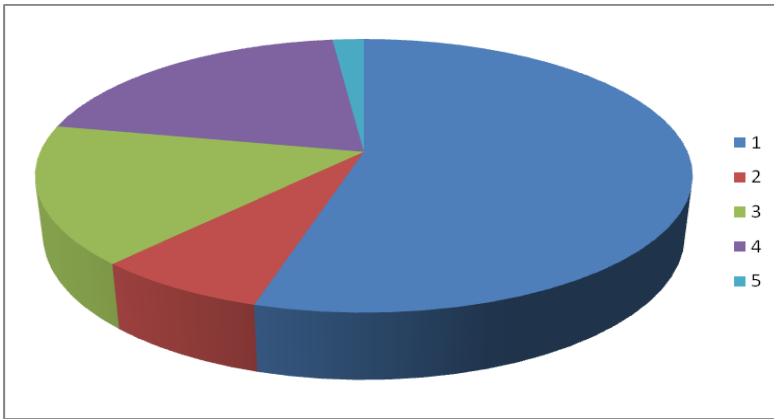
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To facilitate these processes lead NGOs and slum based CBOs/slum dwellers associations will be selected by the ULBs. The guidelines lay emphasis on community participation during the process of survey and preparation of DPRs by the way of micro planning. In most of the cites this is the stage where we are.

3. Pilot Projects (all India) Analysis:

Below here is presented an analysis of the 55 projects that have been approved till day under pilot project phase of RAY across 16 states covering 48 cities. These projects total to 42,488 dwelling units(DUs).

3.1) Pilot Projects Distribution as per their Type:



1-In-situ redevelopment(30 projects-54%)

2-Up-gradation(4 projects-7%)

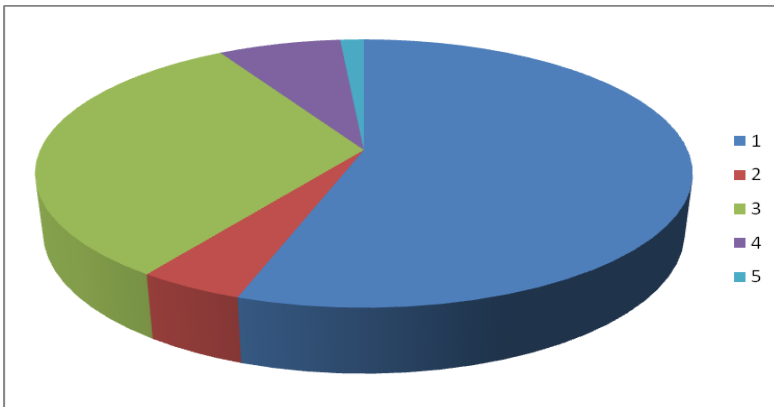
3-Relocation(9 projects-16%)

4-In-situ redevelopment & relocation(11 projects-20%)

5-Rental Housing (1 project-1%)

Till date 55 projects have been approved and more than half of the projects(30) are of in-situ redevelopment and 16%(9 projects) of the projects are relocation projects. Very few projects(7%-4 projects) have been undertaken for up-grading the existing slums.

3.2 Percentage of Dwelling Units as per Type of Project:



1-In-situ DUs(23,186-54%)

2-Up-gradation DUs(1872-4%)

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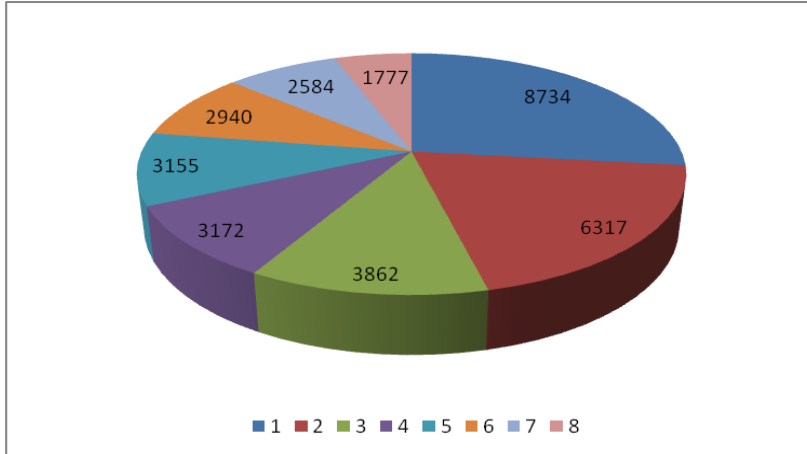
3-Relocation DUs(13,316-31%)

4-In-situ redevelopment & relocation DUs(3000 -7%)

5-Rental HousingDUs (576-1%)

Total Number of DUs-42,488

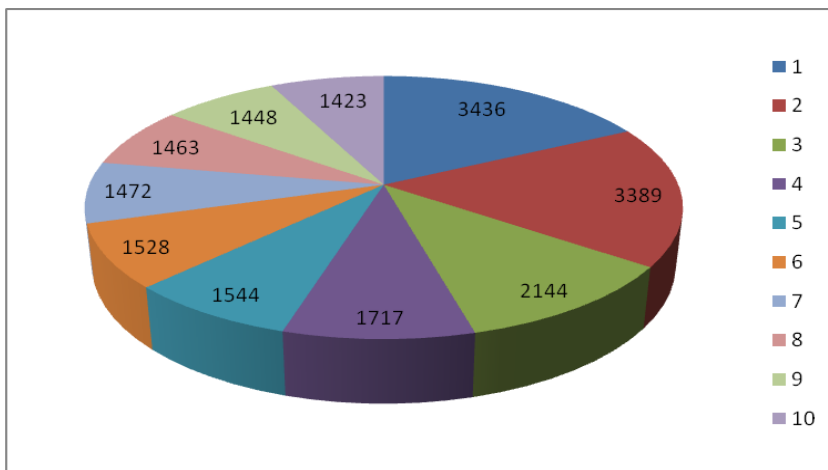
3.3) 8 States having 76% share of RAY DUs:



1-Rajasthan, 2-Madhya Pradesh, 3-Haryana, 4-Karnataka, 5-Andhra Pradesh, 6-Chattisgarh, 7-Uttar Pradesh, 8-Tamil Nadu

Although in total RAY pilot projects have been approved for 16 states but from the above diagram it is clear that only 8 states have garnered more than 75% of the projects. Thus it is clear that RAY pilot projects are not fairly distributed across the country and only select few states have managed to get the pilot projects.

3.4) 10 Top Cities in RAY Projects in DUs Numbers:



1-Jaipur, 2-Bhubneshwar, 3-Sirsa 4-Vijaywada, 5-Alwar, 6-Kota, 7-Chennai, 8-Indore, 9-Ajmer, 10-Rai Barelli

Total Number of Cities having RAY Projects-48

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In total 42,488 DUs have been approved spread across 55 cities but just 10 cities have got about half of the DUs. The above 10 cities total to 19,564 DUs

4. Experiences of Pilot Phase in States:

Madhya Pradesh:

According to the 2011 Census, Madhya Pradesh has 8.7% of the total slum population of the country which in the 2001 census was 7.2%. 27.7 % of its population is urban. Urban Administration & Development Department (UADD) has been assigned as the SLNA for Madhya Pradesh. The socio-economic survey and GIS mapping was done as part of the DFID funded MPUSP program during 2009-10 and the same has been used for the preparation of SFCPoA. Slum Free State Plan of Action & SFCPoA has been prepared for the cities of Indore, Bhopal, Gwalior & Jabalpur by Mehta & Associates. Mehta & Associates has been appointed as the consultant and have prepared the DPRs for the pilot projects. Thus no new survey was done for RAY, while money has been taken from the central government and shown to be utilized for the survey.

In Madhya Pradesh a total of 6 pilot projects have been approved 1 each for the city of Indore, Bhopal, Ujjain, Sagar, Gwalior & Jabalpur. Out of the six projects, 5 projects are of in-situ re-development and 1 project is of relocation.

The Government of Madhya Pradesh has amended the Madhya Pradesh Nagar Palika Rules 1998 to make provision of 15% of developed plots to be earmarked for EWS/LIG or reservation of 15% of dwelling units. The Draft MP Act for Property Rights to Slum dwellers has been prepared but pending approval.

For most of the cities the RAY projects have proposed for multi story DUs to which the slum dwellers are in opposition to since the demand in MP has been 'hamari chat, hamara makan' (Our house, our roof).

IN Indore, few months back the slum dwellers were being asked to sign the consent forms without they being aware, what the consent was all about due to the opposition that has been stopped. There is also discrepancy about the total number of slums, as per the government records it is much less than the existing numbers. In Bhopal also there are discrepancies in regard to total number of slums and in the past many of slums have experienced multiple evictions and relocations. In Ujjain about 700 DUs are already lying vacant which were built under BSUP, thus people are asking what is the need to construct new DUs when the existing ones are not occupied. For many of the slum families the area of 269 sq.ft is much less than what they are occupying already. In Gwalior, rather than conducting the survey, the local administration has asked for applications from slum dwellers those who are 'interested' in getting houses.

MP already had the Patta Act which provides for right to land and the RAY dilutes it to only right to the property due to which there is opposition, since for slum dwellers it is regressive

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and dilution of the existing legal provisions. Also there already has been provision of reservation of 15% Land/BUA, so RAY does not bring anything new.

Gujarat:

According to 2011 Census, Gujarat has 2.6% Of the total slum population of the country and 42% of its total population is urban. A large of urban dwellers live in slums, while 45 per cent of Ahmedabad's population lives in slums, in Vadodra the slum population % is 20 and in Surat it is 19.25% similarly about 20 percent of the Rajkot population live in slum areas.

As per records of Ministry of Housing & Urban Poverty Alleviation (MHUPA) Rs. 431.64 lakh has been released to Government of Gujarat for undertaking preparatory activities under RAY to conduct slum survey, GIS mapping, preparation of Slum-free City Plans and undertaking pilot projects for eight cities of Gujarat namely, Ahmadabad, Surat, Vadodara, Rajkot, Jamnagar, Bhavnagar, Bharuch and Porbandar during the financial year 2009-10. In cities like Ahmedabad, Surat, Rajkot Slum Survey, entry into MIS is under process, process of GIS has also been initiated is the news. Centre for Urban Equity-CEPT is preparing the SFCPoA for the city of Rajkot.

As recently as February Gujarat government has cleared a pilot project worth Rs 252.67 crore to make Ahmedabad slum-free. The state government has also approved a pilot project for Rajkot worth Rs 20 crore under the same scheme. Meanwhile in the recent past thousands of slum dwellers have been evicted in Ahmedabad for Sabarmati River Front Development, in Surat for Tapi river development and clearing way for BRTS, removal of slums for development of Aji River in Rajkot is also under perusal.

In Gujarat 2 projects have been approved from the cities of Ahmedabad & Rajkot. In Ahmedabad the slum survey has been completed, while in Surat, Rajkot & Baroda it is going on.

In Gujarat the housing schemes has been pulled in the politics between BJP & Congress as to counter the central government funded housing programmes, the government of Gujarat launched the Mukhya Mantri Gruh Yojana to which the Congress party disputes.

Jharkhand

RAY has been proposed in the 4 cities of Ranchi(5 slum areas), Dhanbad, Jamshedpur and Chass(6 slum areas). The Urban Development Department has been appointed as the SLNA. During the pilot phase not a single project from Jharkhand got approved.

A very important point that needs mentioning here most of the slums are located on lands that belong to government or private sector companies and these slums are not entitled for any government program or schemes like RAY etc., whereas slums located on government and

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private land are eligible this classifies the slums in two category (Slums on company land – ineligible and Slums on government/private land- eligible). Although the Model Property Rights Bill does not differentiate between slums on the basis of land title, the opinion of Jharkhand government is still not clear in this regard.

The understanding of *Teneable* and *Non teneable* in Ranchi is that old villages should be considered teneable, and household living on rent and encroached communities situated on government of private land should be considered non teneable ,such method is being used to classify the slum communities, the issue here is the need to clarify the definition of non-tenable ,only communities located in hazardous environment should be considered as non tenable. The result of using such method to classify slum community is rendering large number of household ineligible in spite of being eligible, depriving them the benefit of in-situ development. There are greater chances or violation of their right to housing.

Ranchi Municipal Corporation is developing a cluster development project of 4 communities as a pilot project (Lohara koccha, Nagkhumb, Baryatur and Mohavatoli), proposal for the same has been submitted, with regards to the project, members of the committee for Lohar koccha Mr.Sabloo NirajKhan and Jagdish Lohara mentioned in discussion that Corporation has already done the survey and have given information on providing a house 8 months back, however, where will the house be and how is it going to be (structure, location etc..) is unclear and was not shared by the authorities.. RAY guidelines clearly mentions People participation in the process but that does not seem to be case here.

Maharashtra

According to Census, 2011 Maharashtra has 18 % of the total slum population of the country. In Maharashtra, Maharashtra Housing & Area Development Authority(MHADA) has been appointed as the SLNA for RAY. In the first phase 25 cities have been included in the list of cities covered under RAY. In cities like Nagpur, Thane, Akola, Pune, Mira Bhayander, Bhiwandi the survey has been started. A project was proposed for the city of Sholapur but CSMC has not approved it as yet. WAPCOS, a government of India enterprise based in Gujarat has been given the task of undertaking surveys and preparing SFCPoA.

Slum dwellers from 25 slums from Mumbai are demanding for implementation of RAY but the state government of ULB has not agreed to their demand as yet. One of the major area of contention has been the issue of cut-off date which presently is 1995 and the state government is not agreeing to extend it to the year 2009.

Odhisra

Odhisra has 2.5% of the total slum population of the country according to the 2011 census. In the state of Orissa in total 5 projects have been approved in the three cities of Bhubneshwar(3), Jajpur(1) & Cuttack(1).

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According to the Bhubaneswar Municipal Corporation (BMC) survey there are 377 slums in the city, out of which 56 slums have been recognized by the BMC as teneable and the rest are non - teneable. There is no specific provision under RAY in connection to in-situ for the non teneable slums, and there is a plan to shift non teneable slum dwellers in vertical structures (multi- storey building) outside the city, this has led to rise in insecurity within the people.

Community people are opposing the survey under RAY because the institution carrying out the survey is not working in the given communities and hence there seems to be lack of trust, there has been no efforts put in building relationship with community members and representative. Had the people known the institution, probably the participation and acceptance would be high. Awareness and education on RAY seems to be lacking in communities. At the same time there is a big question mark on the organizations carrying out the survey in terms of their time and resources.

The state government has proposed the Odissa State Property Right Bill but the state assembly is yet to pass the bill. The said Bill does not mention those slums dwellers that are in- eligible, does that mean they would be summarily evicted and rendered homeless? While the central government Model Act mentions that “Every person living in a slum area who is in-eligible under sub-section (1) shall be provided with an all weather built space to live in, with provision of all basic civic services and other infrastructure facilities, which may be on rental basis at the same site as the eligible slum dwellers or elsewhere, so that no slum family is left living in a slum like condition and the whole slum can be redeveloped as per the provisions of the this Act”. This in-consistency of the state law in context of the Central government’s model law need to be addressed.

Bhubaneswar Municipal Corporation has surveyed a total of 377 slums in the city, out of which 56 slums have been recognized by the BMC as tenable and the rest are non – teneable. The criteria on the basis of which they have decided 56 slums to be tenable and the rest to be un-tenable is that the former are notified while the later are not notified slums. This is against the provisions of the Guidelines that have been issued for preparing Slum Free City Plan of Action. Thus a large number of slum dwellers are facing eviction and rehabilitation far away from their place of residence.

In context of the Pilot RAY project in Bhubneshwar, the relocation site(Rangamatia) that has been proposed is 15 km away from the main city. This site has been identified to make rehabilitation colonies for non-tenable slums, although the same is being used by villagers to conduct its yearly cultural activities hence people of Rangamatia are strongly opposing this plan, they are not ready to come in terms with the fact that outsiders will be occupying their land. Further, relocation of residents of non-tenable slums 15kms away from the city will severely jeopardize their livelihood.

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Uttar Pradesh

Uttar Pradesh has 9.5% of the total slum population of the country according to the 2011 census which in the 2001 census was 11%.

In Uttar Pradesh 8 projects have been approved from 6 cities of Lucknow(1), Kanpur(2), Agra(1), Kannauj(1), Rai Bareilly(2), Rampur(1). Out of the 8 projects, 6 are in-situ redevelopment and up-gradation and 2 projects of relocation.

RCEUCS-Hyderabad has been given the task of preparing the SFSPoA. In the year 2012, July State Urban Development Authority (SUDA) was appointed as the nodal agency (SLNA) for RAY.

The Bill regarding UP Property Rights to Slum Dwellers Act has been prepared by SUDA and has been forwarded for the approval of state cabinet after which it will be sent to MoHUPA. The copy of the same is not available in the public domain.

In Lucknow, under RAY 609 slums have been identified while as per the civil society survey there are 783 slums.

Under USHA a comprehensive Slum Profile, Household Survey & Livelihood Survey was supposed to be initiated, that has not been done properly. Thus the Plan of Action(PoA) is being formulated without completing the survey. The Slum Free State Plan of Action (SFSPoA) for UP has not been formulated due to which problems are being faced.

In Allahabad 27 slums that fall in the cantonment area have not been surveyed.

There is issue of renters, during the survey, whether they will be surveyed or not, will they be part of the resettlement or not, there is no clarity around it.

In Lucknow there is not only Gomti River but a large number of nallas(drains) and most of the slums are located on the banks of the nallas. Kukral Nala was un-tenable when slums were there but after the slums were removed, the land use was changed and made as tenable.

Most of the slums in Lucknow are at the banks of either the Gomti River or the natural drains. As per the definition of un-tenable slum given by MHUPA

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5. Learnings & Scope for Future Interventions & Advocacy:

A. Community Participation Lacking:

RAY, rightly lay emphasis on the community participation and this has been well laid down with the modalities in the preparatory phase as well as the implementation phase. Comprehensive guidelines have been issued in regard in to community participation and the same has been well laid out in the guidelines of drawing a plan for slum free city. The experience of all the cities visited shows that there is complete violation of community participation norms. In most of the cities slum dwellers are not even aware of the guidelines and seems that hardly any effort has been made by the state agencies in bringing in that awareness.

B. Apprehension of Displacement & Relocation amongst slum dwellers:

The past experience of state initiated housing programmes like VAMBAY, BSUP & IHSDP has led to further deterioration and relocation in many of the cities. Due to this slum dwellers have this well placed apprehension that the same will be repeated in RAY. The experience with earlier schemes has been that not all of the slum dwellers have been declared eligible and the rehabilitation has been in the form of relocation and that too at the periphery of the city. The relocation sites are not serviced with transportation facilities and have caused either loss of livelihood or has affected it negatively.

C. Property Rights Bill

The proposed provision of bringing in a legislation that would provide property rights to slum dwellers is a welcome move since it provides for a legislative framework for protection of rights of slum dwellers with a cut-off date which for many of the states is progressive. Till date very few of the states have brought in the law and even the draft has not been prepared. A need is to initiate state level campaigns on the issues of preparation and passing of the state property rights to slum dwellers act.

D. Prevention of Evictions

The draft property rights bill can be used as a strategy to prevent or stall forcible evictions where ever they are happening. For this it is imperative that a campaign be initiated which would raise the awareness amongst the slum dwellers as well as the government officials of existence of such a draft law that provides for protection against summarily eviction.

E. Slum Free City Plan of Action:

The SFCPoA provide for an opportunity where the urban poor, if well organized, can intervene at the macro level of the city planning. Since PoA is the avenue where decisions related to the over all city are going to be charted out, the intervention of urban poor might be able to chart out the course to their benefit. In the cities where the PoA have been prepared it

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will be of benefit to critically understand them and in cities where they are under process the local organizations can demand for a participatory approach and an intervention can be made.

F. Slum Surveys

Surveys form one of the most important aspect of the process of implementing RAY. Although the guidelines lay emphasis on community participation during the stages of pre-survey, survey and post survey. But the experience of the cities tell that it has not been so. It is important that slum dwellers are mobilized at the very start of the process of conducting surveys so that they can be on board through-out the process of RAY implementation. Care also needs to be taken that the process of survey is inclusive and slum dwellers are not excluded on the basis of tenability, cut-off date or status of being rental or any other criteria.

G. In-situ Redevelopment vs. Relocation

It is imperative that the organizations working in slums and slum dwellers themselves advocate for in-situ up-gradation or in-situ redevelopment rather than relocation. If there is no vocal voice of the urban poor in this regard then RAY is going to be used against them as a strategy to relocate them as has been past experience of other housing programmes.

H. Tenable/Un-tenable slums

In most of cities where pilot projects have been proposed, one of the challenge that slum settlements are facing is the issue of tenable and un-tenable slum. As per the definition of tenable and non-tenable slums given by RAY, most of settlements get declared as un-tenable due to which they are considered un-viable for up-gradation or in-situ redevelopment but are being relocated. In this context it is important either to work for revising the definitions of tenable and un-tenable slums or to work towards developing guidelines for ensuring minimum hardship at the time of relocation.

I. Awareness Campaign:

In all the meetings that were conducted it has come out clearly that in-depth awareness amongst slum dwellers and even the organisations about the RAY programme is lacking or not up-to mark. There is general awareness about the programme, what it means but when it comes to the details, its in-depth knowledge the awareness is complete. Lack of such an in-depth knowledge is affecting the meaningful engagement with the state authorities. Full knowledge about the scheme can help in better strategizing and meaningful engagement with the state.

J. Mapping Good Practices:

IN many of the cities we could see that few of the civil society organisations have been able to force the state authorities into meaningful engagements due to which certain good things are emerging out. These engagements and practices need to be publicised to the maximum so that they can be a good learning lesson for other civil society actors. In Jharkhand, cities like Ranchi & Jamshedpur have been able to have the local activists involved in the process of the

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slum surveys which has resulted into inclusion of many slum settlements as well as families who earlier were being left out from the process of mapping and surveys.

In Bhopal the local CBOs have been able to form Quality Inspection Teams for projects implemented under JNNURM, which now are intervening in the processes of RAY. In city of Indore a local CBO has been successful in rejecting the plans of authorities to shift them in high rise buildings instead the authorities have been forced to ask the community for submission of alternative plans.