



(Regd., Public Charitable Trust No 599 / 94--95 IV)

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8 December 2010

The Chief Secretary &
Chairman, State-Level Empowered Committee (JNNURM)
Vidhana Soudha
Dr. Ambedkar Veedhi
Bengaluru 560001

Dear Sir,

Subject: State-Level Empowered Committee Meeting on JNNURM on 8th December 2010 - Request to take immediate steps to correct the anomalies in BSUP-JNNURM implementation

Reference: CIVIC's study report from 20 slums of Bengaluru on BSUP-JNNURM implementation

CIVIC is working on urban issues in Bengaluru since 1992. We conducted a study on the implementation of JNNURM-BSUP projects in 20 slums of Bangalore - 10 each by the two implementing agencies, the Bruhath Bengaluru Mahanagara Palike (BBMP) and the Karnataka Slum Clearance Board (KSCB) this year. The focus of the study was on the processes employed at the ground level vis-a-vis Central Government Guidelines and issues emerging from the ground.

We understand that a State-Level Empowered Committee meeting is taking place tomorrow, 8th December 2010. We wish to bring the following issues to your kind attention which need your intervention.

I Priority attention: A few major issues that are impacting the beneficiaries and need your immediate intervention are:

- a. Absence of proper transit stay arrangements
- b. Absence of clarity on beneficiary contribution
- c. Absence of clarity on security of tenure

II Broader issues: The following broader issues pertaining to conditionalities accepted while signing the MoA with the Centre need your consideration:

1. Earmarking of land for EWS/LIG: JNNURM requires a State legislation by which at least 20% of the developed land in all housing projects (both public and private agencies) would be earmarked for the Economically Weaker Section (EWS) as well as Low-Income Group (LIG) categories. But this has not been implemented so far so that huge private housing projects are coming up which have not earmarked any housing for the EWS/LIG.

2. Slum-free city has not been the goal: Even though the total slum population of Bangalore is estimated to be about 15 lakhs or 5 lakh households, the CDP recommends that only 2,17,257 households should be covered by the BSUP. Yet, the total number of dwelling units being constructed by both BBMP and KSCB is less than 16,500, which is hardly going to make the city slum-free. The city needs to be made slum-free during the remaining period of JNNURM.

3. Internal earmarking of budgets for urban poor: JNNURM prescribes internal ear-marking of budgets of ULBs for the poor in proportion to their population. This is not being done or, if done, the monies are not being spent. Service level agreements need to be drawn up for officials to ensure that the required amounts are ear-marked and mandatorily spent.

4. Community Participation Law: The Community Participation Law approved by the Cabinet has been drafted without its contents being publicised while drafting it as required under Section 4(1)(c) and (d) of the Right to Information Act. The Draft Bill needs to be put in the public domain immediately and public consultations held on it. The provisions need to enable communities to elect their Area Sabha Representatives and hold Ward Sabhas.

5. Pubic Disclosure Law: The Karnataka Local Fund Authorities' Fiscal Responsibility Act has been touted as the equivalent of the Public Disclosure Law required under the JNNURM. However, no Rules have been framed under this Act till date. BBMP is hence preparing unrealistic budgets without adhering to the principles of budget-making prescribed under this law.

III Issues with respect to implementation

1. Absence of socio-economic database on all the slums: This basic prerequisite to map the needs of the communities and draw the priority list of slums is absent. This has led to *ad hoc* selection of project sites, in some of which communities are showing resistance to the projects and, in some cases, projects are halted because of land disputes. In two projects, there are no identified beneficiaries at all.

2. Absence of consultations with communities: In all the 20 slums, the project was never discussed in detail with community members. Consent was not sought from communities. People were only told that such a project was being implemented

for them. The projects were thrust on the communities without prior informed consent.

3. **Absence of detailed community socio-economic survey in project sites:**

This necessary exercise to determine the needs of the community and thereby to develop the appropriate Detailed Project Report (DPR) is conspicuous by its absence. All the DPRs we got under RTI have the cost abstract and technical details only, reducing the entire BSUM-JNNURM to a mere housing project.

4. **Absence of proper transit stay arrangements:** While the BBMP has provided some sort of arrangement; the KSCB has totally ignored this element pushing the families to live on the pavements.

5. **Absence of beneficiary committees:** They were to be formed to monitor project implementation. Nowhere was this found. Beneficiaries are kept totally out of the project implementation process.

6. **Absence of clarity on beneficiary contribution:** The Central guideline directs that this should be discussed with communities, installments decided with them and also that loans be arranged for them from public institutions. This was never discussed in any of the slums. There is no document that exists anywhere which stipulates timeline for repayment and amount. This has led to arbitrary methods of collection from poor families.

7. **Absence of clarity on security of tenure:** The Central guidelines direct that the women of the family should be given security of tenure. But no patta/khata has been issued in any of the sites. Neither BBMP nor KSCB is clear on the issue. There is no document that clarifies this issue either.

8. **Absence of Project Implementation Unit (PIU) and Project Monitoring Unit (PMU):** BBMP has no PIU or PMU. KSCB set up a PIU only recently. This institutional inability to establish PIU and PMU has led to ad hoc implementation resulting in all the above anomalies.

9. **Absence of “whole-slum approach”:** The guidelines direct that a “whole-slum approach” be adopted to provide slum-dwellers access to seven basic services, security of tenure, housing, water, sanitation, health care, primary education and social security through convergence and dovetailing of other programmes like Sarva Sikhsa Abhiyan, Health Mission, Aam Aadmi Bima Yojana, Rashtriya Swasthya Bima Yojana, National Social Assistance Programme, Prime Minister's Employment Generation Programmes, SJSRY, etc. There is not even one step taken in this direction by any stakeholder government agency.

10. **Absence of Monthly Programme Implementation Calendar (MPIC):** JNNURM being a central scheme, the mandatory MPIC is conspicuous by its absence. And when asked under RTI, a copy of 'action plan', BBMP could provide one para of explanation only.

IV Our request and recommendations

We request you to take note of all the above lacunae in BSUP-JNNURM implementation and do the needful immediately.

Broader issues

1. **Single-window for urban poverty alleviation:** Urban poverty alleviation can be achieved only with a well-defined 'Pro-poor Policy' conceived under a single umbrella of all departments (which should have happened under whole-slum approach in JNNURM). The framework for this pro-poor policy has been already defined in the SJSRY guidelines, which again has not materialized all these years. **SJSRY guidelines direct that an Urban Poverty Alleviation Authority be established at the UD secretariat level and an Urban Poverty Alleviation Cell be established at the ULB level with a 'single window' delivery system of all pro-poor schemes.** We request you to establish this 'single window' delivery mechanism backed by a 'Pro-poor Policy' immediately to holistically address urban poverty.
2. **Earmarking of land for EWS/LIG:** Earmark at least 20% of the developed land in all housing projects (both public and private agencies) for the urban poor.
3. **Slum-free city:** Achieve slum-free city during remaining period of JNNURM or at least the goal of housing 2,17,257 urban poor households as required under CDP.
4. **Budgets for urban poor need to be internally earmarked in ULBs** and service level agreements need to be drawn up for officials to ensure that the required amounts are ear-marked and mandatorily spent.
5. **Publicising Community Participation Law** and organising stake-holder consultations on it.
6. **Framing Rules under KLFAR Act** as equivalent of Public Disclosure Law and its implementation

Implementation issues:

1. Form City Technical Advisory Group (CTAG) immediately in a transparent manner, as per the central guidelines.
2. Put all details of the projects, CDPs/DPRs, beneficiary lists, budgets, project progress and expenditures, etc., in public domain.
3. Take stock of the present situation collectively – involving all stakeholders. Draw 'action plans' accordingly.
4. Make sure that in all project sites proper transit stay arrangements are provided with water and toilet facilities.
5. Create beneficiary committees at each project site, educate and empower them with entire project details.
6. Appoint the Third Party Inspection and Monitoring (TPIM) team immediately with clarity of role and responsibility.

7. Monthly Programme Implementation Calendar (MPIC) as mandated under any Central scheme has to be immediately put up on-line.
8. Quarterly review under SLSC/CTAG at the city level and under PMU/PIU/TPIM at the site involving all stakeholders.
9. Draw up a process for social audit and conduct social audits as per the guidelines in all project sites.
10. SLSC to bring out a procedure paper with clarity on security of tenure and beneficiary contribution.
11. A “whole slum” approach needs to be adopted and convergence of livelihood, primary education, primary health and social security schemes ensured.
12. Efforts should be made for providing at least 30% open areas along with 15% organized green area in the layouts.
13. An opportunity be provided to the beneficiaries to work on the site to enable them to earn a livelihood at the time of project implementation. Or, the wages earned by them could be counted as beneficiary contribution towards the project.

We also request you to kindly provide us an opportunity/appointment to discuss these issues with you.

Yours sincerely,

Kathyayini Chamaraj
Executive Trustee
97318 17177

Enclosed: JNNURM study report

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Commissioner, KSCB

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