

Status report on RAY & Housing Rights issues & Challenges in Jharkhand

Ranchi slum dweller struggle and threat of eviction on Company land- A primary account

(Case Study)

Suno! Suno! Suno! Kal Tak Ghar Khali Kar Do!

On 2nd of February 2013, Heavy Engineering Corporation (HEC) authorities went around making an announcement on the loudspeaker, ordering 28 communities to vacate their houses or else face the bulldozer. Around 25 thousand household (1.25 lakh people) are likely to be directly affected by HEC action, this kind of similar efforts have been done on several occasion in the past, but, this time the company carried out its intention in an organized manner. The company has deadline up to 4th February to clear the land, given this sudden action of the company there is immense sense of insecurity and fear in the communities, emotions are running high. After this verbal notice or threat if one may say so, the community organized themselves and raised their voices for right to housing creating an environment for political parties to take a note of the same and parties across state have extended them the support. Mr. Vinay kumar- Organizer of the HEC basti bachao sangharsh samiti has warned that the company will have to face serious repercussion if it goes ahead with its agenda of demolition. “The community members both men and women will surround the main office and agitate, given the present situation there are chances of the agitation turning violent and HEC and its authorities will be solely responsible for any outward incidents” he said. A public meeting was organized from 4-6th February, 2013 in 5 major cities of Jharkhand (Tatanagar, Ranchi, Dhanbad- Chaas- Bokara) to gather support.

Effective strategy: The community leaders and members approached the owner of the bull dozer and restraint him from giving the bull dozer to the company which would have otherwise resulted in forced demolition.

Background

Heavy Engineering Corporation (HEC) was founded in the year 1958, late prime minister Pandit Nehru had hailed it as 'Modern temple' and around 35 munda villages were displaced to acquire more than 7 thousand acres of land on condition that inability to develop or utilize the land for proposed project or any such unforeseen future circumstances the land should be handed over to its original inhabitants. The company rehabilitated the displaced families in jagannathpur, new colony, mausibadi and other areas, in around 22 villages and the very same authorities are now trying to displace the families by giving a call to vacate the land. Ten years since the start of the project the company has sold its land to 30 different agencies showing total disregard to the law of the land.

Present Status

The state has plans of developing greater Ranchi on 2342 acres of land owned by HEC. This means the slum communities on the given land will have to be either evicted or demolished. The company is presently facing economic and financial crunch the Central government secretary for heavy industry Mr. Khandelwal's in his letter to the joint secretary -heavy industries on 22nd February 2007 on permission of rehabilitation/revival package for HEC stated that the government will pay Rs.500 crore to the state electricity board, and in return HEC will handover 2342 acres of the land to the state government provided, the land is free of encroachment. There are reports that government has already paid 850 crore to the water and electricity board balance 290 crore was to be paid to HEC in cash out of which 139 crore have already been given to HEC and balance 111 crore is yet to be paid. There are talks in the communities that state and the company has secretly made the deal to free the land of encroachment. Presently Jharkhand is under President Rule and in absence of elected government there are high chances of carrying out the eviction with ease, however, people have agitated and stopped the eviction for now but some basic questions have risen in the context of housing rights in the state.

RAY status in Jharkhand:

The identity and economic activity of the 4 cities of Jharkhand are interlinked with the companies that have played a prominent role in the cities progress and process of urbanization .(Tata Iron & Steel Co – Tata nagar, Bharat Coking Coal ltd- Dhanbad, Heavy Engineering Corporation (HEC) – Ranchi and Bokaro steel company ltd- Chaas Bokaro). It is important to understand the background of these cities in order to understand the issues of housing rights. The companies that are presently functioning here fall in two categories (public and private ownership), the government acquired thousand of acres of land for these companies and the four cities in state of Jharkhand have solely grown and urbanized due to the economic activities of these companies. Chhattisgarh came into existence after separation from Bihar. Since ranchi being the state capital, there is new dimension to the growth of the city leading to urbanization.

The slums communities in these cities are located in the company land and some are on the government and private land holdings. A very important point that needs mentioning here is that *slums located on company land are not entitled for any government program or schemes like RAY etc.*, whereas *slums located on government and private land are eligible* this classifies the slums in two category (Slums on company land –ineligible and Slums on government/private land- eligible).

Observation & Suggestions

- Land acquired by the company is lying vacant and unused/under utilized - why was this acquired and why should it not be handed over to the original land owner? Issue of land is closely linked to livelihood and food.

- The company employs contractual workers as well as regular workers, these contractual workers provide supportive service to the regular workers and the company, it is therefore imperative that company takes responsibility of the people, and ensure that they are integral part of the development process.

- Company has given the acquired land to many different government and private agencies eg. (National institute of foundry, Thomas school, Bangiya sanskrutik parishad, Nehru bal mandir etc.) the existing slum communities are ready to pay the price for the land as per rules and regulation, but the company refuses to give the land which lying unused and vacant, this is gross violation of human rights. The attitude of company authorities is anti people, if the land can be given to agencies/organization why can't they be given to people?

- There is a need for clear policy decision and guidelines and the same needs to be debated and tabled in context of housing rights and industrial towns.

- The settlements are divided into government land/private land holding and company land. Some of these slum colonies have been in existence since last 25 year and come under Municipal Corporation and other government authorities. For eg., Bau Bazaar banastalao is located on the fisheries dept land, Kadrookultoli is situated on railway land. Bau bazaar has three generation of people living on the land. The communities here continue to live without any basic services or entitlement (Electricity, water, ration card) all are employed in informal economy (men as rickshaw driver and women as maids) they have a voting ID but have no basic facility. The authorities here shared that there is no state policy on slum declaration hence they have no clear cut understanding and guideline on addressing these issues, this seems to be the case across Jharkhand and large number of slums exist in Jharkhand, therefore there is a big question on their entitlement rights, basic services and food security and several such issues that rise.

- GIS and MIS process has started under Ray by the Ranchi Municipal Corporation and so far 15,000 household have been surveyed and 8000 household data has been entered in the system. This information was shared by technical officer (Kingshuk) RAY cell, during the discussion.

- 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 or 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.Saboo 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 houses be and how (structure, location etc.) is unclear and is not shared by the authorities. There seems to be greater likelihood of the pilot project failing without people's participation in the given process. RAY guidelines clearly mentions People participation in the process but that does not seem to be case here.

- In context of Peoples participation and pilot project while in discussing with the Municipal Corporation Cell we were informed that CBOs have not been formed, social mobilization team looks into this work, on being asked about the difficulties they faced, they shared mobilizing the community and getting their participation is the most challenging task. The issue here is that technical team and social mobilization team does not seem to be working together, and somewhere it seems their activities are not Insync and collaborating with one another.

- There has been no decision made in relation to Ngo participation and lead NGO. The whole aim seems to be addressing and completing the mandatory part under Ray and optional things are being totally ignored or disregarded. There should be no optional provision under RAY, it is necessary to make everything mandatory otherwise effective implementation and impact will not be visible. However the authorities did say they are open to inputs and suggestion on participatory approach to RAY. Therefore we need to give a memorandum to the cell on how the process can be made a participatory.

- The central Government has mentioned on its website on RAY that Jharkhand government has submitted a draft giving recommendation to the centre, and the same has come back to state, but on speaking to Ngo, Cbos , Municipal cell and authorities they mentioned that no such policy or discussion has been done by state. Therefore one need to address the issue of transparency in making the process people participatory and given the present president rule in the state there is a big question mark on the same.

Some Facts

Tata nagar- 123 slums (Teneable-70 rest non teneable)

Dhanbad- 150 more (Teneable – 70 and rest are non tenebale)

Ranchi- 150 (Teneable -65, the rest are non teneable)

Bokaro – (All are non teneable.)