

Recommendations of the National Advisory Council

Reforms proposed for the Rajiv Awas Yojana

Rajiv Awas Yojana (RAY) marks an important advance in the approach of the Government of India to social housing for the urban poor, slums and basic public services for poor urban settlements. It is too early for any evaluation of the progress of RAY. However, even in this initial phase of RAY, some clarifications and amendments in RAY are proposed by NAC. These are intended to strengthen the programme's impact on social housing and basic services.

1. Eligibility of the homeless and precariously housed

Under the current guidelines, residents of slum settlements are eligible for RAY. Inclusion of the most vulnerable city residents is proposed. These include:

- i. settlements of homeless people, and in addition scattered homeless persons who do not live in groups;
- ii. settlements of the 'precariously housed', or persons who live in pavements; parks, vacant lands or even waste dumps, under plastic sheets or other temporary materials;
- iii. residents of homeless shelters;
- iv. persons on construction workers' camps; and
- v. domestic help who live in the houses of their employers.

The Ministry of HUPA may issue guidelines that these categories are covered on priority basis

2. The scattered poor and definition of slums

RAY defines a 'slum as 'a compact settlement of at least 20 households with a collection of poorly built settlements, mostly of temporary nature, crowded together usually with inadequate sanitation and drinking water facilities in unhygienic conditions'. This leaves out scattered slum residents, who live in more isolated small groups, or in solitary dwellings, which should be included.

3. Other eligibility barriers

Under current RAY guidelines, all eligible persons under RAY should be landless. Even the very poor may well own homestead lands in their villages. It needs to be clarified that a 'landless person' is one who does not own either in his or her own name or in the name of any member of his or her family any dwelling unit or land in an urban area.

4. Social Amenities and basic services –water, sanitation, child care and health care services

Studies establish that slums often have high child malnutrition and mortality statistics. This is because of the very poor condition of drinking water and sanitation. This should therefore be the priority for allocation of budgetary outlays under RAY in any city. RAY guidelines

should ensure universal coverage of the entire slum population with respect to safe drinking water, water for domestic use, toilets, drainage, sewerage, and solid waste management systems. Child nutrition and improved health for all populations would also require major investments in child care services in slums. These basic rights should be de-linked from the issues of land tenure and the legal status of the land on which the person is dwelling.

5. Mapping and Survey

It is imperative that processes which are transparent, participatory and just are established for mapping slum and homeless settlements; and for survey of eligible persons. Settlements and households that feel they have been left out should be free to appeal. A clear mechanism of grievance redress should be provided with provision of appeal which should lie with designated competent authority, which should be dealt in a time- bound manner.

6. Transparent slum tenability assessments

The decision about whether the settlement is untenable and relocation of the slum absolutely necessary should be made after due process - which is transparent, participatory and fair. RAY guidelines currently prescribe in situ development of slums to be the norm, and relocation of untenable sites to be the exception. However, the early experience of RAY in several States has been otherwise. Therefore, it is suggested that a clear process to establish the criterion for what is the definition of tenable and what constitutes 'untenable' and 'hazardous' lands is established, made widely known to the people, and decisions taken on a case to case basis through an open transparent due process. A committee should be constituted, including independent experts and representatives from slum dwellers' associations, which should decide on the tenability of slum sites with reasoned orders in writing, which would be duly appealable.

7. Moratorium on forced evictions, and humane resettlement and rehabilitation

A moratorium on all forced evictions or evictions without following due and transparent process must be invoked. It should be ensured that displacement from existing settlements should be resorted to only in the rarest cases, only when there are very strong reasons of public safety, to move them to a fresh location. Any such relocation should be preceded by prior and full resettlement and rehabilitation.

8. In situ development with transfer of land rights

For slum dwellers on tenable land, full property rights must be guaranteed together with the option of in situ development. The government should recognise the rights of slum dwellers over the lands on which they currently reside. The State Governments should take steps for enactment of laws to vest property rights in slum dwellers, preferably within the redeveloped site on which tenements currently stand. Legal titles to the land should be in joint ownership of all adult women and men in the household, and should be heritable.

9. Prevention of future slums by reserving urban land for social housing, ensuring adequate reasonable housing spaces and spaces for production

To prevent future slums, 25-40% of land in city development plans should be reserved for housing of urban poor, and for creation of new social housing stock. The livelihood activities of slum dwellers should also be taken into account in this planning process, and space for livelihoods should be reserved both in slums and rehabilitation sites. Diversion of land earmarked for the poor to other uses should attract stringent penalties.

10. Investments in building, supporting and strengthening Urban Local Bodies and community organisations of the urban poor, including of youth and women

RAY envisages community participation at all stages of planning and implementation. It also states that Slum Dwellers Federations will be encouraged to partner with Urban Local Bodies in planning and execution. However, the scheme's current framework does not provide for effective community participation in planning and implementation.

All stages of RAY - including mapping and surveys, design consultation, implementation and evaluation – should mandatorily include community participation and approval. Disbursement of funds should be linked to completion of participatory processes, for which there should be clear benchmarks. Slum, Homeless and Labour Community Based Organizations(CBOs') and Cooperatives should be given priority in social housing and slum infrastructure development.

5% of the RAY resources should need to be earmarked for capacity development of CBOs/Cooperatives and Urban Local Bodies. Large programmes should be undertaken aimed at capacity development and leadership development programmes for community-slum level organisations with a focus on women and youth.

11. Support for urban Poor, Instalments and Payments Issues

It is recommended that the requirements of down payment are done away with, and replaced with monthly Equated Monthly Instalments (EMIs). Cost of construction should be pegged to actual costs of building materiel and cost of construction, and should not include the cost of land and other development charges. Cost ceilings may also need to developed, based on studies of average income of slum residents of the city, and in no case should monthly instalments exceed 25% of the average income. A 75% or 100% subsidy for single women, disabled persons, and old age persons may be considered. For the homeless, a subsidy of 25% may be considered.