

PILOT SLUM & URBAN HOMELESS STUDY



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In association with members of the
NGO Forum for Street and Working Children, Bangalore

About CIVIC

CIVIC is a forum for discussion and action by citizens on issues facing Bangalore city, its development and future. Its vision is to create an informed, involved and active citizen base, that is aware of its rights. The focus is also on participatory development processes that relate to the needs of the urban poor – the marginalized and voiceless, who live on the periphery of the city's growth, increasing peoples' participation in local governance, striving for greater equity using the Nagarpalika Act (74th Constitutional Amendment Act) and the Right to Information Act.

About the NGO Forum for Street and Working Children, Bangalore

The Bangalore NGO Forum for Street and Working Children is a twenty-year-old federation of organizations working for the welfare of street and working children. In July 2008, it had a membership of 30 organisations from across the city. The Forum has a mixed membership from senior organisations with a significant reach and from smaller and newer organisations who are committed to the cause of street and working children. The combined efforts of the organisations have so far resulted in many grassroots- and advocacy-related achievements on issues of children. In response to challenges faced by the poor in India, the mandate of the forum has extended beyond a focus on the individual child to an integrated approach that focuses on promoting pro-poor growth.

Preface

Despite high levels of growth of Bangalore, a considerable proportion of people continue to live in poor conditions. The question why they are getting excluded and why the growth is not trickling down to them needs serious attention.

The high growth enhances the purchasing power of the affluent sections and makes life even more difficult for the less affluent. The money power and influence of the upper classes and big corporations in the corridors of power enable them to influence government decisions in their favour as it is their funds that help political parties to win elections. It is because of this that these sections rarely find the need to vote as they get what they desire even without voting, irrespective of who gets elected.

But the poor come into the limelight only at the time of elections, which are won in their name by throwing a few crumbs at them. But later, they find it an uphill task to demand and secure even the most basic of rights. These two contrasting situations are making Bangalore and other cities sites of disparities, inequities, discontents and contestations. The affluent, by distancing themselves from the electoral process, are refusing to accept the process of negotiation and consensus building - that democracy entails - as the legitimate means of reconciling competing interests in society.

The needs of the affluent are determining more and more where government resources are spent. These most often relate to mega infrastructure projects, in the form of flyovers, expressways, airports, shopping malls, etc. Money for mega-projects often comes through loans from IFIs, along with their conditionalities to reduce subsidies and privatize basic services, which hits the poor most. These mega-decisions are reducing the amount of resources available for meeting the basic needs of the poor. Due to the concentration of resources on mega-projects, whose benefits for the poor are questionable, the living spaces of the poor are getting converted to stinking, unhygienic and unfriendly spaces, lacking even minimal services such as water supply, sewerage and sanitation.

Severe lack of affordable housing, and/or failure of their employers to provide them these, forces the poor to occupy private or government land illegally. Their illegality is exploited by vested interests to exploit them by extorting huge amounts from them as rents and charging them exorbitantly for the provision of water, sanitation and other services. When the poor happen to occupy prime land, they are displaced, often without being consulted, to the periphery, which distances them from their areas of work and livelihood. They are also often evicted from the spaces where they conduct their livelihood activities as vendors and hawkers, relegating them to a life of illegality and insecurity. Hence cities are becoming arenas of severe contestations over land, infrastructure and services and discontent over the resultant disparities.

"Because of their illegal status, they are often not provided with formal basic infrastructure and services such as piped water, electricity, wastewater disposal and solid waste collection by urban local bodies. They have to purchase these in

informal markets, often paying much more than higher-income groups. A sample survey of the slums has shown that the poor end up paying two to five times as much for informal access to public goods and services than higher-income groups."

The current situation of urban governance is summarized in a study by CASUMM thus:

- Governance is shifting from fulfilling citizens' needs to one of maximising returns to investors.
- 'Government is being replaced by 'governance' through a nexus of IFIs, investors, consultants and bureaucrats
- IFIs and their programmes not subject to local laws of disclosure, transparency and accountability systems.
- Decision-making monopolised by lobbies
- Role of elected representatives and citizens in decision-making weakening
- Public-private-partnerships being flaunted as panaceas for poor governance
- 'Efficiency' and 'social justice' considered mutually exclusive

(CASUMM 2007)

Public-people-partnerships, which could be the solution, are not being attempted. In fact, The role of the urban poor in the decision-making, planning and development of their areas is shrinking or almost non-existent. Hence it is important to strengthen grassroots governance mechanisms to enable the poor also to secure their basic rights and find a voice in governance.

It is necessary to bring about a paradigm shift in governance in the true spirit of the 74th CA by emphasising :

- Social justice rather than profits to investors
- Efficiency through decentralisation
- Decision-making by elected representatives rather than IFIs, consultants and bureaucrats
- Downward accountability to citizens rather than to investors and IFIs
- Democracy to be strengthened by increasing proximity and degree of representation
- Public disclosure and transparency through creation of platforms for citizen interaction
- People's participation through representation on decision-making bodies
- Public-people-partnerships rather than public-private-partnerships

"Where civil society has demanded accountability and responses from local authorities, decentralization has been more effective. Ensuring that these three actors – state authorities, local authorities and civil society – interact to improve the lives of poor people is a complex challenge. Indeed, there is nothing automatically pro-poor about decentralization. Dominant groups and narrow interests can hijack it." HDR-UNDP-2003

Thanks...

This has been an enthralling and challenging exercise. This has also given CIVIC an opportunity to learn, understand and liaise with all stakeholders in the city, especially the ones associated with urban poverty. We cherish the experiences.

We thank Bruhath Bengaluru Mahanagara Palike (BBMP) for giving us this opportunity to do the study.

Our thanks to the members of the NGO Forum for Street and Working Children, Bangalore, who gave all their support in putting this report together, without whom this wouldn't have happened. Thanks to the communities who participated in the focus group discussions and to Child Rights Trust for the secondary data, analysis and graphs.

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Abbreviations

APL:	Above Poverty Line
BBMP:	Bruhath Bengaluru Mahanagara Palike
BESCOM:	Bangalore Electricity Supply Company
BCRH:	Bangalore Children's Research Hospital
BMP:	Bangalore Mahanagara Palike
BMTC:	Bangalore Metropolitan Transport Company
BPL:	Below Poverty Line
BSUP:	Basic Services to the Urban Poor
BWSSB:	Bangalore Water Supply and Sewerage Board
CBO:	Community-Based Organisation
CDP:	Comprehensive/City Development Plan
CIVIC:	Citizens' Voluntary Initiative for the City
CRC:	Convention on the Rights of the Child
CRT:	Child Rights Trust
EWS:	Economically Weaker Section
FGD:	Focus Group Discussion
ICDS:	Integrated Child Development Services
IPH	Institute of Public Health
JNNURM:	Jawaharlal Nehru National Urban Renewal Mission
KHB:	Karnataka Housing Board
KHDR:	Karnataka Human Development Report
KSCB:	Karnataka Slum Clearance Board
KUIDFC:	Karnataka Urban Infrastructure Development & Financing Corporation
LIG:	Low-Income Group
NFHS:	National Family Household Survey
NGO:	Non-Governmental Organisation
NPAC:	National Plan of Action for Children
NUHHP	National Urban Housing & Habitat Policy
PDS	Public Distribution System
PIL:	Public Interest Litigation
PPP:	Public-Private-Partnership
RMP:	Revised Master Plan
RTI:	Right to Information
RWA:	Residents' Welfare Association
SC:	Scheduled Caste
SJSRY:	Swarna Jayanthi Shahari Rozgar Yojana
ST:	Scheduled Tribe
MDG:	Millennium Development Goals
MoEF:	Ministry of Environment & Forests
TMHP:	Two Million Housing Programme
UDD:	Urban Development Department
VAMBAY:	Valmiki Ambedkar Awas Yojana
WFFC:	World Fit for Children

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1 EXECUTIVE SUMMARY

1.1 Background

There are a number of service agencies in Greater Bangalore with definite mandates to provide services to citizens. BBMP being the major service provider is also mandated to serve the poor in the city who predominantly reside in the slums. BBMP is concerned about the situation of the urban poor in the City and the services it is providing to them. Hence BBMP asked CIVIC Bangalore to conduct a pilot study to understand and find answers to some basic questions like:

- Who are the urban poor?
- What are the parameters for categorising the urban poor?
- What services and facilities are reaching and not reaching the poor?
- Why are resources not reaching the poor?
- How should BBMP's policies be framed in order to reach resources to the poor?

1.2 Purpose and Scope

A full-fledged study is proposed for the period 2008-2009 to find answers to the questions raised. This pilot study is meant to set the parameters for the detailed study. The study was conducted based on secondary data, FGDs in 17 slums and with two urban homeless groups coupled with the experience of CIVIC since 1992. CIVIC also took the help of 13 NGOs of the Bangalore NGO Forum for Street & Working Children to reach 19 habitations and conduct FGDs.

This pilot study covers various issues, looking at the legal status and norms – international, national and state – covering each sector, mandate of each service provider, status of delivery with regard to the urban poor and finally the recommendations for improving the services in each case. The issues covered in the study are:

- Land and housing
- Food
- Water
- Child care
- Primary health
- Primary education
- Solid waste management
- Environment, parks & playgrounds
- Transport
- Law and order
- Employment & social security
- Composite schemes
- Governance

1.3 City Profile – Satus Quo

Bangalore, the IT and BT knowledge capital, technology hub and R&D source of the world is the fastest growing city in India and Asia. It is a favoured destination on the global investment map and is becoming one of the most cosmopolitan cities of the world. It is second in the world in terms of its real estate prices. It is now stretched over 800 sq. kms and population closing in on 7 million. Migration from rural areas is adding to the burgeoning slum population and spaces. By 2011 it is expected to reach 8 million and by 2021 to 10 million. Constraints on resources, their equitable distribution and efficient utilization are becoming a real challenge for the city.

If the current levels of services are any indication, the trend in city growth shows that it is highly infrastructure oriented with the common man pushed to the periphery in planning. While the National Urban Transport Policy mandates that people, and not vehicles, should be the focus of urban transport, livelihoods are being destroyed and trees are being felled to widen the roads to accommodate more vehicles. The master plan for the city advocates mixed zoning to accommodate commercial activities in residential areas. Whereas for the middle and upper class, more and more white-collar jobs are created, the poor have remained mostly in the unorganized sector. They work as wage labourers, construction workers, street vendors, housemaids, child labourers and in such other capacities.

Most of the urban poor live in slums. Currently BBMP looks after 324 slums. The city administration in its budget for the year 2008-09 has projected an expenditure of Rs.2,918.71 crore with Rs.58.31 crore and Rs.180.25 crore respectively for education and welfare. These amount to about 2% and 6% respectively of the total for which the direct beneficiaries are the poor, mainly residing in the slums. The flagship scheme JnNURM of the city administration has 2 projects out of 11 sanctioned, as on 19th March 2008, that are meant for providing basic services to the urban poor. They amount to Rs.84 Crore (less than 9%) of the total Rs.951 Crores sanctioned under JNNURM.

1.4 Poverty & Urban Poor

The data on the number of slums vary from agency to agency, from 473 in KSCB to 680 in BDA to 778 from a slum study of 2003. There is hardly any data available on the urban homeless. Though many government agencies/departments work directly in the slums, no one has the definite figures on the number of slums in Bangalore or a complete base-line database of their socio-economic and other profiles. The data managed by an agency is exclusive to it and there is no sharing or cross-verification with other departments/agencies. It is surprising to know that the planning of development works or even the execution of various schemes happens even without the most basic data on the target groups.

The study recommends that a thorough and comprehensive survey needs to be undertaken to profile all the characteristics of all the slums. A common/centralized data-base needs to be set up that can be used by all the agencies. It should be

constantly updated and verified every five years, synchronizing data from all agencies.

To make the schemes and programmes meant for the poor reach them, identification of the poor is the first step. The criteria should be common to all the service agencies. As poverty cannot be defined in terms of income alone, it should be done by recognizing vulnerability around a set of proxy indicators. The FOUR sets of indicators are

1. Spatial vulnerability
2. Social vulnerability
3. Service vulnerability and
4. Occupational vulnerability

One approach would be: A family should be considered poor if it is residing in any one of the places listed under spatial vulnerability AND fulfills ANY ONE of the other vulnerabilities (either social OR occupational OR service). Also it is equally possible that a family living in a better-off place could be poor in which case it needs to fulfill minimum of two vulnerabilities (of social, occupational and service criteria).

Ideally, a unique citizen identification number could be given on the birth certificate issued by municipal bodies to all fresh births. This ID number could be used for tracking the child through its various developmental milestones, and for tracking the adult through his working life, for his electoral ID, employment, welfare benefits, tax purpose as well as social security.

Services and schemes under each service agency should be clear-cut so that duplication, overlapping and conflicts are avoided. At the same time, there should be meaningful convergence of services on the urban poor family. Lists of schemes, services and beneficiaries must be transparent – computerized and available online. Procedure for availing the services/schemes must be simplified. There has to be a single-window clearance system. All the agencies should update information on all the schemes undertaken by them each year. Performance audits should be on the basis of outcomes and not on quantum of expenditure.

1.5 Findings

Land and housing

Every person's Right to Housing has been accepted by the United Nations and in India's constitution as an implied right. Both national and state policies have been based on this right and they articulate various strategies to enable the realization of this right. Reservation of 20-25% of land for housing the poor is also stipulated. In-situ housing, built by the people themselves is recommended and not TDRs or multi-storied housing. The Karnataka Slum Act's Amendment of 2002 gives the Board the power to obtain government land or those in layouts to sell to slum-dwellers and to make improvements in the slums. JNNURM's CDP exhibits a lofty, rational, humane vision of the city and its dwellers, in residential areas and slums, but in the final

specific plans, offers only one option, multi-storied housing on half of the area of existing slum sites, the other half being commercialised.

There are various national and state schemes for housing for the poor, but these do not provide for the majority of the slum-dwellers. Legal and policy rules and guidelines are not being followed.

Estimates of the number of slums in Bangalore range between 542 and 778. They may be declared or undeclared; under different governmental agencies or in private hands; in the centre of the city or on the outskirts. Some are extremely old and some have just sprung up. Not only are there new migrants, but even grandchildren of original settlers.

There are a large number of homeless people in the city, unofficial estimates being about a lakh (BRIDGE Initiative), while the official figure is 18,000. These homeless include street children, pavement dwellers, etc., who cannot find an affordable home even in slums; families living in the open for years while waiting for promised new houses, mentally ill persons and new migrants.

A Grievance Mela that CIVIC conducted some time back in a declared slum brought out complaints about lack of basic amenities leading to unsafe and unhygienic environment.

Focus group discussions conducted in 19 slums covering a total of 70 groups involving all categories of people highlighted the importance of land and housing as a key problem. The main problems cited were lack of title, allotments, housing or support to build own housing, poor environmental conditions and lack of basic facilities.

A CIVIC-Jansahayog study done in 2003 came up with similar problems plus examples of no land allotment or titles being given to them, despite Government orders or the slum being in KSCB's charge for years.

Ms. Reddy's paper argues forcefully for in-situ housing with people's participation all through.

Food

Though the mandate of the FCS&CA department is noble, the implementation of schemes falls short of its objectives. It begins with the definition of a BPL family as a family with annual income of less than Rs.17,000.00 in urban areas. This works out to Rs.1,416 per month and ca. Rs. 47 per day. Therefore to qualify for a BPL card, daily income of the family has to be a little more than half of the minimum wage of Rs.70. Identification of the right target group remains the first hurdle.

Of the total 10.88 lakh cards issued in the city as on May 2008, BPL card share is 18.1% and Anthyodaya card share is 1.72%. In other words both put together 19.82% is the percentage of poor families in the city. This is in contrast to the figures of 2001 census which records 12%; 2005 KSCB record of 11% and 2007 CDP record of 26%. But all these figures are at great variance with the figures released by the National

Commission on Enterprises in the Unorganised Sector which reported that 77% of the population was living on less than Rs. 20 per person per day or half a dollar a day, while \$ one per day is the internationally-recognised absolute poverty line.

When CIVIC asked for information under RTI, the department was not able to provide complete information on: the criteria used in the socio-economic survey conducted in 2003; minutes of the meeting of vigilance committees; and minutes of meetings of the grievance meetings conducted by the department. No information on schemes of the department was available in the public domain. Many procedural lapses were found during field visits. It was also found that while the average income of a shop was about Rs.2,661 per month, the expenditure worked out to Rs.6,870.

The grievances registered in the grievance melas conducted by CIVIC also showed lacunae in the performance and monitoring of the system. The showed that, importantly, access to other free government facilities like health depended on having a BPL card.

Water

Both the National Water Policy and the Karnataka State Water Policy promise adequate safe drinking water to all citizens. The Government of India-sponsored scheme for Environmental Improvement of Urban Slums (EIUS) launched in 1972 has prescribed one tap for every 150 people. The Karnataka Municipal Corporations Act, 1976, entitles slum-dwellers to access drinking water from fountains. The Karnataka Slum Areas (Improvement and Clearance) Act, 1973, points out that slum improvement should include provision of water-taps.

The mandate of BWSSB is to provide drinking water of unquestionable quality in sufficient quantity. It is also required to make equitable water distribution and cent percent metering of water connections. The figures show 100% coverage in earlier BMP area. But this hides the fact that in reality many slums are still not connected. The BBMP which used to pay BWSSB for the public taps, has reversed its policy and is no longer paying for them. Thus those dependent on the public taps, the homeless [adults and children] and the thirsty passers-by are bereft of a basic right with reasonable access.

The water adalats of BWSSB are held in places where usually slum-dwellers wouldn't want to go and hence their grievances are mostly not heard. CIVIC's GRMs registered common complaints like supply once in 15 days, coloured and foul smell in water, no proper drainage which results in sewage entering the houses, supply at irregular times, too much of time spent on collecting water resulting in loss of daily wages and children missing school. FGDs showed that the disadvantaged are forced to buy water out of their meager earnings. According to children, it also resulted in friction in the community.

Child care

The UNCRC [United Nations Convention on the Rights of the Child] and Indian Constitution provisions call for children of all ages to be provided care, health,

nutrition and love. It has been known for decades that children under six have special needs and unless these are catered to, their immediate and future development can be jeopardised. Hence, India has been running the ICDS programme to focus on this age group since the Seventies. However, the actual progress of ICDS implementation has not been satisfactory leading the Supreme Court to direct that it be speedily universalised and new initiatives taken to reach the most vulnerable children, i.e., all services needed for the holistic development of the young child to be provided, and mini-anganwadi centres to be opened on demand even in smaller communities.

In the Bangalore urban district [largely contiguous with Bruhat Bengaluru] only 12% of young children attend anganwadis. BBMP has a nursery school scheme but this too is a small one. It is known that most better-off children aged between 3 and 6, and some not so well-off, are sent to private pre-schools, whose services and quality vary a great deal. Some NGOs run daycare centres and crèches in slums. Still the majority of poor, vulnerable children who are in this crucial age group do not benefit from any service. The problems of ICDS in Bangalore and other urban areas are shortage of rooms and open space.

There is no coordination between ICDS and BBMP's nursery school programme. Neither ICDS nor other alternatives have been able to cover the needs of the child under three. Though the Udhisha programme in ICDS is slated to this end, in practice, it has not been able to flourish, in part due to the very heavy workload of the Anganwadi worker. In Tamilnadu, the Network for Information on Parenting [NIP, an NGO-developed programme] has become part of ICDS with the result that the under threes get this attention.

A review of the Bangalore ICDS has highlighted its shortcomings while an action research study in a slum has both brought out the problems of young child care in the area and worked out simple remedial programmes with the day-to-day help of community workers.

In the focus group discussions, leaders and women showed the most concern regarding anganwadis. The main problems were absence of an ICDS centre or any alternative, lack of a building for the centre, etc. Significantly, the lack of this facility often resulted in older siblings missing school. The main solution demanded was that Government should open a centre, provide a building, and/or run the centre full day.

Primary health

WHO defines health as " A state of physical, mental and social well-being and not merely the absence of disease or infirmity" creating the ability to lead "a socially and economically productive life". The goal of "Health for All", adopted thirty years ago, emphasized Primary Health Care or use of preventive and promotive approaches over clinical and curative ones. India's national policy is based on this strategy, but the practice has largely moved away from it. A local example is the disbanding of the Link Worker, a social health motivator, once the urban IPPH project was over some years back. Recently a new state policy re-emphasises the principle.

Health institutions run by the State and the City are dotted all over the city; in addition, there are several private and NGO facilities. Yet, the health status of people, especially from the lower income bracket, is poor. Contagious and preventable diseases are the major problems though, nowadays, lifestyle diseases are also increasing [more among the better-off].

A new project, the National Urban Health Mission, has some laudable objectives and strategies but also weaknesses such as over-reliance on the private sector while NGO contributions are unrecognized; starting of new health insurance plans while existing ones are ignored; lack of regulation of the private sector and bias towards curative/clinical services. There is not enough focus on prevention and promotion – so necessary for the major preventable causes of ill-health, especially among the poor.

A Grievance Redressal Mela, conducted by CIVIC in a slum, brought out the major problems of corruption, poor attitudes, lack of medicines, unavailability of medical staff and non-payment of due incentives. CIVIC's attempts to follow-up with the officials and system has been met with several barriers and evasions.

The Focus Group discussions showed the women as the most concerned; next were the men. Types of problems were distance, no home visits by staff, no proper care or medicines given, derogatory attitude, corruption, unclean environment. Remedies suggested were to correct all above, plus start a new PHC nearby.

Primary education

The Right to Education of every child of 6-14 years has been made a fundamental right by the passage of the 86th Constitutional Amendment. But free, compulsory, quality and equitable education still remains a dream of many an urban poor child. Though enrolment levels at the initial levels are high, the drop-out rate of children of the urban poor is very high. This leaves these children unemployable and also keeps them in the vicious cycle of illiteracy-child labour-poverty.

A combined reading of several Articles of the UNCRC and Indian Constitution makes it clear that these do not permit any child labour which interferes with the education of children. Also other Articles require the state to provide assistance to the weak/parents to fulfill a child's right to education. The UN Committee on the Rights of the Child has recommended that India should allocate required resources, ratify the Minimum Age Convention No. 138 of ILO, and amend the 1986 Child Labour Act to remove exemptions and extend coverage to most forms of child labour. The Karnataka High Court has also reiterated that the state should take charge of a child when its parents are unable to provide its rights.

However, studies and the focus group discussions conducted by CIVIC reveal the continued lack of access to schools and facilities in schools in BBMP. Also elementary education is neither free nor compulsory and the incentives are too meager. The education budgets are inadequate. Primary education has not been made a function of urban local bodies. There is no community ownership of the school. The root causes of poverty forcing children to drop out, equity and gender

issues are not addressed. The quality of education leaves much to be desired. There is lack of coordination and convergence between the various departments that deal with the child. There is overall lack of enforcement of laws.

Employment

Bangalore is the destination of skilled and unskilled migrants who come to this growing city to make their life. While the skilled migrants are able to get highly-paid regular work on their terms, the unskilled migrants continue to wander from one irregular, casual job to another with poor working conditions lack of job and social security, etc

ILO Conventions, Articles 38 and 39 of our Constitution and several SC rulings taken together say that the citizens have the right to an adequate means of livelihood, and that all workers should get a living wage, conditions of work ensuring a decent standard of life and social security. In reality, States have ignored the above Articles and hence the lives of the urban poor are ridden with insecurities. They need promotional social security to get more and better employment with decent working conditions as well as protective social security when they are unable to work for any reason, such as health care, pension, accident benefit, etc.

Wage employment

They have also brushed aside the five norms for fixing minimum wages which were evolved by the 15th Indian Labour Conference and endorsed by the Supreme Court which if implemented will amount to Rs.215 per day at 2006 prices. A study by Stree Jagruthi Samithi showed that the current minimum wage is able to provide only a third of average family expenditure even after a worker works for 8 hours a day, 365 days. Even when children work to overcome this shortfall in income, a shortfall of ca. Rs. 700 still exists which is made good by more loans driving the families into indebtedness.

In cities, slums are partly a result of the poor enforcement of laws protecting unorganized workers. The working conditions, etc. of the unorganized sector in urban areas are protected by a few laws such as the Contract Labour (Abolition & Regulation) Act, the Building & Construction Workers' Welfare Act, the Inter-State Migrant Workmen's Act, Child Labour Act, etc. Failure of employers to observe these laws results in the urban poor having to live in squatter settlements without basic amenities. Most of these laws are implemented by the State Labour Department which is woefully under-staffed It is necessary to have a more proximate and strengthened enforcement machinery, if workers are to get justice.

Self-employment - vendors and hawkers

Street vending and hawking is a significant mode of self-employment in cities. This is a mode of survival resorted to by the urban poor for whom the government has failed to provide alternatives. However, law-enforcers consider vendors and hawkers as illegal, confiscate their goods and ban their trade. But such measures go against the National Policy on Urban Street vendors and Supreme Court rulings on the Constitutional right to life and livelihood already mentioned. The National Policy on

Urban Street Vendors aims to give vendors legal status by amending laws and providing legitimate hawking zones in urban development/ zoning plans, to eschew imposing numerical limits on numbers of vendors, to promote organizations of vendors, to set up participatory mechanisms for orderly conduct of urban vending activities, to facilitate social security and access to credit through promotion of SHGs, etc. In Bangalore, this policy has not been implemented at all leading to daily extortion by officials, eviction of vendors and lack of freedom to the vendors to carry on their livelihood.

Swarna Jayanthi Shahari Rozgar Yojana (SJSRY)

The Swarna Jayanthi Shahari Rozgar yojana (SJSRY) seeks to provide gainful employment to the urban unemployed or under-employed poor through encouraging the setting up of self-employment ventures. It rests on a foundation of community empowerment. Towards this end Neighbourhood groups (NHGs), Neighbourhood Committees (NHCs) and Community Development Societies (CDSs) are to be set up in the target areas. The CDSs are to be the focus for the "entire gamut of social sector inputs to their areas, including, but not limited to, health, welfare, education, etc., through establishing convergence between schemes being implemented by different line departments within their jurisdiction". The SJSRY hence goes beyond mere employment generation and can be considered to be the "missing link" for bringing about the paradigm shift called for by the 74th CA to decentralize "planning for economic development and social justice". However, as the Focus Group Discussions held by CIVIC have revealed, the impact of this programme has been minimal with most slum-dwellers being unaware of this programme.

Social Security

A study states that the main elements of a rights-based approach to social security are comprehensiveness, universality, adequacy and appropriateness, respect for equality and respect for procedural rights. But these are the elements currently missing in the few existing schemes of social security. The National Social Assistance Programme (NSAP) has three components namely, National Old Age Pension Scheme (NOAPS), National Family Benefit Scheme (NFBS) and National Maternity Benefit Scheme (NMBS). Municipalities are expected to play an active role in the identification of beneficiaries under these schemes through the neighbourhood mohalla committees. The supreme Court has also been giving directives on the proper implementation of these schemes.

A study (by Dr. Rajashekar of ISEC) reveals the poor progress made in the implementation of social security for the unorganised sector. In 2004, National Commission for Enterprises in the Unorganised Sector was set up to look into conditions of unorganised workers, and prepare a bill on appropriate social security benefits, which is currently before the parliament. But in the meanwhile the government has recently introduced three Schemes without statutory backing. The study points out that most schemes are plagued by: lack of legal entitlements, lack of consistent policy, plethora of schemes without a consistent policy, meagre expenditure, high administrative costs, financial constraints restricting eligibility, fragmented approach, fragmented approach which excludes many deserving,

poor awareness levels, limited organisational membership of beneficiaries, and low coverage. 35% to 42% of unorganized workers face some crisis or other, health crises being the most common one. The most common source for loans are money-lenders with a few paying beyond 100% as interest on loans.

Composite Schemes

Jawaharlal Nehru National Urban Renewal Mission (JnNURM)

The Jawaharlal Nehru National Urban Renewal Mission (JnNURM) has two sub-missions under the Scheme, one on Urban Infrastructure and Governance and the second on Basic Services to Urban Poor (BSUP). Funds are being released on condition that cities carry out certain governance reforms.

BBMP's Agenda for BSUP under JNNURM is to implement a 7- Point Charter of providing security of tenure at affordable prices, improved housing, water supply, sanitation, education, health; and social security. A budget of Rs. 200 crore has been sanctioned for the purpose which is however only one tenth that provided for general infrastructure.

- The fixed division of funds under JNNURM, of allocating only 35% for basic services to the urban poor¹ appears to be continuing the misplaced priorities characterizing municipal budgets.
- Security of tenure - There are fears that this mission will evict, displace and dispossess slum-dwellers in the name of city beautification.
- Investment in social sectors, health, education, employment, skills and social security that are crucial for the poor are exempted under the Mission
- Land for housing and livelihoods of the poor are not mandatorily earmarked under the Mission
- There is a fear that municipalities will go in for loans to raise the matching funds that they have to contribute and the burden of repaying it will fall on the urban poor in the form of unaffordable, privatized, basic services, cesses, full users' fees, etc.
- The JNNURM process and reforms agenda contradicts the 74th Constitutional Amendment aims, functions & finances which require ULBs to be self-governing institutions
- The preparation of CDPs and DPRs under JNNURM have taken place through tokenistic consultations with stakeholders without genuine people's participational
- JNNURM through the Community Participation Law tries to remove lacunae in 74th CA w.r.t. proximity, decentralisation, people's participation, equitable fund allocation, etc. But has several weaknesses that undo the good as it weakens democracy and has no explicit social justice role.

18% Special Component Plan for SC/STs

It is obvious that SC/STs constitute a disproportionately high percentage of the urban poor. The impact of the neo-liberal reforms on their poverty and unemployment has

¹ Source: INHAF's quarterly, Vol. 6, No. 2, citing The Indian Express of February 28, 2005 and March 1, 2005; and The Hindu: November 23, 2005

been adverse over a long period of a decade, as statistics reveal. It was due to this very evidence of the trickle-down theory failing that the concept of the Special Component Plan (SCP) was initiated. Despite the SCP, the sad situation is that all departments have grossly failed to implement this scheme and fulfill their constitutional obligations. Dalit groups have, using the RTI, collected various government orders and circulars regarding the implementation of the SC/ST grant in BBMP.

Through a circular dated 29.8.1977 the State Government mandated that all city municipalities should reserve 18% of their budget towards the welfare of SC/STs. But since this circular gave rise to several confusions on the mode of calculation of 18%, the GoK issued a circular dated 18.2.95, making clear that the mode of calculation was to reserve 18% of "income from all sources, namely, the taxes and fees levied and collected by the municipality by and under the Karnataka Municipalities Act, grants released by Government towards the compensation for the loss of income due to abolition of octroi, development grants and other grants". Loans and purposive grants given for specific purpose shown in the budget of the local bodies however were to be excluded. It also stipulated that the amount reserved but not utilized during a particular year be carried forward to the subsequent year for its full utilization in addition to the 18% of the budget for that year. A circular dated 22.09.2001 further laid down that: 40% of the 18% funds should be earmarked for educational programmes, 40% for economic development programmes, and 20% for other programmes.

Despite this, funds under this scheme continued to languish:

1. the allocated amount within the yearly budgets has been less than the mandated 18%.
2. even the allocated amount has not been spent entirely, sometimes even being spent on persons not belonging to the SC/ST category.
3. the balance of the allocated amount not spent, which is supposed to be carried over to the next year is also not being done.
4. there is rampant corruption in the manner in which these allocated funds are being utilized.

CIVIC, along with Dalit Bahujan Movement (DBM), has been organising ward-level discussions between SC/STs and officials to evolve bottom-up plans from the Dalit communities themselves on the use of the 18% fund. A city-level consultation was also held on 6th March 2008 which brought together thinkers. These discussions have revealed that many Dalits do not want the concrete roads, ironing-boxes and sewing machines that are customarily being provided under the 18% fund. They are saying: "Instead of all these, just give all our children free and quality education from 1st to 12th Std in residential schools, built one per ward. Let these schools be equivalent in quality to ICSE and CBSE schools so that we can compete with others on an equal footing. We will then not ask for reservation.

Solid waste management

The lack of a clean and hygienic environment is the cause of the low health levels of the urban poor. There are several policies, guidelines, contracts, etc. for the daily collection and disposal of solid wastes. CIVIC's Focus Group Discussions revealed

that this does not happen in slums daily. Often garbage is removed from the slum only when slum-dwellers pay municipal employees to do so.

Municipal Solid Wastes (Management and Handling) Rules, 1999, issued by the Ministry of Environment and Forests (MoEF), lay down that there should be source segregation and collection, no manual handling of garbage, no exposure of garbage to the environment, etc.

The KUIDFC has prepared a State-level policy for Solid Waste Management which lays down the norms for collection, segregation, storage, transportation, etc. However, most of the infrastructure or processes recommended above are not being followed by BBMP or have not been included in BMP's tender documents. The monitoring body for the implementation of the MoEF Rules above is the Karnataka State Pollution Control Board. It has set up awareness generation committees. A study has shown that only 17% of the garbage from slums was being collected in 2005. The CDP of JNNURM says that SHG involvement in SWM will be facilitated in slums.

Environment-parks-playgrounds-water bodies

There has been global concern about the environment for over a decade and a half now – the first Environment Conference at Rio de Janeiro in 1992 has been followed by various steps, the latest being the Kyoto Protocol and the Inter-governmental Panel on Climate Change. India has signed the global accords but is reluctant to commit to carbon emission caps.

At operational level, the national and state Pollution Control Boards are working to ensure a cleaner environment in its various aspects. Monitoring of quality of air, water, etc. in Bangalore has revealed shocking levels of pollution, endangering health of those exposed regularly to the pollutants. Slum-dwellers are exposed to all types of pollution due to their daily environment and thus are most vulnerable. If one looks at occupational hazards, the most affected by air pollution are children in schools near traffic areas, and traffic policemen, and those in specific industries – quarrying, garment factories etc. Women and children are worst affected by indoor pollution.

These parts of the urban landscape have multiple functions – aesthetic, recreational, carbon sinks, contributory to good health and fitness, regulating the micro-climate and recharging the groundwater levels [for water bodies].

The National Urban Transport Policy, the Trees Act, the National Water Council's recommendations all stress the importance of trees and water in an urban area. Bangalore's CDP stipulates the proportion of land in the city that is to be reserved for parks and playgrounds. The Lake Development Authority was created for the sole purpose of rejuvenating and preserving Bangalore's once myriad water bodies.

Yet, though the city has a few larger parks and several smaller ones, these together are not adequate and with large-scale cutting of trees, green cover is becoming even less. Similarly, moves to privatise water bodies have also compromised their purity and biodiversity, and curtailed public access to them.

Focus Group Discussions with slum youth and children highlighted these lacunae and their adverse impact on such vulnerable groups.

Governance

It was to give back control to local communities over their own planning and development that the Central government passed the 74th Constitutional Amendment Act, better known as the Nagarapalika Act, in 1992.

The Nagarapalika Act recognised urban local bodies as legitimate third tiers of local self-government and gave them Constitutional validity and permanence. In order to ensure that the weaker sections in society got a voice on these bodies so that the traditional power structures at grassroots level could be altered, the 74th CA , among other things, provided for reservations of seats and posts to SC/STs and to women. The main function of municipal bodies as entrusted to them in Article 243 is “Planning for economic development and social justice”. With this, it was hoped that municipalities would milder the “severe contestations” and reconcile the “resultant disparities and inequities”.

However, despite more than fifteen years of its existence, the Act is nowhere near fulfilling the main goal for which it was envisaged. Also, the issues of proximity, degree of representation, transparency and accountability of urban local bodies and avenues for people’s participation in them are neglected features. Also, the Twelfth Schedule does not include several functions that would have to be performed by municipalities if they are to fulfill their true role, such as the PDS, primary education, primary health, housing and livelihood.

A comparative study of four States on the functioning of ward committees has revealed that most States, including Karnataka, have chosen to form ward committees for a combination of wards, rather than each ward, making proximity to the citizen a far cry. Moreover Karnataka has chosen the route of nominations, which are hardly democratic, to fill the posts of ward committee members, rather than direct elections. Also the necessary powers, procedures, funds, functionaries and facilities to perform their functions effectively have been denied to the ward committees. There are hardly any opportunities for citizens in planning, implementing, monitoring and auditing works in their wards. Most citizens are unaware of ward committees. There are no requirements to make the ward committees interact with the citizens regularly at a ‘ward sabha’.

1.6 Recommendations

- **Note: The points marked with this symbol need priority attention**

Land and housing

- Declare slums as rapidly as possible, give hakkupatras to residents and provide housing and basic minimum services to all of them. Give priority to homeless and long-time residents.

- Immediate reservation of at least 20% of land [on area basis] for housing for the poor and use of recovered vacant land for the same target group.
- Abide by international, national and state laws and policies. These are based on human rights and social justice.
- Let the slum dwellers decide on type of approach to use the land in in-situ housing – whether multi-storied or single family unit with technical support only from experts.
- Provide improved credit, materials and planning support for self-help housing.

Food

- Handover certain functions of PDS to municipalities as in GPs.
- Set up BBMP-level / zonal-level Food Security Committees on the lines existing under PRIs.
- Make PDS a universal system.
- Follow the criteria suggested in this document for identifying BPL to reach intended objective of inclusive food security.
- Make suo motu declaration under RTI Act and citizens' charter accessible to people at any point of time anywhere in the state. All the transactions at the last point to be made transparent.
- All necessary food grains and basic items of daily use to be brought under the PDS.
- Strict monitoring process to be put in place. Lapses should be plugged.
- Vigilance committees to be made more vibrant and proactive. Grievance redressal system to be strengthened.

Water

- Determine quantity of 'lifeline water' – for drinking, cooking, washing and bathing – on per person basis. Provide lifeline water free for all.
- Provide individual/bulk metered connections free of cost to all the houses in slums.
- BBMP to recommence payment to BWSSB for public stand posts and to ensure availability of water to the homeless and shelter-less by digging more bore wells with hand pumps and mini water supply schemes
- Increase tariff for the middle class and the rich. Remove mis-targetted subsidies. Recover full cost for sewage treatment from 'non basic' water consumption sine this sewage ends up polluting surface and ground water accessed by the poor. An ISEC study reveals production cost of water at over Rs 24/- a kilo-litre. This should be recovered from those who can afford it.
- The next slab – 'luxury water' after 'lifeline water' (purpose other than lifeline) should be charged at higher than the cost price of delivery.
- Supply should be cut automatically once a house receives allotted quantity (lifeline+luxury).
- Comprehensive policy on water to collect rainwater, recharging ground water and lakes, rejuvenating water bodies and water utilization to be developed and training, incentives as needed, to be provided.
- To arrive at a pro-poor policy for water supply and sanitation in a public consultation mode with the BWSSB

- Public-people-partnerships should be preferred over public-private-partnership in the provision of water.

Child care

- ICDS should be universalized as per the directions of the Supreme Court.
- All centres should be converted to day-care centres with timings extended to cover the work-schedules of poor working women.
- Two workers should be provided per child care center: one for 0-3 year-olds and the other for 3-6 year-olds.
- Since it has been known for decades that the age group 0-6 years is the most crucial one for the holistic development of an individual, programmes that enhance such development must not be neglected.
- Government must take responsibility for running required number of free centres based on child population figures and for improving their services and quality by providing complete infrastructure and resources to cover all children of the poor.
- It must provide a regulatory and monitoring framework for private pre-schools, daycare centres and crèches.
- ICDS must improve Udhisha and incorporate needed elements from NIP. At the same time, the health and nutritional status of adolescent girls and women must be greatly improved as these have impact on the young child.
- Public hygiene improvement will also lower the morbidity and mortality levels of young children.

Primary health

- Availability of primary health centres on population basis recommended by WHO should be ensured.
- These centres should be equipped with all infrastructure and supply of medicines to provide free primary health care so that there are minimal referrals to tertiary-level hospitals.
- The state of poor health of Bangalore's residents warrants a mission mode but primarily one focused on preventive and promotive measures, including those by other related sectors. Poverty and ignorance are major impediments to good health and these must also be addressed.
- The many private and NGO actors and facilities should be integrated with the public system but also regulated and monitored.
- Health insurance already has begun through other systems and these must be examined and improved rather than new systems and players brought in.
- Major health and nutrition education need to be imparted in innovative ways.
- Measures must be taken to provide representation to urban poor groups on monitoring bodies of the hospitals.
- Systemic measures must be taken to curb corruption in health delivery systems.

Primary education

- Make primary education a function of ULBs and devolve responsibility to them for 100% enrolment and retention of children and for providing/managing all school infrastructure as per norms.
- For elementary education to be genuinely 'free', there should be no financial barriers for parents to educate their children; free stationery and transportation needs to be ensured in addition to existing incentives; incentives need to be uniform for all children, as far as possible.
- Elementary education should be made 'compulsory' by institutionalising relevant procedures to ensure 'compulsory attendance' of vulnerable children and suitable assistance to needy parents, wherever necessary, on condition that they send their children to school.
- Education budgets need to be adequate to cover the complete projected cost of providing free and compulsory education and, in addition to other incentives, should include costs for provision of stationery, transportation, anganwadis attached to schools, etc.
- Bring all education and child labour legislation in line with international and national commitments; amend Child Labour Act to bring in Minimum Age for employment and cover all sectors of child labour.
- Set up a Committee on Compulsory Education and Child Labour in every ward with multi-stakeholder participation.
- Minimum norms in schools in terms of number of teachers, classrooms, toilets, drinking water, electricity, play equipment and playgrounds need to be ensured.
- Empathy
- Chapter 3 of Karnataka Education Act regarding free and compulsory education needs to be enforced strictly.
- Priority will have to be given for the prevention of drop-outs of marginalized children (SC/STs, girls, muslims, migrants, etc.) rather than for cure through rehabilitation.
- Necessary protocols will need to be developed for convergence of services of Social Welfare, W & CD, Labour and other departments on the families of vulnerable children or drop-outs.
- Incentives/scholarships need to be enhanced to cover opportunity cost of child labour and should be given to all children, as far as possible,
- Efforts need to be made to provide families of vulnerable children with basic amenities such as piped water supply, alternative cooking fuels, etc.
- With the new Article 45 of the Constitution on the provision of universal early childhood care and development (ECCD) for 0 to 6-year-olds, one anganwadi for at least every 400 population as a day-long care center needs to be established.
- Need for empathy with first generation learners and equity, gender and quality concerns in schools need to be addressed.

Employment & social security

- BBMP needs to frame a social security scheme for the urban poor. The scheme should make social security an entitlement which is universal.
- A Standing Committee on employment and social security could be set up within the local body along with devolution of funds and functionaries. This committee

could implement core labour standards, promote self-employment, provide social security to those employed and social assistance to the destitute. This Committee could possibly also implement a future Urban Employment Guarantee Scheme.

- These committees could be multi-stakeholder or tripartite in nature, giving representation to workers, employers and officials.
- Every worker could be compulsorily registered and given a worker's ID card, with a unique social security number. No one should be allowed to work without such a card.
- The committee needs to implement the National Policy on Urban Street Vendors in all its aspects, register all street vendors, facilitate their livelihood by making them legal, stop evicting them and provide them support services.
- Workers' Facilitation Centres suggested by several drafts of unorganised workers' social security bills could be set up in each municipal ward. These centres, could facilitate the registration of workers, provide workers with copies of the records, collect and disburse benefits.
- SJSRY Community Organisers need to be located at the Range office or provided an office within the Range / area they are servicing.
- 1 "Nagarapalika Seva Kendra" or "Service Centre" for the self-employed and the skilled service providers should be set up in each Range at least, on the lines suggested under SJSRY.
- 2% grant under SJSRY needs to be utilized for raising awareness.
- Beneficiary identification should be done through the neighbourhood committees at neighbourhood meetings.
- BPL list should be updated every year.
- Better linkage between the Community Development Societies (CDSs) and the State Employment & Training Directorate and other training providers needs to be created.
- CDSs should establish linkage and interact with respective ward committees of the area to fulfil Community Structures Component of SJSRY.
- CDSs should draw up lists of missing basic minimum services in their areas. These should be implemented on a priority basis over proposals for other infrastructure.
- BBMP needs to gear up to implement an "Urban Employment Guarantee Scheme" for wage employment.

Composite Schemes

JNNURM

- Since the priority need is to fulfil the Millennium Development Goals, all the resources required to meet the basic needs of all those living in under-privileged areas should be realistically estimated and made the first charge on any resources that municipalities are able to raise under JNNURM. I.e., prioritize BSUP over I&G in JnNURM.
- Eradication of extreme poverty and hunger, primary education, primary health, employment and social security need to find a place in JnNURM in consonance with the basic function of ULBs enunciated in the 74th CA "Planning for economic development and social justice".
- CDP and DPR planning should be bottom-up through consultation. A particular model of housing is being imposed on the urban poor without consulting them.

- Earmarking 20% of housing for EWS to be made mandatory reform to be implemented immediately.
 - Evictions of slums MUST be stopped. In situ development of slums should be preferred.
 - PPP is taken to mean partnership with the private sector only – why not with communities?
 - A data-base and socio-economic profile of the urban poor needs to be first created.
 - Community participation & public disclosure w.r.t. political empowerment of the marginalized, as envisaged in the 74th CA, and decentralized planning envisaged through the MPCs, DPCs & Ward Committees must be adhered to.
 - Issue land to urban poor and give them security of tenure. They will build on their own. Minimum space norms should be adequate.
 - Develop an alternative and more realistic vision of what a city should look like which will use its own money to sustain itself. This model MAY need very little money in comparison to Western models being imposed.
 - Biometric identification, if introduced, should be common to all sections of society.
 - All the seven amenities for the poor must be fully delivered – land tenure, affordable shelter, water, sanitation, education, health and social security. Further livelihood issues must be addressed.
 - Certain minimum basic services, such as a lifeline supply of water, primary education and primary health care should be provided free of cost to urban poor.
 - Progressive user charges – for resources like water, electricity etc. based on ability to pay and amount of use.
 - Skewed subsidies that favour the better-off should be removed.

18% SCP for SC/STs

- Set aside 18% according to norms each year and make sure it is spent appropriately and efficiently within the period.
- Conduct ward-level meetings to understand requirements of SC/ST's and plan upwards.
 - Basic data on SC/ST community (population, economic/social status, available basic services, land rights, access to education/health/food/water etc.) in each ward must be developed.
 - Issuance of permanent caste cards (SMART cards) that are usable in all situations.
 - Budgetary allocation has to be made based on the quantum and needs derived from the data.
 - Make available information under 4(1)b of BBMP to SC/ST communities in all wards. Conduct legal awareness programmes, literacy, education and awareness on government schemes for adults.
 - Consider all amounts not earmarked under 18% between 1995 to 2006-07 as outstanding loans to the SC/ST community and repay these amounts in installments to the 18% budget.
 - Details of schemes and ward-wise 18% budget plans to be publicized widely among people of the area.

- A committee at ward-level under the councillor with citizens' groups, dalit groups, public representatives to be made part of a periodic monitoring mechanism.

On 40% in Education in 18% SCP

- Start residential schools for SC/STs in each ward.
- Each slum to have one day-long, fully-equipped Anganwadi for children 3-6 years and day-care for children 0-3 years at the rate of one each for every 400 population
- Provide higher quantum of scholarships to primary school children, at least Rs. 100 per month.
- Each slum to have a primary school with complete infrastructure to prevent dropouts.
- Provide motivational and skill trainings and special training to deal with SC/ST children with empathy.
- The school-going children must get all provisions – books, uniforms, etc., well before the commencement of school.
- Provide facilities for education of migrant children at work-site or in any other manner possible.

On 40% in Economic Activities 18% SCP

- Provide tally, computer animation, IT-enabled services, computer software and hardware training to educated unemployed SC/ST youth at companies which absorb the trained youth after the training.
- In all contracts given by BBMP, for instance for parking fee collection, advertisement hoardings, garbage collection and disposal, stationery items, cleaning materials, toilet maintenance, 50% should be given to SHGs of SC/STs.
- Provide marketing facility for products produced by the community. BBMP to buy the products
- Reservation of shops in shopping complexes and malls

On 20% in Other activities 18% SCP

- Initiate social security scheme to cover seven benefits listed by ILO – health care, sickness, unemployment, invalidity, accident, death, maternity and survivors' benefits, old age pension, hot meals for old, etc
- All basic amenities - shelter, including water, sewerage, sanitation, playground, park – to be provided to all slums as soon as they are declared as slums.
- Provide land rights and housing in slums. Declare slums coming under BBMP under Section 17F of the Slum Act.
- Housing to be on individual sites measuring at least 20x30 sq. ft. for about 2 lakh rupees. Do not demand beneficiary contribution for houses.
- Primary health centre to be started in each slum.

Solid waste management

- MoEF Rules to be followed fully. Adequate budget for its implementation to be provided.
- Garbage tender to incorporate MoEF rules and the norms for SWM specified in the Karnataka State Policy on SWM prepared by KUIDFC.
- Space needs to be earmarked in every ward for sorting stations, drop-off centers, transferring stations, hawking zones.
- Different kinds of waste, such as hard & bulky waste, garden waste, debris, and hazardous waste, linkages with cattle owners need to be collected separately.
- Systems for slum SWM to be incorporated in the tender. Shared bio-bins and community bio-bins need to be installed in slums to compost slum waste locally. Women's SHGs or youth groups could be encouraged to take this up.
- Relevant extracts of laws, such as the Minimum Wages Act, Contract Labour Act, Workmen's Compensation Act, etc. should be made a part of the garbage contract.
- Backward/forward linkages need to be established between garbage producers, recyclers and users.
- Processing: Local composting of leaves in pits, vermicomposting of organic waste, conversion of organic waste to bio-gas, etc. at ward level need to be encouraged.
- Institutional Arrangements: Sub-committees of the ward committees at ward-level involving all stakeholders to monitor SWM need to be created.

Environment-parks-playgrounds-water bodies

Parks and playgrounds near slums will bring down stress, improve health, and offer a good outlet to the young. There must be access within easy walking distance of all age groups. Public parks surrounding water bodies will serve a double purpose – one as above and second, to protect the water body.

Governance

- There should be an enlargement of the list of functions devolved to BBMP to include issues that affect the basic needs of citizens such as PDS, labour and employment issues, housing, social security, primary health and primary education, etc.
- Formation of a Metropolitan Planning Committee (MPC) for Bangalore as mandated by the 74th Constitutional Amendment. Representation can be given in the MPC to civil society groups, especially representation to urban poor.
- Three-tier structure in the municipal corporation (similar to Panchayat Raj Institutions) with:
 - BBMP Council to be equivalent to Zilla Panchayat
 - Zonal committees in each of 8 Zones
 - One ward committee per ward at ward-level (50,000 population)
- Direct election of ward committee members to BBMP from sub-units of the ward Population basis of one elected ward committee member for every 5,000 population or less (from one or more contiguous polling booths) One-third reservation of seats for women in the ward and zonal committees. Reservation for SC/STs, BCs, etc.

- Human welfare through social justice, with the citizen at the centre, needs to become the goal of BBMP.
- Activity mapping of functions between the State and BBMP, and BBMP and zonal and ward-levels needs to be undertaken. as already done in PRIs.
- Representation to other stakeholders in the ward on the ward committee, such as women's groups, youth groups, slum-dwellers' associations, traders' associations, etc. as per prescribed criteria in a democratic manner
- Para-statal bodies [such as BDA, BWSSB] to be answerable to BBMP or brought under MPC. All service providers to have the same geographical jurisdiction.
- Issue-specific sub-committees should be formed at ward level comprising official and civil society stakeholders on issues such as PDS, SWM, health and education, social security, etc.
- Devolution of at least 40% of BBMP budget as untied grants to ward committees for preparing people's plans;
- Quarterly or bi-annual ward/sub-ward sabhas (on the lines of grama sabhas) to be held in each councillor/ward committee member constituency to get inputs from citizens for planning, budgeting, implementing, monitoring and auditing of works in the area.
- Measures to be taken to give voting rights and right to participate at the ward/sub-ward sabha to the homeless and migrants.
- Rules to be framed for fiscal transparency under the Karnataka Local Fund Authorities Fiscal Responsibility Act (KLFAFRA)
- A Citizens' Charter needs to be developed for BBMP.

1.7 Overall recommendations

- Abide by international, national and state laws and policies that are based on human rights and social justice.
- The responsibility for fulfilling basic needs (human rights) to all – food, water and sanitation, shelter, health and education, should lie with the Government.
- Earmarking of budgets for providing minimum basic needs to all before spending on other less required needs. Creating prioritized lists for the same and providing funding, as a first charge on resources, for meeting basic minimum needs.
- Privatization need not be seen as the only option for reforming poorly run public services. There have been very promising examples of public-people-partnerships in the management of service agencies to remove inefficiencies in public provisioning.
- A “State Urban Poverty Alleviation Authority” needs to be created within the State Urban Development Department. The “welfare” department of BBMP could be converted into an “Urban Poverty Alleviation Department”.
- People's direct participation needs to be brought about at various levels of governance - ward, zone and city.
- Representation needs to be provided to the urban poor on all decision-making bodies at various levels: the ward, zone, city and MPC, and on sectoral monitoring committees All proposed policies, programmes, projects and schemes need to be publicized giving full data and details to those going to be affected by them and people consulted before decisions are taken.
- There is need to create institutional structures and mechanisms for ensuring accountability by both public, private and non-profit partners.

2 INTRODUCTION AND BACKGROUND

2.1 Background of the Study

Bruhath Bangalore Mahanagara Pallike (BBMP) is the local government meant to provide services to citizens of Greater Bangalore. Its mandate includes keeping the city clean and healthy, green and inhabitable, ensure social and economic security, and provide basic services to the poor etc. In addition, there are other official service providers such as BWSSB for water supply, BESCOM for electricity etc. The state government services such as ICDS also provide certain proportion of the services.

Further, BBMP is mandated to serve the poor in the city specifically through the special budget allocation for SCs and STs. Moreover, even though its balwadi, health and education services [and others] are open to all residents, they are accessed primarily by the poor. A new programme called Basic Services to the Urban Poor (BSUP) as part of the JNNURM scheme is targeted towards improving slums and providing basic services to them.

As BBMP is concerned about the situation of the urban poor in the City and its services not reaching them, it asked CIVIC Bangalore to conduct a pilot study to understand and find answers to some basic questions like:

- Who are the urban poor?
- What are the parameters for categorising the urban poor?
- What services and facilities are reaching and not reaching the poor?
- Why are resources not reaching the poor?
- How should BBMP's policies be framed in order to reach resources to the poor?

2.2 Purpose and Scope

While a full-fledged study is proposed for the period 2008-2009, this pilot study was felt necessary, so that its findings could be used as the basis for determining the parameters for the detailed study.

The larger study has three components to it:

1. Community perspective from viewpoint of urban poor.
2. City planning with an urban poor perspective - right now the social fabric perspective is missing from plans
3. Economic perspective - what kind of investments need to be made and how to raise the resources for it.

The pilot study was not expected to provide much input about how to raise resources, etc. though it could be a component in the detailed study.

It was agreed that the draft report would be shared and discussed at a meeting of representatives of all stakeholders, i.e., the communities, NGOs and service

providers. CIVIC was to finalise the report after this consultation. The final report would be available for use by all the above stakeholders.

Aspects to be covered in the study:

- Land and housing
- Food
- Water
- Child care
- Primary health
- Primary education
- Solid waste management
- Environment-Parks-Playgrounds
- Transport
- Composite schemes
- Employment & Social security
- Governance

2.3 Why CIVIC

CIVIC is a citizen's initiative formed in 1990-91 as a forum for discussion and action on issues facing Bangalore, its development and future. It has worked extensively on democracy, decentralisation, inclusiveness and people's participation, as embodied in the 74th Constitutional Amendment Act (Nagarpalika Act) and the Right to Information Act. In the last few years its work revolved more around the urban poor.

CIVIC has provided the platform for constructive dialogue between local government and the public. It has joined hands with over 300 city-based CBOs and 35 NGOs working with the urban poor, academic institutions and technical groups to advocate clean governance and pro-people policies. It has worked with various service agencies, such as the Bangalore Metropolitan Transport Corporation (BMTC), for the development of its citizens' charters, the Bruhath Bangalore Mahanagara Palike (BBMP) for the development of its complaint redressal mechanisms, creating awareness of citizens' role in the solid waste management contract, performance budget preparation and analysis, studying Nagarapalika Act implementation and ward committee functioning.

BBMP recognizes the inclusive base and expertise of CIVIC and hence has asked it to take up this pilot study and to define the parameters of the larger study focusing on the urban poor.

2.4 Methodology

This pilot study has been largely based on CIVIC's knowledge of, and access to various governmental and civil society sources, especially communities; secondary data sources and some focus group discussions in some slums. Though initially it was designed to conduct the study in 3 slums, CIVIC has made a conscious effort to cover 19 slums with the help of 13 NGOs.

Table 2.1: Slums where focus group discussions were held

SI No	SLUM	Ward/CMC/TMC	Area
1	Jaraganahalli	56	Kanakapura Road
2	Bhuvaneshwari Nagar	CMC	Uttarahalli
3	MCT Quarters	41	Mysore Road
4	Indira Gandhi Colony	58	Jayanagar
5	Gulbarga slum	CMC	Bommanahalli
6	RPC Layout	34	Vijayanagara
7	KSB Quarters	34	Vijayanagara
8	Jaibhuvaneshwari Nagara	11	Nandini Layout
9	Doddanna Nagara	93	Kavalbyrasandra
10	PK Colony	90	Frazer Town
11	Gajendra Nagar	84	Byappanahalli
12	Sanjay Gandhi Nagar	84	Byappanahalli
13	Sanjaynagar	CMC	K R Puram
14	KR Pura	CMC	K R Puram
15	Cement Colony	48	J C ROAD
16	Desia Nagar	90	Cox Town
17	Bakshi Garden	30	KR Market
18	Jalli Mohalla	30	KR Market
19	Akkiyappa Garden	2	Yeshwanthpur

Secondary data

The secondary sources referred to in the study included:

- International and national policies on various issues.
- Official documents like annual reports, citizens' charters and budgets from service agencies like BBMP, BDA, BWSSB, BMTC, BESCOM, KSCB, KUIDFC, SJSRY.
- Development plans like RMP 2015, City Profile under CDP/JnNURM.
- Data and information from census, NFHS, KHDR, etc., and from local surveys such as those from KSCB, FORCES and BHRC/CRT.
- Reports from departments, research institutions, consultancy services, academic institutions like IPH, ISEC, etc.
- Literature on slums and poverty in the city, the slum study of CIVIC/Janasahyog, Stree Jagruthi Samithi survey on minimum wages of domestic workers and the Report on Urban Homeless of BRIDGE network.

The draft report was shared and discussed at a meeting of representatives of all stakeholders, i.e., the communities, NGOs and service providers on 1st July 2008.

Focus Group Discussions

This qualitative method was used to explore and gather both facts and opinions from slum groups – groups of leaders, men, women, youth and children – chosen from various locations and groups inside each slum. Each group had on an average 9 members (829 people were spoken to). Focus group discussions were held at 19 slums guided by a particular objective – to know the existing problems, the community's priorities, the self-made solutions, solutions provided by the administration, the expected solutions and suggestions. It also dwelt on the issue of poverty. However not all groups were contacted in all slums as can be seen below.

Table 2.2: Number of groups with whom FGDs were held

Number of slums	19
Number of groups of leaders	7
Number of groups of men	12
Number of groups of women	17
Number of groups of youth (age 18 to 25)	17
Number of groups of children	17

Sharing the final report

The final report is available for use by all stakeholders. It will also be shared with the media so that the real concerns and issues plaguing the poor in the rapidly changing profile of the city are conveyed unambiguously to the other stakeholders in the city.

2.5 Outcomes

The study has looked into the prevailing situation with respect to the listed issues, analysed them based on the focus group discussions and secondary data available, juxtaposed them with national/international policies as well as their standards and norms. The study recommendations, we hope, will define the framework for the proposed detailed study by the BBMP and for its future services to the urban poor, as well as those of other service providers in the city.

2.6 Limitations of the study

Time constraint

Forty-five days is too short a period to do a pilot study of this intensity and vastness. The number of issues that needed to be covered, documents that needed to be referred, the number of slums and slum communities that needed to be included, identification and collection of secondary data from various agencies, preparation of the draft and discussions over it with stakeholders, were too many to be handled in such a short period. We believe that if given more time we could have done this still better with more inputs.

Data collection difficulties

The secondary data we wanted to collect from various service agencies was facilitated by BBMP in the form of a letter. It is very interesting to note that even inside BBMP this got lukewarm response. As it is there was hardly any response from other agencies. Persistent calls and visits were made to all the agencies. This yielded very little information, which was also highly unorganized. Many agencies were not able to provide even basic documents like the annual report, citizens' charters, target groups, details of schemes and annual budgets. It is not always available in the public domain either. Websites of most of the organizations have hardly any relevant data whereas a key organization like the Karnataka Slum Clearance Board, whose operations have direct consequences for the slums, does not have any information. The suo motu disclosures to be made under Section 4(1) of the Right to information Act have been ignored by most organizations, which is a violation of the RTI Act.

Due to this lacuna, several issues could not be touched upon or were touched upon only partially, such as vacancies, grievance redressal procedures, specific subsidies for the poor, targets and deadlines, performance budget, etc.

Interpretation issues

All the focus group discussions were held in vernacular language. It took a huge amount of time to translate and analyse them.

3 CITY PROFILE - STATUS QUO

Bangalore, the IT and BT knowledge capital, technology hub and R&D source of the world is the fastest growing city in India and in Asia. It is a favoured destination on the global investment map and is becoming one of the most cosmopolitan cities of the world.

Bangalore is second in the world in terms of its real estate prices. It is now stretched over 800 sq. kms and its population is closing in on 7 million. Migration from rural areas as well as natural increase are adding to the burgeoning slum population while the spaces available for them is not.

Table 3.1: Growing population of Bangalore

Census Year	Area in Sq. kms	Population	Density	Decadal variation in %	Estimated population growth	2011	2021
1961	101.21	1,206,961	2,408	53.49		In Bangalore Metropolitan Area	
1971	177.30	1,664,208	9,386	37.88		8.015 Million	9.968 Million
1981	365.65	2,921,751	7,991	75.56		Annual Growth Rate	
1991	445.91	4,130,288	9,263	41.36		2.65%	2.20%
2001	531.00	5,686,844	10,710	37.69			

Source: RMP 2015

The environment, land, water and air, are getting polluted at all levels with grave symptoms showing up, such as increase in respiratory diseases. More and more children are diagnosed with asthma. Ground water is becoming un-potable. Land is being increasingly concretised losing its ability to sustain life. Poor infrastructure and ad hoc remedies are contributing to deaths due to building collapses, outbreaks of gastro-enteritis and cholera. Constraints on resources, their equitable distribution and efficient utilization are becoming a real challenge for the city.

The National Urban Transport Policy mandates that people, and not vehicles, should be the focus of urban transport and that public transport should be promoted in place of private vehicles. The City has about 30 lakh vehicles, of which about 24 lakh are two-wheelers and 3 lakh cars. Fresh vehicles come out on the streets at the rate of about 1,500 per day. Traffic jams are frequent and common occurrences. Trees are being felled to widen the roads to accommodate more vehicles. As a consequence pedestrians are finding it more and more difficult to commute on the roads.

Table 3.2: Service coverage claimed by service agencies

Sector	Parameters	Current Level	Future Level
Water	Coverage	BMP 100%, CMCs and TMC 10-60%	BMA 100%
	Daily per capita	73 lpcd	100 lpcd
	Frequency	3-5 hours on alternate days	8 hours per day
Sewerage and sanitation	Coverage	40% BMA	75% BMA
	Operating capacity	75%	100%
Solid waste	Coverage	100% in BMP	100% in BMA
	Collection efficiency	80%	100%
	Segregation	10%	85%
Roads	Quality	80% tarred	100% surfaced roads
Parks	Coverage	14%	20%
Lakes	Coverage	3% BMA	

Source: RMP 2015

There seems to be a difference between these figures in the table and the coverage figures in practice as will be seen later in this report.

Table 3.3: Land use pattern

Land use	Proposed Land use (2011) sq.km	Distribution	Existing Land Use (2003) sq.km	Distribution
Residential	243.69	43.16%	159.76	37.91%
Commercial	16.43	2.91%	12.83	3.04%
Industrial	38.44	6.81%	58.83	13.96%
Open spaces	77.88	13.79%	13.10	11.05%
Public and semi-public uses	49.08	8.69%	46.56	3.11%
Public utilities	-	0.00%	2.49	0.59%
Offices & services	-	0.00%	4.27	1.01%
Offices & services	116.97	20.72%	88.31	20.96%
Transport and communication	22.14	3.92%	35.26	8.37%
Unclassified				
Total	564.63	100.00%	421.41	100.00%
Agricultural land			649.24	
Lake and tank			39.02	
Quarry			9.61	
Vacant			187.72	
Total	564.63		1,307.00	

Source: RMP 2015

The table significantly shows nothing under lake/tank in 2011, indicating that there is no proposal to preserve them.

With the population growing exponentially, land, the limited resource has attained high significance. While people are finding it increasingly difficult to buy a piece of land for living, the city planners are converting residential areas into commercial areas. The master plan for the city advocates mixed zoning to accommodate commercial activities in residential areas. More and more production units are getting prime land in the city with tax holidays while the poor are driven to the peripheries.

Where as the middle and upper classes are engaged in white collar jobs, the poor are mostly engaged in the unorganized sector. They work as wage labourers, construction workers, street vendors, house-maids, child labourers and in such other capacities.

Table 3.4: Occupational Pattern

Sector	No of Workers	% of total
Primary Sector	5,000	0.80%
Manufacturing	2,54,000	43.36%
Electricity, Gas and water supply	8,000	1.40%
Construction	6,000	0.99%
Transport, Storage and Communication	43,000	7.29%
Banking and Insurance	65,000	11.07%
Trade and Business	21,000	3.59%
Services	1,84,000	31.51%
Total	5,85,000	100.00%

Source: JNNURM CDP

Most of the urban poor live in slums. Currently BBMP looks after 324 slums. The city administration in its budget for the year 2008-09 has projected an expenditure of Rs.2,918.71 crore with Rs.58.31 crore and Rs.180.25 crore respectively for education and welfare. These amount to about 2% and 6% respectively of the total for which the direct beneficiaries are the poor, mainly residing in the slums. The flagship scheme JnNURM of the city administration has, as on 19th March 2008, 2 projects out of the sanctioned 11 for providing basic services to the urban poor. They amount to Rs.84 crore (less than 9%) of the total Rs.951 crore sanctioned.

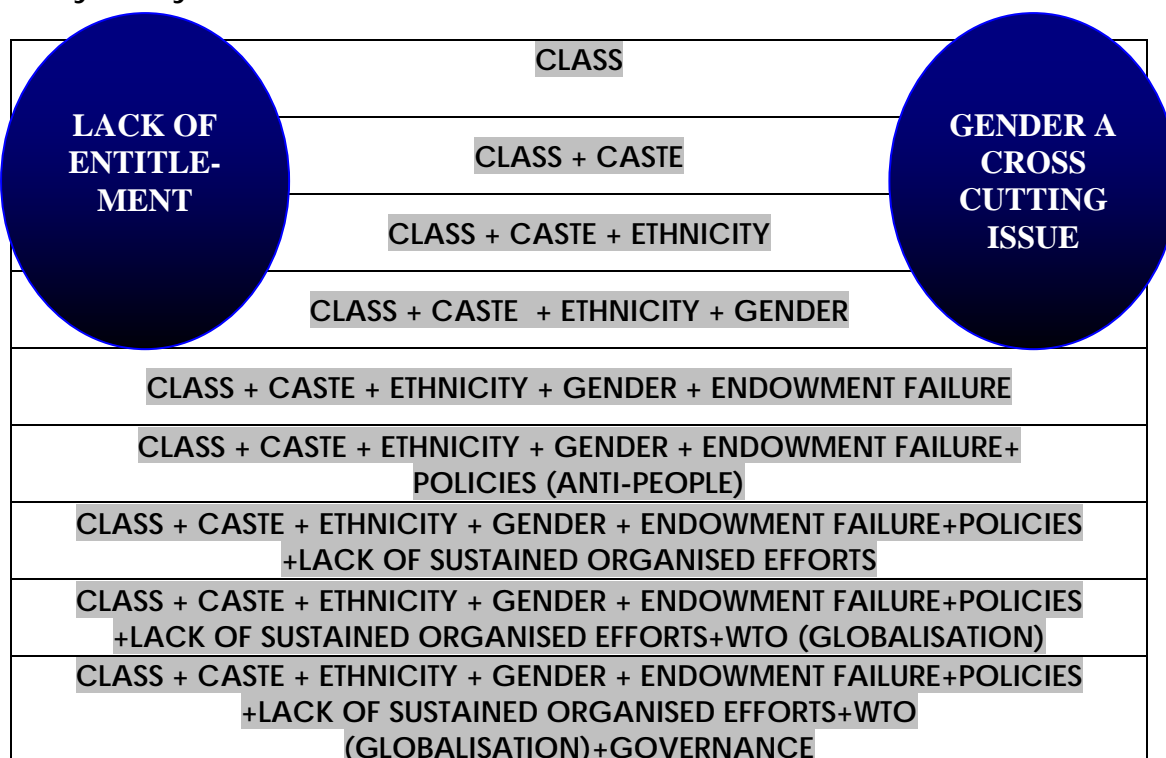
4 POVERTY AND URBAN POOR

It is reasonably admitted that the majority of the poor in urban areas live either in slums or on the pavements or on roads.

The DPR-BSUP-JnNURM of BBMP in a para, titled 'Dangers of Slums', makes an interesting point: "From a mainstream view, it can be said that slums 'spoil' the look of a city. Because slums breed poverty and high unemployment, there is a high crime rate stemming from these neighbourhoods. Since these are illegal settlements on encroached public land, they do not pay the basic or civic utilities taxes expected from any legal settlements in a city. However to be very fair, we should consider the prevalent conditions in these urban slums from another viewpoint – slums have inhuman and dangerous living conditions with a total lack of security and a fear of demolition at any point. They do not have basic civic services like waste collection and disposal, clean drinking water, properly maintained drainage system, electricity or paved roads".

We re-look at one particular sentence – "Because slums breed poverty and high unemployment, there is a high crime rate stemming from these neighbourhoods". Is this the case? Or is it poverty that breeds slums and hence the other consequent problems? The answer is obvious.

Poverty Analysis



(Ref: DSI 2007 report)

CAUSES OF POVERTY

The poverty analysis diagram above gives ideas on the causes and connectivity of themes which need to be integrated into the initiative of any agency / organisation to address poverty, even if a particular agency/organisation may not be able to address all the causes.

Although this pilot slum study has not looked into the poverty issue from a gender perspective it is important to know that even amongst the poorest of the poor, women are much poorer by virtue of their gender - which is termed as feminisation of poverty. When it comes to having a toilet, bathroom, access to health services, girl children's education, dowry menace and privacy to protect the modesty of women, the present shelter and basic services are either non-existent or very poor. Therefore when one speaks of urban development, especially improving the conditions of people living in slums, prioritization has to be made keeping the specific needs of women in mind. In other words, there has to be a gender bias in favour of women in urban development planning.

4.1 Definition

BPL as defined by the department of FCS&CA

There are no references made in any service agency of Bangalore to the definition of the poor or poverty though there are umpteen programmes in the name of the poor in every government agency. The only reference found is in the Citizens' Charter 2007 of the Department of Food, Civil Supplies & Consumer Affairs (FCS&CA) describing families below poverty line.

As per this Citizen's Charter, the limit to qualify for a Below Poverty Line (BPL) ration card in urban areas is Rs. 17,000 annual income, which amounts to Rs.1,416 or less income per month per family, which is Rs. 47 per day or less per family. Typically an urban poor family will have four people – husband and wife with two children - with both the parents working to keep the family going. Their daily income if they are paid minimum wages would be about Rs.140 compared to the BPL line of Rs.47 which is way below the mark. Even if the family has only one person working, the income would be Rs. 70 which is still very high compared to the BPL line.

As per the Citizen's Charter 2006 of the Department of FCS&CA, there are other criteria to determine the eligibility for the BPL card.

- Families not having cell phone, land telephone, TV or private vehicle.
- Families not having borrowed Rs.1 lakh and above from banks or other such sources.
- Families not paying income tax.
- Families without a pump set
- Families without a member working in a government or semi-government office with more than Rs.1000 per month.
- Families with low standard of living.

Defined by people of slums

During the focus group discussion with different groups of people the following criteria emerged.

People without		
money, food, knowledge, technical knowledge, land, social security, savings, cleanliness, play-ground, money to pay school fees	education, children, PDS card, basic facilities, clothes, government support, awareness, fundamental rights, toilets, money to marry, no drainage and	house to live, drinking water, voter ID card, power, clean environment, job, jewellery, government jobs, money for health checkups.
People who are		
living in huts, unable to pay interest, old and unable to work, domestic workers, living in temporary huts, mental patients, addicted to bad habits, living in orphanage,	daily labourers, migrants, wage labourers, paurakarmikas, using old clothes, in search of livelihood, not going to school, school dropouts,	living on footpath, rag pickers, living in slums, muslims, beggars, child labourers,
sleeping in temples, working as house-maids, not able to afford drinking water, pushed to vacate temporary shelter, living in rented house, studying in government schools, and living in temporary shelter built by BBMP since one year without any facility.		consuming low class liquor, living in large numbers in a single room, living near drainage and railway track, getting work for few days in a month, having no working men at home,
People who have		
fathers who are drunkards huge debts,	no standing in society,	nobody to care,

Delhi's 'Mission Convergence'

In Delhi, 'Mission Convergence' has been formed with the objective of reaching social services to the economically and socially vulnerable sections of Delhi's population more transparently and more effectively, by a series of reforms including converging and rationalising all social sector schemes. The new methodology for identifying urban vulnerable individuals and households depends on proxy indicators of income, social vulnerability and access to public services to calculate the income and define vulnerability around income.

The new methodology therefore proposes that the primary filter that should be used to identify poverty in the context of Delhi is place of residence of the “beneficiary”. For eligibility to a BPL or Antyodaya card or any other scheme to be accessed by the urban poor therefore, the place of residence should be:

1. Houseless
2. Notified Slums
3. Non-Notified Slums
4. Resettlement Colonies

It is reasonably assumed that the city's poor and vulnerable would mostly reside in these settlements. They also have poorest access to public services, with detrimental impact on their health, well-being, and ability to use incomes for a better life.

The second level of filter that will be used will be whether the resident of these areas belongs to a **socially vulnerable group OR vulnerable occupational groups** that make them vulnerable to income shocks or livelihood insecurities:

1. **Socially Deprived Groups:** Socially vulnerable groups are defined as those who routinely face severe social barriers to livelihood, food and dignified living. They include:
 - Households with old people either living alone or as dependents with their children or others (above the age of 60)
 - Households with disabled persons (as defined in the annexure), both as heads of households and as dependents
 - Households with people who suffer from debilitating and stigmatised ailments (HIV/ AIDS, TB, and Leprosy)
 - Single women (including widows, unmarried and separated and deserted women,) living in household(s) as dependents, or alone, or as heads of households
 - Single unprotected children and
 - Child-headed households
2. **Occupationally Vulnerable Groups:** Households which are primarily dependent on earnings from occupations and forms of employment or self-employment which are casual, low-end, with low and uncertain wages and irregular employment, unsanitary, unhealthy and hazardous work conditions, and bonded, semi-bonded or other undignified and oppressive conditions of employment. Those households with any members who are in regular employment with public or private sector would not qualify for occupational vulnerability.

In urban areas an illustrative list of such occupations includes:

- Rag-picking
- Construction workers
- Porters and hamaals
- Casual daily-wage labour
- Street vendors / hawkers
- Casual domestic workers
- Cycle-rickshaw drivers

- Workers in small household enterprises
- Workers in household industries

3. **Most Vulnerable Households:** Those households which are houseless or precariously housed are identified as the most Most Vulnerable Households (MVH). This would make them eligible for Antyodaya Cards and other programmes for their food, health, education and social security.

4.2 Available data on slums

As observed above, service agencies in Bangalore don't have the same 'criteria' to identify the poor and most don't have any criteria. This is vastly reflected in the sets of data available from them. The figures from PDS 2008 show 18% under BPL. 11% slum population was recorded by KSCB in 2005 as being poor and 26% were so recorded in census 2001. This figure is contended by various NGOs who claim this to be around 35%. The figures vary - from 11% to 35%. And the number of existing slums varies from 473 to 778. The following sets of tables throw up varied sets of data.

Table 4.1: Varying estimates of slum population in Bangalore

Sl. No	Source	Slum Population of Bangalore	Proportion of Slum Population to Total Population
		No.	%
1	Census(2001)	6,80,516	12
2	KSCB(2005)	6,10,030	11
3	CDP(2007)(estimated)	14,89,950	26

Ref: NIUA Jan2008

Table 4.2: Figures from KSCB Vs BBMP Vs Census

	Declared slums	Undeclared slums	Total slums	Total Huts	Total Population
KSCB 2008	219	254	473	51338	369711
BBMP 2008			542		
Census 2001				88159	430501

Figures not only vary between organizations, they also vary within the organizations. When we got sets of data from the KSCB, each sheet differed from the other and ultimately when we cross-checked we were told to stick with one sheet. The following tables throw more light on variations.

Box 1: Slum statistics from BDA

According to the KSCB data 367 slums have been listed in BMP area in 1993 of which 203 slums are declared and 164 slums are undeclared. Adding to these 367 slums, 106 exist in CMCs making a total of 473 slums. Total population from the survey is 7.91 lakhs with 1,42,218 households.

According to a 1999 survey conducted in the context of a slum upgradation programme, Bangalore city had 468 slums and an additional 20% was considered. A 10% growth rate was assumed for the next two years indicating an estimate of 680 slums in the year 2001.

Source: RMP 2015

Table 4.3: Survey of slums by Bangalore City Literacy Committee in 1998

Bangalore Development Authority	67
Bangalore Mahanagara Palike	113
Slum Clearance Board	345
Indian Railways	62
Forest, Defense, PWD, Private, etc.	191
Total	778

Table 4.4: Number of slums and households under KSCB, CMCs and TMC

Agency	No. of slums
Karnataka Slum Clearance Board (KSCB)	218
Bangalore Mahanagara Palike (BMP)	420
City Municipal Council (CMC)	188
Town Municipal Council (TMC)	6
Total	614

Ref: NIUA Jan2008

Equally elusive is the data on urban homeless. They don't seem to figure in any of government lists. An independent study by a network of NGOs – BRIDGE, covered all the 100 wards in the earlier BMP area and had this to show.

Table 4.5: Urban homeless families

West Zone	South Zone	East Zone	Total Families
6775	9586	6347	22708

Source: Study by BRIDGE network

Table: 4.6: Years of residence of the urban homeless in the City

Years	Percentage
Less than one year	22.00
1 to 3 years	40.00
3 to 5 years	19.00
5+ years	19.00

Source: Study by BRIDGE network

Table: 4.7: Employment details of the sample urban homeless

Nature of the occupation	Number engaged	% to total
Small business	35	11.82
Daily-wage earners	66	22.29
Construction workers	27	9.12
Commercial sex workers	20	6.75
Rag-pickers	75	25.33
Shoe-shiners	7	2.36
Road sweepers	19	6.41
Domestic workers	33	11.14
Plastic bag-making	14	4.72
Total	296	

Source: Study by BRIDGE network

The following table throws light on the kind of access to basic services in the slums. Noteworthy is the access to water, as our earlier chapter of City Profile indicated that coverage was claimed to be 100%, while it is evident from this table that it is about 43% coverage in slums.

Table 4.8: Access to basic services

Service	Description	Access to Households (%)
Water supply	Individual WSC	43
	Community taps	50
	Open/Bore well	2
	Tanks	5
Sanitation	Individual toilets-UGD	35
	Individual toilets-others	14
	Public convenience	35
	Open defecation	16
Solid waste disposal	Daily/alternate day clearing of waste	61
	Daily/alternate day clearing of drains	5
	Daily/alternate day clearing of roads	59
Drainage	Roadside drains	56
Housing	Pucca	13
	Semi-pucca	49
	Kutcha	38

Ref: NIUA Jan2008

4.3 Observations

- Currently various service agencies in Bangalore – whose targets are the same 'poor' - don't have the same 'criteria' to identify them. Most don't have any criteria. Hence the real "beneficiaries" of various schemes are deprived of the benefits meant for them.
- The minimum wage an individual must be paid according to the government is not less than Rs.70 per day. To qualify for a BPL card a family should earn not more than Rs.47 per day. **This means - to qualify for a BPL card a family should be earning less than the prescribed minimum wage.**
- The perception of poverty by the people living in slums and those without a place to live in shows how vast the subject is. It is interesting to note that children think having a drunkard father is a sign of poverty and the young think having no money to marry is a sign. Women think having no access to water is a sign while men think having no government job is a sign. They see poverty from all angles because they live in poverty.
- Obviously defining the poor can't be done solely on the basis of money alone. It has to be done around the money factor. It could be done with proxy indicators around money factor.
- Probably this is the first time ever that a definition of poverty has been attempted by consulting people, who perceive themselves as poor.
- Different agencies have different sets of data. There are varying data within a single agency. Many have no database of their target groups at all.
- It is a highly questionable position – how can an agency do any planning without the basic data.
- Different agencies do their own surveys in isolation spending huge amount of resources. It is a waste of resources, time and effort.

4.4. Recommendations

Identifying the Poor

Poverty can't be defined in terms of income alone. It expresses itself in a multitude of vulnerabilities. A human being/family can be poor economically, physically, socially, technically, environmentally, politically, etc. Recognizing vulnerability around income with proxy indicators should do identifying the poor.

The FOUR sets of indicators are:

1. Spatial vulnerability
2. Social vulnerability
3. Service vulnerability and
4. Occupational vulnerability

A family could be considered poor if it is residing in any one of the places listed under spatial vulnerability AND fulfills ANY ONE of the vulnerabilities (Either social OR occupational OR service). Also it is equally possible that a family living in a better-off place could be poor in which case it needs to fulfill a minimum of two vulnerabilities (from social, occupational and service categories).

Spatial vulnerability: A family could be considered spatially vulnerable if it resides in any of the following locations:

- Houseless (small group/scattered huts)
- Declared slums
- Undeclared slums
- Resettlement colonies
- Huts along the railway tracks
- Makeshift colonies
- Outhouses for helpers

Social vulnerability: A family could be considered socially vulnerable if it fulfills any of the following criteria:

Family with: one old person, old living alone; one disabled person, disabled living alone; single women - widow, unmarried, separated or deserted women, single women as dependents, or alone, or as heads of households; single unprotected children, headed by a child; one bonded labourer, children or with children under 5 yrs, one child not going to school; belonging to SC/ST, having one illiterate adult, an alcoholic or drug addict, family which has taken a loan on interest, living in a single room or with person suffering from HIV/AIDS, TB, or leprosy.

Service vulnerability: A family could be considered vulnerable to services if it could fulfill any of the following criteria.

Family without a house, land title, any government schemes, household latrine, access to safe drinking water, under ground drainage connection, power connection; with a member having no voter ID card or a ration card; which is more than one kilometer away from any PDS shop OR any government primary health center OR any government primary school OR a BMTC bus stop.

Occupational vulnerability: A family could be considered occupationally vulnerable if it fulfills any of the following criteria:

Family with: no adult employed, one adult employed, one rag-picking adult or child, one construction worker, one casual Pourakarmika, one porter, one casual daily-wage labourer, one street vendor / hawker, one domestic worker, one cycle-rickshaw driver, one worker in small household enterprise, one worker in household industry.

Poorest among the poor

Poorest among the poor are the houseless (small group/scattered huts), family not a beneficiary of any government schemes, old person living alone, disabled person living alone, single woman living alone - widow, unmarried, separated or deserted, family with single woman as dependents or as head of household, single unprotected child, family headed by a child, family living in single room – of less than 150 sq. ft. space, family with more than one member having no voter ID card, family without a ration card, family with no adult employed, family with more than one rag-

picker, family with more than one child labourer, family with more than one construction worker, family with more than one casual Pourakarmika, family with more than one porter, family with more than one casual daily-wage labourer, family with more than one street vendor / hawker or family with more than one domestic worker.

Comprehensive-Common-Convergent database for identifying the poor

1. Form a committee comprising the State Election Commission, all the service agencies, para-statal/quasi government agencies, line departments, CBOs and NGOs operating in the BBMP/BMA area. The BBMP being the major service provider should anchor the exercise by coordinating with the Election Commission which has a direct stake in the survey.
2. Pool resources to jointly do the survey. The survey should cover the regular census data in addition to profiling the poor and avoid another exercise by the Election Commission or any other line department.
3. Use GIS to map all units of habitations, especially the spatially vulnerable areas. (BBMP has already completed this exercise in about 15 wards – whether this included mapping the vulnerable areas is unknown).
4. Ideally, a unique citizen identification number could be given on the birth certificate issued by municipal bodies to all fresh births. This ID number could be used for tracking the child through its various developmental milestones, vaccinations, ECCD, compulsory schooling, vocational training, etc. It could continue for tracking the adult through his working life, for his electoral ID, employment, welfare benefits, tax purpose as well as social security.
5. Provide a 'unified BPL / urban poor service/scheme' card to the identified poor that will have the information about the eligibility of the card-holder and which will be valid for subsidized services from all agencies. Supportive documentation from the family should be asked for only by the card-issuing agency and not again and again by each service agency.
6. Develop a common central database accessible to all service agencies, which can be accessed and updated in order to ensure convergence in the identification of the population to whom the services are to be reached. Database must be transparent – computerized and available online. It must be updated every five years.
7. Constant updation of data to capture in and out-migration of the poor should be made possible by putting the onus on the BPL card-holder to report at the designated office / ward-level municipal office / post office etc. each time the family shifts residence.
- 8.

Schemes and services to the urban poor

1. Form a Standing Committee on Poverty Alleviation comprising ALL the service agencies, boards, para-statal bodies, quasi-government agencies, line departments who are servicing the poor, CBOs and NGOs in the BBMP/BMA area. The BBMP being the major service provider should anchor the exercise.
2. Schemes and services should be designed based on the comprehensive database.

3. The role and responsibility of each service agency, the schemes and services they offer w.r.t services to the urban poor must be clear and transparent. Duplication of roles and responsibilities must be avoided. At the same time, convergence must be achieved.
4. List of schemes, services and beneficiaries must be computerized and available online and in accessible form at points of service delivery, such as ward office, service station, etc. through such means as touch-screen kiosks, etc.
5. All the agencies should update data on all the schemes undertaken by them each year.
6. Procedure for availing the services/schemes must be simplified.
7. There has to be a single-window clearance system. This is easily achieved with the convergence of data and unified service/scheme card. Each ward should have one window (outlet/office) exclusively for the urban poor services/schemes.
8. All the points of interface between the card-user and the respective service agency, where these services are available, could also have 'unified urban poor scheme' card readers, which will allow access to the particular service/ benefit, financial or otherwise to the beneficiary.

5 STUDY FINDINGS

5.1 Land & Housing



5.1 Land & Housing

Constitutional, International, Legal Framework

International instruments

At Habitat II or the 2nd U.N. Habitat and Human Settlements Conference [1996], countries reaffirmed their commitment to progressively realize the right to housing and recognized the governments' obligation to enable people to obtain shelter and to protect and improve dwellings. They committed themselves to the Habitat Agenda, which covered all aspects of habitat and human settlements.

Among the commitments they made at this conference, were equal access to adequate housing, expansion of the supply of affordable housing by enabling markets to perform efficiently in a socially and environmentally responsible way, and to work to strengthen local authorities' financial and institutional capacities to implement the Agenda.

National instruments

The National Urban Housing & Habitat Policy, 2007 declares that given that shelter is a basic human need, next only to food and clothing, its aim is the sustainable development of habitat so as to ensure equitable supply of land, shelter and services at affordable prices to all sections of society.

Key Points of the Policy

- Recognising that nationally 99% of the housing shortage is among the EWS & LIG sections and that the urban poor have limited access to basic services, the new Housing Policy emphasizes the role of Government as a facilitator and regulator, and on earmarking land in new housing projects for the EWS/LIG sections.
- In every public or private housing project, 10-15% of the land or 20-25% of the FAR/FSI is to be reserved for EWS/LIG housing.
- Special package for in-situ slum up-gradation is to be provided.
- Slum improvement programmes for up-gradation of basic services and environment improvement with a participative approach and in-situ slum development.

This policy has been followed by an Actionable Points note, which in addition calls for:

- Suitable flow of resources is to be ensured to EWS/LIG housing.
- Medium and long-term plans for provision of basic amenities.
- The need to give ULBs regulatory and development roles.

National Slum Policy [Draft]

This policy has been in draft form for quite some years. It aims:

- At "creating awareness in both the Government and the people of the underlying principles that guide the process of slum development and improvement, and the options that are available for bringing about the

integration of these settlements and communities that reside in them into the urban area as a whole.

- To strengthen the legal and policy framework to facilitate the process of slum development and improvement on a sustainable basis.
- To establish a framework for involving all stakeholders for the efficient and smooth implementation of Policy objectives."

Among its governing principles are the following:

- Slum-dwellers contribute significantly to the urban area, and hence the policy endorses an upgrading and improvement approach and not slum clearance, except for untenable settlements, under strict guidelines.
- Households in all urban informal settlements should have access to minimum basic services.
- To achieve the goal of cities without slums, we need to re-vision our urban development processes to make towns and cities fully democratic, economically productive, socially just, environmentally sustainable and culturally vibrant.
- Urban growth and development should lay greater emphasis on equity and distributive justice.
- Greater participation of communities and civil society in all areas of planning, capacity building and development is envisaged.

State instruments

The Karnataka Slum Act, 1974, defined a slum thus:

- a. Any area is or is likely to be a source of danger to health, safety or convenience of the public of that area or of its neighbourhood, by reason of the area being low-lying, in-sanitary, squalid, over-crowded or otherwise; or
- b. The buildings in any area, used or intended to be used for human habitation are
 - i) in any respects, unfit for human habitation ; or
 - ii) by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, detrimental to safety, health or morals, it may, by notification, declare such area to be a slum area.

In determining whether a building is unfit for human habitation, for the purposes of this Act regard shall be had to its condition in respect of the following matters, that is to say –

- i. Repair,
- ii. Stability,
- iii. Freedom from damp,
- iv. Natural light and air,
- v. Water supply,
- vi. Drainage and sanitary conveniences,
- vii. Facilities for storage, preparation and cooking of food and for the disposal of waste water, and the building shall be deemed to be unfit as aforesaid, if it is so defective in one or more of the said matters that it is not reasonably suitable for occupation.

The Act further outlined processes for improvement or clearance of slums as needed. This Act has been amended over the years. Thus, the Amending Act 26 of 1986 stated, "The State Government is experiencing a lot of difficulty in getting the vacant lands in urban areas of the State for the implementation of Environmental Improvement of Urban Slums under the provisions of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974). One of the main reasons for this is the low rate of compensation fixed (i.e., 100 times of property tax) in the present provision of Section 20 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973. Hence, it is proposed to amend Section 20 of the said Act to enhance the rate of compensation from the present 100 times to 300 times the property tax. Hence the Bill"

The Amending Act 7 of 1988 - "The Government have power to acquire land under Section 17 of Karnataka Slum Areas (Improvement and Clearance) Act, 1973, for the purpose of redeveloping the slum clearance area or for rehabilitation of the slum-dwellers. The Karnataka Slum Clearance Board has no powers to acquire land by agreement. The Board may expedite rehabilitation of slum dwellers if the land is acquired by agreement. Hence it is proposed to introduce a new Section 26A giving the Karnataka Slum Clearance Board powers to acquire any land by agreement."

Amending Act 21 of 2002 - "It is considered necessary to amend the Karnataka Slum Areas (Improvement and Clearance) Act, 1973, (Karnataka Act 33 of 1974) - (a) to provide for transfer of lands belonging to the Government or a Local Authority to the Board free of cost for the purpose of carrying out improvement, development, clearance or development of the land or erection of building thereon; (b) to empower the Board to carry out development on the land transferred to or rested in the Board and to form layout; (c) to empower the Board to lease, allot, sell or otherwise transfer the sites formed in the layout to the slum-dwellers; (d) to provide for recovery of sums due to the Board; (e) to change the composition of the Board; (f) to change the nomenclature of "Chief Executive Officer" as Commissioner and to specify his powers and duties.

(obtained from LC Bill No. 1 of 2002 vide file No. DAPL 17 LGN 2001)"

Points from Studies and Papers

Excerpts from ALF's report on Karnataka Housing Board Act

"The poor can now dream of having a home of their own in Bangalore", Chief Minister H.D. Kumaraswamy said here on Tuesday. He said the Bangalore Development Authority had launched a Rs. 500-crore housing scheme in which sites would be reserved for the poor in layouts being developed by the BDA. He directed KHB officials to ensure a 20 per cent concession for the poor and a 10 per cent concession for people with disabilities in all housing projects and insisted that quality should also receive adequate attention in all projects. Housing Minister D.T. Jayakumar said the Government had decided that Karnataka would become a hut-free State by 2010 and a slum-free one by 2015. There were 13.5 lakh people

without houses and 12 lakh without any form of shelter. All these people would be covered in a phased manner."

The report is strongly critical of the trends in Bangalore and in the country as a whole on urban development, laws and actions that do negate the basic rights of the urban poor. It points out that several court rulings have highlighted that the right to life means the right to live with dignity. This includes the 'right to food, water, clothing, environment, education, medical care and shelter'. In the Olga Tellis case, the Supreme Court ruled that the eviction of people from the slum lead to the deprivation of their livelihood and consequently to the deprivation of life.

The report highlights that this is not just a judicial interpretation in India but has wider support through international conventions, laws and treaties including the Universal Declaration of Human Rights and the Declaration of the Rights of the Child (to which every country except the United States is a signatory).

Another point made in the report is that revenue layouts are formed through approvals from various authorities like the local city municipal council, the village panchayat or other local governments in the CMCs, etc. These 'illegal' or quasi-legal settlements are common across the world, says the report citing examples from South Africa to Turkey and Mexico to Vietnam. At the same time, the formal housing mechanism has been highly deficient in providing housing solutions to the people of Bangalore. It is this lacuna that revenue layouts have begun addressing, by servicing the lower- and middle class housing needs. Both the BDA and the Karnataka Housing Board (KHB) have together been able to provide about 10% of the total number of sites that are needed for housing in Bangalore.

The report highlights how in the case of Sri Ramtanu Co-operative Housing Society Ltd. v. State of Maharashtra, industrial development was classified as public purpose. But basic human housing have not been considered as 'public purpose' with the same framework. The Karnataka Industrial Areas Development Board's (KIADB's) land acquisition process itself has come under increasing influence by big corporates.

Existing Government Schemes

- TMHP [Two Million Housing Programme] – objective of providing affordable housing especially for EWS/LIG.
- Vambay [Valmiki Ambedkar Awas Yojana] - aim of subsidizing construction of housing and sanitation for urban BPL families.

These, as well as NSDP in the past, have yielded positive results with an addition of 19.52 million dwelling units added in the decade from 1991-2001, but there is still a huge gap in fulfilling housing and basic services needs of the slum-dwellers.

JNNURM [Jawaharlal Nehru National Urban Renewal Mission] 's BSUP [Basic Services for the Urban Poor] component has six basic entitlements/services – security of

tenure, affordable housing, water, sanitation, health, education & social security in low-income settlements.

The Set-up at the State Level

Organizations coming under the administrative control of the Housing department are:

1. **Rajiv Gandhi Rural Housing Corporation Limited** – a registered company set up under the Companies Act.
2. **Karnataka Housing Board** – a Board set up under the Karnataka Housing Board Act.
3. **Karnataka Slum Clearance Board** – a Board set up under the Karnataka Slum Areas Improvement and Clearance Act.
4. **Karnataka Rajya Nirmana Kendra** – a registered society set up by the state government under the Societies Registration Act.

Functions of the State Department of Housing:

- To plan and implement the policy of the government to provide 2 lakh houses for the poor every year to complete 11 lakh houses in five years.
- To provide affordable high quality houses and sites to all sections of society.
- To rehabilitate slum dwellers and improve their quality of life by providing basic infrastructure under the state government-sponsored schemes including Nirmala Jyothi and centrally-sponsored Vambay and the Nirmal Bharat Abhiyan providing community sanitary complexes.
- To provide low-cost construction technology and materials, training and undertaking construction of houses through the district-level Nirmithi Kendras.

New Initiatives

Construction of houses by beneficiaries themselves is being encouraged as a conscious policy. The result is greater people's participation, better houses and higher satisfaction among the community.

Targets :

1. To encourage construction of houses for economically weaker section by the beneficiary to satisfy each beneficiary's housing need within what he can afford and promote cost-effective building technology.
2. To involve regular savings programmes for beneficiaries in the economically weaker section and slum-dwellers.
3. To organize regular savings programmes for beneficiaries in the economically weaker sections and slum dwellers.
4. To provide basic infrastructure like drinking water, streetlights, internal roads, drains and community sanitation facilities in housing colonies for economically weaker section in rural and urban areas.
5. To complete the 100 housing programme and the CM's Town Housing Programme without cost and time overruns, to fix final cost of the house at the time of allotment, to involve the beneficiary in monitoring the implementation of the project.
6. To provide basic infrastructure facilities and housing to slum-dwellers in slums.

The Bangalore Scenario

According to BBMP, Bangalore now has 542 slums [this is much less than the number [778] the City Saksharata Samithi obtained while conducting a detailed study in its total literacy campaign in 1998. The possible reasons for this discrepancy could be that while some slums have been denotified over the years, the city's area has grown also; moreover, slums under other agencies such as the railways seem to be left out in the official reckoning; and even definitions of slums vary. Of the 542, 218 are under KSCB and 324 under BBMP.

BMP has acquired land from private landlords for purposes of scientific disposal of solid waste/garbage, and for project works/providing civic amenities [BBMP Annual Report, 2006-2007]. However, there is no mention in the report of any acquisition to provide housing to slum-dwellers [echoing the situation in Maharashtra].

City-specific agencies that are concerned with land/housing are BBMP, BDA, KSCB. BDA's task in this regard is to develop new layouts and demarcate housing sites. The mandate of KSCB is to improve and 'declare' the slum, and where this is not possible, to clear the slums, with due regard to the procedures laid down in the Slum Act. BBMP is handed the 'declared' slum to administer as part of the total city area.

As part of the JNNURM project documentation, a new Comprehensive Development Plan was prepared in 2006. The following extracts from the CDP give an overview of the approach taken on BSUP, especially the housing aspect.

If the argument of universal access is adopted, we need fundamental 'institutional and governance' change, from which better quality services will follow. Services like education, health care, water supply and sanitation will begin to work for ALL citizens, including the poor. Here, the economies of scale and networked connections can be leveraged for the benefit of all stakeholders. Even in situations of universal access, pro-poor measures like subsidies and preferential pricing can be structured and delivered, so long as efficient mechanisms of beneficiary identification are available.

Exclusive services: In addition to universal access to services, the poor clearly need additional services and activities that address issues of social justice: housing and public distribution systems are two examples. The delivery challenge of proper identification of beneficiaries and channelisation of support / subsidy is a real one in the efficient provision of these services.

The increase in number of slums in Bangalore is a growing problem and has not stabilized yet. This is primarily due to the lack of any action from government either to arrest the in-migration or plans to provide housing to economically weaker sections on a large scale. However, the poverty levels are declining due to availability of jobs provided by the growing service sector.

Despite the rapid economic growth, urban poverty is still widespread and large sections of the urban population lack employment, earn very low incomes and have inadequate access to proper housing, infrastructure and services.

Slums are an integral part of urban areas and contribute significantly to their economy both through their labour market contributions and informal production activities. The government has recognized the contribution of these urban poor in helping to build urban prosperity and make sufficient provision for them to have access to affordable land, house sites and services. The planning and development framework should be inclusive. Slums are occupied by poor people who cannot afford legal forms of shelter.

The following emerged as the vision for the city after a series of stakeholders' meetings at the city level:

- No more new slums.
- Redevelop existing slums and surroundings to enable Bangalore regain its lost glory without endangering the lives of the urban poor.
- During planning and implementation of various initiatives engage the citizens, NGOs, community groups to help the government sustain its programme of providing basic services to the urban poor
- Bangalore to emerge as high-tech knowledge city treating its less fortunate brethren in a humane manner through effective municipal administration.

Benefits of upgrading the existing slums to acceptable standards

- The benefits are simply that people obtain an improved, healthy and secure living environment without being displaced.
- The investments they have already made to their properties remain and are enhanced - this is significantly better than removing them to costlier alternatives that are less acceptable to them.
- Recognizing title and security of tenure makes a positive contribution to both the economic prospects of the poor, as well as to the national economy.
- Experience has shown that slum upgradation projects are associated with social and economic benefits that are particularly high.
- Formulating a strategy for bridging the gap between where the city is and where it wishes to go.

How to prevent creation of new slums

A series of well-planned changes are needed in the legal and regulatory framework, particularly with regard to land markets and land acquisition, including land registry, land valuation, and legal instruments to facilitate land acquisition. The CDP recommends adoption of 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 Economically Weaker Sections (EWS) as well as Low-Income Group (LIG) categories. As this provision figures among the optional reforms agenda, the State Government may use the opportunity to formulate a legal provision.

It is also recommended to review the housing finance system, including the access of the poor to credit and targeted subsidies for housing, which would create opportunities for the poor.

It is suggested that the Government consider making it mandatory on major construction contracts seeking large-scale employment of unskilled labour to provide temporary housing and infrastructure.

Ideally, there should be a four-step process to involve communities and other stakeholders in the process of decision-making:

- Consultation, which involves telling communities what governments intend to do to implement certain policies and projects
- Participation, which involves asking communities and other stakeholders what they want and taking their views into consideration in the formulation of policies and projects
- Engagement, which allows communities and civil society to make limited decisions about matters that affect local or national interests, and to become involved in the implementation of projects under the umbrella of governments
- Co-governance, which devolves functions and powers of governments to communities and businesses to take actions on behalf of government

The CDP while evaluating the options for implementation has considered the following:

In-situ development of housing where the slums are located currently:

- G+2 type
- Multi-storey in a PPP model (part housing and part commercial development involving private sector partner)
- Identifying new areas in the outskirts and providing houses either on G+2 type or multi-storey construction (may pose problems of finding jobs nearby for the people)

The Karnataka Housing Board (KHB) has drafted a policy for redevelopment of slums in Bangalore under a joint venture basis. KHB has experience in slum redevelopment in both conceptualization and inviting tenders for award of contracts. It is recommended that wherever PPP model is considered, KHB be designated as the agency to manage the programme. This recommendation is subject to Government's consideration and approval.

This essentially is a public-private-partnership model wherein the participation of private sector is encouraged to finance the housing scheme for the poor concurrently with commercial exploitation of approximately 50% of the land available. The brief of this policy outline are:

- The lands required for the redevelopment of the slums are normally the area occupied by the slum itself. If the land occupied by the slum is owned by the government, the same shall be utilized for redevelopment purposes. The area maybe declared as a slum under Section 11 and as per the definition given in Karnataka Slum Act, 1973.
- If the lands occupied fall under private ownership, and if the government determines and is satisfied that for the purpose of redevelopment it is necessary to acquire the land within, then the same shall be done under Section 17 of the Karnataka Slum Act, 1973.

- For the purpose of slum redevelopment the KSCB shall procure the lands under the provisions of the Act therein and handover the lands to identified Project Implementing Agency.
- If the government determines it is necessary, based on reports from KSCB and or KHB, that the clearance of an area created as slum is required, then the Deputy Commissioner, BMP, shall make it available from suitable government lands for the purpose of rehabilitation to the Project Implementing Agency.
- The Project Implementing Agency has requisite rights to utilize the lands for the redevelopment purposes and to meet the cost of construction and development.
- The remaining vacant land after the clearance of the slum would be utilized for commercial exploitation.
- The developer would also need to provide temporary shelter to the beneficiaries in the interim until their new homes are built and ready for occupation.

The Urban Homeless

[Note: Though this pilot study is focused on slums, the homeless are included in this report as they, even more than the slums, are typically the outcome of land shortages, its unequal distribution, and income inequality too. They are also the least served in terms of basic services such as water, sanitation, and a clean environment.]

Official sources estimate the total houseless population in Bangalore district at about 18 thousand, all except one thousand in the urban part of the district. About a third of the houseless are estimated to be women. More than ten percent are children under six years of age and nearly a third are SC/ST. However, according to a recent study, the number of homeless in the city is estimated to be nearly one lakh. A large number of these are not recent migrants [i.e., less than three years]; many are living in public places or construction sites.

The number of homeless in the city is estimated to be nearly one lakh. A large number of these are not recent migrants [less than three years]; many are living in public places or construction sites. Most of them are able to access services like water for drinking and bathing, and sanitation in the locality itself or if they are on the move, wherever they are. However they are docile as far as politics is concerned, neither being linked to any political organization nor even exercising their franchise. Thus they are "largely unheard, unseen and powerless and lack opportunity to articulate their problems or rights in the city".

Problems due to lack of a home:

- Service providers expect at least a small amount for the service.
- Creches or mobile schools do not reach them and admission procedures and fees deter them from studying.
- Police harassment while sleeping, running errands or even being booked for offences.

Findings

CIVIC conducted a Grievance Redressal Mela on land rights in Chamundinagar, Ward no 54, with KSCB on 5-6-2008. The key grievances aired at the mela were:

- The slum was declared 3 years back. But still residents did not get any land right document or identity card.
- No basic amenities have been provided by KSCB. Specific problems due to this lacuna mentioned were: there are no streetlights, so they are afraid to walk at night, due especially to drains near the homes, snakes, etc. In the rainy season, drainage water comes into the home and the whole house has a bad smell. It takes 2 days to get it clean. At that time, health problems are high. According to one person, the rainwater brings insects and scorpions into the home. Yet, another: "We are scared that children will be washed away in the rainwater. The height of the drain wall has to be increased.
- Other problems frequently mentioned were problems w.r.t. drinking water, drainage and cleaning of community toilets.

Focus Group Discussion Results

The majority of groups mentioned land and housing as problem areas, except women, where only about half the groups did so. Youth also gave it less importance than the other categories of groups. Almost all the groups that did mention it, did so spontaneously. Again almost all these did so with feeling and with the whole group voicing the issue.

All this underlines the importance to slum-dwellers of land and housing. On the other hand, its average rank score was much higher in the youth, women and men's categories, meaning that was higher priority for leaders and children than for these.

The kinds of problems mentioned are summarized in the table below. The most frequently mentioned problem was the lack of any [proper] housing, being forced to live/sleep in the open, and rainwater coming into the house. In one slum, BBMP 's delay in building houses was cited.

Table 5.1: Results of Focus Group Discussion on land and housing

Problem	Present Solution	Suggested Solution
No land	Live in the open	
Living on the road – unable to pay rent	Bathe in the open; NGO has built toilet	Government should support
Delay in government housing after land given to BBMP to build houses; houses being constructed since 3 yrs; no basic amenities	Application made to KSCB	Government should support; provide Ashraya Yojana houses; slum should be declared.
Hakkupatras not given; even those papers given are said to be duplicates		Provide land titles to all; either give grants to slum-dwellers to build or provide houses

Harassment & extortion from forest dept. & landowners		Forest dept. should not interfere
No security - attacks from rowdies		Need police protection
Low-lying land – rain water gushes into houses resulting in short circuits, etc., have to leave huts & live on pavements in rainy season.		Should get protection from rain.
'Landowners' harass – forced to work without payment		The poor living on govt. land must be considered under the Slum Act and provided shelter.
Houses not built in a planned manner		Organize meetings with KSCB

Points from Studies

A Study on BBMP Slums by Janasahyog and CIVIC, 2003

This study mainly focused on four aspects – land, socio-economic profile of the residents, government schemes for slum improvement and their implementation, and major gaps and violations of constitutional and legislative provisions. The study noted that as per secondary data, there were nearly 778 slums in the city, 113 of them under BMP. It has information from a sample of these, and has detailed findings from observation, discussion with different types of individuals in the chosen slums.

Regarding land, slum-dwellers had not been given land rights, despite their having been resident there for several years. Slums in Bangalore come mainly under three agencies, KSCB, BMP and BDA, though there are a large number under other agencies and also private owners. Though it was established in 1975 as a regulatory authority under the Karnataka Slum Improvement and Clearance Act, KSCB had not brought all the city slums under the Act. Possession certificates issued by BMP are not valid instruments and BMP had not rehabilitated any slum either. The most common development priority, as expressed in 77 slums, was land and housing rights. Drainage and latrines came second with 40%, while drinking water came up in 35% of the slums. The majority of the population were living in threat of eviction. The general findings in this study indicated that many constitutional norms were not met – for e.g., health, nutrition, etc. of children. A general comment was that legal decisions were not always translated into action.

A paper by Ms. Anita Reddy forcefully argues for in-situ slum housing that is planned and built by the people themselves. This is in line with existing policies at the international, national and state level. It is to be noted that she talks from rich experience as AVAS, the NGO that she heads, has successfully built such housing in Bangalore.

Mr Liu Thai Ker, formerly CEO and chief planner of the Urban Redevelopment Authority of Singapore and currently planning advisor to 10 cities in China, has said that '86 per cent Singaporeans live in public housing'. He also linked this provision to

lower crimes. Noteworthy is the point that subsidies are given for housing, with higher subsidies for poorer people.

Conclusions and Recommendations

1. While new policies are visionary in some respects, in other aspects, they are either limited in their perspective or even contrary to the public interest. Most of the lacunae and directional issues have been addressed in the studies referred to above and in the annexes and Ms. Reddy's paper. These must be taken into account while framing policies, schemes and in implementation.

2. One of the JNNURM mandatory reforms is the repeal of the Urban Land Ceiling Act. This has allowed developers and speculators to buy up most of the desirable land in cities such as Bangalore itself, where such a repeal was effected even prior to JNNURM. On the other hand, allocation of 20-25% land for the poorer sections as stipulated in the Housing Policy, has been made an optional reform, meaning that it could be done even at the very end of the Scheme's life [7 years]. By then, no or very little land that is convenient for the poor, either for employment or housing in a good environment or access to basic services, will be left! Today, it is estimated that 80% of the land is in the hands of just 20% of the population, while the remaining 80% of the population have to make do with just 20% of the land. There is already a 90% backlog in housing for EWS/LIG. Hence, immediate implementation of the reform reserving 20-25% land for LIG/EWS must be undertaken. To start with, secure 25% land (in area, not in number of sites) in the land recovered by the AT Ramaswamy committee and offer to residents of those slums that are in environmentally endangered sites and to urban homeless families.

3. The extract from the CDP above shows that it has a number of pro-poor statements and ideas but at least as far as housing is concerned, it clearly opts only for housing to be built on pre-determined models through public-private partnership.

4. While favouring in-situ rehabilitation of slum dwellers except where environmentally dangerous, or otherwise infeasible, it offers only one option, that of multi-storied apartment housing on part of the land, with the other half being developed commercially.

5. Provision of housing for all sections of the population, with special focus on low-cost/budget housing, is included in the Mission statement, but it is given little importance in the recommendations.

6. The CDP does not suggest any use of the roughly 206 thousand h.a. of vacant land that is government-owned for urban poor housing, but only for parking of vehicles.

7. Its comment that the poor cannot afford legal shelter has been nullified by the experience of AVAS and other NGOs who have facilitated the poor to build and eventually own their homes.

8. Another point in the CDP about "treating its less fortunate brethren in a humane manner" is telling in its paternalistic way. The poor are not begging for handouts but

demanding their rights.

9. If the slum-dwellers are being asked to share the land they are on with commercial development, and live in multi-storied buildings, it would be equitable if the middle-class and upper class are also asked to do so, even if they are on prime land. This is not even discussed in any policy or plan.

10. Similarly, while crying hoarse over slums occupying such land, there is no move to cap the land being bought by developers of malls, luxury bungalows, etc. Land is a finite, valuable resource and must be rationed if needed.

11. The constitutional right to life and livelihoods implies the right to proper shelter, security of tenure and freedom from forced eviction. This must be adhered to. Land for the poor must be found in all parts of the city, not just at the periphery. Mixed housing is the norm internationally and will benefit all.

12. All national, international and state policies clearly are in favour of equity in housing, support to lower income and slum-dwellers, in-situ housing as per wishes of the slum dwellers. These directions should be followed. The present strategy of plans being forced upon them should be abandoned.

13. Declaration of slums must be taken up with alacrity and hakkupatras given to the residents.

14. Top-down models and single options should be avoided in housing option - Tool kit of NURM has to be strictly followed. The people must be involved in all stages of the decisions, detailed planning process, and implementation. Attempts to bring them in at the last moment with 'buy-in's are plainly anti-people.

5.2 Food



5.2 Food

International, National & Legal Framework

UN Human Rights Council

The Human Rights Council of the United Nations noted:

- January 2008: In a world overflowing with riches, hunger is not inevitable. It is a violation of human rights.
- May 2008: Ensure the realization of the right to food as an essential human rights objective.

Supreme Court of India orders

14th March 2006

Food grain allocations by the Central Government to beneficiaries under TPDS will be continued to be made at the present to States on the basis of Planning Commission estimates of 1993-94 poverty ratios, which is at 36% applied to the population projections of the Registrar-General of India as on 1.3.2000 or on the basis of families identified and issued ration cards by the State Government whichever is less.

The survey methodology for the next BPL census will be designed by the Ministry of Rural Development in consultation with the Supreme Court Commissioners in the right to food matter Case No. 196/2001 along with other sections of the society latest by the beginning of the XI Five-Year Plan.

Provisions will be made to allow new names to be added and ineligible names deleted from the BPL List 2002 on a continuous basis during the period that the list will be applicable.

12th July 2006

The Honourable Court found that there is practically no monitoring over the sums allotted for the Public Distribution System (in short PDS) by the Central Government, and its utilisation.

Constitute a Central Vigilance Committee, headed by a retired Judge of this Court Mr. Justice D.P. Wadhwa. The Committee shall look into the maladies which are affecting the proper functioning of the system, and also suggest remedial measures. For this purpose, the Committee shall, amongst other things, focus on:

- The mode of appointment of the dealers
- The ideal commission or the rates payable to the dealers, and
- Modalities as to how the Committees already in place, can function better
- Modes as to how there can be transparency in allotment of the food stock to be sold at the shops.

The Committee shall also indicate as to how more effective action can be taken on the report of the Vigilance Committees already appointed. It goes without saying that the same shall be in addition to the legal remedies available to any citizen in

setting law into motion. The Committee would invite suggestions from general public, organizations and would consider the suggestions, if any received, in the proper perspective. We are giving this unusual direction in view of the almost accepted fact that large-scale corruption is involved and there is hardly any remedial step taken to put an end to this. The ultimate victim is the poor citizen who is deprived of his legitimate entitlement of food grains. The Public Distribution System is intended to ensure that a citizen gets the food grains at a reasonable price keeping in view his economic standards.

State-level norms

Department of Food, Civic Supplies and Consumer Affairs (FCS&CA), Karnataka

The objectives of the Public Distribution System (from the website of the dept):

- To protect low-income groups by guaranteeing them supply of certain minimum quantities of food grains at affordable price.
- Ensuring equitable distribution.
- Controlling the price rise of Essential Commodities in open market.

Essential Commodities are distributed through Fair Price Shops to ensure that the basic food requirement of the population is met on the one hand and food security to the poor on the other. Food grains are issued to the poor and vulnerable sections of the society at affordable prices.

Existing schemes as per FCS&CA Citizens' Charter of 2007

1. Akshaya (BPL card)
2. Annapurna (For those aged 65 and above without income and pension)
3. Anthyodaya (Poorest of the poor)
4. APL cards

Criteria for issuing BPL cards as per FCS&CA Citizens' Charter of 2007

- Families with Rs.12,000.00 or less income per year in rural areas (Or Rs.1000 per month or less per family)
- Families with Rs.17,000.00 or less income per year in urban areas (Or Rs.1416 per month or less per family)

Table 5.2.1 PDS Service in Bangalore

Total number of PDS shops	1386	Percentage of total cards
Total number of cards serviced	10,87,975	
Total number of BPL cards	1,96,968	18.10
Total number of APL cards	8,65,713	79.57
Total number of Anthyodaya cards	18,768	1.72
Total number of Annapurna cards	0	0.00
Total number of Honorary cards	6526	0.61

(Ref: Records of the FCS&CA department as on 24th June 2008)

Findings

CIVIC conducted a public hearing on the PDS system by collecting data/information through RTI, visiting 40 shops in four wards – Nos. 6, 41, 54 and 56 and conducting eight group discussions on 29th May 2008. The following facts emerged.

- Criteria used for socio-economic survey conducted in 2003 were not available.
- No information available to public in public domain on schemes. Public had no clue as to what schemes were in operation in the department.
- None of the display boards in 40 shops carried names of the Food Officer, his telephone number and address.
- 29% percent of the cards issued were BPL.
- Over 99% of the food grain supply was done after 15th of a month.
- Of the 40 shops, 12 shops were found shut all the time – both morning and evening.
- Vigilance committee is the community platform to monitor the activity of a shop. Of the 28 shops, 23 had vigilance committees. They met less than 4 times as against 6 times prescribed. Some members didn't know their names were on the committee and some didn't know why they were there.
- No information was available on the Grievance Melas held by the department.
- In two Grievance Melas held by CIVIC, 73 grievances were filed. Only 26 applications were replied in 45 days.
- By the rule book, a shop made a profit of Rs. 2,661 on an average while its expenditure was Rs.6,870.

CIVIC conducted a Grievance Redressal Mela on 9th Jan 2008 in Muneshwara Block of Ward No 6. The following are some of the complaints:

Table 5.2.2: Grievances of residents of Muneshwara Block on the PDS

Applicant (Names changed)	Nature of complaint
Sheela	Working as wage labourer. Given APL card. No food grains and sugar given.
Ponny	7 months back submitted application to BPL. No action so far.
Vasudevi	No access to application form
Lalithamma	Has BPL card. Kerosene shop owner tortures mentally. Improper timing of the shop.
Siddiaiah	Living in the area for more than 20 years. No ration card.
N.Venkatesh	Application submitted. Survey completed. No officials visited after that.
Muniyellamma	Ration shop is too far.
Anjali	No card. Wants one as it is very much needed in hospitals.

Laxmiamma	Mother expired 6 months ago. Transferring of ration card to daughter's name not happening.
Akkamma	Has APL card. Wants BPL card. Living with handicapped children.
Rajamma	Wants BPL card. Living with girl children.
Lokesh	Wants Antyodaya card. Physically handicapped.
Sampoorna	A widow, she requested transfer of card to her name. Officials ignored.
Hannumakka	Shop No 032 provided only 7 litres kerosene. Measurement tampered.
Jayamma	Requested new BPL ration card. Not given.
Prakash	Applied for ration card. No official visited. Wants to know the reason.

CIVIC conducted a Grievance Redressal Mela on 10th April 2008 in JC Road, Ward No 48. The following are some of the complaints:

Table 5.2.3: Grievances of residents of Cement Colony

Applicant (Names changed)	Nature of complaint
Mayamma	How the department justifies our APL card. We are living in a slum.
Mangalamma	Ration is not distributed in time. Given only at month end. Measurement also incorrect.
Malar	Ration card not provided. Living there since 14 years.
Deepanjali	Rice is of bad quality. Past six months kerosene has not been issued.
Jayamma	Quantity of food grain provided is very little.
Chennamma	Widow provided APL card.
Nagarathna	We are wage labourers. Very little quantity of rice is provided to us.
Krishnaveni	Wheat is not distributed in our shop. Only 15 KG Rice provided.
Anniyamma	Ration shop owner has not provided ration because they have submitted card to the department requesting change of name.
Konganata	Harassment by shop owner if we ask about the measurement.
Shanthi	Rs 3 rice sold at Rs 8.

Focus Group Discussion Results

Leaders:

Out of 7 leaders' groups 11 did not mention this as a problem. Their concerns are

- Not given any cards 3 groups

- Because of its absence other facilities are not available 2 groups
 - Ration is of inferior quality and measurements are tampered with 2 groups
 - Ration comes there is no money to buy 1 group
 - Presently they buy whatever is available and whenever it is available 3 groups
- Suggested solution – provide BPL cards 3 groups

Men:

Out of 12 men's groups 10 did not mention this as a problem. Their concerns are

- Not given any cards 3 groups
- No BPL cards are issued 3 groups
- Kerosene is issued at 3AM in the morning that is very inconvenient 1 group

Suggested solutions

- Provide BPL cards 4 groups
- Corruption must be prevented 1 group
- Community should fight with department 1 group
- Supply timing must be changed 1 group

Women:

Out of 17 women's groups 6 did not mention this as a problem. Their concerns are:

- Not given any cards 4 groups
- Wanted BPL cards 2 groups
- 90% families have APL cards and ration is given at the month end 1 group
- Shop is far 1 group
- The criteria should be changed 1 group

Youth:

Out of 17 youth groups 10 did not mention this as a problem spontaneously. Their concerns are:

- Not given any cards 4 groups
- Ration is issued only on a few days 3 groups
- Measurements are tampered 3 groups
- Quality is bad 2 groups
- Issued cards recently but mostly APL cards 1 group

Children:

Out of 17 children's group no group mentioned this as a problem.

Recommendations

- Handover certain functions of PDS to municipalities as in GPs.
- Set up BBMP-level / zonal-level Food Security Committees on the lines existing under PRIs.
- Make suo motu declaration under Section 4(1) of RTI Act and Citizens' Charter accessible to people at any point of time anywhere in the state.
- Make PDS a universal system.
- All the necessary food grains, including pulses and locally consumed millets, and basic items of everyday use to be brought under the PDS.

- Follow the criteria for choosing beneficiaries to reach intended objective of inclusive food security.
- Ensure all shops display all information required to be displayed.
- Strict monitoring process to be in place to stem leakages in the system.
- Vigilance committees to be set up for all ration shops in a transparent manner, training to be given to members, community made aware of their existence and their functioning made more vibrant and proactive.
- Grievance redressal system to be publicized and strengthened.
- The economics of the ration shop to be made viable and profitable.

5.3 Water



5.3 Water

International, Constitutional, Legal Framework

The United Nations' human rights agencies, regional human rights bodies and a wealth of jurisprudence from national and local courts have all interpreted the right to water as being implicit under other human rights, such as the right to life, the right to an adequate standard of living and the right to health. The rights to life and health have been enshrined in both UN and regional human rights.

To mark the UN International Year of Freshwater in 2003, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 15 (Nov. 2002) - "The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, reduce the risk of water-related disease and provide for consumption, cooking, personal and domestic hygienic requirements".

National water policy

Adequate safe drinking water facilities should be provided to the entire population both in urban and in rural areas. Irrigation and multipurpose projects should invariably include a drinking water component, wherever there is no alternative source of drinking water. Drinking water needs of human beings and animals should be the first charge on any available water.

Karnataka state water policy

Provide drinking water at the rate of 55 litres per person per day in the rural areas, 70 litres per person per day in towns and 100 litres per person per day in the city municipal council areas and 135 litres per person per day in city corporation areas.

Provide a legislative, administrative and infrastructural environment, which will ensure fair, just and equitable distribution and utilisation of the water resources of the State to benefit all the people of the State.

One tap for 150 persons

The Government of India sponsored scheme for Environmental Improvement of Urban Slums (EIUS) launched in 1972 has prescribed the minimum norm in respect of basic amenities to be followed by different authorities responsible for managing slums. This prescribes one tap for 150 persons.

Points from Studies and Papers

Right to access drinking water

Source: Slum study of CIVIC & Janasahyog 2003

The provisions under the Karnataka Municipal Corporations Act, 1976, entitle slum-dwellers to access drinking water:

1. Section 59, Sub-section (6) – drinking water fountains for human beings, (21-A) - slum improvement and up-gradation and (21-C) urban poverty alleviation.
2. Section 159, Sub-section (1) states that the corporation shall provide supply of wholesome drinking water within the city and shall erect sufficient stand posts, fountains and other conveniences for the gratuitous use of water.
3. Item 5 (water supply for domestic purposes), Item 6 (public health, sanitation), Item 10 (slum improvement and upgradation) of the Twelfth Schedule annexed to the 74th Constitutional Amendment Act, 1992, make these municipal responsibilities.
4. Section 6(1)d, improvement of slums including its clearance as per Karnataka Municipal Corporation (Wards Committee) Rules, 1997

The provisions under the Karnataka Slum Areas (Improvement and Clearance) Act, 1973:

1. As per Sec. 2 p (iii) water-taps and
2. Sec. 6 (b) the work of improvement including provision of water-taps

Protection against violation of rights or provisions: The violation of any of the above provisions by the authorities is violation of constitutional rights or human rights. Slum-dwellers can approach courts or the National Human Rights Commission under sections.

- a. Article 243-W 9 (a) i,ii, iii. of Constitution of India.
- b. As per sub section (a) & (b) of Section 12 of The Protection of Human Rights Act, 1993, slum-dwellers can file a complaint against officer (public servant) who is responsible for violation of the above provisions with Human Rights Commission

Condition of drinking water supply

Source: Slum study of CIVIC & Janasahyog 2003

The study was conducted in 77 slums, and only in one slum was data not available.

Sources of water supply	Available	Not available
Corporation water supply	69 slums (583 taps)	7 slums
Mini water supply	47 slums (97 units)	29 slums
Borewells	56 slums (157 units)	20 slums

The investigators observed / learnt that water supply is supervised and managed in the different ways shown in table below.

Table 5.3.1: Management of water supply

Managed by	No of slums	Percentage
Local leaders	23	30%
BMP corporators	26	34%
Bore-well operators	10	13%
BMP & local people	1	1%
BWSSB	9	12%
Slum Clearance Board	3	4%
Local associations	1	1%
Nobody	4	5%
Total	77	100%

Leaders' suggestions to improve water supply		No. of responses
1.	Ensure supply everyday, once in alternate days in summer	62
2.	Increase number of public (stand posts) taps	49
3.	Provide individual household water connections	29
4.	Make arrangements to overcome low pressure problem	27
5.	Install mini-water system in crowded & low pressure areas	21
6.	Periodical check to plug the water leakage	20
7.	Replace old supply pipes to avoid wastage & contaminated water	18
8.	Fix the time of water supply and follow the same	18
9.	Increase hours of supply to prevent rush	10
10.	Install bore-wells in over-crowded areas and maintain	08
11.	Prevent illegal individual connections and collection of money	03
12.	Establish water users' association to ensure proper distribution	01
Total:		266

Bangalore Scenario

Mandate & Provisions of the BWSSB

Mission statement

BWSSB is committed to providing drinking water of unquestionable quality in sufficient quantity and to treat the sewage generated to the required parameters.

Notable achievements

Equitable water distribution is maintained.

Cent percent metering of water connections is achieved.

Services

Table: 5.3.2: Percentage of area covered by water supply

ULB	% Area Coverage
BMP	100
Yelahanka	60
RR Nagar	25
Mahadevapura	20
KR Puram	20
Bommanahalli	0
Dasarahalli	10
Byatarayanapura	10
Kengeri	60

Source: KUIDFC-IDIP 2006 report

Table: 5.3.3: Number of water connections

Year	Sanctioned during the year	Total at the end of the year	Domestic connections	Non-domestic connections
00-01	15032	322448	302100	20348
01-02	12357	334805	314179	20626
02-03	16356	351161	330163	20998

Source: KUIDFC-IDIP 2006 report

General tariff

Table 5.3.4: Normal domestic charges

Consumption in litres	Tariff per kilolitre	Minimum charges
0-8000	6.00	48.00
8001-25000	9.00	201 .00
25001-50000	15.00	676.00
50001-75000	30.00	1326.00
75001-100000	36.00	2226.00
100000 & above	36.00	5826.00
Sanitary charges for domestic connection	Rs. 15.00 at flat rate for consumption of 0 to 25000 liters. 25001 to 50000 litres: 15% on water supply charges per month 20% of water supply charges per month for consumption above 50000 liters	

Services to urban poor

Source: BWSSB website

It is the moral, social and economic obligation of BWSSB to provide drinking water to every citizen in the metropolitan area of Bangalore.

Public taps are not an option. The poor, after having been through the drudgery of collecting water from public taps are happy in the encouraging atmosphere created for availing individual household connections. The culture of user charges is very well accepted. The results of the survey conducted under the Master Plan Project indicate that the poor are willing to pay for improved services and this has been borne out during the course of our work.

Bangalore has about 400 officially notified slums. These slums co-exist with well-developed areas, as is the case in other big cities. Most of these areas have large deficiencies in water supply, environmental and sanitation infrastructure services. In addition to recognized slums, a large number of poor households live in mixed settlements and in un-recognised low-income settlements. It is estimated that about 20% of Bangalore's population reside in slums. These slums are posing a major challenge to sustainable water supply and sanitation system in the city.

Inadequate or poor services to urban poor has adverse impact on both BWSSB and the general community

- Unauthorised / illegal tap connections lead to loss of revenue
- Poorly-made connections lead to leaks and contamination of water
- Run-off of sewage in open places, sewage discharged directly into storm-water drains lead to serious public health concerns, pose environmental hazards
- Portray a poor public image of the Board.

The BWSSB-AusAID Master Plan Project was implemented during the period 2000-2002. The Community Development Component of the Project worked on examining and testing options for improved services to the urban poor. Three slums were selected as a demonstration, viz, Cement Huts, Sudhamanagar and Chandranagar. These pilot projects provided opportunity to BWSSB to plan and implement innovative options for delivery of services to the urban poor and work out suitable strategies to reach the un-reached/ disadvantaged communities.

After successful implementation of the pilot projects it has been considered imperative to replicate these experiences to the best advantage of the BWSSB, to take the entire city into its service fold, broaden its consumer and revenue base.

BWSSB in its endeavour to replicate and upscale the ideas and concepts of the pilot projects is now working to extend water supply and underground services to the slums under package programmes. Slums coming under the jurisdiction of newly-added layouts and partially-developed wards are being covered under the 'Package Programme' in a systematic manner in coordination with advocate agencies like – NGOs and CBOs. Under this programme entire wards falling under the BMP area are being covered.

Motivation to take paid connection: Residents in slums are being motivated to avail the opportunity to legally connect to BWSSB water supply system and are actively discouraged from resorting to illegal means. BWSSB has offered a rationalized reduction in the connection rates.

Tariff for the urban poor

The service levels being offered to the different categories of slums are:

1. Individual household connections for those with land tenure and having adequate space
2. Community-level services such as shared metered connections on payment for those communities having land tenure but not adequate space and communities without security of tenure.

Table: 5.3.5: Tariff for the urban poor

Connection tariff in slums	Comparative connection tariff in other areas
<ul style="list-style-type: none"> • Rs.500 for 150 sq.ft house • Rs.800 upto 600 sq.ft • Two installment payment • Land title or residence proof is enough 	<ul style="list-style-type: none"> • Min Rs. 2,040 • Rs. 2,640 for two-storied building • Rs. 3,240 for three-storied building in 60x40 site • Road-cutting endorsement • Tax-paid receipt • Sanctioned plan

Findings/Observations

Public consultation by Campaign Against Water Privatisation – 7th February 2008

The following is taken from the report of a public consultation on undemocratic and unaccountable means of water privatization in Karnataka, held on 07th Feb 2008, by the Campaign Against Water Privatization – Karnataka:

Since 1993 the para-statal department of GOK – Karnataka Urban Infrastructure Development Finance Corporation (KUIDFC) has been procuring and managing funds from both domestic and international sources for urban infrastructure development. Currently around 90 percent of international funding managed by the KUIDFC is directed towards institutional reform and project implementation in urban water services. Much of this international funding requires fundamental changes to state policies that define the direction of water governance and service delivery.

A safe, accessible and sufficient quality of drinking water to meet basic needs is a fundamental human right enshrined in international human rights declaration and the Constitution of India. It is the responsibility and obligation of the state to guarantee that human rights are realized and protected and to ensure universal

delivery of essential services. Therefore, we do not accept the goal of the state to commercialise public service providers through staffing restrictions, removal of public fountains and tariff rationalization to (achieve) full cost recovery.

We have to reject PSP in the O&M of water services and the need to encourage private investment as set out in the State Drinking Water and Sanitation Policy (2003). There is (no) limited evidence from both international and domestic experience that the private sector can deliver universal water services to satisfy the human right to water in a developing country or that it will contribute any significant investments in water and sanitation infrastructure.

One of the resolutions passed in the consultation was to re-draft the State Drinking Water and Sanitation Policy (2003) through public consultation and democratic channels. The campaign strongly advocates free lifeline water for all, state control over operations and maintenance of all water infrastructure in the state.

Grievance Redressal Mela by CIVIC

CIVIC conducted a Grievance Redressal Mela on 22nd April 2008 in Venkateshpuram, Kavalbyrasandra, Ward No 95. The following are some of the complaints registered:

Applicant	Nature of the problem
Salomi	No drain in this area. Road is sloping. Water enters the houses.
D. Savitha	Informed dept to clean the chamber. No action initiated
Valar Madhi	No drainage system, chamber overflows
Thenmozi	Irregular water supply - once in 15 days

CIVIC conducted a Grievance Redressal Mela on 27th May 2008 VST colony, Ward No 23. The following are some of the complaints registered:

Applicant	Complaint
Yashoda	Water is coloured and smells.
Rani	In the colony some houses are low-lying and some houses are at a higher level. Only those in the low-lying area get water because of pressure.
Amrutham	No proper/regular supply.

CIVIC conducted a Grievance Redressal Mela on 27th May 2008 at Ragigudda slum, Jayanagar, Ward No 56. The following are some of the complaints registered:

Applicant	Complaint
Kalaiselvi	Only two public taps. All take water from there. Not enough water for all.

Muniyamma	Timing is not correct. It comes when women have gone to work. Women lose their daily wage if they stay back to collect water.
Parvathy	No bore-wells here.
Manoramani	Children miss school to collect water.

Results of Focus Group Discussions

Leaders:

Out of 7 Leaders' groups all mention this as a problem. Their concerns are:

- Much time is spent in collecting water and hence forced to lose daily wages 2 groups
- There is huge shortage of water for cooking and bathing 1 group
- Forced to collect water from broken pipes and pits next to them resulting in diseases 1 group
- Women forced to collect in the night from far-off places losing sleep 1 group
- Because of clogged drains children are forced to walk in the slush 1 group
- Forced to buy buckets of water on their way back from work 1 group

Suggested solution

- Public taps and hand pumps should be installed 1 group
- Provide water by tankers at least once in three days 1 group

Men:

Out of 17 men's groups all mentioned this as a problem. Their concerns are

- No water connections 8 groups
- No regular supply and supplied once in 15 days 2 groups
- There is no chamber facility in the UGD 1 group
- No water comes in any of the taps 1 group

Suggested solution: 2 groups said they want public tap.

Women:

Out of 17 women's groups 2 did no mention this as a problem. Their concerns are:

- Water is mixed with sewage 4 groups
- Have no water 1 group
- Have only two taps for 110 houses 1 group
- Comes for few minutes 1 group
- Comes in 15 days 1 group
- One public tap for 8-10 houses 1 group

Suggested solutions

- Provide public taps 1 group
- Need common platform for interaction 1 group

Youth:

Out of 17 youth groups 4 did no mention this as a problem. Their concerns are:

- Insufficient quantity 4 groups
- Losing daily wages spent on time collecting water 3 groups
- Comes in the night and they lose sleep to collect it 3 groups
- Only two taps for 16 houses 1 group

Suggested solutions

- | | |
|--|----------|
| - Increase number of public taps | 2 groups |
| - Tankers must be arranged to supply water | 1 group |
| - People must be educated to fight | 1 group |
| - Need to contact the dept to sort out the problem | 1 group |

Children:

Out of 17 children's groups 1 did no mention this as a problem. Their concerns are:

- | | |
|---|----------|
| - Come for fifteen minutes | 2 groups |
| - Asked by parents to bring water from far of place in holidays | 1 group |
| - Fight because of insufficient water | 1 group |
| - Collect water in the middle of the night | 1 group |
| - Forced to collect in school hours | 1 group |
| - Became ill due to drinking bad water | 1 group |

Suggested solutions

- | | |
|--|----------|
| - Need public taps and hand pumps | 2 groups |
| - Community leaders must take initiative | 1 group |
| - Community to fight for its rights | 1 group |
| - Need proper maintenance | 1 group |

Recommendations

- Determine quantity of 'lifeline water' – for drinking, cooking, washing and bathing – on per person basis. Provide lifeline water free for all.
- Provide individual/bulk metered connections free of cost to all the houses in slums.
- BBMP to recommence payment to BWSSB for public stand posts and to ensure availability of water to the homeless and shelter-less by digging more bore wells with hand pumps and mini water supply schemes
- Increase tariff for the middle class and the rich. Remove mis-targetted subsidies. Recover full cost for sewage treatment from 'non basic' water consumption sine this sewage ends up polluting surface and ground water accessed by the poor. An ISEC study reveals production cost of water at over Rs 24/- a kilo-litre. This should be recovered from those who can afford it.
- The next slab – 'luxury water' after 'lifeline water' (purpose other than lifeline) should be charged at higher than the cost price of delivery.
- Supply should be cut automatically once a house receives allotted quantity (lifeline+luxury).
- Comprehensive policy on water to collect rainwater, recharging ground water and lakes, rejuvenating water bodies and water utilization to be developed and training, incentives as needed, to be provided.
- To arrive at a pro-poor policy for water supply and sanitation in a public consultation mode with the BWSSB.
- Public-people-partnerships should be preferred over public-private-partnership in the provision of water.

5.4 CHILD CARE



5.4 CHILD CARE

International, Constitutional, Legal Framework

The Indian Constitution, through the 86th Constitutional Amendment in 2002, now has Article 45, a Directive Principle of State Policy, which directs the state to endeavour to universalize the provision of Early Childhood Care and Education (ECCE) for all children below the age of 6 years. Several other provisions for children in general also apply to this age group:

It is stipulated in Directive Principle 39 that the tender age of children is not abused; Article 24 prohibits employment of children under 14 in factories, mines and other hazardous occupations. Directive Principle 47 states that it is the duty of the state to raise the level of nutrition and the standard of living and to improve public health.

India ratified the UN convention on the Rights of the Child [CRC] in 1992. CRC's provisions embrace all the rights of children. They cover child survival, protection, development and participation. The key principle in all these provisions is that it is the duty of all to enhance these in line with the best interests of the child and non-discrimination. Following CRC's adoption, the U.N. adopted some specific goals and deadlines through the Decade Goals for Children in 1990 and the World Fit for Children [WFFC] in 2002. The Millennium Development Goals [MDGs] it adopted in 2000 also cover many key WFFC goals, though some aim at different levels of achievement.

While the family has the major responsibility for the child, the state is ultimately responsible for them and has to support the family in case it is unable to fulfil its role properly. India's National Policy for Children and its National Plan of Action for Children have been the operative channels for expression of these national and international directives and norms.

Karnataka's State Plan of Action for the Child, 2003 is based upon the NPAC but is more specific as to goals and deadlines.

Legal/mandatory provisions

The Supreme Court ordered in 2006 that the number of Anganwadi Centres {AWCs} be increased nationally and priority given to SC/ST habitations as a key step towards universalisation of ICDS as the scheme envisages and national plans direct. While the norm should be one AWC per 1000 population, the minimum limit for opening of a new AWC should be 300. Further, rural communities and slum dwellers should be entitled to an "Anganwadi on demand" (not later than three months) from the date of demand in cases where a settlement has at least 40 children under six but no Anganwadi.

[The universalisation of ICDS involves extending all its services (supplementary nutrition, growth monitoring, nutrition and health education, immunization, referral and pre-school education) to every child under the age of 6, all pregnant women and lactating mothers and all adolescent girls.]

Existing Government Schemes

Programmes for child development

- Integrated Child Development Services Scheme
- Training of Anganwadi workers and Helpers
- Construction of Anganwadi buildings
- Nutrition Programme for Adolescent Girls (NPAG)
- Bhagyalakshmi
- Anganwadi workers and helpers death / medical relief fund
- Attendance scholarship for girls from rural areas
- Scheme for the welfare of children in need of care and protection
- Creches for children of working mothers
- Prevention of trafficking of women and children
- Hoysala and Keladi Chennamma awards
- Financial assistance to children especially under difficult circumstances
- State Awards in the field of child welfare
- Scheme for welfare of working children in need of care and protection
- Scheme of assistance to voluntary organisations to combat trafficking of children for commercial sexual exploitation
- National Award for individuals and institutions
- National Award to children for exceptional achievement
- Rajiv Gandhi Manav Seva Award.

Programmes for Social defence

- The Juvenile Justice (Care and Protection of Children) Act, 2000
- Immoral Traffic (Prevention) Act, 1956
- The Probation of Offenders Act, 1958
- Non-institutional services

Government of India schemes

- A programme for juvenile justice
- Scheme of assistance to voluntary organisations to run homes (Shishu ruha) for infants for promoting in-country adoption

Bangalore Scenario

As per the 2001 Census, the 0-6 population of the Bangalore urban district was nearly 8.6 lakhs. This constitutes about 16% of the state's population of this age group. There are only 942 girls to every 1000 boys as against the state's 946, which itself is far less than the natural or expected ratio of 1006. [While urban areas do have lower ratios than rural ones due to in-migration of single men, this figure is much less than expected].

Pre-primary Centres - ICDS

The data available from DWCD shows that in 2004-05 there were 1192 anganwadis functioning in the district (only 5% of the total anganwadis of the state), covering

63,605 children (12% of the total 0-6 population of Bangalore). However, in 2006-07, the total number of Anganwadis in the state was increased from 40,301 to 51,000, but still this is not sufficient. The DWCD ICDS section has the following figures for the district:

Number of Anganawadis	1192
Mini-AWCs	353
AW Workers [AWWs]	1,539
Helpers	1,406 out of 1506
Supervisors	55 out of 59
CDPO/ACDPO	6 out of 6
Number of beneficiaries in 0-6 age group	63,605
Number of children per Anganawadi	53
Number of 0-6 children in the district	7,72,540
Number of children not benefited	7,08,935 (88%)

Pre-primary centres under BBMP [by zone]

Nursery Schools	19 (East)
Nursery Schools	36 (West)
Nursery Schools	19 (South)

PDS items are supplied by the department - these include rice, wheat, oil, salt. Rs. 100 is given for fuel. The sanctioned funds are on per capita basis: Rs. 2.00 per child and Rs. 3.00 per adolescent girl or pregnant/lactating woman. Rs. 500/- is sanctioned per year for pre-school kits. Problems include shortage of rooms for the AWCs, and open space for the children to play. Training of staff [one month pre-service for field staff, and refreshers periodically] – no backlog.

The state has sent a proposal to the centre for AWCs on demand, with increased funding. The salary of an AWW is Rs. 1,750 of which the state bears Rs. 750; the helper gets Rs. 875 [state share – Rs 375]. The Kishori Shakti programme for adolescent girls [11-18 years old] covers 2 at a time for six months - trained with GOI funds and given her per capita rations, to help in the AWC especially when the AWW is not there. Similarly the Stree Shakti members also help in pre-school education. [child devt project officer & asst].

On the health side, the AWWs arrange for health and nutrition education camps, checkups for pregnant women, immunizations and MCH referrals.

Nursery Schools [BBMP]

There are 74 BBMP nursery centres, approximately covering 2500-3000 children. There are other types of pre-primary centres in the city, though the total coverage is estimated to be far from universal. Many of these are private, while a few are run by NGOs. Generally the private pre-primary centres charge fees that make them inaccessible to the poor, even if some families do send their children to them in view of their medium being English, a prized feature among aspiring urban poor [due to their keen appreciation of it being a window for income and status mobility].

NGOs and private projects

A large number of private nurseries, kindergartens and pre-schools have sprung up. These are not regulated, supervised or evaluated by Government or any external agency. Their standards and conceptual base as well as operational quality are unknowns. Often - they do not even have space for children to play; their fees are exorbitant; and no mid-day snack is provided.

Some, maybe many, force children to speak only English and even demand that their parents talk to them only in that language. [A young child's ability to master as many as six languages if it is exposed to them has been documented; about higher numbers, there is no knowledge simply due to lack of evidence. It is also known that such exposure to multiple languages enrich brain development for life, especially linkages and verbal abilities. Thus this insistence deprives the child of a great opportunity to improve its brain development to a great extent].

Many NGOs also run anganwadi centres, some in collaboration with the Government, some on similar lines and yet others have their own approaches. However, they are generally free or have nominal fees, provide some mid-day snacks and operate in Kannada and regional languages as needed with some English also.

Details about city ICDS, BBMP-run nursery schools are unavailable at the state ICDS section.

The Network for Information on Parenting [NIP] was initiated in Chennai by an NGO, Bala Mandir. Its basic premise is that parenting is a key need for all stages of life, especially for those at vulnerable points in their lives [childhood, adolescence, old age, illnesses, stigmatized situations such as those of the HIV-infected, etc.]. Obviously, parenting is used in the conceptual sense of supportive care and mentoring. It rests on the basis of tested principles of positive support and care.

The TN Government introduced the concept in its ICDS programme years back and this still continues. In Karnataka, NIP- Karnataka has been providing training to field staff of many NGOs working with children. It has also been trying to work with the ICDS programme. Its approaches, flipcharts and calendars with milestones of child development are very popular with the trainees.

Studies

5C Study on Early Child Care

An action research project in a Bangalore slum, "5Cs: The Holistic Development of the Young Child" found that children under three were below the minimum level of DQ [Development Quotient] that is essential for full development of its mental and physical capacities and risked being sub-standard adults. It also demonstrated that with timely health, nutrition, stimulation and care, the DQ levels could be substantially raised.

On the other hand, it has documented that the slum in question had no anganwadi or equivalent, no nearby health facility, no immunization drives and hence most children were not immunized, no proper latrines or sewerage. Its roads were narrow; its garbage uncollected and undisposed off. It was on the slope of the railway track from which filth washed down in the rains. Thus it had a very poor public health and hygiene situation, apart from not having any pre-school facility.

Key Conclusions & Recommendations of the 5C Study on Early Child Care

Attention to the young child must be fulcrum of child development as

- Growth and development of the child is mostly determined in the first 2-3 years of its life
- Create health awareness and behavioral change through innovative means. Understanding of child's developmental delays and their long-term costs more difficult to convey but essential.
- Improvement of women's education and status as well as encouragement of men's participation in early childcare and development crucial.
- The government must take note of study results such as these and base public policy and programmes on them to ensure holistic development of child.

FORCES study on ICDS in Bangalore, 2002

In the year 2002, 11 member organisations of Karnataka FORCES took up the study of 37 anganwadi centres in Bangalore urban and rural. The key issues for advocacy that emerged through this study were:

1. Each centre to have its own space adequate for 40 children with minimum facilities
2. The anganwadi worker must be present at the centre
3. The centre should be open the whole day
4. Provide a hot cooked meal; use seasonal and nutritious fruits and vegetables
5. Growth monitoring should be properly carried out
6. Reduce the number of records to be maintained by the anganwadi worker

Focus Group Discussion Results

Among the groups, the most interested [i.e. spontaneous comments made] in child care issues such as anganwadis, were leaders, followed by women. Men and children raised this the least. Importance of the problem was most for women and leaders. Also, in half of the groups among these two categories, all the members voiced concern; about the same proportion felt strongly about the issue.

The major types of **Problems** mentioned were:

- Lack of any anganwadi, lack of a building,
- Less often mentioned: centre open only half-day;
- Pregnant women have difficulty in coping with their young children.

Few mentioned **existing solutions** to the problems, but among those mentioned, were:

- Other children are taking care of the younger ones, missing school;
- Kids are taken to centres, including NGO ones outside the slum.
Some made comments such as –
- If daycare is provided, the older children will definitely attend school;
- Where there are children, there should be an anganwadi;
- Young child-care does not figure high in the list of leaders' concerns.

Solutions suggested were:

- Government should provide;
- Open a daycare or anganwadi –government to start;
- Run the centre full day;
- Need contribution for building.

Conclusions and Recommendations

- Proper holistic care of the child under six has been recognized since the early seventies of the last millennium as a key intervention to provide the basis for a balanced and maximum development of the young child. This formed the basis for the massive ICDS scheme that in a Planning Commission evaluation some years back was found to have had significant positive results.
- Yet in Bangalore, this scheme is mostly out of reach of many slum children who therefore fall into a lifelong debilitating backwardness in most development. Neither the ICDS nor the BBMP nursery schools now reach all children in need of this service. This is a glaring violation of their rights.
- ICDS should be universalized as per the Constitution's Directive Principle of State Policy as well as the directions of the Supreme Court.
- Government must take responsibility for running required number of free centres based on child population figures and for improving their services and quality by providing complete infrastructure and resources to cover all children of the poor.
- All centres should be converted to day-care centres with timings extended to cover the work-schedules of poor working women.
- Two workers should be provided per child care center: one for 0-3 year-olds and the other for 3-6 year-olds.
- The studies drawn upon in this section and the problems aired in the Focus Group Discussions show direct and indirect [eg. siblings missing schools] results of this neglect.
- Even more far-reaching recommendations have been made by the Right to Children's Food Campaign including the strengthening of the staffing pattern, with suitable increases in emoluments, for centres to be open full day, etc.
- Without a mind-shift in officialdom so that realization and action accepts that investments in this age group is not only the right thing to do but also in the city's and country's self-interest through bringing up children whose full potential is developed, this situation will only get worse. This change must be cultivated and translated into action.

- Make a strong commitment to provide a model ICDS that takes note of the recommendations such as above, the experience in other states and of NGOs.
- Link these with health and nutrition schemes as well as stimulating/developmental ones such as Udhisha [which also needs improvements] for full benefit.
- Adopt the parenting concept as part of the training of all childcare officials and fieldworkers as well as in the implementation of ICDS/Udhisha and equivalent programmes.
- The state should provide the norms/regulatory framework for all ECCD services including the private ones, and along with practitioner agencies and NGOs in this field, monitor them regularly.
- As shown in the Health section of this report, the public health and hygiene, maternal and child health/nutrition situation in the slums of Bangalore is pathetic and dangerous. So are pollution levels, the lack of potable water, the poor sanitation status and non-availability of affordable foods and fuels there. All these affect children more than adults since their bodies and brains are still developing and as their bodyweight/volume are less than those of adults, they are targeted more by any deleterious influences from bad external factors. Hence, action must be taken quickly on all these fronts not to endanger these delicate human beings in their formative stages.
- Data disaggregation is very important to gauge the true situation in the poorer parts of any urban area and among the most vulnerable population in a city. The UNICEF Executive Board paper of 1993 showed that the urban poor often have IMR levels that are not only much worse than those of the city as a whole or the better-off, but also worse than even rural areas sometimes. So averages for the city must be taken as much better than for the poor till as such time that we get disaggregated data.

5.5 Primary Health



5.5 Primary Health

International, Constitutional and Legal Framework

The World Health Assembly articulated the vision of good health as “A state of physical, mental and social well-being and not merely the absence of disease or infirmity” creating the ability to lead “a socially and economically productive life” [WHO 1978].

As far back as 1979, the Global Alma Ata Conference adopted the strategy of Primary Health Care, which emphasized preventive and promotive approaches over clinical and curative ones to achieve “Health for All”. The Indian policy and services accordingly were adapted to this approach. However, in practice, over the years, it has seemed that the curative side has become more prominent and the other two aspects relatively sidelined.

National Health Policy, 2002

The National Health Policy of 2002 also emphasizes this, linking it with extension and health education. It states that most health problems can be resolved by the people themselves. It also notes that the experience in states where programmes have been devolved to Panchayati raj institutions has been encouraging and envisages similar initiatives in urban areas. Urban growth, migration and vehicular density have aggravated the poor condition of slum dwellers and other urban poor. The policy also hopes to make more use of civil society that has been an important player in the health sector.

Karnataka Task Force on Health & Family Welfare

Karnataka constituted a Task Force on Health and Family Welfare that submitted its report in 2001. Seven out of the 12 members were NGOs. The Task Force identified 12 major issues of concern and an agenda for action to address each problem. They were in summary:

i) Corruption ii) Neglect of public health iii) Distortions in primary health care iv) Lack of focus on equity v) Implementation gap vi) Ethical imperative vii) Human resource development neglected viii) Cultural gap and medical pluralism ix) From exclusivism to partnership x) Ignoring the political economy of health xi) Research xii) Growing apathy in the system.

Implementation of 50 and 60% of the recommendations has been initiated under the guidance of an implementation committee. The Task Force also developed the draft Karnataka State Integrated Health Policy.

Karnataka State Integrated Health Policy

The Department of Health had wide-ranging discussions on this policy through a workshop and a series of meetings in-house and with different departments. It noted the existing inequities in access to quality health care as well as the health impact of broader policies; at the same time, it pointed out the health impacts on the social and economic well-being of the people. It reaffirmed the twin strategy of public health and primary health care.

With reference to urban areas, while urban areas as a whole were much better off than rural ones, their slums were much worse. A specific problem was that immunization services were not reaching slums even to the extent of rural areas.

The policy recommendations

- Special attention to the unmet needs of the urban poor by making services more user-friendly, and sensitive to the special needs of women.
- An innovative health financing policy of health insurance.
- Municipal bye-laws for better control of vector diseases.
- The increase in non-communicable diseases to be tackled with public health measures and promotion of healthier lifestyles.
- The role of voluntary and private sectors in public healthcare, with the aim of developing partnerships to provide better care and better use of resources.
- To curb the problem of spurious drugs, the policy envisages introduction of a rational drug policy by disseminating information on drugs, strengthening the drug control and enforcement machinery, providing adequate staff and modernising drug testing laboratories.

Existing Government Schemes

Bangalore Scenario

There are various types of health institutions and ward-level field staff in Bangalore:

Referral Hospitals - 6

Maternity Homes - 24

Health Centres - 29 (IPP)

Urban Family Welfare Centres - 19

Dispensaries - 21 (Ayurvedic-1, Unani-2)

However, their existence or their staffing pattern by itself do not give any clue to their performance or effectiveness in ensuring the health of the city's residents. In the 90s, a series of India Population Projects [IPP] ran with World Bank support, some in urban areas [IPP 8 was the most recent one]. This project included both SHE [Social & Health Education] clubs and Link Workers [LWs] who were voluntary community workers with a small honorarium that made home visits in addition to organizing SHE club meetings. When this project ended, the Reproductive and Child Health [RCH] was started by the government but the LWs and SHE clubs vanished.

In the view of an informant in the Department of Health, the LW was a good motivator in the field of health and nutrition education and after her departure, preventive health care took a back seat. With reference to health insurance, there could be problems. A couple of years ago, a private insurer vanished after collecting premium from a lot of poor people. Those not covered suffer as health costs have soared. There is no via media today.

Other issues of concern are shortage of human resources – e.g., doctors, nurses etc.; the need for a drug tracking system; and lack of ownership among the health personnel.

NUHM [National Urban Health Mission]

While this scheme has not been delineated in its final form, there have been some discussions in Karnataka on its strategy. According to Prof. Chander of the Institute of Public Health, it is contemplating the following framework:

- A curative strategy
- Health Insurance
- Empanelling of private practitioners for the services under this insurance scheme
- Formation of groups of 10-100 families for savings and subsidy provision to help the needy obtain the services
- The position of an USHA [like the rural ASHA]

IPH is shortly coming out with a White Paper wherein it will point out major shortcomings in the strategy such as the idea of privatization of the health services, the lack of any regulation or norms for the panel of practitioners, the non-participatory approach of the scheme itself, etc.

Situation on the Ground: Main Challenges

RCH-DLHS 2002-04 gives data for Bangalore urban district, rather than only for the BBMP area. Though this area includes Anekal and Ramanagaram, it is otherwise congruent with Bruhat Bangalore. Hence the following data can be taken as referring to the city.

IMR [Infant Mortality Rate] is 45 [per thousand live births]. Nearly all the deliveries are safe [attended by trained health personnel] with non-institutional delivery being an exception within this category. Similarly, the recommended three ante-natal care [ANC] visits during pregnancy of women was almost universally followed, but IFA [Iron –folic acid tablets] were provided only in just over half the cases.

Immunization of the young child against the 'six killer diseases' was again almost universal with 93% receiving all the six vaccines.

The urban district's data on nutrition is not available but the State-level data from NFHS III is very disturbing. About two-fifths of all children under three [who form the most vulnerable group, with implications for one's entire life] are under-weight and even stunted, while four out of five are anaemic. Exclusive breastfeeding, which is a sure measure to combat early child malnutrition, is practiced in less than 60% of the cases. Every other woman is also anaemic, with dire consequences for her own safety at delivery, the weight of the new-born, and incidence of infant and child mortality, morbidity, malnutrition and mental or physical disabilities and development delays.

Grievance Mela on Health

CIVIC conducted a Grievance Redressal Mela (GRM) at Svg slum in December, 2007: The BBMP Joint Commissioner, Health, was present at the meeting. The following is a summary of the grievances aired at the time. All of them related to the

nearby hospital that the women in the slum used. Some of the grievances were collected before the meeting and some came up at the meeting. The Joint Commissioner assured the meeting that there would be an enquiry into their grievances.

Bribes: 18 out of the 25 grievances related either wholly or partly to bribes as below:

- Hospital staff ask for money to show the new-born baby – if a boy, Rs. 500 and if a girl, Rs. 300. To see our own baby why we have to give money to them. At discharge time also, one has to pay Rs. 50-100 to nurse, ayah and watchman.
- Hospital staff ask/collect money for everything: blood or urine test [50 Rs.], hospital record, confirmation of pregnancy, body weight, delivery
- For birth registration certificate also they ask for Rs. 300 – this is a major problem for parents wanting to send their children to an anganwadi.
- They ask for Rs. 300-500 for a sterilization operation.
- Unless one pays money, one is not treated properly during delivery.
- Sometimes, they refer one to another hospital for delivery, but do not provide ambulance without money.

Service Problems [3 mentions]:

- ANC checkup is only twice weekly, not every day.
- Doctors are available only from 10 am to 2 pm; nurses and ayahs deliver babies otherwise; there is need for doctors to be available 24 hrs a day.
- Doctor was not available for check-up, so had to return without it.
- They do not give any medicines. One has to purchase these and injections too.
- The sterilization was not done properly for one woman, and she got pregnant. She had to go to a private hospital for a repeat operation.

Treatment: [3 complaints]

- Hospital staff neglect us when we go for check-ups. They cheat the poor, and have no compassion.
- They treat us badly; always scolding and sending us away to another hospital.

Two complaints were about non-payment of incentives:

After the LT operation, one has to go four times to get the incentive money; sometimes, it is not forthcoming even after these many trips.

The remedial actions suggested in CIVIC's letter to the Joint Commissioner centred on making staff wear identification badges; user charges and stock register being posted on the bulletin board [in Kannada]; improvements in courtesy through training of staff; help desk for information and to check bribe-asking; SHG members to be on the Hospital Board of Visitors; reimbursement of medicine costs if unavailable in the institution; ANM visits for purposes other than polio campaigns; provision of quality food in the hospitals.

The hospital concerned arranged an enquiry, to which CIVIC was also invited. However, due to late information of the actual time of the start of the meeting, CIVIC found that part of the meeting was over. The hospital authorities reported that

some women who had come to the meeting, had retracted their complaints. Even the couple of women who had complained earlier and were still at the meeting, retracted these.

Later, when CIVIC and the collaborating NGO went to the community to investigate why the women had retracted, they were told that the hospital staff had come before the enquiry and threatened the women with reprisals if they did not retract their statements. Husbands of the women concerned also advised them not to testify as they would be badly treated if they went to the hospital again.

Meantime, CIVIC had written to the Joint Commissioner asking him to take some actions to rectify the types of situations that were the bases of the complaints. There has been no reply or action report to this letter that was sent in the beginning of January 2008 [within 2 weeks after the Mela] even though it was pointed out that the actions suggested were systemic in nature and needed to be taken into account, irrespective of the enquiry results into specific complaints. Efforts to see the Joint Commissioner have also been in vain.

This case study is included in some length as this is not untypical of how grievances are handled by various service providers in the city, despite the grievance procedure laid down [Annexure 1]. Unless stringent measures are taken to ensure that laws, rules and citizens' charters are adhered to by all levels of civil servants who are by definition there to serve the people, no resident of the city, especially the poor and vulnerable, will get her/his rights, the entitlements that are their due.

Focus Group Discussion Results

The type of groups that showed most interest in Health issues were the adult men and then the women [as indicated by the proportion of groups that cited any problem and by the average rank among the various aspects discussed]. However, more women's groups mentioned it spontaneously than the men. Few groups had found any solution already; nor could they suggest alternative solutions. About half the groups in every category were unanimous or felt strongly in citing health as a problem area.

Main Problems

- No health facility/government hospital even for emergency purpose; it is far off.
- ANM does not visit area.
- No proper care or emergency service in government hospital; no medicines in hospital; hospital is unclean.
- Have to go to private facilities as there is corruption here
- If a bribe is not paid, they make us unnecessarily undergo hardships
- We are given the same medicine for all sorts of problems.
- People fall sick due to not getting good water.
- Diarrhoeal diseases
- People are suffering from sickness because of lack of nutritious food; no cleanliness, no free medicines.

Data from Various Studies

According to STEM, a research organization, which conducted a survey of 985 slums across Karnataka:

- 30% of the slums do not have access to drinking water
- 66.3% of the slums do not have latrine facilities
- 37.3% of the slums do not have drainage facilities
- 54.5% of the slums do not have proper roads
- 63.6% of the slums have insufficient street lighting
- 70.5% of the slums do not have proper garbage disposal facilities
- 75.4% of the slums have no PHC (public health centers) facilities
- 34.2% of the slums do not have anganwadis (crèches)

The following table reveals the lack of facilities in the education department's 1487 primary schools and 143 high schools. Even those data that are not strictly health-related have a bearing on health when it is looked at in the sense of not just ill-health but a holistic well-being and preventive measures.

Facilities	Primary	High Schools
Drinking water	154 (10.3%)	16 (11.2%)
Toilet	193 (12.9%)	22 (15.3%)
Girls Toilet	812 (54.6%)	104 (72.7%)
Playground	858 (57.7%)	22 (15.3%)
Ramp	1009 (67.8%)	132 (92.3%)

Source: SSA

5cs: The Holistic Development of the Young Child

The 5C Action Research Project was carried out in a local slum between 1999 and 2002 by the Bangalore Children's Hospital. Its conclusions and recommendations regarding health and nutrition were:

- The health status of people living in unauthorized slums is in a very deplorable condition.
- The chronically impoverished are in a state of a kind of depression resulting in absolute apathy and indifference towards their situation.
- The concept of disease is different in the community: for example, certain disease conditions such as diarrhoea during teething time for children are considered normal.
- If slums are neglected regarding sanitation, sooner or later, epidemics will break out and threaten public health. Without public sanitation and safe drinking water, any effort at prevention and curative health measures will not yield the desired results.
- Provision of personal and public health services to unauthorised or small slums is essential to prevent epidemics too.
- Gender sensitisation in adults and in schools a key need.
- Health-seeking behavior and attention to nutrition of young child improves under guidance but must be facilitated with regular support.

WHO Study

A Study by World Health Organization on the prevalence of TB infection amongst contacts of children found the condition of the people living in slums poor with lack of ventilation, awareness of diseases, poor hygiene and nutrition and lack of immunity as a whole. These conditions facilitate the transmission of tuberculous infection. Children are the worst sufferers in such situations since the risk of breakdown from infection to disease is higher in them. A pilot study was therefore planned to find out prevalence of TB infection among the child contacts of smear positive cases in selected slums of Bangalore city.

The finding of this study revealed that about one third of children residing in the households and neighborhoods of these cases were infected with *Mycobacterium tuberculosis*. Such a high level of transmission of tuberculosis suggests further intensification of Revised National Tuberculosis Control Programme RNTCP in urban slums.

Condition of healthcare services

[Extracts from "A Study on BBMP Slums by CIVIC-Jansahayog, 2003]

The people's responses to a question as to why they did not avail of the health facilities from the government hospital & Primary Health Centres (PHC) were:

A majority of people in 77 slums avail health care in private clinics or private hospitals, 21 slums avail of the facilities both from government and private clinics whereas in the case of 7 slums, they avail of the facilities only from government hospitals; information regarding two slums was not available.

The common people in 35 slums felt Government hospitals and Primary Health Centres are not available in the nearby slum localities and this was one of the major reasons for not availing of the facilities from the government run hospitals. The people in 29 slums complained that the health staff demand bribes and people in 26 slums felt that the health staff were indifferent and arrogant, considering these reasons they prefer to go to private health clinics than to government PHCs or hospitals.

A majority of the 170 leaders opined that some Primary Health Centres be established in the slum vicinity to enable the people to access the Government health care facilities. 34 leaders suggested there was a need for change in the attitude of health care functionaries to render quality health services and 29 leaders suggested that taking bribes for services should be prevented.

Observations and Comments

Article 47 directs that one of the primary duties of the state is to raise the level of nutrition and standard of living and improve public health. It was observed that the standard of living, nutrition and the health status of people in railway slums is much below the norm fixed by the GOI. Though there are development schemes designed for slum improvement, they have not been implemented because of legal

problems. The resources meant for slum-dwellers are being diverted to some other purpose or misused.

Conclusions and Recommendations

The data from authoritative sources such as RCH, WHO, etc. that clearly show the sorry health situation of the poor are supplemented by field studies, the GRM and the FGDs. They specially emphasise lack of basic public facilities near the slums, lack of home visits by health personnel, corruption, absence of medical staff, derogatory treatment and the prevalence of diseases that are preventable by good public health.

It is well known that health is not achieved by the health sector alone; it is influenced by multiple factors including water, sanitation, food and nutrition, rest and recreation. An oft-quoted example of improvements in health brought about by those in other sectors is the significant fall in mortality and morbidity in London in the 19th Century simply by provision of safe drinking water and sanitation there. Thus one key recommendation is that no part of the city should suffer from the lack or shortage or poor quality of these two services. This is also underlined in WHO norms and the recent UN Comment on the human right to water. Similarly, unless the poor have quality basic foodstuffs in adequate quantity at affordable prices, their nutrition will continue to be poor and affect their health. In the case of children, this will also lead to higher mortality and morbidity.

The role of preventive and promotive care has also been well known in health circles – the saying is that 90% of ill-health can be prevented by preventive and promotive care. The lack of attention to these aspects needs to be remedied by a sustained programme – the doctor and nurse not only providing curative care but also advice on prevention or alleviation of the problems that bring the patient to the health centre or hospital, home visits by health staff, the newly conceived USHA [the old Link Worker in a new avatar], and well-planned health and nutrition education programmes.

Government has a mandate to ensure access to quality and affordable health services to all its citizens. It has to fulfill this through established institutions such as the health centres, the ASHA/USHA scheme, and public health and hygiene. It cannot rely on the profit-oriented private sector even if a health insurance scheme is introduced. Strategies on these lines have been outlined in the Task Force's policy. This policy does not deny a role for the private sector but it does place it and insurance in the context of pro-women, user-friendly setting and at the same time, emphasizes the role of the public sector as well.

The following recommendations came during a consultation among NGOs collaborating on this study and are thus part of this report:

- Like DOTS for TB, complete solutions to HIV, diabetes and such complex diseases must be provided with consultation in PHCs.
- No government doctor should be allowed to practice in private.

- All the list of drugs available must be displayed.
- Health policies relevant to local situations must be framed.
- There is no transparency in the operation of PHCs. Schemes are not disclosed.
- When NGOs approach the government to take up the schemes, 25% cut is asked for [not correct].
- Waste from the affluent areas is dumped in the localities of the poor.
- Better HR needs to be put in place in hospitals. Currently the poor are treated as outcastes when health care is their right.

5.6 Primary Education



5.6 Primary Education

Constitutional, International, Legal Framework

National Commitment

The passing of the **86th Constitutional Amendment Act in 2002 inserting Article 21-A**, makes elementary education a Fundamental Right of every child between 6-14 years.

A combined reading of **Articles 23, 24, 39 (e) and (f)**, of the Indian Constitution makes it clear that the Constitution does not permit any child labour under 14 years, which interferes with the education of children or their development to their full potential.

Further:

- **Article 41** enjoins upon the state to provide assistance to the weak, in cases of “undeserved want”, for securing their rights to work, education and in cases of unemployment, old age, sickness and disablement .
- **Article 46** calls upon the State to “promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the SC/ST.

United Nations Conventions

India has ratified in 1992 the United Nations Convention on the Rights of the Child passed in 1989 and is hence legally obliged to implement it.

- **Article 28 of the UNCRC** requires States parties to make primary education compulsory and available free to all, ‘on the basis of equal opportunity’ (primary education is generally meant to be from the age of 5 or 6 to 14 or 15).
- **UNESCO Convention Against Discrimination in Education, 1960** - Under this Convention, education should be of equitable quality, i.e., all children should attend full-time formal schools or their equivalent, as otherwise it leads to violation of the principles of non-discrimination and equality of opportunity.
- **Article 32 of UNCRC** requires States parties to protect the child from economic exploitation and from work that is likely to be hazardous, interfere with the child’s education, or be harmful to the child’s health or development. States parties are required to ‘provide for a minimum age or minimum ages for admission to employment, and appropriate regulation of hours and conditions of employment.
- **Article 18(2) of the UNCRC** requires the state, when parents are unable to provide the rights of children, to assist parents and guardians in fulfilling their child-rearing responsibilities and to ensure the development of institutions, facilities and services for the care of children.
- **Article 19 of the UNCRC** requires States parties to prevent neglect, exploitation and abuse of children, including by parents, and to take measures to provide support to the child and its parents or care-givers in such cases.

UNCRC recommendations

The UN Committee on the Rights of the Child, which monitors the implementation of the UNCRC in countries which have ratified it, has recommended in its very first observations on the India Country First Periodic Report [2003] that, among others, India should:

- Ensure full compatibility of its legislation with the Convention
- Allocate required resources (i.e. human and financial)
- Ratify the Minimum Age Convention No. 138 of ILO, concerning the Minimum Age for Admission to Employment, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
- Amend the 1986 Child Labour Act so that household enterprises, government schools and training centres are no longer exempt from prohibitions on employing children and that coverage is expanded to include agriculture and other informal sectors.

In the light of these recommendations, it is necessary to look at ILO Convention No. 138, though India has not ratified it.

ILO Convention No. 138

The ILO Minimum Age Convention (1973) (No. 138) and its accompanying Recommendation No. 146, oblige ratifying States to fix a basic minimum age for admission to employment or work.

R146 ILO Minimum Age Recommendation, 1973

ILO Recommendation 146 on Minimum Age requires States to pay special attention to:

- a firm national commitment to full employment, and the promotion of employment-oriented development in rural and urban areas;
- economic and social measures to alleviate poverty and to ensure family living standards and income which are such as to make it unnecessary to have recourse to the economic activity of children;
- the progressive extension of social security and family welfare measures aimed at ensuring child maintenance, including children's allowances;
- the needs of children who do not have families or do not live with their own families and of migrant children who live and travel with their families. Measures taken to that end should include the provision of fellowships and vocational training.
- the minimum age should be fixed at the same level for all sectors of economic activity.
- the progressive raising to 16 years of the minimum age for admission to employment or work specified in pursuance of Article 2 of the Minimum Age Convention, 1973.

Millennium Development Goals

In addition to all the above commitments, the state is obliged to fulfill the Millennium Development Goals (MDG) agreed to by all 189 states of the UN at the end of the Millennium Summit held in New York in September 2000:

- Goal 1: Eradicate extreme poverty and hunger
- Goal 2: Achieve universal primary education by 2015
- Goal 3: Promote gender equality and empower women

Under this, the target is to - Eliminate gender disparity in primary and secondary education no later than 2015.

Karnataka High Court directive

The duty of the state to act as a guardian of a minor child and take charge of it when its parents are unable to provide its rights has been spelt out by the Karnataka High Court in its judgement in the A. Sriram Babu case of 1997.

Bangalore Scenario

There were 4,56,325 children of the age 0-6 in the 2001 census in BMP area. These children would be now in the age group 7-13 years. This means each cohort comprises about 76,000 children and the total number of children from I – VIII Std. will be about 6,08,000. There are 3,994 primary (lower and upper) schools and 1,573 high schools in Bangalore. Out of which local authorities run 11 primary and 33 high schools. Following table reveals the **lack of facilities** in education department's 1487 primary schools and 143 high schools in Bangalore Urban district:

Facilities	Primary	High Schools
Drinking water	154 (10.3%)	16 (11.2%)
Toilet	193 (12.9%)	22 (15.3%)
Girls Toilet	812 (54.6%)	104 (72.7%)
Electricity	646 (43.4%)	26 (18.1%)
Play ground	858 (57.7%)	22 (15.3%)
Book Bank	251 (16.8%)	17 (11.8%)
Ramp	1009 (67.8%)	132 (92.3%)
Teacher's Vacancy	+ 2623	+ 2306
PTR	38	22
% of female teachers	77.94	58.68

Primary Education (1-7)

No. of Schools	3765
No. of Rural Schools	1162

Enrolment:

Male	4,20,323
Female	4,02,878
Total	8,23,201
No. of students/level	1,17,600

Secondary Education (8-10)

No. of Schools	1282
No. of Rural Schools	166
Enrolment: Male	1,19,316
Female	1,19,537
Total	2,38,853
No. of Students /level	79,617

Existing Government Schemes

Current provision of incentives for Std. I to VII at State level

Education Department

- No tuition fees
- Free text-books
- Free uniform
- Free midday meal
- Free school-bag and notebooks (only for SC/ST girls in V-VII Std.)

Women & Child Development Department

- Free hostel for SC/ST girls (Annual income below Rs. 10,000)
- Bhagyalaskhmi Scheme

Table 5.6.1: Scholarships under Bhagyalaskhmi Scheme

Class	Amount of Annual Scholarship
I - III	Rs.300/- per annum for each class
IV	Rs. 500/-
V	Rs. 600/-
VI – VII	Rs. 700/-
VIII	Rs. 800/-
IX - X	Rs.1,000/-

Social Welfare Department

- Free residential schools
- Scholarships to eligible SC/ST children (without income limit)

Table 5.6.2: Scholarships to eligible SC/ST children

Class	Amount of annual scholarship
I –IV	Rs. 75/-
V –VII	Rs. 75/-
VIII-X	Rs. 100/-
VI –VII (girls)	Rs. 250/-
VIII-X (girls)	Rs. 500/-
Foreign PG studies	Rs. 3.50 lakh to Rs. 10 lakh

Current situation

Drop-out rate for Karnataka State over I Std. to VIII Std.²

Figures in percent

	1999-00	2000-01	2001-02
I to VIII Std.	55.48	50.30	52.00

Source: Education Dept.

Financing School Education (Elementary Education)

The World Bank in its report of 2002 carrying out a very detailed analysis of educational spending by GoK, projected the figures that would be needed for elementary education over the coming years. Below is a table comparing the World Bank projected figures with those of GoK for the same years (In lakhs).

	2002-03		2003-04		2004-05	
	WB projections	GOK spending	WB projections	GOK spending	WB projections	GOK spending*
Elementary Education	227300	179578	279300	37025	319300	66346

Source: Dr. B. R. Dwaraki, Elementary Education Report, Karnataka Social Watch, 2006

The figures are as given in the budget and not as on account.

CDP of Bangalore prepared for JnNURM

The CDP has nothing to say on the important issue of free and compulsory education. The only references below are to the needs of purveyors of private higher education.

- Provision of land in urban corridors for enhancing the number of players that can enter the domain of education; and
- Creating land banks for educational institutions.

Focus Group Discussion Results

1.	Government school is far away	4 responses
2.	Teaching in government schools is not good	9 responses
3.	No government high school/college nearby	8 responses
4.	Lack of proper facilities in government schools	8 responses
5.	(drinking water, toilets, teachers, classrooms)	
6.	Not enough jobs/ money to send children to school Hence children are sent to work	6 responses
7.	We cannot afford the huge fees of private schools	6 responses
8.	Corruption in the government school	5 responses
9.	Food provided in the govt. school is not good	3 responses
10.	No scholarships are provided to children	2 responses
11.	Some facilities are denied to boys	2 responses
12.	Girls are married early; parents not interested in girls' education	1 response

² Source: Annual Report, Education Department, 2001-02

13.	Books and clothes are given late	1 response
14.	Only SC/STs are given scholarships	1 response
15.	Schemes meant for the poor are utilized by the rich	1 response
16.	There is no English medium in the govt. school	1 response
17.	Parents do not want to send children to govt. schools	1 response
18.	SDMC meetings do not take place	1 response
19.	Not interested in sending children to school	1 response
20.	Hostel is too far	1 response

Solutions suggested during FGD

There is a strong statement emanating from all the respondents that it is the duty of the government to provide schools with proper infrastructure, facilities, timely incentives and quality education.

Solutions suggested by children

- There should be no discrimination between children in policies, rules and fee structure
- Provide scholarships to all
- The ones identified for benefits should be poor
- Benefits should reach the poor
- Muslims also need scholarships
- Provide bicycles to boys also
- Identify talented children and encourage them

Issues raised at NGO Forum discussion on the draft report

- Schools being demolished to build commercial complexes. Needs to be stopped.
- Officials themselves unaware of several schemes of the government.
- Officials do not cooperate.
- Rehabilitation schemes are necessarily short-term. Future of child after rehabilitation needs to be considered.
- Inadequate extra-curricular activities in schools.
- There are no attendants, peons or ayahs in schools. Children being asked to do all the work. Hence schools lack cleanliness and are unattractive.
- Medium of instruction, whether Kannada or English has become a big problem.
- Land to NGOs for conducting educational activities not being given. But land being given to corporate sector.
- Cuts of 20% to 30% being demanded from NGOs for giving grants under SSA.

Suggestions made at NGO Forum discussion on the draft report

- Residential schools of excellent quality should be started for all urban poor children
- Budget for education needs to be enhanced.
- Kothari commission recommendation on common schooling to be accepted.
- Social audit of private schools with regard to their fee structure, % of seats given to urban poor children, etc., needs to be done.
- All 12 department heads identified as inspectors under the Child Labour Act need to perform their duties under the Act.

- When legal provisions are violated, serious action needs to be taken.
- Promote activities like dancing and singing.
- Scholarships should not be stopped if the child fails in a class.
- Counselling centres should be set up in schools.
- Hostels attached to schools are a necessity.
- Incentives being given to government school children should be given to children studying in NGO centres also.

Observations

- **Free and compulsory education still a dream:** The Right to Education has been made a fundamental right by the insertion of Article 21A into the Constitution through the passage of the 86th Constitutional Amendment, but free and compulsory education remains a dream of many an urban poor child. Providing free and compulsory elementary education to all children is one of the important goals of the MDGs also.
- **High drop-out rates:** The CDP of Bangalore prepared under the JNNURM says that though enrolment levels at the initial levels are high, the drop-out rate of children of the urban poor is very high. The overall drop-out rate, in terms of those who do not complete eight years of compulsory schooling, is around 45% for the whole state. This is a huge wastage of human resources. This leaves these children unemployable when they become adults which also keeps them in the vicious cycle of illiteracy-child labour-poverty. It is essential to break this cycle to enable them to come out of poverty.
- **Lack of effective decentralization:** Primary education has been included as a function of the Panchayat Raj institutions under Schedule XI of the 73rd Constitutional Amendment. However, universalisation of elementary education is not a specific function of urban local bodies under Schedule 12 of the 74th Constitutional Amendment. Municipalities are not in charge of ensuring 100% school enrollment and absence of bonded and child labour in their areas. This is truly anomalous as provision of basic services is best done at the lowest level of government.
- **Neglect of government schools in Nagarapalika area:** The government schools in the BBMP area are in a sorry state as there are no elected representatives from the municipal area in the Bangalore Zilla Panchayat through which the State education department administers the schools. Added to this is the neglect of government schools by the communities in affluent areas of Bangalore which send their children to private schools and hence are unconcerned about the condition of government schools. This has the undesirable effect of pushing out children from government schools, who either end up as drop-outs or get enrolled in private schools, though the urban poor of Bangalore can hardly afford the huge costs of private education.
- **SDMCs dysfunctional:** Institutional arrangements for the functioning of School Development and Monitoring Committees (SDMCs) are meant to bring about community ownership of schools. Given their preoccupation with livelihood issues, parents in the SDMCs often lack the capacity, time and energy to tackle issues of quality of education, enrollment and child labour.

- **'Compulsory' education not truly compulsory:** Several provisions present in the Karnataka Education Act from being implemented. Also, though poverty is accepted as a deterrent to a child's attending school, the Act says nothing about what should be done to help poor parents who are unable to fulfil their child's right to education.
- **Education not truly free:** Reimbursement of examination fee and provisioning of notebooks was only for a few children in the state. However, even these are rarely received on time. Provision of free transportation is not considered part and parcel of free education at all. For all these reasons, private costs of education amount up to 25% of all expenditure on primary education and Rs. 500 per child per family per year³, which is almost 5% of a BPL family's annual income. If a family has more than one child of school-going age, the burden is correspondingly heavier.
- **Inadequate budgets:** As shown above, the costs for truly universalizing elementary education as projected by the World Bank have not been met by Karnataka. It is little wonder if school infrastructure and quality of education remain below requirement. Central government funds under SSA have also been lapsing in Karnataka because of the failure of the State to provide its 25% share of the grants.
- **Poor infrastructure of schools:** Lack of minimum standards of infrastructure in schools in terms of classrooms, teachers, teaching-learning equipment, lack of provision of drinking water, toilets, playgrounds, etc., continue to plague the educational system. The infrastructure index for schools is appallingly low, with the state having an average of 0.39.
- **Teachers re-deployed:** There has been a move recently to re-deploy teachers or close down or merge schools as redundant, wherever pupil: teacher ratios fall lower than a certain level, especially in urban areas. What needs to be considered while deciding whether teachers are in excess is the total child population: teacher ratio in the area and not merely the pupil: teacher ratio. If low pupil: teacher ratios are because children are out of school and not in it, then the need is to bring the out-of-school children to school and not to send away the teacher.
- **Lack of universal access:** As pointed out by several respondents, the access especially to high schools is severely restricted, especially to girls, in the absence of free transportation as most of these schools are in a radius of 3 Km or more. Children have to often cross arterial roads, highways, etc. to reach them⁴.
- **Root causes not addressed:** Less than half of the poorest children in the state completed Class VII compared to 94% of the affluent ones. Virtually no one from the poorest quintile of households completes higher education⁵. The Education Department has no mechanism for addressing issues of poverty and resultant child labour, which are the main reasons cited by parents and children for never enrolling or dropping out of school. The Education Act offers no solution for large numbers of children who migrate with their parents for labour.

³ Source: Karnataka: Financing Education in the context of Economic Restructuring, World Bank, 2002

⁴ Source: Community-School Interlinks, study by A.R. Vasavi of National Institute of Advanced Studies with Kathyayini Chamaraj for DPEP-Karnataka, September 2001

⁵ World Bank Report- Karnataka: Financing Education in the context of Economic Restructuring, April 2002

- **Inadequate incentives:** The scholarships being given by the Social Welfare and Women and Child Development, ranging from Rs. 50 to Rs. 300 per year, are woefully inadequate to cover the opportunity costs of child labour or act as incentives for attendance in school. Scholarship amounts released are not adequate to cover all those eligible and are handed out on a first-come-first-serve basis, disappointing many. The allocations made for many of these scholarships are also not utilised to the full. However, the scholarships at professional level education, which none from the poorest quintile are able to access, are much higher and lead to skewed distribution of scholarships in favour of the better off.⁶

- **Equity concerns in schools unaddressed:** Due to the absence of a common school for all strata of society, government schools are getting ghettoised. The desire of richer parents to send their children to private English medium schools has resulted in rich children going to private schools and poor children attending government schools. With the rich 'voting with their feet' and the poor alone unable to make their demands heard, there is neglect of government schools and no community pressure to improve them.

- **Poor quality of education:** Many teachers are unable to empathise with the needs and problems of first generation learners from the lower castes. Many schools are not child-friendly. Corporal punishment in schools is still a major cause of school dropouts. Joyful teaching and learning methods, child-centred and activity-based learning are still not implemented effectively. The curriculum is often unrelated to the child's immediate environment.

There are several government schools which report nil percentage of passes in the public examination. Several children who have attended school for six or seven years are still unable to read and write properly. This is an oft-quoted reason of parents for withdrawing their children from schools. Many parents hence feel that their children are more productively employed in labour than wasting their time in schools.

- **Problems in providing gender equity:** Problems of girl child labourers who have to mind siblings, fetch water, rations and kerosene and keep house when their mother is away at work have not been sufficiently addressed. Dropout rates among girls, specially in upper primary classes (I-VII: 41%) ⁷continues to be high. The hesitancy of parents to send girls to distant schools, especially high schools is not addressed. The lack of separate and functioning toilets, especially in upper primary schools, as already noted, is a deterrent to older girls remaining in school. Poor girls are unable to benefit from the free education provided up to the professional education level as they do not have the opportunity to complete even eight years of basic education. The inadequacy of provisioning for creches and anganawadis pose greater hurdles to girls, who have to mind siblings, than boys.

- **Lack of Coordination & Convergence:** Though much has been said about coordination between departments, the Education Department may never report cases of child labour that it comes across during its surveys to the Labour

⁶ Annual Report 2003-04, Social Welfare Department

⁷ Ramesh Kanbargi (2002), Equity in Education in Karnataka.

Department for initiating action against the employers. The Education Department may not bring cases of drop-outs or parental neglect of the education of their children to the Social Welfare department or the Child Welfare Committees set up by the Department of Women and Child Development under the Juvenile Justice Act. The Labour Department may never report cases of child labour that it identifies to the Social Welfare or RD & PR departments for providing assistance to the families.

- **Lack of institutional mechanism at ward level:** An institutional mechanism at the ward level for ensuring coordination and convergence between various departments and agencies and involving all stake-holders, which would be at the cutting edge of implementation of the Education and other Acts is completely missing.
- **Lack of enforcement:** Though several field-level functionaries of the Education department, and also of municipalities, such as health and revenue inspectors, have been appointed as inspectors under the Child Labour Act, none or very few are performing these duties. Procedures to be adopted by Attendance Authorities foreseen under the Karnataka Education Act for penalising employers who employ children doing school hours have been completely ignored and are dysfunctional.

Recommendations

- **Handing over primary education to urban local bodies / BBMP:** Since basic needs are best served at the local level, making primary education a mandatory function of BBMP with appropriate allocations of functionaries and funds is the need of the hour. The Expert Committee on Governance of Bangalore chaired by Dr. Kasturirangan also recommends that State government schools in the BBMP area be handed over to the BBMP. This would be in line with the mandatory function given to Grama Panchayats to ensure primary education in their areas.
- **Institutional measures:** At grassroots level - in every urban ward - there needs to be a **Committee on Compulsory Education and Child Labour**, involving elected representatives, SDMC representatives, grassroots-level functionaries of all concerned departments, such as W&CD, labour, welfare, etc., in addition to attendance authority of the education department and representatives of civil society and children, forming a Community Convergent Team.
- **Strengthening the formal school system:** Schools need to become a part of the solution rather than a part of the problem. Accessible, affordable, equitable and child-friendly elementary education of adequate quality is the centerpiece of any strategy for human development and for elimination of drop-outs.
- **Elementary education to be 'free':** Cost of provision of **stationery and transportation** (when the school is not situated nearby) to 'all' children in government schools needs to be ensured, so that there are no financial barriers to parents in educating their children.
- **Elementary education to be 'compulsory':** This needs to be addressed by institutionalising relevant procedures to ensure 'compulsory attendance' of

vulnerable children and suitable assistance to needy parents, wherever necessary, on condition that they send their children to school.

- **Adequate budgets:** The current projections of costs made by the World Bank do not include essential costs for:
 - provision of stationery
 - safe transportation for all children
 - anganwadis attached to schools
 - essential play equipment

Further, community-centric activities, without which there can be no UEE need to be mandatorily provided for in the budget, such as:

- social mobilisation activities;
 - building child-tracking and monitoring systems (MIS);
 - enforcement activities;
 - opening of more free government hostels for children the state takes charge of;
 - higher levels of scholarships or lump-sum amounts at the end of 8-year compulsory education.
- **Minimum infrastructure in schools:** The following minimum norms for the provision of schools need to be ensured:
 - Lower primary schools with at least three teachers, a teacher per 30 students and the minimum infrastructure of a classroom per teacher; a teacher per class in upper primary school;
 - each classroom to provide specified sq. mts. of space per child, be well-ventilated, with leak-proof roof and impermeable floor
 - provision of drinking water, toilets (1 per certain number of students; separate toilets for boys and girls in upper primary schools; toilets to have running water and not be locked up) and electricity in schools
 - prescribed teaching-learning equipment
 - prescribed space for play and adequate play equipment

The access however to upper primary schools needs to be universalised by increasing their capacity to take in all children in the relevant age group. This may entail ensuring safe transportation or residential hostels.

- **Enlarging the definition of child labour:** Currently, family labour of children during school hours and work in certain sectors considered non-hazardous do not come under the purview of child labour laws. Any child who is less than 14 years of age and out of school should be considered a child labourer, as denial of education is tantamount to harming the child's right to develop to its fullest potentiality. This definition will entail that education department officials who are notified as inspectors under the Child Labour Act would be able to take action in cases where children are working for their families during school hours and /or in hazardous family occupations; nowhere children who are neither at work nor at

school; migrant children; street and destitute children; etc. Strict enforcement of the Karnataka Education Act is also a prime necessity.

- **Targetting the weak:** There is an urgent need for intensive and concerted efforts to not only target children from the marginalised sections (SC/STs, girls, muslims, migrants, etc.) and motivate them to attend school and complete at least eight years of elementary education, but also for providing institutional arrangements and support to facilitate this.

Priority will necessarily have to be given for the prevention of drop-outs /child labour over its cure through rehabilitation. Prevention can be effected by addressing the root causes of children dropping out through social mobilisation, institutionalising assistance to parents (towards opportunity costs of eliminating child labour) and improving schools.

- **Convergence and coordination:** Direct assistance to the identified marginalised families (drop-out / child labour families) should include not only poverty alleviation and income-generation schemes but also reservation of seats in residential schools and hostels. Necessary institutional arrangements will need to be provided for convergence of services of Social Welfare, W & CD and other departments for the families of vulnerable children or drop-outs. Necessary linkage of drop-outs with the Child Welfare Committees under the JJ Act will have to be ensured.
- **Enhanced incentives:** As children have suggested, all incentives should be given to all children attending government schools equally, without differences on the basis of caste, gender, etc., as almost all these children are from poor families. Bhagyalakshmi Scheme is however a promising scheme for bringing girls to school. Instead of making only new-born children eligible for its benefits, it could be applied to all girls entering class I now. Scholarships for both boys and girls should be high enough to outweigh the opportunity costs of child labour.
- **Provision of basic amenities:** Efforts need to be made to provide families of drop-outs with basic amenities such as piped water supply, alternative cooking fuels so that children are relieved from the chores of collecting these.
- **Early childhood care and development:** With the introduction of the new Article 45 in the Constitution, the provision of universal early childhood care and development (ECCD) for 0 to 6-year-olds has become imperative on the state (as mentioned elsewhere in this document already). However, the increasing emphasis on the impact of ECCD in ensuring a culture of sending children to school and preventing children from dropping out, once enrolled, needs emphasis here. The timings of the anganwadis or ECCD centres need to be synchronised with that of the elementary school as also that of the typical full working day of women, so that older children, especially girls, are free to attend school.

5.7 Employment and Social Security



5.7 Employment and Social Security

Bangalore is the destination of skilled and unskilled migrants who come to this growing city to make their life. While the skilled migrants are able to get highly-paid regular work on their terms, the unskilled migrants continue to wander from one irregular, casual job to another with poor working conditions lack of job security, etc. Experts say that "Bangalore is a city of contradictions. And nothing underlines that better than increasing joblessness. While code writers find a job under every stone, unemployment has grown by 18 per cent in the low-income group since 2000".

The lives of the urban poor are ridden with insecurities as they are mostly engaged in casual or contract jobs in the mainly informal and unorganized sector. First of all, regular and reliable employment is a dream for most of them. Hence there is a great need first of all for 'promotional' measures to provide employment guarantee to the urban poor, and ensure them adequate/living wages and working conditions and protection of their health and safety at work.

Even the self-employed are plagued by lack of space, credit and marketing facilities. There is a great need to enhance avenues for employment, skill training, provision of credit, etc.

International & National Commitments

ILO Declaration on Fundamental Principles and Rights at Work, 1998

"...In seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned, to claim freely and on the basis of equality of opportunity, their fair share of the wealth which they have helped to generate, and to achieve fully their human potential."

ILO Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

The convention sets forth the general principle that the improvement of standards of living shall be regarded as the principal objective in the planning of economic development. It also provides additional requirements concerning independent producers and wage earners, minimum wage-fixing and payment of wages, non-discrimination, and education and vocational training. (Not ratified by India)

ILO Employment Policy Convention, 1964 (No. 122)

This priority convention requires ratifying states to declare and pursue an active policy shall aim to ensure that there is work for all who are available for and are seeking work; that such work is as productive as possible; and that there is freedom of choice of employment. (Ratified by India in 1998)

ILO Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)

Suggests that member states should adopt measures which are appropriate to national conditions and consistent with national practice in order to promote small and medium-sized enterprises, in regard to their importance in promoting employment and sustainable economic growth.

Article 38 - State to secure a social order for the promotion of welfare of the people - (2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

Articles 39 (a) and (b) of the Constitution clearly mention that the State shall in particular direct its policy so that -

(a) the citizens, men and women equally, have the right to an adequate means of livelihood.

(b) the ownership and control of the material resources of the community are so distributed as to subserve the common good.

Wage employment

International Conventions

Convention 131 – ILO Minimum Wage Fixing Convention, 1970

“Minimum wages shall have the force of law and shall not be subject to abatement. The elements to be taken into consideration in determining the level of minimum wages shall, so far as possible and appropriate in relation to national practice and conditions, include--

(a) the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups;

(b) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.

National commitments

Article 43 - "The State shall endeavour to secure by suitable legislation or economic organisation or in any other way to all workers, agricultural, industrial or otherwise, work, a **living wage** (emphasis added) conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities".

In reality, States have ignored the above Article and also brushed aside the five norms for fixing minimum wages which were evolved by the 15th Indian Labour Conference in 1957 - that minimum wages should be high enough to meet all basic needs of a worker's family, including food, clothing, shelter and amenities.

Supreme Court on minimum wages

The Supreme Court fully upheld the criteria evolved by the 15th Indian Labour Conference in *Unichoy vs State of Kerala* in 1961. In the later *Reptakos Brett Vs Workmen* case in 1991, the SC went one step further, and held that besides the five components enunciated by the 15th ILC, minimum wages should include a sixth component, amounting to 25% of the total minimum wage, to cover children's education, medical treatment, recreation, festivals and ceremonies. The SC also observed that a wage structure including the above six components would be 'nothing more than minimum wage at subsistence level' which the workers must get 'at all times and under all circumstances'.

The National Centre for Labour (NCL) in a major campaign for need-based minimum wages as per the 15th ILC norms found this amount to be Rs.125 at 1996 prices, which is roughly Rs.215 per day at 2006 prices.

Studies & Reports

Study by Stree Jagruthi Samiti on level of wages earned in Bangalore

Minimum wage should be a living wage

The study based on a survey in a few slums of Bangalore "Domestic Worker Productivity: a rationale" conducted in May-June 2005 by Stree Jagruthi Samiti on the wages received by domestic workers showed that both the current prevalent wages and the current Minimum Wage are insufficient to allow even the most basic standard of living.

Insufficient wage to cover expenditure

Average Expenditure per month	
Food	1959
School fee	1221 (1741)
Loans	817 (1148)
Rent	555
Health	293
Electricity	279
Transport	185
Other	62
Water	54

Below is the average expenditure by category for the domestic workers surveyed. The total average monthly expenditure of a family was Rs. 5189/-, including loan repayment and saving.

Please note: school fees were 1221 on average, but 1741 on average for families with children under 12; loans cost Rs. 817 per month on average, but among only those with loans, they cost on average Rs. 1148.

The average total stated family income per month was Rs. 4267/-; a shortfall of over Rs. 900/- per month. It has been assumed that this shortfall between expenditure and family income is made up through child labour, prostitution and criminal activity.

Even working a full eight-hour day, every day, every week, with no pay for holiday or illness, a Domestic Worker could only hope to support 39% of the average household expenditure, or Rs. 2267/- below the current Minimum Wage, requiring at least one other member of the household to be employed, on a better salary.

Taking loans to make ends meet

Further proof that domestic workers were not able to support themselves and their families on this wage was found in the prevalence of loans for consumption. Two-thirds of all domestic workers surveyed had a loan at the time of questioning. Most were short-term loans owed to slum-lords who charged exorbitant interest: a typical case was that a domestic workers who takes a loan of Rs. 6,000/-, with a re-payment period spread over 6 months, had to pay 1500 per month, or Rs. 9,000 totally, which works out to an annual interest rate of 100%.

Of the loans detailed, 85% were for consumption rather than investment: in the table below only vehicle and house loans (highlighted) can be considered to be for investment;

	# Loans
Domestic Problem	43
Marriage	19
Education	16
House	11
Unknown	7
Health	5
Vehicle	4
Children	1

in all other cases, it is clear that the income is insufficient to cover basic needs, such as health care and education.

Findings

Low levels of wages in Karnataka

Despite above findings, Karnataka continues to fix low wages with no assurance of 'living' wages here, although the state is regarded as a pioneer for even having taken the small step of fixing minimum wages for domestic workers! Contract municipal sweepers' wages have been fixed at Rs.1800 per month. The daily wages for agricultural work were fixed at Rs.56.30 up to March 2004. Yet again, a notification published in January 2005 says, "The wages for employees under special employment schemes for weaker sections in rural areas shall not be less than Rs.30.50 per day for eight hours of work". These wages are far below a living wage prescribed by Article 43 and 15th ILC.

'Promotional' social security

In addition to a living wage, the urban poor also need assured employment and decent working conditions. But in cities, slums are partly a result of the poor enforcement of laws protecting unorganized workers. The working conditions, etc. of the unorganized sector in urban areas are protected by a few laws such as:

- The Workmen's Compensation Act
- The Bonded Labour System (Abolition) Act
- The Shops & Establishments Act
- The Contract Labour (Abolition & Regulation) Act
- The Building & Construction Workers' Welfare Act
- The Inter-State Migrant Workmen's Act, etc.
- The Equal Remuneration Act

In addition: laws that protect children from exploitation are:

The Child Labour (Prohibition & Regulation) Act
The Children (Pledging of Labour) Act

The Minimum Wages Act also mandates a weekly off, overtime wages, absence of child labour. The Inter-state Migrant-workmen's Act requires employers to provide decent housing to their workers. The Contract Labour Act requires rest-rooms, crèches, drinking water and toilets and canteens to workers. The Building & Other Construction Workers' Welfare Act provides several welfare benefits, such as compensation for disability and death, health care, educational and housing loans, etc. But workers in the unorganised sector who mostly belong to the urban poor, such as domestic workers, construction workers, migrant workers, etc., are unaware of most of these laws and hence do not claim the benefits, which are also not provided to them voluntarily by their employers. Failure of employers to fulfill these results in the urban poor having to live in squatter settlements without basic amenities.

Most of these laws are implemented by the State Labour Department which is woefully under-staffed (in the case of the Bonded Labour Act by the Revenue Department). But given the high rate of economic activities in cities like Bangalore, it is not possible for a few Labour Inspectors to ensure that all these laws are implemented effectively. It is necessary to have a more proximate and strengthened enforcement machinery, if workers are to get justice.

Self-Employment

Vendors and hawkers

Though self-employment of various kinds is taken up by the urban poor, street vending and hawking is a significant mode of self-employment in cities. This is a mode of survival resorted to by the urban poor for whom the government has failed to provide alternatives. What is to be appreciated is that this is an honest vocation pursued by the poor without seeking any support or subsidy from any government agency. But this form of self-employment often creates conflicts in the city between better-off road-users and vendors. The solution resorted to by law-enforcers is to consider vendors and hawkers as illegal, confiscate their goods and ban their trade. But such measures go against the National Policy on Urban Street vendors and Supreme Court rulings on the Constitutional right to life and livelihood.

Supreme Court Rulings

"The right to carry on trade or business mentioned in Article 19(1)g of the Constitution, on street pavements, if properly regulated cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and no other use".

National Policy on Urban Street Vendors

Some studies estimate that street vendors constitute approximately 2% of the population of a metropolis. Women constitute a large number of street vendors in almost every city. Urban vending is not only a source of employment but provides 'affordable' services to the majority of urban population. The role played by the hawkers in the economy as also in the society needs to be given due credit but they

are considered as unlawful entities and are subjected to continuous harassment by police and civic authorities. This is reported to be continuing even after the ruling of the Supreme Court. The National Policy aims to ensure that this important section of the urban population finds recognition for its contribution to society, and is conceived of as a major initiative for urban poverty alleviation.

Specific Objectives of the National Policy

1. The basic objectives of the policy are:

Legal: To give vendors legal status by amending, enacting, repealing and implementing appropriate laws and providing legitimate hawking zones in urban development/ zoning plans.

Facilities: To provide facilities for appropriate use of identified space including the creation of hawking zones in the urban development/ zoning plans

Regulation: To eschew imposing numerical limits on access to public spaces by discretionary licenses and instead moving to nominal fee-based regulation of access, where market forces like price, quality and demand will determine the number of vendors that can be sustained. Such a demand cannot be unlimited.

Role in distribution: To make Street vendors a special component of the urban development /zoning plans by treating them as an integral and legitimate part of the urban distribution system.

Self Compliance: To promote self-compliance amongst Street vendors.

Organization: To promote, if necessary, organizations of Street vendors e.g. Unions / Co-operatives/ Associations and other forms of organization to facilitate their empowerment.

Participation: To set up participatory mechanisms with representation by urban vendors' organizations, (Unions / Co-operatives/ Associations), Voluntary organizations, local authorities, the police, Residents Welfare Association (RWAs) and others for orderly conduct of urban vending activities.

Rehabilitation of Child Vendors: To take measures for promoting a better future for child vendors by making appropriate interventions for their rehabilitation and schooling.

Social Security & Financial Services: To facilitate/ promote social security (pension, insurance, etc..) and access to credit for Street vendors through promotion of SHGs/co-operatives/Federations/Micro Finance Institutions (MFIs) etc.

2. The Policy recommends that the Centre and concerned States should amend the Police Act and Police Rules / Regulations as are applicable.

3. The State Governments should also remove the restrictive provisions in the Municipal Acts and make street vendors inclusive in the city plan/ cityscape. Similar action if necessary, would have to be taken by the Development Authority for Development Areas.

4. All State Governments should ensure that institutional arrangements, legislative frameworks and other necessary actions achieve conformity with the National Policy for Street Vendors.

Issues identified in the National Policy on Urban Street Vendors

“Traditionally issuing licenses to vendors was seen as an instrument to give some of them ‘legal’ status, in an environment where urban vending is ipso facto illegal, which would in turn remove the very basis of their harassment, extortion and eviction by the concerned authorities. However, numerical limits to such licenses, which are

sought to be justified on the argument that congestion in public places would thus be avoided, has given rise to an elaborate regime of rent seeking.

In the first instance, rents are derived from the issue of licenses, since the demand exceeds the (often arbitrary) numerical limits of such licenses. Second, given the demand for services of street vendors exceeds the supply from licensed vendors, a number of unlicensed vendors seek to operate, and rents are extracted during enforcement by allowing them to operate without licenses. Given these inadequacies of the licensing system and the associated rent seeking, doing away with licensing system is the appropriate course.

However, the alternative should not only prevent rent seeking but also enable the livelihood – congestion trade-off to be resolved. The demand for vending in a particular area can be matched with the supply without over-congestion if zoning plans provide adequate vending spaces both with respect to location and time. **A system of registration of hawkers and non-discretionary regulation of access to public spaces in accordance with the planning standards and nature of trade/service should be adopted” (emphasis added).**

Bangalore Scenario

In Bangalore, the Karnataka High Court on July 14, 1999, approved a scheme drawn up by the BMP to declare hawking and non-hawking zones, issue licenses and ID cards to genuine vendors on payment of a fee and allot vending pitches to them. A committee was set up to identify hawking zones in each ward which identified merely 40 hawking zones for the whole of Bangalore (not even one per ward). It also ambiguously insisted that “zones not notified as hawking zones would not automatically become non-hawking zones” though the Court ruling said the opposite, leaving the door open for rent-seeking by the police and BMP officials in these areas.

While the number of applications received for licenses was 4,837, only 1,911 vending slots had been identified. After a whole year's exercise only 600 licenses had been issued which was hardly 0.5% of the estimated 30,000 vendors in the city. Many of these allotted vending pitches were not used by the vendors at all as these were away from all normal pedestrian traffic, ie, away from temples, bus-stops, etc., which could be called 'natural markets'. After almost a decade, the situation is back to square one with most vendors being at the mercy of rent-seekers. The BMP too is back to its old ways of evictions of vendors as nuisances, the latest episode being at the Jayanagar Shopping Complex. This is a gross violation of the National Policy on Urban Street Vendors evolved in the meanwhile.

Swarna Jayanthi Shahari Rozgar Yojana (SJSRY)

The Swarna Jayanthi Shahari Rozgar yojana (SJSRY) seeks to provide gainful employment to the urban unemployed or under-employed poor through encouraging the setting up of self-employment ventures. The wage employment component is foreseen only for cities with less than five lakh population. The programme relies on creation of suitable community structures and delivery of inputs

under this programme is through the urban local bodies and such community structures. It rests on a foundation of community empowerment. Towards this end Neighbourhood groups (NHGs), Neighbourhood Committees (NHCs) and Community Development Societies (CDSs) are to be set up in the target areas. The CDSs are to be the focus for identification of beneficiaries, preparation of applications, monitoring of recovery and providing support. CDSs also identify viable projects suitable for the area.

CDSs are expected to lay emphasis on providing the "entire gamut of social sector inputs to their areas, including, but not limited to, health, welfare, education, etc., through establishing convergence between schemes being implemented by different line departments within their jurisdiction" (SJSRY concept paper developed by Central Ministry). **The SJSRY hence goes beyond mere employment generation and can be considered to be the "missing link" for bringing about the paradigm shift called for by the 74th CA to decentralize "planning for economic development and social justice"**. The SJSRY has five components in Bangalore:

- Urban Self-Employment Programme (USEP)
- Development of Women & Children in Urban Areas (DWACUA),
- Thrift and Credit Societies (TCS) programme,
- Training Component (TC) and
- Community Structure Component (CSC).

In BMP area, the SJSRY is implemented by the Joint Commissioner (Welfare) of the urban local body Bangalore Mahanagara Palike. The other stakeholders are the Area Project Office, banks, training institutions, and non-government organisations. The scheme is implemented through six Community Development Societies (CDS) each comprising a General Body consisting of neighbourhood groups and a Governing Council (GC). The GC includes a Chief Project Officer, 6 Community Affairs Officers, 28 community organisers, two NGOs, district-level bank manager, representatives of four convergence departments and five area municipal councillors.

The CDSs cover 411 Neighbourhood Committees and 3,927 Neighbourhood Groups. **A total of 1,02,749 families have been identified as being Below Poverty Line (BPL) in the erstwhile 100 wards of BMP area in 1998-99.** The poverty line was set at Rs. 23,124 annual income. Under each CDS a federation of women's Thrift and Credit groups has been constituted.

After the formation of BBMP on 16.11.2007, 8 Community Affairs Officers and 11 community organizers are working in the 7 CMC and 1 TMC areas that have been merged with BMP. There are 34,491 BPL families in the five new zones created.

Targets for Karnataka under SJSRY 2008-09

No. of urban poor: 53.28 lakhs

Total SJSRY allocation: 3,648.54 lakhs

Number of urban poor assisted to set up individual /group micro-enterprises: 9,375

Number of urban poor to be imparted skill training: 11,719

Progress of SJSRY: 1999 to May 2008

Urban Self-Employment Programme

1. No. of applications sent to banks:	7,865
2. No. of applications approved	2,592
3. Bank loan	5,06,92,000/-
4. Subsidy granted by Project	95,04,750/-
5. Margin money	31,68,250/-
6. Total	6,33,65,000/-

Break-up of beneficiaries:

SC	ST	Others	Total	Out of total beneficiaries	total
				Physically challenged	women
1152	67	1373	2592	8	1317

Source: Project director-SJSRY, 2008

DWACUA programme

1. No. of applications sent to banks:	79
2. No. of applications approved	47
3. Bank loan	Rs. 38.25 lakh
4. Subsidy granted by Project	Rs. 42.51 lakh
5. Margin money	Rs. 4.24 lakh
6. Total	Rs. 85 lakh

Break-up of beneficiaries:

SC	ST	Others	Total
190	5	208	403

Women's Thrift & Credit Groups

Details of groups formed from 1999-2000 to 2007-08

1. No. of women's thrift and credit groups	1,360
2. Total number of members	22,463
3. Total savings	Rs. 222.53 lakh
4. Total internal loans	Rs. 450.80 lakh
5. Re-payment of internal loans	Rs. 386.73 lakh

Skill training

Since 1999-2000 to 2006-07, 6,853 applicants from BPL families have been trained in various vocations at an expenditure of Rs. 91.04 lakh.

Community Structure Component

Rs. 184.86 lakh has been spent on this programme since its inception.

Focus Group Discussion results

Problem

Men	
We have not received any loan facility	2 responses
We get loans from SHGs, pawn-brokers and MFIs	2 responses
We have market facility	1 response
There is no skills training center nearby	2 responses
There is no market nearby	1 response
Women	
We don't get any loans from banks	2 responses
We cannot enter banks	1 response
We cannot produce the documents they ask for	1 response
There is no skill training available	6 responses
None among us is educated or skilled, we work as domestics	2 responses
Children	
Even educated do not have jobs	2 responses
S S L C failed are available in our area	1 response
We don't have awareness	1 response
We require training	1 response
Required training in skills to start self-employment	1 response
Leaders	
Don't have titles and hence no loan facility.	1 response
We are paying high interest for money from private money-lenders.	1 response
Banks not providing loans.	1 response
Youth don't have proper jobs.	1 response
Casual labour opportunities not available regularly.	1 response
Opportunities for girls and women are few.	1 response
No skills or any training. Therefore most families are forced to do rag-picking.	1 response
No marketing facility available.	1 response
No Stree Shakthi groups are working in the area. But SHGs formed by an NGO are doing very well.	2 responses
SHGs work only with money, not on local issues.	1 response
Earlier SHGs took loan and never repaid them. Now no SHGs.	1 response

Current solution

Women

- We take loans from others at 20% 1 response each
- We sell our jewellery
- We take loans from money-lenders

Children

- Parents take loans from SHG 1 response each
- Parents pledge jewels
- Parents borrow from money-lenders for high interest

Leaders

- Rag-picking 1 response each
- Women do rag-picking

Suggested solutions

Men & Women

- We need loans for self-employment 2 responses
- Skill training center should be provided 2 responses
- Women need training for self-employment 2 responses
- BBMP /government should look into this 2 responses
- Government should provide jobs 1 response

Children

- Computer, tailoring training needed. 1 response each
- Require trainings
- We need training in tailoring, computers, small
- scale industries and mechanics to get employment.
- We require training centers.
- We need training for a better future.
- Govt officials should provide information to public.
- We should be taught English.

Leaders

- Make available govt loans, grants. 1 response each
- Help start small enterprises and buy small equipments.
- Design proper schemes and make simple rules so that
- it reaches us.
- Provide reservation to muslims.
- Provide driving, tailoring, computer lessons.
- OPEN Information centres. Along with information the
- centre should provide necessary help/assistance.
- Schemes should be such that it should reach the poor.
- Criteria such as supporting documents must be made simpler.

Findings & Observations

- The survey done at the inception of the SJSRY programme has been frozen. No updation has been done to take into account in and out migration.
- In the last nine years, the total number of self-employment loans given under SJSRY has been just 2,592 which is less than three per cent of the BPL families.
- The total number of beneficiaries under the four components is 32,311 over a period of eight years though the number of BPL families identified is more than one lakh.

- Beneficiaries have to go to the single head-office of the SJSRY to submit all applications. There are no decentralised range/ward-level offices of SJSRY.
- The Community Organisers are not residents of the communities they serve and hence they spend more time commuting than working in their given area.
- According to officials in charge of SJSRY, groups are active only until the subsidy is given. Later the groups dissipate.
- In ten years, an amount of Rs. 1.84 crore has been spent on improving health, education and other infrastructure under the Community Structure Component. This amounts to an expenditure of less than 2 lakh for each of 100 BMP wards over a period of a decade.
- Several aspects of the programmes need more effective implementation. For instance:
 - CDSs are supposed to lay emphasis on providing the entire gamut of social sector inputs to their areas including, but not limited to health, welfare, education, etc., through establishing convergence between schemes being implemented by different line departments within their jurisdiction.
 - Beneficiaries are supposed to be identified by CDSs. Lists of beneficiaries finalized are to be displayed at the Urban Local Body office as also in the concerned local areas. But there is total lack of transparency on how the beneficiaries are being selected. It is believed that individual and personal contacts with the community organizers is the means being adopted to identify beneficiaries.
 - Training institutions such as there are, ITIs/ polytechnics / shramik vidyapeeths / engineering colleges and other suitable training institutions run by government, private, or voluntary organizations may be utilized and appropriate support for this purpose given. In addition, the Building Centres existing within the states may also be utilised. How well this is happening needs to be found out.
 - Infrastructure support may also be provided to beneficiaries setting up micro-enterprises in relation to marketing of their products by setting up kiosks and weekend/evening markets, etc. Technical assistance in relation to marketing, design, advertising, etc. is also to be provided. Space is to be provided free by the ULB for setting up "Nagarpalika Seva Kendras" or "Service Centres" in each CDS area to provide work-spaces/marketing centers. It is not known how many such centers have been set up.
 - "Service Centres" are also to be created for providing construction and other services, like those of carpenters, plumbers, electricians, mechanics, which will be available to citizens on call. Those who have undergone skill training could register themselves at the "Service Centres" and be sent on calls at rates fixed by the CDSs. Publicity for the services available is also expected to be undertaken. It needs to be found out how many skilled persons have been registered and how many calls from citizens have been received.
- States may utilize up to 2% of their allocation for activities under the IEC component. It needs to be found out how many such activities have been undertaken as awareness about SJSRY is very limited as discovered from the FGDs.
- States may use 5% for administrative and office expenses. A further sum, not exceeding 3% can be used for setting up an Urban Poverty Alleviation Cell within the ULB.
- Currently, SJSRY is being implemented by the Jt. Commissioner (Welfare) of BBMP. There is a need to move beyond a "welfarist" approach and create the institutions

suggested under the SJSRY for focussing on urban poverty alleviation by empowering and organizing the citizens. The schemes for SC/ST welfare which too the Welfare Department of BMP implements, are characterized by lapsing funds and lack of perceivable outcomes.

Social Security

For workers in the unorganized sector who constitute the majority among the urban poor, casual or contract employment mostly does not assure them the safety nets provided to workers in the organized sector, to enable them to get an income at times when they are unable to work for any reason. These are the 'protective' social security benefits, such as health care, sickness, maternity, accident, disablement, unemployment, old-age, death and family benefits. The lack of such social security measures, which could provide them an alternative source of income during periods of stress, further aggravates the precariousness of their lives and is the root cause of their getting into debt cycles. The debts force them to often resort to pledging their children as child labour to pay off the loans. Often it leads to their losing whatever little assets they possess, become destitute or prematurely face death.

International & National commitments

Social Security as a Human Right: International and Regional Standards

Instruments– International, Regional and National	Rights Guaranteed	Comments
Universal Declaration of Human Rights (UDHR)	Art. 22 guarantees the right to social security. Art. 25 recognizes the right of everyone to security in the event of unemployment, sickness, disability, widowhood, old age and other lack of livelihood in circumstances beyond his or her control.	The UDHR is not legally binding, but it has provided the foundation for the recognition of social security rights in treaties subsequently adopted.
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Art. 9 recognizes the right of everyone to social security. Art. 10(2) recognizes the right of working mothers "to adequate social security benefits." Art. 10(3) requires states parties to undertake special measures of protection and assistance for children and young persons.	Art. 9 is not defined. However, the CESCR seeks information regarding the same nine branches of social security that are part of ILO Convention No. 102. This suggests that a right to social assistance to meet basic subsistence needs is excluded. However, some scholars have argued that such a right could be derived from Art. 11 that recognizes the "right to an adequate standard of living, including adequate food, clothing, and

Instruments– International, Regional and National	Rights Guaranteed	Comments
		housing, and to the continuous improvement of living conditions."
The International Labour Organization	Convention No. 102 on Social Security (Minimum Standards) recognizes the following nine specific branches of social security: medical care, sickness benefits, unemployment benefits, old-age benefits, unemployment injury benefits, family benefits, maternity benefits, invalidity benefits and survivors' benefits. Minimum requirements are stipulated as to the coverage of the population, the content and level of benefits, the protection of the rights of contributors and beneficiaries and matters of administration.	

Generally the ILO has tied social security rights to employment, although it is increasingly promoting a broader notion of social security in which the state, employers and workers all have a role to play in financing social security benefits.

Other instruments that reflect international political commitments

Although not legally binding, the following instruments also represent international political commitments to consolidating and expanding social security systems:

- The Copenhagen Declaration and Programme of Action adopted by the World Summit for Social Development. Relevant commitments in terms of this declaration include "strengthening and expanding programmes targeting those in need, programmes providing universal basic protection, and social security insurance programmes."
- The Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women. Governments made the following relevant commitments, among others: to provide adequate safety nets and to create social security systems wherever they do not exist, or "review them with a view to placing individual women and men on an equal footing, at every stage of their lives."

Indian Constitution

Article 41: Right to work, to education and to public assistance in certain cases—The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 42: Provision for just and humane conditions of work and maternity relief—The State shall make provision for securing just and humane conditions of work and for maternity relief.

Interim orders of the Supreme Court

Supreme Court hearings on the right to food (PUCL vs Union of India and others, Civil Writ Petition 196 of 2001) have been held at regular intervals since April 2001. Though the judgement is still awaited, interim orders have been passed from time to time.

Order of 1 February 2007 : The order directs states to file responses as to why there has been such dismal inaction in implementation of the National Maternity Benefit Scheme and Janani Suraksha Yojana (JSY), and directs the Central Government to propose better ways to monitor and coordinate these scheme.

Order of 28 November 2001

- National Old Age Pension Scheme: States/UTs are directed to identify the beneficiaries and to start making payments latest by 1st January, 2002 and to make payments promptly by the 7th of each month
- National Maternity Benefit Scheme: States/UTs are directed to implement the National Maternity Benefit Scheme (NMBS) by paying all BPL pregnant women Rs. 500/- through the Sarpanch 8-12 weeks prior to delivery for each of the first two births.
- National Family Benefit Scheme: States/UTs are directed to implement the Scheme and pay a BPL family Rs. 10,000/- within four weeks through a local Sarpanch, whenever the primary bread-winner of the family dies.
- Other directions: A copy of the SC order to be translated in regional languages and in English by the respective States/UTs and prominently displayed in all Gram Panchayats, Govt. School Buildings and Fair Price Shops.

The Main Elements of a Rights-Based Approach to Social Security

The following are some important elements of a rights-based approach to social security:

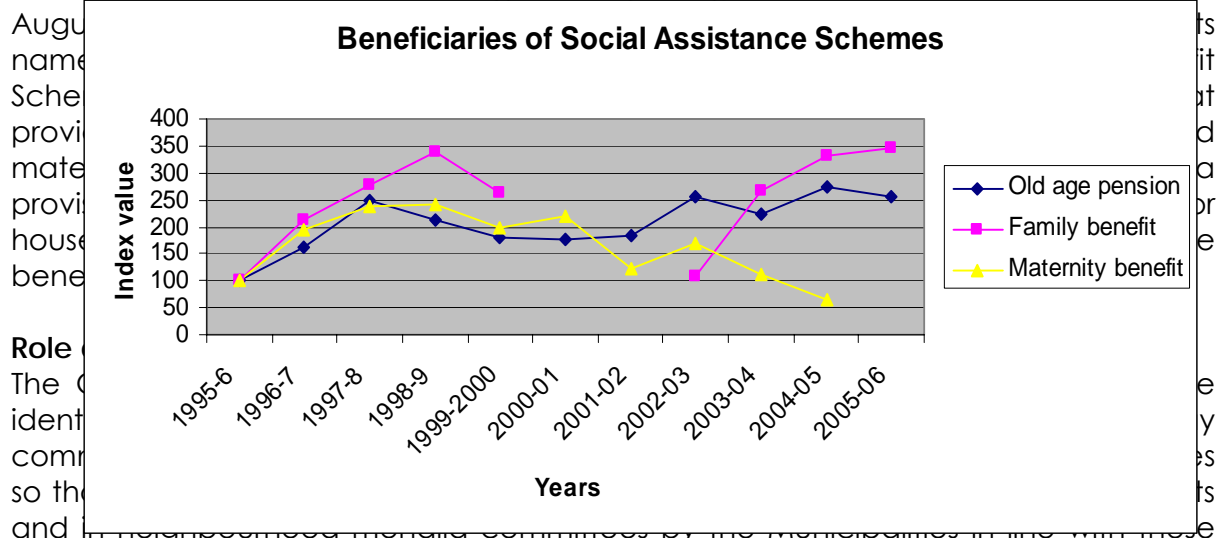
1. **Comprehensiveness:** The social security system should aim to provide comprehensive coverage against all contingencies and life circumstances that threaten the income-earning ability of persons...
2. **Universality:** All those in need of social security should be able to gain access to it.
3. **Adequacy and appropriateness:** The level of benefits provided under the various schemes should be adequate and appropriate. The benefits should at least be sufficient to ensure that the recipient does not fall below a clearly defined minimum subsistence level or poverty line.
4. **Respect for equality:** Social security programs should not discriminate unfairly against anyone on grounds such as race, sex, gender, religion, national or social origin, etc.
5. **Respect for procedural rights:** The rules and procedures governing eligibility for social security programs, as well as the termination of benefits, must be reasonable and fair.

Source: Poverty And Inequality Hearings - Social Security Theme, Background paper for South African National Non-Governmental Organisation (SANGOCO), the South African Human Rights Commission and the Commission for Gender Equality, Jointly Compiled by Sandy Liebenberg, Community Law Centre (University of the Western Cape) and Alison Tilley (Black Sash)

Existing Government Schemes

National Social Assistance Programme (NSAP)

The National Social Assistance Programme (NSAP), which came into effect from 15th



Role of the Panchayats/Municipalities in the NSAP. The Central assistance under NOAPS and NFBS should preferably be disbursed in public meetings, such as Gram Sabha meetings in the rural areas, and neighbourhood/mohalla committees in urban areas. The Panchayats/Municipalities are responsible for disseminating information about NSAP and its monitoring.

Studies and reports

“Social Security for Unorganised Workers - A critical review”, by Dr. D. Rajashekar, ISEC

ISEC Public Lecture on February 25, 2008

A study by Dr. D. Rajashekar of ISEC, titled “Social Security for Unorganised Workers - A critical review”, points out that two striking positive features in the coverage of social insurance schemes in India (Janashree Bima Yojana (JBY)) are improving coverage of unorganised workers and over 60% renewal rate.

Recent initiatives: In 2004, National Commission for Enterprises in the Unorganised Sector was set up to look into conditions of unorganised workers, and prepare a bill on appropriate social security benefits. The Commission has prepared the Unorganised Sector Workers' Social Security Bill, 2007, which is before the Parliament for its approval. The Commission proposed contributory life insurance, old age pensions and health insurance for unorganised sector workers. If and when approved by the Parliament, these will become the first entitlements for the unorganised workers.

Three new schemes: In anticipation of the Bill being made into law, the Central government has recently introduced three schemes.

- Aam Admi Bima Yojana to provide insurance cover to poor households

- National Health Insurance Scheme to reach 300 million people from BPL households over the next five years with coverage of hospitalisation expenses up to Rs. 30,000 and cashless facility.
- Indira Gandhi National Old Age Pension scheme enlarged to include all persons falling under BPL category .

A Critical review of social security schemes

- **Not legal entitlements:** Social security benefits for organised workers are legal entitlements and budget financed. But, those for unorganised workers take the form of only schemes without any legal backing.
- **Lack of consistent policy:** Plethora of schemes at central and state government levels aiming at social security for unorganised workers. But, they are characterised by the lack of a consistent policy.
- **Meagre expenditure:** India spent 1.8% of GDP as compared to 4.7% in Sri Lanka and 3.6% in China. Karnataka's expenditure was only 1.52% as compared to 2.64% in Tamil Nadu.
- **Counter productive:** Administrative costs of implementation are too high in relation to the paltry benefits provided, and the negligible impact on the target population.
- **Financial constraints** compel the government to tighten the eligibility criteria, for instance, old age pensions were restricted to only the destitute among BPL households. Consequently, a large number of unorganised workers living in vulnerable condition were excluded.
- **Fragmented approach:** Benefits have been extended only to BPL households. Heterogeneity among unorganised workers is ignored. While all the BPL households are likely to be in the unorganised sector, unorganised workers from APL households suffer from widespread deprivations. The BPL criterion is a very minimalist and inappropriate approach to extend social security to the unorganised workers.
- **Poor awareness levels:** Only less than 5% of the sample unorganised workers in Karnataka were aware of JBY. Poor awareness on eligibility conditions, whom to approach and how to approach in the case of old age pensions. Also faced the problem of difficult documentation.
- **Limited organisational membership:** The poor bargaining power on account of limited membership in trade unions and SHGs.
- **Low coverage:** Only less than 10% of unorganised workers have some access to social security schemes.
- **The risks faced by unorganised workers:** An overwhelming majority of the unorganized sector workers do not, thus, have access to sufficient and reliable social security.
- **Emergency needs:** The study shows that the incidence of emergency needs in unorganised sector households in Karnataka ranges from 35.58% for domestic workers, 40.39% for garment workers to 41.86% for construction workers.
- **Distribution of all emergencies:** The study shows that emergencies caused by death of household members ranges from 7.25% for garment workers to 23.77 for agricultural workers; marriage and social obligations range from 13.04% for garment workers to 23.68% for domestic workers, accidents range from 1.45% for garment workers to 11.66 among agricultural workers. The most common crisis however is that of health which ranges from 47.09% among agricultural workers to 77.72% among garment workers.

- **Expenditure on crises and sources of finance:** While expenditure is sourced from own sources, relatives, SHGs, employers, sale of assets, etc., the major source of finance remains the moneylender who finances from 37.01 of crises among garment workers to 54.92% crises among agricultural households.
- **Interest amount paid to principal amount:** While those paying more than 100% interest on loans ranges from 4.3% of construction workers to 14.29% domestic workers, those paying 50-100% ranges from 10.71% of domestic workers to 15.71% for agricultural workers. But the most prevalent interest rates are less than 50% which are paid by 75% of domestic workers to 84.95% of construction workers.

Recommendations made by the study

- Provide adequate and reliable social security to unorganised workers as an entitlement.
- The social security benefits need to be universal rather than scheme-based.
- In the current context of globalisation, effective and efficient social security system is a key instrument to soften income gaps, redistribute incomes and ensure that social harshness is avoided for the vast majority of the unorganised workforce.
- This is important for poverty reduction and human resource development in our society.

Source: "Social Security for Unorganised Workers - A critical review" by Dr. D. Rajasekhar, ISEC, ISEC Public Lecture on February 25, 2008

Results of Focus Group Discussions

Problems - Leaders

- | | |
|--|-------------|
| • We are not beneficiaries of any govt. scheme | 6 responses |
| • We are not aware or do not have information of any schemes | 5 responses |
| • Schemes exist only for women | 1 response |
| • We do not get any benefits as we have to provide address proof, etc. | 1 response |

Women

- | | |
|---|-------------|
| • We have no social security | 3 responses |
| • No one is getting pension or disability pension | 2 responses |

Children

- | | |
|---|------------|
| • We have no social security / biased policy of the government | 1 response |
| • No old age pension/physically handicapped pension in our area | 1 response |

Suggested solutions

- Government should monitor to ensure schemes reach us
- Government should take action
- Need information on schemes
- Need to update ourselves
- Need to organize awareness workshops
- Programmes should reach the poor
- Documents should be simplified
- Migrants should also be provided with social security

- Need security for old people, women, children, handicapped

Points made during the discussion on the draft report on 1st July 2008

- The Labour Welfare Board has cumbersome procedures; unnecessary monthly registration system for workers is followed.
- No awareness on the labour laws is imparted to the labourers.
- To deliver 1 rupee the government spends 6 rupees.
- Most of the grants lapse / go back unutilized. This wouldn't happen if the planning were bottom-up and rigorous monitoring process was in place.
- Need to review all the schemes and their appropriateness as of today.
- Need to check the role of Information Department.
- While the regular Pourarakarmikas get Rs.8000 and above, the contracted ones (who are about 25000 in numbers) get daily wages which amount to about Rs.2000.

Recommendations

The main problem of the urban poor is to get assured employment, proper wages and working conditions, and some security at the times of distress. Efforts to frame suitable laws for providing social security to unorganized workers have been hanging fire since more than a decade. Most or all of the problems related to providing legal cover to the unorganised sector can be resolved if one looks at the issue from the perspective of the 74th Constitutional Amendment. It is heartening that the two drafts of the National Commission for Enterprises in the Unorganised Sector, have also rooted for an area-based approach for the implementation of social security schemes, with implementation through the local bodies, de-linking the laws from employer-centricity and sector-specificity, which are characteristics of measures to provide social security to organized workers.

Decentralised plans for development and social justice

The foremost function under the "Powers, authority and responsibilities" of Nagarapalikas, spelt out under Article 243W (a)(i) of the Constitutional Amendments, is **"the preparation of plans for economic development and social justice"**.

Employment and social security forgotten

The Twelfth Schedule annexed to the Constitution, as well as the conformity legislation of the States, seem to have forgotten that **implementation of labour laws (regulation of employment) and provision of social security to workers constitute a major aspect of "economic development and social justice"**. Thus the regulation of employment and working conditions of unorganised workers or the provision of social security to them are not at all under the purview of local bodies currently. Most states have, however, devolved the implementation of poverty alleviation and other social assistance schemes to the local bodies.

Area-based implementation through local bodies

If genuine economic development and planning for social justice is to take place through local bodies, as envisaged by the Constitutional Amendments, implementation of labour laws (a few basic ones pertaining to the unorganized sector) and provision of social security could happen through them.

The tasks of regulation of employment and provision of social security when assigned to local bodies will make these area-based in their implementation and de-link them from employer and sector-specificity, which is a need for reaching benefits to the unorganised sector.

BBMP to frame social security scheme for the urban poor

During a consultation on initiating a "Healthy City Campaign" in Bangalore, with WHO and Japanese government support, it was decided that BBMP should frame its own social security scheme for the citizens. However, this has remained a forgotten mandate. It is time this was actualized at least now to minder the insecurities in the lives of the urban poor. The scheme should ensure a minimum of benefits to all unorganized workers in BBMP.

Standing committees on employment and social security

If the implementation of labour laws and provision of social security have to become functions of the local body, there could be a Standing Committee, on Employment and Social Security' within the local body for dealing with these issues. Not only would these two functions need to be devolved to local bodies, but the corresponding funds and functionaries also need to be devolved to BBMP. This Committee could possibly also implement a future Urban Employment Guarantee Scheme.

Coverage for every worker

It is interesting that the Scheme framed by the Karnataka Government for implementing the National Rural Employment Guarantee (NREG) Act (which should eventually cover urban areas also) already foresees the setting up of standing committees at zilla, taluk and GP levels to implement the NREG Scheme. The NREG Scheme also foresees the issuance of job-cards and job-pass books to every household. If panchayats can be expected to undertake these tasks, it should be equally possible for municipalities also to perform these functions.

Multi-stakeholder committees

However, these standing committees or sub-committees need to give representation not only to the elected representatives and officials of the local bodies, but also to various other stakeholders, specifically to workers' and employers' representatives from that area (to give them a tripartite nature) and SC/STs, women, etc., to bring in people's participation.

Core labour standards

As foreseen in the second Bill drafted by the National Commission for Enterprises in the Unorganised Sector, this committee could address the issues relating to the implementation of core labour standards of the ILO, namely, a basic minimum standard on hours of work, payment of minimum wages, abolition of bonded labour and child labour, implementation of laws related to unorganised labour, such as the Building and Other Construction Workers' Act, Contract Labour Act, Inter-State Migrant Workmen's Act, etc. Absence of institutions at the grassroots level to implement these laws has been the cause of poor enforcement of labour standards all these decades.

Just as BBMP gives licenses and sanctions building plans, etc, it could also set up a cell for the enforcement of labour laws for urban poor workers in the unorganized sector. The Labour Officers currently attached to the line department of the State could be made accountable to BBMP for the implementation of the above laws.

Self-employment & social security

The committee could also look into the promotion of self-employment, provision of social security to wage-earners and the self-employed and the provision of social assistance to those unable to work - the old, the destitute, the disabled, etc.

Worker ID cards and records

The Scheme for implementing the NREGA has correctly identified that it is best to vest the unorganised worker himself with the record of his employments and wages earned, rather than the employer. One can stretch the same principle to cover his social security contributions as well. Every worker could be given one worker's ID card, with a unique social security number. No one should be allowed to work without such a card.

Workers' Facilitation Centres

The Workers' Facilitation Centres at grassroots level suggested by several drafts of unorganised workers' social security bills could be set up in each municipal ward. These centres, could facilitate the registration of workers and record-keeping and provide workers with copies of the records. Currently, municipalities are registering every dog in the city. The state government registers every vehicle. It should be considered more important to register every worker to ensure that he gets his rights. The worker could make contributions to the social security fund through the Workers' Facilitation Centres, wherever he is currently employed and also receive benefits through them.

Vendors and hawkers

BBMP needs to implement the National Policy on Urban Street Vendors in all its aspects, register all street vendors, facilitate their livelihood by making them legal, stop evicting them and provide them support services.

Recommendations on SJSRY

- A "State Urban Poverty Alleviation Authority" needs to be created within the State Urban Development Department to provide greater focus to the subject on the lines prescribed under the SJSRY project document.
- There is a need to convert the "welfare" department of BBMP into an "Urban Poverty Alleviation Department" in order to shift the focus from "charity" to "empowerment" of the urban poor. The Department should look at all basic services and livelihood-related issues of the urban poor.
- The SJSRY Project Office should be re-named as the "Urban Poverty Eradication Cell" and coordinate the implementation not only of the SJSRY but all poverty alleviation schemes.
- SJSRY Community Organisers need to be located at the Range office / provided an office within the Range / area they are servicing.
- 1 "Nagarapalika Seva Kendra" or "Service Centre" each for the self-employed and the skilled service providers should be set up in each Range at least.

- 2% grant under the scheme needs to be utilized for raising awareness.
- Beneficiary identification should be done through the neighbourhood committees at neighbourhood meetings.
- BPL list should be updated every year.
- Better linkage between the CDSs and the State Employment & Training Directorate and other training providers needs to be created.
- CDSs should establish linkage and interact with respective ward committees of the area to fulfil Community Structures Component.
- There is a need for BBMP to gear up to implement an “Urban Employment Guarantee Scheme” for wage employment on the lines of the NREGA in rural areas.
- CDSs should draw up lists of missing **basic minimum services** in their areas. Other physical infrastructure requirements should be listed thereafter. The required basic minimum services should be prioritized in an “A” list while other requirements are listed in a “B” list. The lists should be forwarded to the Urban Poverty Alleviation Cell of BBMP every year. The Urban Poverty Eradication Cell should first get estimates prepared for the “A” list and only thereafter for the “B” list. The sanctioning authority is required to examine the proposals and **those relating to basic minimum services should be given priority over proposals for other infrastructure.**

5.8 Composite Schemes



5.8 Composite Schemes

18% Special Component Plan for SC/STs

A majority of slum-dwellers are SC/STs and conversely, a majority of Bangalore's SC/STs live in slums. In urban areas, Bangalore included, a vast majority of Dalits, barring a small number that finds itself in the organized sector with the help of reservations, are to be found in the unorganized and informal sector eking out their livelihood in a precarious manner. It is obvious that they constitute a disproportionately high percentage of the urban poor. Without any productive assets, the only source for them to rise above the poverty line is employment. The impact of the neo-liberal reforms on both these two parameters - poverty and unemployment - has been adverse over a long period of a decade, as statistics reveal. This should alarm anyone concerned with equitable growth.

It was due to this very evidence of the trickle-down theory failing that The concept of the Special Component Plan (SCP) (now it is called as Scheduled Caste Sub-plan and Tribal Sub-plan), was initiated by the then prime minister of India Smt. Indira Gandhi during the 1980's. It came into existence from the VI Five-year Plan period. Prior to that the economic upliftment schemes for SC families were very few. It was meant to ensure exclusive and adequate flow of financial outlays for the all-round development of the SCs/STs from the State and Central Government Plans, in proportion to the Scheduled Caste population in those States. Efforts of the State Governments are supplemented by Special Central Assistance for the SCP by the Government of India. Allocations made under the SCP need not be limited to the population percentage. Where necessary and feasible, more funds can / should be made available. The specific correspondence between the SCP and education, health, and livelihood of SC&ST communities with special focus on children is obvious.

However, the various government schemes have proved to be failures in changing the life conditions of these downtrodden sections. Neither the political class nor the bureaucracy has demonstrated sufficient political will to change this situation.

Even whatever minimum budget allocations are made towards the upliftment of the downtrodden, it has not resulted in any substantial results and changes. The depressed communities, deprived of their basic resources to livelihood, right to education and health have been denied their very right to human development. They are reduced to vote vending machines and nothing more.

Current programmes of BBMP

Table 5.8.1: Allocation for BBMP Welfare Department for the year 2007-08

Rs. in lakhs

Welfare Department
Infrastructure
CDP Works – Slums

CAD Programmes of Slum Areas	
Total CAD Programme for Slum Areas	500.00
Multipurpose Amenities Centre in Slum Areas (in 100 slums)	500.00
Office Infrastructure	
Modernisation of Offices (Furniture & Others)	5.00
Total Infrastructure	1005.00

JNNURM Works	
Basic Service for Urban Poor	
Basic service to Urban Poor (5 slums)	1000.00
Basic services for Urban Poor (covering 31 slums) - Phase I	10000.00
Basic services for Urban Poor (new areas)	9000.00
Total Jnnurm Works	20000.00

Welfare Activities	
18% Allocation Expenses	
18% - Aid for Competitive Exams	100.00
18% - Computer Hardware Training	70.00
18% - Computer Software Training & Kannada Software	300.00
18% - Construction of Single Houses / Habitat	100.00
18% - De-addiction Programme to Help Chronic	
Alcoholic recover from the Drinking Habbit	1.00
18% - Dr. Ambedkar Development Corporation Micro Credit	150.00
18% - Driving Training	150.00
18% - Economic Support for Programme for Unemployed (Electrician)	50.00
18% - Economic Support for Programme for Unemployed (Gardeners)	50.00
18% - Economic Support for Programme for Unemployed (Ironing-Boxes to Dobhis)	15.00
18% - Economic Support for Programme for Unemployed (Mobile Repairs)	50.00
18% - Economic Support for Programme for Unemployed (Plumbers)	50.00
18% - Economic Support for Programme for Unemployed (Radio & TV Repairs)	50.00
18% - Economic Support Programme for Unemployed	1350.00
18% - Improvements to SC/ST Hostels run by Social Welfare Department, GoK	
18% - Incentive Support for entry into PC on Merit	10.00
18% - Supply of Tailoring Machines	140.00
18% - Tailoring Training (Stipend)	90.00
18% - Welfare expenditure SJSRY	300.00
18% - Workshop on Personality Development to Students	25.00
Total Welfare Activities	3151.00

Backward Classes & Minority / Economically weaker section Welfare	
BCMw - Economic Support Programme for Unemployed	600.00
BCMw - Aid for Competitive Exams	150.00
BCMw - Computer Hardware Training	100.00

BCMW - Computer Software Training & Photo shop	450.00
BCMW - Driving Training	200.00
BCMW - Economic Support for Programme for Unemployed (Kits for Barbers)	50.00
BCMW - Opening of New Computer Centres	30.00
BCMW - Workshop on Personality Development to Students & BBMP Group 'D' Employees' children	10.00
Total Backward Class & Minority	1590.00

General Expenses	
Day Care Centres for Senior Citizens	150.00
Group Insurance for Auto Drivers	50.00
Incentive Scheme for Mentally Challenged	5.00
Payment of Service Charges for conducting Computer Examinations	1.00
Rent for Training Centres	2.00
Stipend to Electrical Wiremen	1.00
Supply of Equipment to Physically handicapped – General	10.00
Supply of Materials to Electrical Wiremen Training Centre	1.00
Total General Expenses	220.00

Women's Welfare	
Short Stay Home	32.50
WW - Beautician / Home Appliances / Mobile Training Courses	25.00
WW - Honorarium to Teachers	200.00
WW - M & R to Equipments in Existing Centres	2.50
WW - Rent for Welfare Centres	15.00
WW - Stipend to Trainees	75.00
WW - Supply of Cooking Equipments	40.00
WW - Supply of Materials to Existing Training Centres	7.50
WW - Supply of Tailoring Machines	125.00
WW - Workshop On Women Rights	4.50
Total Women Welfare	527.00

Observations & Findings

Despite the SCP, the sad situation in the system of governance and accountability, or the lack of it, in the respective state governments, is that all its departments have grossly failed to implement this scheme and fulfill their constitutional obligations. The table below shows that the funds allocated under SCP are not in proportion to the SC population and the expenditure does not match with the allocation. During 1992-93 to 2005-06, crores of rupees meant for the SCP under the State plan have been diverted for other purposes.

Over the past year and more, Dalit groups have, using the RTI, applied for and collected documents relevant to the various government orders and circulars regarding the implementation of the SC/ST grant in BBMP. On this basis, they have been able to unearth the fact that hundreds of crores of the allocation in the name of the SC/STs have either lapsed or been misused.

Through circular No. PM94GGL 77 dated 29.8.1977 the State Government mandated that all city municipalities / town municipalities / notified area committees / sanitary boards (mentioned as government bodies) should reserve 18% of their budget towards the welfare of SC/STs under all items of expenditure except:

- i) establishment charges
- ii) purchase of machinery, etc.
- iii) expenditure incurred from out of loans and grants obtained for special schemes and works.

But this circular gave rise to several confusions and it was found that:

- i) some municipalities were reserving 18% on the total and anticipated income of the year;
- ii) some others were reserving 18% of the total amount expected to be spent towards works and development programmes under obligatory and discretionary functions;
- iii) Still others were reserving 18% out of the net amount after deducting establishment and recurring charges.

To bring clarity on the issue, the Government of Karnataka subsequently issued a circular, No. HUD15TMD95 Bangalore dated 18.2.95, making clear the mode of calculation and the items of expenditure under the schemes.

The mode of calculation was to reserve 18% of "income from all sources, namely, the taxes and fees levied and collected by the municipality by and under the Karnataka Municipalities Act, grants released by Government towards the compensation for the loss of income due to abolition of octroi, development grants and other grants". Loans and purposive grants given for specific purpose shown in the budget of the local bodies however were to be excluded. Developmental activities were to be located so as to provide substantial advantage to SC/STs. It also stipulated that the amount reserved but not utilized during a particular year for one reason or other be carried forward to the subsequent year for its full utilization in addition to the 18% of the budget for that year.

However, this entire scheme was not implemented in its true letter and spirit. Fresh circulars were hence again issued in 2001 and 2006 reiterating the earlier circulars. The circular No. UDD119TMM97 dated 22.09.2001 further laid down that:

- i) 40% of the 18% funds should be earmarked for educational programmes
- ii) 40% of the 18% funds should be earmarked for economic development programmes
- iii) 20% of the 18% funds should be earmarked for other programmes

Despite this, funds under this scheme continued to languish:

- Firstly, the allocated amount within the yearly budgets has been less than the mandated 18%.
- Secondly, even the allocated amount has not been spent entirely, sometimes even being spent on persons not belonging to the SC/ST category.
- Thirdly, the balance of the allocated amount not spent, which is supposed to be carried over to the next year is also not being done.
- Fourthly, there is rampant corruption in the manner in which these allocated

funds are being utilized.

The table below gives information for the period 2001-2007. These have been culled out of the official audited accounts of the BBMP, which clearly demonstrate the under-utilization of the funds that have been allocated towards the welfare of SCs/STs.

Table 5.8.2: Under-utilisation of funds allocated under 18% SCP to SC/STs by BBMP

Year	Total estimated budget of BBMP	Current year's income	Amount allocated towards welfare of SC/ST	Utilized amount	Un-utilized amount
2000-2001	926,18,05,000/-	601,41,72,000/-	20,01,67,000/-	4,57,04,000/-	15,44,63,000/-
2001-2002	915,64,89,000/-	700,49,92,000/-	11,77,17,000/-	10,49,19,000/-	1,27,98,000/-
2002-2003	972,14,22,000/-	727,16,97,000/-	18,13,21,000/-	15,99,42,000/-	-
2003-2004	1021,84,19,000/-	778,71,73,000/-	13,58,35,000/-	15,87,77,000/-	-
2004-2005	1283,14,88,000/-	729,70,52,000/-	14,25,34,000/-	15,13,49,000/-	-
2005-2006	1560,99,96,000/-	958,68,72,000/-	26,30,06,000/-	15,24,55,000/-	11,05,51,000/-
2006-2007	1867,51,47,000/-	1216,70,92,000/-	36,46,00,000/-	18,77,83,000/-	17,68,17,000/-
Total	8547,47,66,000/-	5712,90,50,000/-	140,51,80,000/-	96,09,29,000/-	47,60,08,000/-

- From the above it is clear that the allocated amounts are far below 18% and, further, even that is not utilized fully, and the un-utilized amount 47,60,08,000/ is not carried forward.
- The second issue is that the allocated amount should be spent solely for the welfare of dalits and adivasis. The Dalit Bahujan Movement [DBM] has evidence to show that there are several upper-caste beneficiaries under these schemes meant only for adivasis and dalits. Further, the allocated amounts should not be diverted for other programmes, but this has been done as per the documents procured under RTI.
- There are no documents to show where these un-utilized amounts have been spent.

Ward-level discussions

CIVIC, along with Dalit Bahujan Movement, has been organising ward-level discussions between SC/STs and officials to evolve bottom-up plans from the Dalit communities themselves on the use of the 18% fund. Some Dalit communities said that this was the first time they were meeting officials of their wards for any interaction! These discussions have revealed that many Dalits do not want the

concrete roads, ironing-boxes and sewing machines that are customarily being provided under the 18% fund. They are saying: "Instead of all these, just give all our children free and quality education from 1st to 12th Std in residential schools, built one per ward. Let these schools be equivalent in quality to ICSE and CBSE schools so that we can compete with others on an equal footing. We will then not ask for reservation.

Recommendations on 18% SC/ST grant for BBMP Budget 08-09

Following are some of the recommendations that emerged at a 1-day consultation held by ALF, CIVIC and Dalit Bahujan Movement at Senate Hall, Central College, Bangalore on 6th March 2008.

Broadly covering essence of 18%

- i) Basic data on SC/ST community (population, economic/social status, available basic services, land rights, accessibility of education/health/food/water etc.,) in each ward must be developed.
- ii) Budgetary allocation has to be developed based on the quantum and needs derived from the data. Searching for beneficiaries after a budget is made should be avoided.
- iii) Make available information under 4(1)b of BBMP to SC/ST communities in all wards. Conduct legal awareness programmes, literacy, education and awareness on government schemes for adults.
- iv) Determine the 18% amounts that should have been set apart in the BBMP budget from the year 1995 to 2006-07. Consider all amounts not so earmarked as outstanding loans to the SC/ST community and repay these amounts in installments to the 18% budget.
- v) Set aside 18% according to norms and make sure it is spent appropriately and efficiently within the period.
- vi) The unutilized or misutilized 18% budget from the last five years at least should be added to the present budget.
- vii) The schemes to be publicised widely and detailed ward-wise 18% budget plans made available to people of the area.
- viii) A periodic monitoring mechanism to be put in place to evaluate progress of schemes. A committee at ward-level under the councillor. Citizens' groups, dalit groups, public representatives to be part of this mechanism.
- ix) Conduct ward-level meetings to understand requirements of SC/ST's and plan upwards.
- x) The facilities must be made available locally. For Ex: A student for a computer course should not be made to travel to another ward, it should be made available in the locality.
- xi) Renovation of Ambedkar Bhavan with funds from Social Welfare Department and construction of such bhavans in each of eight zones.
- xii) Provide Land Rights and housing in slums. Upgrade slums to 17F coming under BBMP.
- xiii) A time-bound action plan to be devised.
- xiv) Law to be brought in to punish officials who do not use funds

- xv) Issuance of permanent caste cards (SMART cards) that is standard and made usable in all situations/requirements. For every requirement getting a fresh caste certificate should be avoided.

On 40% in Education

- i) Each Slum to have one day-long Anganwadi for children 3-6 years and day-care for children 0-3 years at the rate of one each for every 400 population (as per SC directive) whichever is lower. Anganwadi should have good infrastructure – solid structure, clean toilets with water, potable water for children and cooking, full range of utensils, regular teachers and supporting staff, regular supply of nutrition and full amenities – toys, sitting benches, teaching aids etc., children
- ii) Each slum to have a primary school and, wherever possible, a high school – to prevent dropouts. The schools to have best infrastructure with one room each for a class, adequate furniture, teaching aids, qualified and adequate number of teachers, playground, library, toilets – separate for boys and girls with water, drinking water, mid day meals, etc.,
- iii) Quality education to be provided which is child-centred and activity-based .Provide motivational and skill trainings to teachers. Give them special training to deal with SC/ST children with empathy.
- iv) The school-going children must get all provisions – books, uniforms, etc., well before the commencement of school.
- v) Provide higher quantum of scholarships to primary school children, at least Rs. 100 per month to off-set the opportunity cost of child labour. Provide higher quantum of scholarships to college students.
- vi) Develop residential schools in each slum.
- vii) Career guidance for students of IX Std., 1st and 2nd PUC to be given and finishing schools to be made available locally for graduates to enable them to get training in facing interviews for jobs, etc..
- viii) Advanced learning programmes like computer animation courses to be made available locally.
- ix) Provide English education from 1st standard and computer training in all schools.
- x) Provide facilities for education of migrant children at work-site or in any other manner possible.
- xi) BBMP to supplement cost of providing free hostel facilities to SC/ST children by Dept. of Social Welfare within BBMP area. Rs. 15 per child per day being provided currently is insufficient. Desks, chairs, cots, etc. to be supplied out of BBMP funds.

On 40% in Economic Activities

- i) Provide tally, computer animation, IT-enabled services, computer software and hardware training to educated unemployed SC/ST youth at companies which absorb the trained youth after the training.
- ii) Provide training in interior designing, fashion-wear design, ticketing, travel assistance and travel management.
- iii) Provide training for all youth taking up self-employment in each ward.

- iv) Provide necessary equipment for those who have undergone skill training for setting up self-enterprise.
- v) BBMP should provide 50% subsidy to SC/ST youth setting up computer hardware sales outlets or any other self-employment enterprise.
- vi) BBMP should buy 50% of its computer and related equipment from shops set up by SC/ST youth who have obtained skill training under BBMP training programmes.
- vii) Provide marketing facility every month for products produced by SHGs of SC/ST community at public places owned by BBMP. BBMP to buy the products.
- viii) Reservation of 18% shops in shopping complexes and malls built by BBMP for SC/ST unemployed youth.
- ix) In all contracts given by BBMP, for instance for parking fee collection, advertisement hoardings, garbage collection and disposal, stationery items, cleaning materials, toilet maintenance, 50% should be given to SHGs of SC/STs.

On 20% in Other activities

- i) Housing to be on individual sites measuring at least 20x30 sq. ft. for about 2 lakh rupees. Do not demand beneficiary contribution for houses.
- ii) All basic amenities - shelter, including water, sewerage, sanitation, playground, park – to be provided to all slums as soon as they are declared as slums.
- iii) Primary health centre to be started in each slum.
- iv) Initiate social security scheme to cover seven benefits listed by ILO – health care, sickness, unemployment, invalidity, accident, death, maternity and survivors' benefits, old age pension, hot meals for old, etc
- v) Provide health security by covering under health insurance (Mediclaim) – by issuing health cards to all. If the facility is not available in the local BBMP hospital one should be able to go to any private hospital in BBMP area and get medical treatment.
- vi) Contract PKs to be given same facilities as regular PKs
- vii) Safai karmacharis within BBMP area to be rehabilitated.

Jawaharlal Nehru National Urban Renewal Mission (JnNURM)

The Jawaharlal Nehru National Urban Renewal Mission (JnNURM) promises Rs. 1,25,000 crore to 63 chosen cities. There are two sub-missions under the Scheme, one on Urban Infrastructure and Governance and the second on Basic Services to Urban Poor (BSUP). The Centre is under pressure to ensure that the Millennium Development Goals, with regard to halving hunger, reducing poverty and ensuring water and sewerage to all are reached. Funds are being released on condition that cities carry out certain governance reforms (some mandatory and some optional) which will make them self-sustaining and efficient in the future.

The BSUP sub-mission is to ensure that the Millennium Development Goals, with regard to halving hunger, reducing poverty and ensuring water and sewerage to all, are reached.

Basic Services to the Urban Poor –

BBMP’s Agenda for BSUP - Implementation of the 7- Point Charter

- Security of tenure at affordable prices
- Improved housing
- Water supply
- Sanitation
- Education
- Health; and
- Social Security
- Access to safe water, sewerage, storm-water drains, solid waste management, roads, community centres, anganwadis, and vocational training centres

Table 5.8.3: Budget of BBMP for JNNURM Works 2008-09

in lakhs	
Basic Service for Urban Poor	
Basic service to Urban Poor (5 slums)	1000.00
Basic services for Urban Poor (covering 31 slums) - Phase I	10000.00
Basic services for Urban Poor (new areas)	9000.00
TOTAL JNNURM WORKS	20000.00

Studies & Reports

A study conducted by CIVIC and CASUMM on “Urban Infrastructure Planning in Peri-Urban Areas and Impacts on the Urban Poor” finds that within the reform framework pursued by cities, cost efficiency rather than equity is the bottom-line. This has led to downsizing government staff, government as purchaser (from the private sector) of services rather than provider of services. This has had a serious adverse impact on service provision to poor groups. Study findings reveal the increasing gulf between government run and operated services used by poor groups and private services provided to those who can afford them. This raises the issue of whether one can provide governance outside of a reform framework such that equity can be an overarching principle of governance and poor groups, who form the majority in Indian cities, directly benefit.

Observations & Findings

Fixed division of funds: The fixed allocations under JNNURM, of allocating 65% of funds for city infrastructure while allocating only 35% for basic services to the urban poor⁸ appears to be abetting the misplaced priorities characterizing current municipal budgets. In actuality, the funds allotted for BSUP are a mere tenth of that earmarked for other infrastructure.

⁸ Source: INHAF’s quarterly, Vol. 6, No. 2, citing The Indian Express of February 28, 2005 and March 1, 2005; and The Hindu: November 23, 2005

Internal earmarking of funds for basic services: There are mandatory conditionalities asking municipalities to internally earmark funds for basic services to urban poor within their budgets. However, without saying how and how much should be earmarked for basic services or fixing targets for achievements in this regard, it is not clear how the current tendency of municipalities to allot sums for urban poor development but allowing them to lapse will be altered.

Will non-notified slums benefit? There are also fears about whether these funds would be accessible by non-notified slums and if not, whether this would not in fact create new forms of exclusion and possibly, even further evictions.

Will tenants be pushed out? There are also apprehensions that the promise of security of tenure may be used to identify tenants and sub-tenants and push them out?

Investment in social sectors exempted: Among the items for which no funds under the JNNURM can be sought are primary health, primary education, employment opportunities and social security – in short, the very items that need focus to foster human development – to meet MDGs - and not just economic growth. Currently, the urban poor are forced to go to private schools and hospitals that they can ill afford because public provisioning of these is in a shambles. These may be the areas that a City would like to invest in but these are to be financed only through the existing departmental budgets which everyone knows are inadequate. Investing in this social infrastructure provides the highest returns in terms of economic growth, much more than investment in roads, fly-overs, metros, airports, etc. And decent employment for the unorganised poor and migrant workers is the need of the hour. But these are not to be financed under JNNURM.

Space for livelihoods of the poor: The aim of the JNNURM in asking for the repealing of the Urban Land Ceiling Act, bringing down the Stamp Duty, etc., is to free the land market to ensure that investment funds flow towards the high-end sectors. But there is no simultaneous requirement to ear-mark land for securing the livelihoods of the urban poor by providing the space for carrying on their trades, etc., which alone will enable the poor and migrants to survive on their own. Food-courts, hawking zones, workers sheds for carrying on activities such as agarbatti-rolling, beedi-rolling and a number of such household enterprises, unless provided for, will result in unsafe and unhygienic living conditions for the poor. Lack of space for carrying on their livelihoods will constrain their ability to make a living which they do mostly without any material support, subsidy, etc., from the government. The housing projects proposed under the JNNURM also make no provision of space for livelihood support activities.

Employment, skills and social security for the unorganised: Employment and skill enhancement are not concerns of JNNURM. Social security is to be provided under "existing universal schemes", but there are no "existing universal schemes" for social security for the unorganised. However, there is mention of social security as a contributory insurance scheme with private companies. It is obvious that the poor will never be able to contribute the full cost of their social security considering their meagre earnings. The state's contribution towards their social security is

indispensable. But there is no commitment under JNNURM to do this and no conditionality asking state governments to pass laws in this regard.

Will the poor bear the brunt of loans under JNNURM? The big question is: from where will municipalities raise their share of 20% to 50% of the funds that they have to contribute to avail themselves of JNNURM funds. If municipalities have to take loans from IFIs to provide their contribution and pay interest on them, the burden of it may fall on the urban poor in the form of unaffordable, privatized, basic services, cesses, full users' fees, et al, which will be the conditionalities imposed by the IFIs for giving the loans.

Will the urban poor face evictions and displacements? There are apprehensions that JNNURM may be used to demolish, evict slum-dwellers and displace slums in the name of 'urban renewal' / 'city beautification' as has been happening in the last few years in several metropolises. The demolitions met with loud outcries and even reprimands from the UN. It is significant that the JNNURM document nowhere gives an assurance that evictions and demolitions will be stopped.

74th Constitutional Amendment & JNNURM comparison

presented at CIVIC-INHAF National Seminar on JNNURM, 26th and 27th October 2007

Is JNNURM contradicting 74th CA?

Urban development is a state subject [Article 246(3)]. There is hence the feeling that JNNURM is unconstitutional as central laws are being imposed on States. JNNURM has not been passed by Parliament or States unlike 74th CA (which is an enabling law). 74th CA sees ULBs as self-governing institutions. But JNNURM is imposing policy conditionalities for giving funds which it is felt is diminishing the autonomy of the ULBs. The same conditionalities are not applied to PRIs when giving central funds. It is felt that JNNURM is centralising powers rather than decentralizing them. While 74th CA foresees bringing all parastatals under ULBs, JNNURM is operating through Special Purpose Vehicles and parastatals.

In support of the need for the Centre to impose conditionalities it is being pointed out that 74th CA has not been implemented by States fully even 15 years after its passage. Hence it is felt that reforms with a carrot and stick approach are necessary. It is opined that challenges facing urbanisation cannot be solved by city governments alone or by state governments. A framework of reforms is being set by the Centre even in education, health, RD&PR, which are state subjects

74th CA & JNNURM aims

While the basic function of ULBs under 74th CA is "Planning for economic development and social justice" and to give representation to weaker sections in ULBs, the focus of JNNURM appears to be on high-end infrastructure and social justice is not its aim

74th CA, financial autonomy & JNNURM

74th CA mandates financial autonomy to ULBs through effective devolution of funds through SFCs. But JNNURM is not looking at structural causes of urban bodies' financial insufficiency. JNNURM makes ULBs bear debts they did not design and SPVs are decision-makers and not the people or their representatives

In contrast, it is opined that SFC grants alone are insufficient to make ULBs self-sufficient. A helping hand from Centre is needed and earlier reforms demanded by the Centre, that were not linked to conditionalities, never worked with the States.

74th CA, Planning & JNNURM

74th CA mandates setting up of District / Metropolitan Planning Committees for consolidating plans developed through a bottom-up process from the GP and ward level. But JNNURM, though calling for implementation of 74th CA, has promoted preparation of ad hoc CDPs through a flawed and tokenistic participatory process. Consultants are finalising plans being vetted by private agencies by-passing elected bodies with funds flowing to un-elected para-statal SPVs. It is felt that the poor and ULB elected representatives are losing voice to globally connected lobbies driving a neo-liberal agenda.

People's participation in CDP preparation

- City profile showing social, economic and other indices not shown to public
- Vision drawn up without knowing where city is and where it wants to go
- Various strategies available for reaching vision not discussed
- Various means of financing strategies to reach vision not debated
- Pre-cooked plan and financial allocations for sectors presented for approval

Community Participation Law (CPL) & Public Disclosure Law (PDL) as conditionalities

- JNNURM hopes to address 74th CA lacunae by making passage of Community Participation Law and Public Disclosure Law mandatory

Counter argument:

- There was no community participation in the drafting of the community participation law.
- Centre is taking away powers of state legislatures to frame laws by making them sign MoA agreeing to bring in these laws

Community participation law

- Area sabha concept to institutionalise citizens' participation in a tier below ward committee. Area sabha representative to be ex-officio member of ward committee
- Area sabha is a body of all persons on electoral rolls of every, or maximum five, contiguous polling booths

Criticism:

- Leaves out migrants, pavement-dwellers and slum-dwellers in unrecognised slums
- Allows non-voting elites to capture power in ward committees

Mode of selecting Area Sabha Representative

- The SEC to conduct elections of area sabha representatives
- In the event of SEC failing to conduct elections, councillor to nominate ASR; if he fails, State govt. to perform role and penalise councillor
- Person receiving highest no. of nominations gets nominated

Comment:

- There can be no question of SEC not performing its mandated role. SEC could be hauled up for not performing its duties.

Civil society membership on ward committees

- Maximum 10 members nominated by the municipality – not to exceed 1/3 membership of ward committee
- Civil society is any NGO, association, CBO, professional institution, trade or industrial organisation, etc., established, constituted or registered under any law

Criticism:

- Puts city governance in the hands of private persons; even SHG leaders may be controlled by NGOs running MFIs controlling participation of the poor
- Deflates the elected council; restructures local power structures

Area sabha functions in CPL

- Generate proposals, prioritise programmes
- Identify beneficiaries
- Verify eligibility
- Suggest location of public amenities
- Identify deficiencies of water supply & street lighting (Why not other deficiencies?)
- Assist PHCs
- Provide voluntary labour and donations
- Support tax mapping

Ward committee functions, rights, duties, activities in CPL

- Assisting municipality in discharge of functions
- Preparing ward plans and budgets, maintaining accounts
- Obtaining full information
- Ward Finance Committee and Ward Information and Statistics Committee to be set up- (who are the members?)
- Ward infrastructure index: 50% revenues to be retained until attainment of certain level of infrastructure

Grey areas in Community Participation Law

- Recall of area sabha representative by one half of voters – for nomination same criterion is not used
- How often does the area sabha meet?
- How does it discharge its functions? How do all the voters participate? What is the quorum?
- What about accountability mechanisms for ward committee? How often does it interact with the area sabha?
- How does area sabha perform social audits?

Conclusion

- JNNURM through CPL tries to remove lacunae in 74th CA. Tries to bring in greater, proximity, decentralisation, people's participation, more equitable apportioning of funds, etc.
- But has several weaknesses that undo the good
- Weakening democracy through nomination process
- No explicit representation to weaker sections on ward committees
- No explicit social justice role

Recommendations

Limit demands to MDG fulfillment

Since the priority need is to fulfil the Millennium Development Goals for which most municipalities are not providing enough - all the resources required to meet the basic needs of all those living in under-privileged areas should be realistically estimated and made the first charge on any resources that municipalities are able to raise under JNNURM. That may be all that the municipalities can raise over the next seven years. Only after they have fulfilled these basic needs could further resources raised by them be allowed to go towards their other wishes.

Recommendations from the National Seminar conducted by CIVIC AND INHAF on 26th and 27th of October 2007, "The Shape of Our Cities and Towns: Socially Inclusive & Economically Productive? – JnNURM, a case in point",

Basic needs fulfillment first

- Prioritize BSUP over I&G in JnNURM.
- Eradication of extreme poverty and hunger, primary education, primary health, employment and social security do not find a place in JnNURM though the basic function prescribed for ULBs in the 74th Constitutional Amendment is "Planning for economic development and social justice". Gender equity and women's empowerment reducing child mortality, improving maternal health, etc., do not find a place. All these have to be considered in the programme apart from infrastructure.
- Need to provide for basic infrastructure first. The public sector is left to do this, while PPP, which JnNURM favours, tackles the high-end instead.
- The centrality of the state's role in job creation to stimulate economic development has to be acknowledged and linked to programmes in relevant areas in the Mission Statement and Guidelines as well as in the Toolkit.
- Evaluation of long-term projects like VAMBAY, NREGA, NRHM and convergence amongst them including JnNURM needs to be done.
- Evictions of slum MUST be stopped: The CDP lists the benefits of upgrading slums rather than relocating them, providing improved quality of life without displacement, etc.
- JnNURM should have a secular, inclusive agenda – majority of slum-dwellers are minorities or from disadvantaged groups- and the present orientation of the scheme is unfair to them and their basic needs.
- PPP is taken to mean partnership with the private sector only – why not public-people-partnerships?

Preparation of Projects

- Real-time assessment of urban poor should be done. The homeless should be included. Each CDP must be preceded by updated socio-economic and livelihood profiles as now these are not done carefully. These must include proper enumeration of slums.
- There is dearth of absolute data with regard to basic services: Eg: An official website admits that only 17% of slums in Bangalore get potable water but at the same time another website claims that there is 100% water coverage for Bangalore city. There is a need for verifiable pucca data.

- DPR Planning to be bottom-up: It is not enough to have token participation in preparing the CDPs. Beneficiaries need to be consulted even in drawing up the DPRs and before deciding on THEIR needs. Whatever consultations have been conducted have been perfunctory and in macro or broad terms and at the preliminary stage when little meaningful comment can be made.
- Most slum rehabilitation projects are being taken up without consulting the slum-dwellers on the kinds of houses they want and a particular model of housing is being imposed on them.
- Assessment of impact of infrastructure development on poor should be carried out to ascertain the feasibility before embarking on the project.

Reforms

- Make sure 74th CA reforms are adhered to in spirit also: Get the CDP done with the participation of people through a bottom-up process of planning and then consolidate their suggestions in the true spirit of the 74th CA.
- Community Participation & Public Disclosure Laws w.r.t. political empowerment of the marginalized as envisaged in the 74th CAA and decentralized planning envisaged through the MPCs, DPCs & Ward Committees must be adhered to.
- Earmarking 20% for EWS to be made mandatory reform and implemented immediately: The JnNURM recommends repeal of the Urban Land Ceiling Act as a mandatory reform. At the same time, it recommends state legislation to earmark minimum 20% of developed land in all housing projects for EWS & LIG categories as an optional reform. If the earmarking of 20% for EWS, etc. is operationalised only in 7th year of JnNURM, land development & housing projects meantime will ignore this provision, and little land will be left for the poor. Secure the tenure of the poor first.

Financial & Management Issues

- Use local reserves instead of borrowing.
- Develop an alternate and more realistic model/vision of what a city should look like – (alternative ways of looking at cities are needed) - which will use its own money to manage and sustain itself. This model MAY need very little money in comparison to what is pictured now when Western or other models of what a city should look like are imposed.

Tenure, Housing, Eviction, Relocation & Infrastructure

- The Mission Statement must require that no project involving the demolition, relocation or charging of the poor in any way be cleared without clearly demonstrated prior evidence of the commitment on the part of the demolishing authorities to provide all-round support to the affected population.
- No eviction to be allowed. Identify true beneficiaries and accord identifying numbers. Beneficiaries must know which house numbers they have been allotted.
- Issue land to urban poor. The minimum of 20% reservation of land for urban poor housing should be in the first year itself: institutionalize this. People can build for themselves in situ.
- Government should not provide subsidised housing to poor but instead provide tenure and loans. Tenure security is crucial - if that is available, the poor will take care of their own housing.
- Minimum space norms must be adequate [e.g. China has 40 sq. m.]. Community social audit of the process is essential.

- Quality of construction – let the people (from slums) monitor: houses constructed by people are far better than those by contractors. Reason – people are construction workers themselves and know what suits their requirement better.
- Conditionalities on the urban poor like no selling of houses granted under JnNURM for X number of years is not tenable as some may have to move in search of jobs, or other personal reasons.
- Biometric identification: Treatment of the poor should be equal with that of other sections of society.

Basic Services & Facilities

- All the seven amenities for the poor mentioned by the Ministry of Housing & Urban Poverty Alleviation must be fully delivered – land tenure, affordable shelter, water, sanitation, education, health and social security. Further livelihood issues must be addressed.
- Some basic minimum services like lifeline water supply, preventive health, and primary education should be free of cost to the urban poor.
- Progressive user charges – for resources like water, electricity etc. based on ability to pay and amount of use.
- Rules that are slanted in favour of the better-off should be changed, e.g., in some cities, even if one parks one's car all day in a shopping street, it is not charged, but vendors have to pay and even bribe to be allowed to stand there and make a livelihood.

5.9 Solid Waste Management



5.9 Solid Waste Management

National Framework

Municipal Solid Wastes (Management and Handling) Rules, 1999

The norm for solid waste management is the Municipal Solid Wastes (Management and Handling) Rules, 1999 issued by the Ministry of Environment and Forests Notification, New Delhi, dated 25th September, 2000- Schedule -II given in table below.

Table: 5.9.1: Management of Municipal Solid Wastes

S.no	Parameters	Compliance criteria
1.	Collection of municipal solid wastes	<p>1. Littering of municipal solid waste shall be prohibited in cities, towns and in urban areas notified by the State Governments. To prohibit littering and facilitate compliance, the following steps shall be taken by the municipal authority, namely :-</p> <ul style="list-style-type: none"> i. Organising house-to-house collection of municipal solid wastes through any of the methods, like community bin collection (central bin), house-to-house collection, collection on regular pre-informed timings and scheduling by using bell ringing of musical vehicle (without exceeding permissible noise levels); ii. Devising collection of waste from slums and squatter areas or localities including hotels, restaurants, office complexes and commercial areas; iii. Wastes from slaughter houses, meat and fish markets, fruits and vegetable markets, which are biodegradable in nature, shall be managed to make use of such wastes; iv. Bio-medical wastes and industrial wastes shall not be mixed with municipal solid wastes and such wastes shall follow the rules separately specified for the purpose; v. Collected waste from residential and other areas shall be transferred to community bin by hand-driven containerised carts or other small vehicles; vi. Horticultural and construction or demolition wastes or debris shall be separately collected and disposed off following proper norms. Similarly, wastes generated at dairies shall be regulated in accordance with the State laws;

		<p>vii. Waste (garbage, dry leaves) shall not be burnt;</p> <p>viii. Stray animals shall not be allowed to move around waste storage facilities or at any other place in the city or town and shall be managed in accordance with the State laws.</p> <p>2. The municipal authority shall notify waste collection schedule and the likely method to be adopted for public benefit in a city or town.</p> <p>3. It shall be the responsibility of generator of wastes to avoid littering and ensure delivery of wastes in accordance with the collection and segregation system to be notified by the municipal authority as per para 1(2) of this Schedule.</p>
2.	Segregation of municipal solid wastes	<p>In order to encourage the citizens, municipal authority shall organise awareness programmes for segregation of wastes and shall promote recycling or reuse of segregated materials.</p> <p>The municipal authority shall undertake phased programme to ensure community participation in waste segregation. For this purpose, regular meetings at quarterly intervals shall be arranged by the municipal authorities with representatives of local resident welfare associations and non-governmental organizations.</p>
3.	Storage of municipal solid wastes	<p>i. Municipal authorities shall establish and maintain storage facilities in such a manner as they do not create unhygienic and insanitary conditions around it. Following criteria shall be taken into account while establishing and maintaining storage facilities, namely :-</p> <p>ii. Storage facilities shall be created and established by taking into account quantities of waste generation in a given area and the population densities. A storage facility shall be so placed that it is accessible to users;</p> <p>iii. Storage facilities to be set up by municipal authorities or any other agency shall be so designed that wastes stored are not exposed to open atmosphere and shall be aesthetically acceptable and user-friendly;</p> <p>iv. Storage facilities or 'bins' shall have 'easy to operate' design for handling, transfer and transportation of waste. Bins for storage of bio-degradable wastes shall be painted green, those for storage of recyclable wastes shall be printed white and those for storage of other wastes shall be printed black;</p> <p>v. Manual handling of waste shall be prohibited. If unavoidable due to constraints, manual handling shall be carried out under proper precaution with due care for safety of workers.</p>

4.	Transportation of municipal solid wastes	<p>Vehicles used for transportation of wastes shall be covered. Waste should not be visible to public, nor exposed to open environment preventing their scattering. The following criteria shall be met, namely:-</p> <p>i. The storage facilities set up by municipal authorities shall be daily attended for clearing of wastes. The bins or containers wherever placed shall be cleaned before they start overflowing;</p> <p>ii. Transportation vehicles shall be so designed that multiple handling of wastes, prior to final disposal, is avoided.</p>
5.	Processing of municipal solid wastes	<p>Municipal authorities shall adopt suitable technology or combination of such technologies to make use of wastes so as to minimize burden on landfill. Following criteria shall be adopted, namely:-</p> <p>i. The biodegradable wastes shall be processed by composting, vermicomposting, anaerobic digestion or any other appropriate biological processing for stabilization of wastes. It shall be ensured that compost or any other end product shall comply with standards as specified in Schedule-IV;</p> <p>ii. Mixed waste containing recoverable resources shall follow the route of recycling. Incineration with or without energy recovery including pelletisation can also be used for processing wastes in specific cases. Municipal authority or the operator of a facility wishing to use other state-of-the-art technologies shall approach the Central Pollution Control Board to get the standards laid down before applying for grant of authorisation.</p>
6.	Disposal of municipal solid wastes	<p>Land filling shall be restricted to non-biodegradable, inert waste and other waste that are not suitable either for recycling or for biological processing. Land filling shall also be carried out for residues of waste processing facilities as well as pre-processing rejects from waste processing facilities. Land filling of mixed waste shall be avoided unless the same is found unsuitable for waste processing. Under unavoidable circumstances or till installation of alternate facilities, land-filling shall be done following proper norms. Landfill sites shall meet the specifications as given in Schedule –III.</p>

State-level Policy

The KUIDFC has prepared the following State-level policy and norms for solid waste management.

Normative Standards and Procedure for SWM developed by KUIDFC

1.0 Primary collection of waste:

From Slums and other BPL settlements:

- Collection of waste to be done predominantly by Pourakarmikas (PKs), who should be positioned at 100% strength at these locations.
- One 40 litre – HDPE bin to be placed for every unit of 100 people of the area. (Approximately 20 house holds)
- Approximate weight of waste per bin would be 15 Kgs.

Mode of transportation:

- 2 Pourakarmikas to be deployed for a normative area (about 1080 houses / 5400 population).
- One pushcart / tricycle to be provided for transfer of waste from the bins to push cart.
- Then the waste from Push Carts / Tricycles or from 40 litre collection bins is to be transferred to nearest secondary container.

Normative standard for operation:

a) Pushcart:

- One pushcart (capacity – 40 to 50 kgs) can hold waste from 3 bins.
- Approximate time taken for one such operation for delivering to secondary container – 20 minutes.
- Number of bins handled by Pourakarmikas in a 6-hour shift = 54 bins = 810 kgs = 5400 population = 1080 houses.
- Depending on operational distance and travel time, quantity of waste and number of houses handled would vary.
- If a town has 15000 slum houses, 14 batches or 28 PKs are required for slum operation.

b) Tricycle:

- One tricycle (capacity – 80 to 100 kgs) can hold waste from 6 bins
- Approximate time taken for one such operation for delivering to secondary container – 40 minutes.
- Pourakarmikas should also collect recyclable waste if the dwellers prefer to deliver to PKs for centralized collection.
- Recyclables to be delivered to a separate transport system using existing vehicles like tippers and tractor-trailers at pre-determined time schedules.

Recyclable waste collection – from houses:

- Periodical collection on scheduled days and at a specific time – once/twice in a week in a cyclic system during or after commercial waste collection.
- Duration of collection – 2 hours.
- Waste so collected would be delivered to a specified collector of recyclable waste.
- In the absence of an established collection system by the recycling operators, the ULB is to store at the disposal site and make arrangements for recycling agencies to collect the waste.

2.0 Secondary Storage:

- The waste from the primary collection vehicle is to be transferred to secondary containers
- The secondary storage is the secondary containers having a capacity of 3 m³, 4.5 m³ and 7 m³.
- 7 m³ containers are proposed for large cities only.
- On the basis of weight, the capacity of secondary containers are as follows:
- 3 m³ :1.2 tons
- 4.5 m³ : 1.8 tons
- The secondary containers of 3 m³ and 4.5 m³ are provided in the ratio of 40:60 from the convenience of transportation and storage.
- The secondary storage points are to be identified based on the volume of waste generated. The guideline for locating the containers are indicated below:
 - One container at the center point between a set of 500 households on the main road.
 - One 3m³ container as indicated above in an operational area of 1000 houses.
 - One 4.5 m³ container at the mid point of 2 operational areas of 1000 houses each.
 - Alternately a combination of 3 m³ and 4.5 m³ to be located in the operational area of 1000 houses based on the volume of waste generated.
 - The Secondary Containers are placed on a pre-cast cement concrete floor measuring 4.85 m x 3 m
 - □ULB will procure required number of secondary containers and manage the system

3.0 Transportation of Secondary containers:

- Secondary containers are to be transported either by Dumper Placer or Tractor Placer as per recommendation based on the size of ULB.
- Dumper Placers are to be provided for Cities with population of 1 lakh or more.
- For towns with less than 1 lakh population Tractor Placer is recommended.
- The vehicle to place empty container before lifting filled up container.
- The green waste and predominantly biodegradable waste to be transported to treatment facility / disposal site as per arrangement.
- The inorganic waste is to be transported directly to landfill site.

- One twin container Dumper Placer would be required to make 5 trips in shift to treatment/disposal site with an average one way lead of 15 km.

Operation of the system:

- ULB to procure the vehicles and operate the system
- ULB procuring the vehicles to operate the system on O&M contract
- ULB to operate the system on contract basis with the Operator providing the designated type of vehicle

4.0 Street Sweeping:

- The roads need to be divided into three categories.
- Type A: Daily sweeping
- Type B: Four days in the week. (Sun, Tue, Thu, Sat)
- Type C: Three days in the week. (Mon, Wed, Fri)
- Same staff could be deployed for Type B & C roads.
- Normative standard for staff requirement (For 4 hr work):
- Average road width – 80 ft: One for every 350m length
- Average road width – 60 ft: One for every 500m length
- Average road width – 40 ft and below: One for every 750m length
- Street sweeping to include roadside drain cleaning.
- Use the pushcarts for collection of waste and transport using the available tractor-trailer.
- The waste should be transported directly to landfill site.
-

Monitoring by KSPCB

The monitoring body for the implementation of the MoEF Rules above is the Karnataka State Pollution Control Board. As per its Annual report for 2005-06, it has taken the following actions:

The Board has issued directions to all 226 local bodies to follow the schedule-II of Notification of Municipal Solid Waste (Management & Handling) Rules, 2000 for collection, segregation, storage, transportation and disposal of municipal solid waste.

Awareness Committee

This committee was constituted by the Board to verify the proposals relating to environmental awareness activities received by the Board including sponsoring of workshops/ conferences, campaigns/ public awareness functions, production of documentary films, release of advertisements, printing of brochures, etc. Important decisions taken / works done by this committee are:

- Grant funds for carrying out various environment awareness programmes, workshops, seminars, etc., throughout the State.
- Evolved guidelines for considering proposals for environmental awareness and also evolved an application form for submitting the proposals.

Other initiatives taken/ proposed

1. Karnataka State Policy on ISWM has been approved by Government of Karnataka.
2. 33 NGO's to cater to 43 ULB's have been appointed for awareness programme under IEC (Information, Education and Communication) activity.

The Board has requested the Dept. of Urban Development, GOK, to direct the concerned local bodies to comply with Municipal Solid Waste (Management & Handling) Rules, 2000.

The Board is regularly monitoring the progress in the implementation of the Municipal Solid Waste (Management and Handling) Rules by the local bodies in Karnataka and also regularly submitting the Annual reports in the prescribed Form-IV to the Central Pollution Control Board and quarterly progress report in Proforma - I & II on status and implementation of MSW Rules by the local bodies of Karnataka State along with an affidavit, to Hon'ble Supreme Court of India.]

Bangalore Scenario

BBMP Data on SWM

- 182 health wards
- 10,090 Pura Karmikas (PKs)
- Salary of PKs enhanced in the present tender to Rs.3,200 from Rs.1,800
- 3 zones (6 wards) provided with one compactor each costing Rs.28 lacs.
- Night package provided to notified areas
- Mechanical sweeper package for two roads (Mysore Road-Silk Board and Airport-Mekhri Circle)

City profile – JnNURM

The table taken from the CDP of Bangalore prepared for the JNNURM (Source: Infrastructure Development & Investment Plan for bangalore 2006 –30, STEM and NSS 58th Round 2002) states that only 17.1 % of slum-dwellers had access to waste collection service in 2001 and this figure has actually dropped to 17.0% in 2005.

The CDP further states that coverage in BMP area is 100%, waste generated is 3,395 TPD, waste collected is 2,715 TPD with a collection efficiency of 80%. Segregation is practiced in a few locations. Lack of transfer station is an issue. It further states that there is 100% door-to-door collection. Treatment plants have a capacity to treat 34% of the waste.

The CDP states the following w.r.t. SWM for urban poor:

Ensuring that the development policies of the ULBs reach the urban poor is critical to the inclusive growth of the ULBs. Given the socio economic strata, schemes would need to be customized suitably for effective universal service provision. The services proposed to be provided include:

- 100% coverage

- SHG involvement in collection and transportation
- Specific / custom made vehicles including tricycles
- Dumper bins at community locations
- Free service / subsidized user fees

Details of specific projects are given in Volume-III of the CDP, "Basic Services for Urban Poor."

Focus Group Discussion Results

Leaders

- BBMP doesn't even visit and lift once in a week.
- BBMP comes two to three times in a week but no body provides waste then.
- If one finds space in front of a house all will go and dump there.
- No bins therefore garbage is dumped on streets.
- No place to dump waste
- BBMP does not lift garbage
- Foul odour has affected health.
- Meat shops throw remains around here which produces unbearable smell.
- No proper SWM.
- People bring waste from other places (rag pickers) and dump in front of own houses.

Children

- Corporation vehicle does not visit our area regularly
- Private contractors do not maintain the area properly
- Garbage lies all around slum
- Garbage is dumped wherever people feel like dumping
- Often garbage is dumped into the drainage
- Garbage is dumped in open space
- No garbage bin, whole area is smelling, hence we are attacked by diseases
- Garbage facility not available
- Garbage is thrown near anganawadi; due to this there are health problems for the children; close by there is smell from the tannery
- No awareness among slum-dwellers regarding the bad effects of dumping garbage everywhere

Current solution

Leaders

- Ragpickers sort waste in front of their houses.
- Have given letter to BBMP.
- We telephone BBMP to come and lift garbage

Children

- Garbage is dumped in front of or behind slum

Suggested Solutions

Leaders

- Corporation Vehicle has to visit everyday to our slum to carry garbage
- Learning about environment is good

- People's support and cooperation also needed
- Stop littering. Stop meat shops dumping waste. Manage the waste properly.

Children

- Government/BBMP should take serious steps to clean frequently - 6 responses
- People should inform government about the state of condition, meet government officials and BBMP
- Local people /political/Govt/NGOs should all look into this together

Observations & findings

The lack of a clean and hygienic environment is the cause of the low health levels of the urban poor and the huge cost incurred by them towards health care. This is also a major cause of their indebtedness as they are often driven to seek unaffordable private health care due to the poor care provided at municipal/government hospitals. The high infant and maternal mortality rates can also be traced to their poor living conditions. Though there are several policies, guidelines, contracts, etc. for the daily collection and disposal of solid wastes, collection and disposal of garbage from slums is not undertaken daily.

- Most of the infrastructure or processes recommended above in the Central or State Rules or policies have not been included in BMP's tender documents and are also not observed in the areas where BBMP is itself collecting the garbage.
- If monitoring by the KSPCB is really happening as stated above, one needs to find out if BBMP has been filing compliance reports on the points raised by KSPCB.
- While the NSS data says that there is SWM collection from only 17% slums in Bangalore, the CDP JNNURM says in Table 44 that there is 100% door-to-door coverage in Bangalore.
- There was no public consultation before drawing up the garbage tender for BBMP in 2005. Otherwise, many of the faults could have been set right before calling for the tenders.
 - The tender does not say anywhere that the Municipal Solid Wastes (Management and Handling) Rules 2000 should be followed by the garbage contractor.
 - There are no norms fixed for the number of employees who should be employed for covering a certain length of road, the number of vehicles, auto-tippers, push carts, etc. to be deployed.
 - There are no norms for the equipment that needs to be supplied – what quantity of drums, phenyle, brooms, gloves, etc. should be supplied at what frequency, etc.
 - **There are no stipulations about how garbage should be collected from slums.**
 - There is no stipulation that manual handling of garbage should be avoided; that all garbage should be bagged; what should be the procedure and mechanism for transfer of garbage from push-cart to lorry; that garbage should not be dumped on the road at the point of transfer, etc., which are the weak points right now.
 - There is no requirement that space will be earmarked and provided to the contractor for the sorting of recyclables and collection by recyclers.

- o The relevant extracts of the Minimum Wages Act, Contract Labour Act, Workmen's Compensation Act, etc. should be made a part of the contract so that even the public knows what the requirements are regarding wages, provision of creches, rest-rooms for workers, toilets, drinking water, leave, etc.

Neglect of slums

According to reports given by slum-dwellers to CIVIC during interaction meetings, often there is no door-to-door collection system of wet waste in slums and no system introduced for the periodic collection of dry, recyclable waste. Most often unsegregated garbage gets dumped in a vacant corner of the slum which soon takes the proportion of a small hill. Municipal trucks appear once a week or once in two weeks and pick up only the top layers of garbage, leaving most of the hill intact. Every vacant area within slums is generally littered with plastic and other non-biodegradable waste creating unaesthetic and unhygienic surroundings. Often garbage is collected door-to-door or removed from the dump only when slum-dwellers pay municipal employees to do so.

Lack of segregation

Currently, there is no segregation of waste as prescribed under the MoEF Rules. Even if segregated waste is given by households, it is again mixed during transportation as there are no partitions in trucks to collect wet and dry waste separately.

Transfer of garbage from autos to trucks

Currently in some wards, autos with tippers have been introduced which collect garbage and then dump it on the ground at intermediate collection points. This is again lifted in bamboo baskets manually into the truck. This procedure involves manual and multiple handling of garbage which is unhygienic and inhuman and against the MoEF Rules.

Transportation

At present, garbage trucks have the following disadvantages:

- They do not have means to carry segregated waste. (This will not be a requirement if wet and dry garbage are collected by separate trips on different days.)
- They do not also have means to lift and carry containers or bins to avoid manual handling of garbage.

Workers' welfare

Currently, workers do not have adequate protective gear such as gloves and gum-boots. They do not have amenities such as creches, toilets and drinking water facilities, first aid or health care. In addition, contract workers do not get even minimum wages, annual, maternity, or sick leave or any social security. These need to be provided. Whether these are provided or not needs to be monitored by the committees for SWM with people's participation to be set up in each ward.

Infrastructure

Manpower

Several vacancies exist in posts of PKs

No standby staff for giving weekly off to all -Currently, all staff are not getting a weekly full day off. Only half days are being given.

No standby staff for those on leave - It is also found that at least 20% staff are either on leave or absent on any given day. There are no stand-by staff for those on leave or absent.

Equipment

- Pushcarts - All PKs often do not have push-carts and have to share with others or do without one. Many of the pushcarts are worn out and badly need maintenance or replacement. The buckets in the pushcarts are too small and also worn out.
- Containerised Autos -Currently there are very few containerized autos.
- *Litter Bins* -There are no litter bins at every bus-shelter and along commercial streets for wastes such as bus tickets, cigarette packs, etc.

Space

Currently there are few or no provisions of space for:

- Sorting stations
- Drop-off centres
- Transferring stations
- Hawking zones in all wards

Different kinds of waste

Currently there are no separate trips or means for collection of :

- Hard & bulky waste, such as broken furniture, mattresses, etc.
- Garden waste
- Debris collection
- Linkages with cattle owners
- Hazardous waste collection

Linkages

- Backward linkages with companies to take back the hazardous waste generated by their products
- Linkages between producers and users of trade waste, such as cloth from tailors and mattress/cushion makers
- Backward linkages for packaging material to be taken back by their producers
- Vendors' & hawkers' Waste
- Linkages with Plastic Manufacturers' Association to lift all plastics

Processing

Models at the ward-level for local processing of waste are few for the organic waste, garden waste, etc.

Institutional Arrangements

There are no institutional arrangements at ward-level involving all stakeholders to monitor SWM.

Studies & Reports

“Waste management in slums” by Almitra H Patel, Member, Supreme Court Committee for Solid Waste Management in Class 1 Cities in India

Waste Collection Is Easiest In Slums

Slum dwellers are always the most neglected sector for waste collection. They desire and understand the need for a clean environment and the costs of ill health. They are the most willing to cooperate in improved waste management efforts.

Five Easy Proven Methods for Waste Collection and Treatment

- 1, Lorry at the slum entrance
- 2, Door-to-door collection in handcarts
- 3, Take-away bins in narrow lanes
- 4, Shared bio-bins
- 5, Community bio-bins

Lorry At Slum Entrance

Slum lanes are usually kept clean, but waste usually lies uncollected in large heaps just outside the slum entrance.

It takes a lorry 15-20 minutes to load this.

Instead, a lorry waits at slum entrance at a fixed time, while helper moves through slum with whistle to announce its arrival.

Slum-dwellers come to lorry with their waste.

Lorry pickup time and frequency unchanged. So no extra payment is required.

Door-To-Door Collection In Handcarts

This is done in Calcutta's upgraded slums where lanes are paved and wide enough for movement. Waste is collected in the usual way in hand-carts at a fixed time of day. No payment is required as this replaces earlier lane-sweeping practices.

Take-Away Bins In Narrow Lanes

In Mumbai, slum associations appoint youths for cleaning work, before going to college or jobs. First a mass clean-up drive is undertaken. Then the new system is immediately started.

7-8 am : narrow open drains are swept clean.

8 am: 50-litre bins given by city are placed at path crossings, one per 25 homes or so.

8-10am: waste is carried from each home to nearest bin at residents' convenience.

10-11am : All bins are removed and unloaded directly into waiting truck outside slum, and stacked till next day.

City's cooperation in regular and punctual presence of lorry at 10-11am is vital !!

Residents willingly pay Re 1 per head or Rs 5 per family. More for shops outside the slum.

Shared Bio-Bins : Dhaka Model

Waste Concern NGO provides 5-6 families a perforated barrel on a raised base, with compost layer at bottom as a starter bed.

Residents must fill only kitchen waste daily in layers not more than ~50mm, for mulch-composting in the barrel. NGO buys the ready compost when barrel is full after 3

months or so. Demand is good and cooperation too, as residents see their waste as valuable.

Community Bio-Bins

This bio-bin replaced a dirty overflowing waste container.

It serves 125 families at Diamond Garden Chembur, who pay for the programme. Segregated waste is loaded daily by door-to-door collectors, bio-culture is added & waste is turned. After 15 days, a similar bio-bin is used while the compost in 1st bin matures in 15 more days. Compost is not sold but used in flowerbeds for street beautification. 3 people get employed, for an hour a day for door-to-door collection, street and drain cleaning, gardening + composting.

140 such bio-bins are in use at Kochi on Rupee-A-Day scheme, in good demand for cleanliness in middle-income areas. Residents groups pay for installation of bio-bins. Kudumbashree womens' self-help groups collect waste door-to-door, put kitchen waste in bio-bin, add culture and turn it. Sale of compost adds to their income.

Recommendations

- **Rules to be followed:** The MoEF SWM handling Rules need to be implemented in full as regards non-exposure of garbage to the environment, segregation of waste at source, no manual handling of garbage, etc.
- **Adequate budget:** The required amount for the full implementation of the Rules needs to be estimated and made a priority charge on the budget of BBMP.
- **Garbage tender to follow MoEF rules:** The BBMP garbage tender for private contractors needs to incorporate that the MoEF SWM Handling Rules should be fully observed.
- **Norms for SWM** as regards number of workers per stretch, required infrastructure, equipment, etc., as specified in the Karnataka State Policy on SWM prepared by KUIDFC and approved by the government need to be made part of the garbage contracts and also observed in those health wards where BBMP itself handles SW. 20% additional stand-by staff need to be provided for.
- **Strengthened systems for slum SWM:** Neglect of slums w.r.t. SWM needs to be overcome by incorporating specific systems for garbage collection from slums in the garbage tender. Shared bio-bins and community bio-bins need to be installed to compost slum waste locally. Women's SHGs or youth groups could be encouraged to take this up.
- **Relevant extracts of laws**, such as the Minimum Wages Act, Contract Labour Act, Workmen's Compensation Act, etc. should be made a part of the contract so that even the public knows what the requirements are regarding wages, provision of creches, rest-rooms, toilets, drinking water, leave, etc. of the pourakarnikas.
- **Space** needs to be earmarked in every ward for:
 - Sorting stations
 - Drop-off centres
 - Transferring stations
 - Hawking zones in all wards
- **Different kinds of waste** need to be collected through separate periodic trips on designated days :

- o Hard & bulky waste, such as broken furniture, mattresses, etc.
 - o Garden waste
 - o Debris collection
 - o Linkages with cattle owners
 - o Hazardous waste collection
- **Linkages need to be established:**
 - o Backward linkages with companies to take back the hazardous waste generated by their products
 - o Linkages between producers and users of trade waste, such as cloth from tailors and mattress and cushion makers
 - o Backward linkages for packaging material to be taken back by their producers
 - o Hotel and vendors' & hawkers' waste and cattle-rearers
 - o Linkages need to be built with Plastic Manufacturers' Association to lift all plastics (thick and thin) from sorting centers or designated local recycle shops.
 - o
 - **Processing:** Local composting of leaves in pits, vermicomposting of organic waste, conversion of organic waste to bio-gas, etc. at ward level need to be encouraged.
 - **Institutional Arrangements:** Sub-committees of the ward committees at ward-level involving all stakeholders to monitor SWM need to be created.

5.10 Environment-Parks-Playgrounds



5.10 Environment-Parks-Playgrounds

Constitutional, Legal and Policy Framework

Internationally, since the first Environmental Conference at Rio de Janeiro, in 1993, there have been efforts to arrive at a universally accepted set of norms and goals. It has never been fully achieved but the Kyoto Protocol did make a mark and paved the way for the Inter-governmental Panel on Climate Change. India is a signatory to these various conventions and protocols, but has resisted quotas to reduce carbon emissions, on the ground that our economy is still developing. There are several acts in any case to safeguard the environment for the sake of the human and other populations.

The national and state Pollution Control Board works on legislation, regulation, monitoring and providing technical know-how for those industries that may either produce or use processes that harm the environment.

Karnataka State Pollution Control Board (KSPCB)

Vision

We have is towards a cleaner and greener Karnataka.

Mission

We are committed to a Pollution Free Environment for a better quality of life through:

- * Effective implementation of laws;
- * Creating awareness among the public; and
- * Co-operation with our stakeholders.

Basic Goal

Improved quality of life for everyone and a better Karnataka to live in.

Environmental Outcomes aimed are:

- * Clean air for every one;
- * Improved and protected inland and coastal waters; and
- * Restored, protected land with healthier soils;

Citizen's Rights and Duties

A person has a right to lodge a complaint to a court on pollution offence, provided he/she has given a notice of not less than sixty days to the Board on the alleged offence and of his intention to lodge a complaint in the prescribed manner.

The Board shall, on demand by such person, make available the relevant reports in its possession and it may refuse to make any such report available if the same is, in its opinion, against the public interest.

Right To Information Act

As per the Right to Information Act, the citizens can approach the KSPCB for information required. For further details our website: <http://kspcb.kar.nic.in> may be seen.

The following table gives a list of legislations to protect the environment through control of pollution but as is evident we provide services under some of the legislations and work along with other government organizations to achieve the goals.

Legislation Implementing Institutions

1. The Environment (Protection) Act 1986 MoEF, CPCB, KSPCB, GPD

- 1.a Hazardous waste (Management and Handling) Rules 1989 - KSPCB, CPCB, DoE, MoEF
 - 1.b The Manufacture, Storage and Import of Hazardous Chemical Rules 1989 - MoEF, CCIE, CPCB, IoF, CioDS, CioM, AERB, CCE , DC , DEA, DES, DRDO, DDRO, MoD
 - 1.c The Manufacture, Use, Import, Export and Storage of hazardous Micro-organisms/ Genetically Engineered Organisms or Cells Rules 1989 - RDAC, RCGM, IBSC, GEAC, SBCC, DLC
 - 1.d The Chemical Accidents (Emergency Planning, Preparedness, and Response) Rule 1996 - CCG, SCG, DCG, LCG
 - 1.e Biomedical Waste (Management and Handling) Rules 1998 - KSPCB
 - 1.f The Municipal Solid wastes (Management & Handling) Rules 2000 KSPCB, CPCB , DC , Local body
 - 1.g Recycled Plastic Manufacture and Usage Rules 1999 - KSPCB, CPCB , DC
 - 1.h Ozone Depleting Substances (Regulation and Control) Rules 2000 – AODSR
 - 1.i The Noise Pollution (Regulation and Control) Rules 2000 - KSPCB, Police Department
 - 1.j Batteries (management and Handling) Rules 2001 - KSPCB, CPCB, MoEF
- 2. The Public Liability Insurance Act 1991 - DC
 - 3. National Environmental Tribunal Act 1995 - NET
 - 4. The National Environment Appellate Authority Act 1997 - NEAA
 - 5. The Water (Prevention and Control of Pollution) Act 1974 - KSPCB, CPCB
 - 6. Factories Act 1948 - IoF
 - 7. Air (Prevention and Control of Pollution) Act 1981 - KSPCB, CPCB
 - 8. Indian Penal Code 1962 - Police Department
 - 9. Atomic Energy Act 1962 - AERB

Points from the annual report of the Karnataka State Pollution Control Board for 2005-2006

KSPCB is implementing the following Acts and Rules:

- 1. The Water (Prevention & Control of Pollution) Act, 1974 and the Rules there under;
- 2. The Air (Prevention & Control of Pollution) Act, 1981 and the Rules there under;
- 3. The Water (Prevention & Control of Pollution) Cess Act, 1977, and Amendment Act, 1991, 2003 and the Rules there under;
- 4. The Environment (Protection) Act, 1986 and the following Rules/notifications framed under that Act
 - (i) Hazardous Waste (Management & Handling) Rules, 1989, as amended;

- (ii) Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 as amended;
- (iii) Environmental Impact Assessment Notification, 1994 as Amended ;
- (iv) Bio-Medical Waste (Management & Handling) Rules, 1998 as amended;
- (v) Plastics Manufacture, Sale and Usage Rules, 1999 as amended;
- (vi) Noise Pollution (Regulation & Control) Rules, 2000 as amended;
- (vii) Municipal Solid Waste (Management & Handling) Rules, 2000;
- (viii) Batteries (Management and Handling) Rules, 2001;

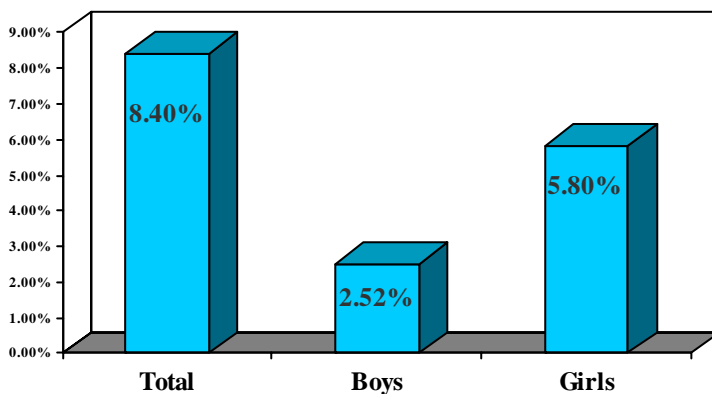
Air Pollution

Ambient air quality of Bangalore city is being monitored at five stations under NAAQMP, at five stations twice a week for 24 hours for Suspended Particulate Matter (SPM), Sulphur Dioxide (SO₂), Oxides of Nitrogen (NO_x) and Respirable Suspended Particulate Matter (RSPM). The monitoring of Ambient Air Quality at Ananda Rao Circle was stopped from September 2004 due to the construction of fly over. From February 2006 monitoring at one additional station was started at Yeshwanthpur. The results of monitoring are given but no analytical conclusions are drawn or comparisons made with standards that are conducive to good health. It appears that for some pollutants, the quality has improved over the years; the reasons are use of unleaded petrol, and some emission control measures. The Karnataka State Pollution Control Board is regulating the discharge of effluents and air emissions from industries through issue of consents under the Water and the Air Acts. Also, the Board is encouraging the industries to adopt cleaner production techniques and recycle, reduce, recover concept.

Ground Realities

Figure: 5.10.1: Incidence of asthma in Bangalore

Of the various types of pollution and environmental hazards, solid waste and drinking water pollution are most of concern to slum-dwellers as they are most visible pollutants. Air and noise pollution as well as that of water bodies that do not serve as drinking water reservoirs are not so bothersome. Yet these have major ill effects on their health and well-being. Monitoring trends in respiratory problems, including asthma, has shown that these are on the increase in Bangalore. Asthma, a mainly urban disease, has been on the increase since 1979, except that it has declined in 2004, but while this is due to less intermittent asthma, persistent asthma has increased from 1994 to 2004.



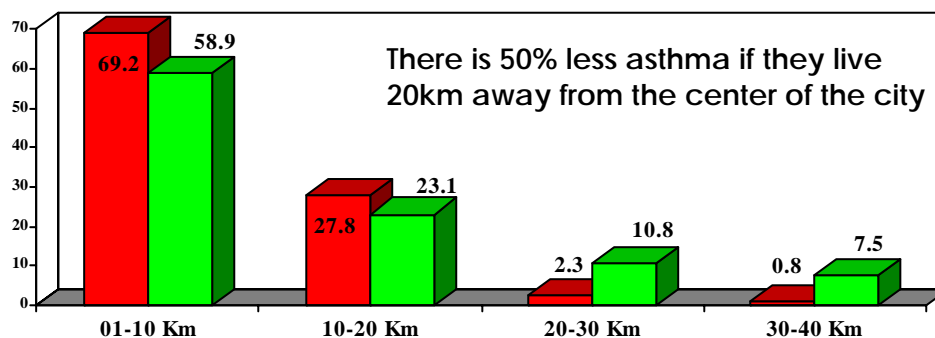
Children are the worst affected, especially those in high traffic areas, and among low-income families.

Figure 5.10.2: Indoor Air Pollution: Gender

Source - H. Paramesh, E. Cherian. Ind. Joul of Peditr 2002

Change in Asthma Prevalence

Another category of sufferers are traffic police, especially in heavy traffic junctions – not only from asthma, but other respiratory problems too.



■ **Traffic Police**

■ **Non Traffic Police**

Source - H. Paramesh, XI National Symposium on Environment 2002

Vehicle emissions are a major source but so are solid waste, contamination of drinking water and air pollution. Dust mites, cockroaches, mosquito coils and other indoor pollutants also are major contributors to the problem; women and children bear the brunt of this problem. Children living in a single room house suffer more than those in a double room one.

Table 5.10.1: Relative emissions from Petrol Cars and Diesel Cars

Pollutant	Petrol	Diesel
Carbon dioxide	++++	+
Carbon monoxide	+++	++
Benzene	+++	++
Nitrogen oxides	+	++
Hydrocarbons	++	+++
Aldehydes	++	+++
Sulphur dioxide	+	++++
PAHs	+	++++
Particulate matter*	+	++++

- Diesel engines generate up to 1400 times more particles than petrol engines
- 10,00,00,00,00,000 particles enter into the lungs every day

Table 5.10.3: Environment pollution

CO	<ul style="list-style-type: none"> • 50% of all air pollutants, motor vehicles, Hypoxic ill effects. No change in PFT
SO2	<ul style="list-style-type: none"> • 75% from fossil fuel power plant. Major component of haze. <u>Sulphate particles</u> constitute 10% of pm2.5 (no regular monitoring) • Increases Air way inflammation, resistance, decrease ciliary activity • Increases sensitivity for asthma by 10 fold. • 50 microgram/m³ → 3% rise in total mortality
NOX	<ul style="list-style-type: none"> • 60% from motor vehicles. Component of haze. • Increases airway resistance, irritability, often permanent damage • Increases asthma by 60% and sensitivity of dust mites • 50 micro gm/m³ 24hr increases asthma by 2.6%
O3	<ul style="list-style-type: none"> • Major component of Smog formed by NOX, VOCS and O2 in sunlight, heat. • Motor vehicles major generators of NOX and VOCS • Increases respiratory track irritation and infection • Increases Asthma by 43% • 50 micro gm/m³ M 8hrs increases asthma admission by 3-4%

Source: Dr. H Paramesh

Conclusions and Recommendations

Internationally, since the first Environmental Conference at Rio de Janeiro, in 1993, there have been efforts to arrive at a universally accepted set of norms and goals. It has never been fully achieved but the Kyoto Protocol did make a mark and paved the way for the Intergovernmental Panel on Climate Change. With basically only the USA demurring among the richer countries, the recommendations of this Panel now dominate the scene. Among third world countries, however, the argument is that they need to catch up and so should not be deterred by considerations of climate change or other environmental considerations.

India has accepted the global conventions and protocols but with this same reservation. What is clear however is that environmental hazards are not only affecting other countries and the globe as a whole, but ourselves. From this point of view, we need to tighten up monitoring and regulating all aspects of the environment.

Bangalore has become notorious as the asthma capital of India. The worst sufferers are children, people working in heavy traffic situations and women. While all income groups are affected, those from the lower income groups are more so, due to congested conditions, inadequate ventilation, poor housing construction, and poor environmental surroundings. Rapid corrections of these conditions will greatly improve the health and well-being of the poor.

Parks, Playgrounds & Water Bodies

Parks, playgrounds and water bodies are essential parts of the urban landscape that contribute towards health and pleasure of all age groups, and are the basis for an environmentally friendly neighbourhood. Playgrounds are most crucial for children and youth.

Urban Development norms stipulate that a certain proportion of the urban area should be reserved as open spaces [not only parks and playgrounds but also cemeteries!] There are also norms for tree cover and civic amenities. The zoning regulations in an urban area lay these out for each specific city.

With regard to water bodies, the National Water Policy states that :
 "Necessary legislation is to be made for preservation of existing water bodies by preventing encroachment and deterioration of water quality". *(As adopted by National Water Resources Council in its 5th meeting held on April 1, 2002)*

The Bangalore CDP

Norms to be adopted while approving the layout plan for group housing:

- The F.A.R should be calculated after deducting the area reserved for parks, open spaces and civic amenities.
- 25% of the total area be reserved for CA, parks and open spaces, subject to a minimum of 15% for parks and open space.

Areas of open spaces and Civic Amenities:

- Sanctioning of a layout plan for residential purpose shall be subject to the following conditions.
 - 50% of the total area shall be earmarked residential sites.
 - The remaining 50% of the total area shall be earmarked for roads, parks and playgrounds and civic amenities.
- Out of 50% of the area so reserved, parks and playground shall not be less than 15% of the total area and the balance is for roads and civic amenities.
- Sanctioning of a layout plan for non-residential purpose shall be subject to the following conditions.
 - 10% of the total area shall be earmarked for park and Civic Amenities.
 - Educational Facilities – Minimum amount of land for each level is mentioned as inclusive of playground.

The table below shows the different norms for parks, playgrounds and open spaces for different age groups.

Table 5.10.4: Norms for parks, playgrounds and open spaces

Category	Population per Unit	Area in ha
Tot-lot	500	0.50
Children park	2,000	0.20
Neighbourhood playground	1,000	0.20
Neighbourhood park	5,000	0.80

The Preservation of Trees Act, 1976 and its various amendments

Industrialisation and pressure of population have resulted in heavy destruction of tree growth in urban areas. Trees which provide shade, mitigate the extremes of climate, render aesthetic beauty, purify the polluted atmosphere, mute the noise, have been one of the first casualties of pressure on space in our cities and towns.

We have reached the stage when it is incumbent to legislate to restrict and regulate the felling of trees and prescribe growing of a minimum number where none exists.

The Tree Authority shall, subject to any general or special orders of the State Government, be responsible for

- The preservation of all trees within its jurisdictions;
- Carrying out a census of the existing trees and obtaining, whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;
- Specifying the standards regarding the number and kind of trees which each locality, type of land and premises shall have and which shall be planted subject to a minimum of five trees per hectare in the case of rural areas;
- Planting and transplanting of trees necessitated by construction of new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property;
- Organisation of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;
- Planting and maintaining such number of trees as may be considered necessary according to the prescribed standards on roads, in public parks and gardens and on the banks of rivers or lakes or seashores

Water Bodies

The Lake Development Authority [LDA]

Mission of the Authority is to rejuvenate, revitalize, restore the dying lakes in the State and protect them against further pollution in order to recharge the depleting ground water and to improve surrounding environs and the local sanitary conditions with the help of community participation".

Present Situation

Bangalore has four major parks and 365 small parks, of which 55 are well developed, 105 partially developed and 180 are not developed. Budget for park and garden development was 59 crores in 2005-06, of which 6 crores was meant for maintenance.

Periodically, large numbers of trees are cut for flyovers and road-widening. The most recent instance is happening even now to make the road to the airport from Electronic City a highway. The norms and procedures in the laws and policies cited are often flouted in such cases. LDA has developed five lakes with funds from a

national fund. It leased out one to a private entity, but has faced severe opposition to doing the same in others, as such development has resulted in only the rich benefiting. A PIL is pending on this issue.

Focus Group Discussions Results

About 70% of leaders' groups and almost the same proportion of children showed concern about parks and playgrounds; youth were next with just over half of them citing problems. Both the adult men and women showed no interest in the topic. Children ranked it as the 2nd most important topic, while leaders gave it the third rank. Youth ranked it 6th.

Table 5.10.5: Problems and solutions

Problems	No.of Responses	Attempted Solutions	Suggested Solutions
No community hall or playground. Can't send children far off to play.	2 [l]	Children play wherever they get space. Some go to far of places to play. Some go to movies. Some have TV.	Govt. to provide -2 c +2 y
No space for children to play.	4 L, 1 y	Play in the road – 1 y	Provide a playground – 2 c +2 y
No hall has been built though there is no place.	1 L		
When there no place for children to sit where can be space for play	1L		
No playground	11 [c] +8 y [mostly mentioned by children]	Use railway ground nearby -2 c	Need playground – 8 c
No park, no entertainment	2 c	Tv -2 c	Arrange for some entertainment – 1 c
Sports not encouraged	2 y		Ngo should help & facilitate

Conclusions and Recommendations

Bangalore was once rightly known as a Garden City; it could easily be also called a city of lakes but now the gardens are vanishing as bungalows give way to high-rise apartments, office complexes, malls and multiplexes. The two large parks, Cubbon Park and Lalbagh do continue to exist, though the former has been nibbled into and quite large pieces of it have been sacrificed. But when one compares it with New Delhi, with its smaller parks and playgrounds in every layout, the larger neighbourhood parks and the huge ones usually surrounding a medieval monument, and the city forests, it seems inappropriate to call Bangalore a Garden City. Especially of late, so many roadside trees are being cut in the name of development and traffic movement that it will soon be a desert city.

This ruthless destruction of trees needs to stop. Many alternatives can be found to ensure smooth movement of traffic. There is a welcome directive by the High Court in the past week that widening of roads will be under the aegis of a special committee appointed by the Court to oversee and direct such schemes.

The issue of the lack of playgrounds in or near slums has elicited a lot of responses among children and youth. They have a right to recreation as per CRC. India's policies also stress this need.

Parks near slums would alleviate quite a lot of stress and ill health among slum-dwellers; they must be planned into any redevelopment of the slums.

5.9 Transport



5.9 Transport

It is the urban poor who use environmentally friendly means of transport, such as walking, non-motorised vehicles like cycles, animal-drawn goods-carts, cycle-rickshaws, and public transport. But in transport policies, the needs of the environmentally polluting and resource-guzzling modes of traffic, viz., private vehicles, are given priority. So much so, that a disproportionate amount of resources running into tens of thousands of crores have been ear-marked in budgets and plans of BDA, BBMP, KUIDFC, etc., to widen roads, build fly-overs, underpasses, elevated expressways, ever-widening circles of ring-roads, etc., which cater to the private vehicle-owning population. These measures are adopted even though it has been proven worldwide that such measures do not necessarily lead to traffic de-congestion. The same resources shifted to strengthening public transport, viz., buses, will eliminate the need for additional road infrastructure and make more resources available for the social sectors.

In the bargain, acquisition of land for this purpose involves loss of livelihood for thousands of traders, their workers, vendors, loss of homes of long-time residents, loss of cultural and heritage centres, loss of trees, etc., the cost of which is never worked into the cost of the schemes and which can never be compensated adequately. Most road-widening schemes do not go by the National Resettlement and Rehabilitation Policy.

A paradigm shift needs to be made in transport policy to provide equitable road-space to the urban poor and find alternative modes of traffic de-congestion, which has been articulated in the National Urban Transport Policy.

National & State Policy framework

National Urban Transport Policy- Some salient excerpts

Vision: To recognize that people occupy center-stage in our cities and all plans would be for their common benefit and wellbeing.

Mission: Bringing about a more equitable allocation of road space with people, rather than vehicles, as its main focus, and encouraging greater use of public transport and non-motorized modes.

Equitable allocation of road space: At present, road space gets allocated to whichever vehicle occupies it first. The focus is, therefore, the vehicle and not people. The result is that a bus carrying 40 people is allocated only two and a half times the road space that is allocated to a car carrying only one or two persons. In this process, the lower income groups have, effectively, ended up paying, in terms of higher travel time and higher travel costs, for the disproportionate space allocated to personal vehicles. Users of non-motorized modes have tended to be squeezed out of the roads on account of serious threats to their safety. If the focus of the principles of road space allocation were to be the people, then much more space would need to be allocated to public transport systems than is allocated at present.

Priority to the use of public transport: It is well known that public transport occupies less road space and causes less pollution per passenger-km than personal vehicles. As such, public transport is a more sustainable form of transport. Therefore, the central government would promote investments in public transport as well as measures that make its use more attractive than in the past. The NUTP says the vision and mission can be achieved “by reserving lanes and corridors exclusively for public transport and non-motorized modes of travel”.

Priority to non-motorized transport: With increasing urban sprawl and rising income levels, non-motorized transport has lost its earlier importance. Further, non-motorized modes are also exposed to greater risk of accidents as they share a common right of way with motorized vehicles. However, non-motorized modes are environmentally friendly and have to be given their due share in the transport system of a city. The problems being faced by them would have to be mitigated.

Legal and Administrative Issues: The current structure of governance for the transport sector is not equipped to deal with the problems of urban transport. These structures were put in place well before the problems of urban transport began to surface in India and hence do not provide for the right coordination mechanisms to deal with urban transport. The Central Government will, therefore, recommend the setting up of Unified Metropolitan Transport Authorities (UMTA's) in all million plus cities, to facilitate more coordinated planning and implementation of urban transport programs and projects and an integrated management of urban transport systems. Such Metropolitan Transport Authorities would need statutory backing in order to be meaningful.

Use of cleaner technologies: While petroleum based fuels are by far the most commonly used today, other alternatives have been emerging, though slowly. CNG has been adopted in a big way for bus transport in Delhi. Electric trolley buses are also being proposed in the city. Electric vehicles have already entered the market for cars and auto rickshaws. Electric two wheelers are also under development. Such cleaner technologies need to be encouraged so that the problem of vehicular pollution can be more effectively dealt with. In view of their many advantages, they would be offered suitable concessions and benefits that would enable them to make an entry and compete with established technologies on more equitable terms.

Comprehensive Traffic & Transportation Plan for Bangalore (CTTPB)

Investment plan by KUIDFC

♦ Metro rail	19,921 Cr.
♦ Mono rail	5,100 Cr.
♦ BRT System	3,498 Cr.
♦ Improving bus system	5,721 Cr.
♦ Road infrastructure	6,000 Cr.
♦ Grade separators	990 Cr.
♦ Pedestrian facility	281 Cr.
♦ Parking	380 Cr.
Total:	46,944 Cr

Bangalore Metropolitan Transport Corporation (BMTC)

Mandate: To provide efficient, economic, safe, reliable and punctual services to the commuters of the City and suburban areas of Bangalore.

Service: As on 10-06-2008

Operate 4886 schedules, Deploy a fleet of 4929 buses, Make 68273 trips, Perform 10.83 Lakhs Service Kilometres, Carry more than 38.00 Lakhs Passengers, Earn around Rs.243.92 lakhs and Pay Rs. 13.41 lakh to the Government towards Motor Vehicle tax

Social obligation

- Offering subsidised travel to the deserving sections of the society
- Issuing passes to various segments of the society
- Providing eco-friendly 'Parisara Vahini' buses.
- Special services to cater to the needs of ladies, sick and shopping people, specially designed Ladies Special, Hospital Special, Mall Special buses are introduced

Tariffs and passes

Every month, about 2.50 lakhs monthly public passes are issued
Everyday, about 1.60 lakhs daily passes are issued

Bangalore Scenario

Bangalore City today

(Ref: HasiruUsiru presentations)

- 30 Lakh vehicles on the road
- 1000 new vehicles added every day.
- Road deaths: 3 per day - highest in country.
- Pollution: 3-5 times permissible limits in most areas.
- Government spending enormous amounts of money to increase road space.
- Fully grown trees cut to accommodate more vehicles.
- Temperature rise of 5 degrees in past decade.



Buses which are 0.15% of the vehicle population carry 50 % of the human traffic.

Findings & Observations

CIVIC, as a member of Hasiru-Usiru, which is advocating alternative means of traffic de-congestion and allocation of equitable road-space to the urban poor, rather than road-widening, was invited to make a presentation to the Bangalore Metropolitan Land Transport Authority (BMLTA) on 30th November 2007. CIVIC along with Hasiru-Usiru subsequently organized a public meeting on 20th December 2007. On 19th July 2008, a meeting was conducted by CIVIC along with Hasiru-Usiru where the concerns of small traders affected by road-widening was highlighted and

alternative solutions suggested. On these occasions the salient features of the NUTP and the following points were made.

Source: Hasiru-Usiru presentations)

Efficient use of urban space



Space needed for cars to carry 60 people



Space needed for a bus that carries 60 people



Space needed for two wheelers to carry 60 people

Can CTPB work with:

- No plans for congestion tax, fiscal incentives & disincentives, car-free days, etc.
- No plans for graded parking fees
- No identification of pedestrian zones, NMV zones
- No identification of roads for cycle pathways, cycle parks, etc.
- No plans for segregation of different modes of traffic
- No plan for awareness campaign to promote public & NMV transport

Expert Group set up by Planning Commission

- Do not encourage greater use of personal car transport. Public transport facilities and non-motorized modes should receive priority over road widening.
- Mandatorily provide at least (say 4-5m combined in each direction) a minimum for pedestrian and bicycle facilities on all arterial roads.

Reminders from MoUD

- Secretary to the Government of India, in a circular dated 23 August 2007, has asked for feedback on action taken by States for implementation of National Urban Transport Policy 2006.
- In another circular the same Ministry has asked States to provide feedback on awareness campaigns conducted to promote Green Traffic Habits.

Focus Group Discussion Results held in slums

Men

No bus facility	4 responses
Bus stop is very far.	1 response
No bus stop near the area.	1 response
Bus service is not frequent	1 response

Women

Bus service is not sufficient	1 response
Bus service is not proper	1 response

Children

There are no buses or autos to school	1 response
BMTC buses careless about school children	1 response
Driver does not stop the bus	1 response
It is not possible to pay for the bus pass	1 response
Poor service of BMTC	1 response
Crossing the road very difficult	1 response

Present solution

Go to city market to catch the bus

Suggested solutions

Men

Government should provide buses	1 response
Number of buses should be increased	1 response
We should meet the authorities concerned	1 response
Bus stop should be near	1 response

Women

Bus for school children should be provided	1 response
We should fight for better bus service	1 response

Children

Preference should be given to school children in buses	1 response
Timely bus for school children needed	1 response
We need still more concession on bus pass	1 response
Provide traffic police at time of school timings	1 response

Recommendations

- ◆ **Unified Metropolitan Transport Authority:** Give statutory status to the Bangalore Metropolitan Land Transport Authority already created to prepare and implement an integrated urban transport policy and plan for co-ordinated management of the urban transport programme in order to make it truly functional.

- ♦ **Acquiring more land with Central support:** The Central Government has committed itself to support measures including acquisition of land for creating exclusive zones for non-motorized transit.

- ♦ **Prevent loss of greenery:** Felling full-grown trees to accommodate vehicles sounds the death-knell of the City. Not only will the city lose its character and aesthetic roads forever, it will also increase pollution, carbon-footprints and respiratory diseases and lead to changes in the micro-climate, and rise in ambient temperature. Replacing with saplings can never compensate for the loss of full-grown trees. These irreplaceable costs need to be worked into any cost-benefit analyses of road-widening projects. Plans that retain the tree-line while adding lanes can always be worked out.

- ♦ **Prevent loss of livelihoods:** Rather than going in for road-widening of several shopping streets, which destroys thousands of livelihoods and displaces lakhs of families, merely to accommodate private vehicles, priority should be given to the prevention of loss of livelihoods, especially of the small traders, retailers, etc., who generally own small family businesses over several generations, give employment to thousands of wage-workers in their shops, and vendors and hawkers, who survive on the streets. No compensation can adequately compensate for this loss.

- ♦ **Discourage use of personal motor vehicles:** Measures that discourage the use of personal motor vehicles would be more effective in the long run as has been the experience in several cities, such as London, New York, Singapore, etc. through following measures:
 - a. **Higher taxes:** The government would, therefore, have to adopt measures that restrain the use of private motor vehicles, by measures such as higher fuel taxes. It would need to also encourage the use of congestion pricing schemes, requiring the payment of special taxes by personal motor vehicles if they operate in the more congested parts of a city. Restrictions or wait lists could be created for registering new vehicles and / or second and third vehicles. One family to have no more than one four wheeler and/or one two wheeler. Least tax to be imposed on public transport vehicles and tax on vehicles using cleaner technologies to be reduced.

 - b. **Higher fees for parking:** Graded fees for entry into and parking in specific areas should be introduced, i.e., highest in the central core area, lower in the immediate surrounding area and lowest in the outlying areas, that recovers the economic cost of the land used in such parking. The objective would be to persuade people to use public transport to reach city centers. No parking fee for non-motorised vehicles, moderate parking fees (Rs.25 per hour) for green vehicles like electric/CNG/hybrid cars, heavy fee (Rs.50 per hour) for petrol/diesel vehicles in the city center. Graded fees in other areas. Two wheelers – half the price of four wheelers. Heavy vehicles – two times the price of four wheelers.

 - c. **Private-vehicle-free areas:** Declaring some areas as private-vehicle-free areas and allowing only public transport on them are other solutions, especially in central core areas. Point-to-point buses in the core areas will reduce need for private vehicles. Only cycle-rickshaws (most environment-friendly and labour-

intensive) and such modes of traffic could ply in the old 'pete' areas like Avenue Rd, Chickpete, etc., instead of widening these roads, destroying livelihoods and displacing people. These measures would re-create destroyed livelihoods of the urban poor, like those of cycle rickshaw-pullers, hand-cart pullers, etc.

d. Shared transport and car-pooling: Shared autorickshaws (8-seaters) that ply from point to point would also disincentivise private vehicles, are economical, create more employment and provide a more comfortable alternative to buses to wean away the more affluent from personal vehicles. Shared matadors would also reduce private vehicles. Car-pooling is another solution. Definitely that too should be incentivised and single-driver cars made to pay a fee. Government vehicles in the central core area of Bangalore can be reduced by making several officials share vehicles.

- ◆ **Separate bike paths,** pedestrian crossings and usable pavements needs to be created and maintained.
- ◆ **Heavy fines** for traffic offences with suspension of licenses for repeat offenders.
- ◆ **Incentivise public transport:** More than any other measure, public transport needs to be incentivised to a greater degree by reducing the tax on public buses, which are currently higher than on personal cars. A circular, frequent (every 5 minutes at least) and reliable system of small feeder buses needs to ply in every residential area in Bangalore, which will bring commuters to a bus-stand near-by, from where larger buses at 5-minute intervals ply along trunk routes to twelve or more destination bus-stands all around Bangalore, from where commuters can again catch a feeder bus to their individual destinations. A reliable and frequent bus transport system will do more than any other measure to de-congest traffic.
- ◆ **Replace routes with feeder and trunk routes:** According to one view, the problem is not dearth of buses but the manner of routing and operation. Plans have been furnished to show that the existing 1000 routes, operated with the current complement of 2000 buses, when replaced with a hub and spoke system of 50 Trunk Routes and 50 Feeder Routes would give a reliable and frequent bus service along each route, which is the only way private vehicle users can be lured to change to public transport. According to this estimation, each Trunk Route and Feeder Route would require 24 buses and 10 buses respectively to give a frequency of 5 to 7 minutes on each route, and would only require 1700 buses in all, thus leaving 300 buses surplus. Create Bus Rapid Transport System on whichever road possible and on all new and re-designed roads.
- ◆ **Free bus service for school children:** Free transportation to school children is a part and parcel of the state's duty to provide free and compulsory education to children. As the children have voiced during the FGDs, there is a need to provide them transportation especially if they have to cross arterial roads, highways, etc. to come to school. BMTC could stop all bus services such as 'mall specials', "pass-holders' special", etc. and instead provide free mini-bus service to all elementary and high school children studying in government and aided schools in tune with the school opening and closing times. They could be run in

each ward to bring all enrolled children in the school jurisdictional area to the respective schools. This would also prevent dropping-out to a large extent, especially of girls.

- ♦ **Awareness campaigns:** Launch “intensive awareness campaigns that educate people on the ill effects of the growing transport problems in urban areas - especially on their health and well being”, which the Centre is willing to support. The campaigns should seek their support for initiatives like greater use of public transport and non-motorized vehicles. The mind-set that feels that owning and commuting by a private vehicle is the ultimate status symbol needs to be changed and that is the real solution to the transport problem. Travelling by public transport should be made the new status symbol.

5.12 Governance



5.12 Governance

“Good governance has eight major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law.” –KHDR 2005

International recommendations

Human Development Report recommendations

The need for decentralization

Decentralisation has come to be recognized as the cornerstone of good governance by the Human Development Report of UNDP (2003). It states that decentralisation of powers to local self-governing bodies is imperative as it ensures:

- ◆ Faster response to local needs
- ◆ More accountability and transparency and less corruption
- ◆ Improved delivery of basic services
- ◆ Better information flows
- ◆ More sustainable projects
- ◆ Stronger means for resolving conflicts
- ◆ Increased energy and motivation among local stakeholders
- ◆ Expanded opportunities for political representation

It further states that as a result of decentralisation, “state employees are held accountable not just to the most powerful segments of society but also to the poorest citizens” and that “successful decentralization involves three indispensable elements:

- effective state capacity
 - empowered, committed, competent local authorities
 - engaged, informed, organized citizens and civil societies”
- (Source: HDR 2003, UNDP)

National & Legal Framework

The 74th Constitutional Amendment (74th CA) or Nagarapalika Act

It was to decentralize and restore control to local communities over local decision-making and their own planning and development that the Central government passed the 74th Constitutional Amendment Act, better known as the Nagarapalika Act, in 1992. It was also to ensure proximity, transparency and accountability of the local government to its citizens and provide the citizen a platform to participate actively in local governance and development.

The Nagarapalika Act passed in December 1992, recognised urban local bodies as legitimate third tiers of government and gave them Constitutional validity and permanence. In order to ensure that **the weaker sections in society got a voice on these bodies so that the traditional power structures at grassroots level could be altered**, the 74th CA , among other things, provided for reservations of seats and posts to SC/STs, in proportion to their population. 33.33 % representation to women,

within the SC/ST quota as well as in general, was mandated which has helped a substantial number of women to participate in the political process and exercise power.

The powers and functions of municipalities as per the 74th CA

The 74th CA intended municipalities to function as “effective institutions of local self-government” rather than being mere extensions of the arms of the State government. To become this, the 74th CA envisaged that municipalities would go beyond the mere provision of civic amenities, their traditional role, and become governments in their own right, performing even development functions. Hence the main function of municipal bodies as entrusted to them in Article 243 is “**Planning for economic development and social justice**”. With this, it was hoped that municipalities would become agencies which would minder the “severe contestations” for resources taking place in cities and reconcile the “resultant disparities and inequities”.

However, when compared to the parallel 73rd CA for rural areas, the 74th CA has paid less attention towards the issues of proximity, degree of representation, transparency and accountability of urban local bodies and avenues for people's participation.

The Twelfth Schedule

To bring about this paradigm shift in the role of urban local bodies, the 74th CA also laid down in the Twelfth Schedule annexed to the Constitution, the following suggested list of functions w.r.t. to the urban poor for municipalities, in addition to their traditional functions.

1. Planning for economic and social development
2. Safeguarding the interests of weaker sections of society, including the handicapped and the mentally retarded.
3. Slum improvement and upgradation
4. Urban poverty alleviation

Ward committees

Noting that in very huge urban areas, even the municipality, or third tier, may still be too distant a body for the citizen, the Nagarapalika Act mandated the formation of a fourth tier of local area committees, called ward committees, to carry out most of the functions of the municipality in cities with a population of more than three lakhs.

Studies & Reports

CIVIC's study of the functioning of ward committees in Bangalore

CIVIC was part of a “Comparative Study of the Functioning of Ward Committees in Four States” led by Sri K.C. Sivaramakrishnan in association with the Institute of Social Sciences, New Delhi, in 2002. CIVIC studied the functioning of ward committees in Bangalore and came up with the following findings:

- **Non-fulfillment of assigned role:** The Twelfth Schedule does not include several functions that would have to be performed by municipalities if they are to fulfill their role of "Planning for economic development and social justice", such as those of the public distribution system, primary education, primary health, labour and employment.
- **Poverty alleviation a non-mandatory function:** The Karnataka Municipal Corporations (KMC) (Amendment) Act, to bring in conformity with the 74th CAA, included the new functions of 'Slum improvement and up-gradation', and 'Urban poverty alleviation', under the discretionary and not obligatory functions of municipalities.
- **Lack of devolution of functions:** The functions of 'Planning for economic and social development' and 'Safeguarding the interests of weaker sections of society...' listed in the Twelfth Schedule were not added at all to the list of functions of municipalities in Karnataka.
- **Lack of devolution of functionaries:** The KMC (Amendment) Act (1994) does not bring all the functionaries, till now performing these functions under the line departments of the State government or under parastatal bodies, under the control of municipal bodies. Hence municipalities have not been able to perform all the functions assigned to them under the 12th Schedule in Karnataka.
- **Lack of planning body:** The Metropolitan Planning Committee for Bangalore mandated to be set up under the 74th CA for consolidating grassroots level plans has not been set up since 15 years in a gross violation of the 74th CA.
- **Proximity of ward committees lacking:** The ward committee structure and functioning under the KMC (Amendment) Act is wholly different from that of the democratic institutions at the grassroots, such as grama panchayats, envisaged in the parallel Panchayat Raj Act. Karnataka has chosen to form ward committees for a combination of wards, rather than each ward, making proximity to the citizen a far cry. Whereas grama panchayats have one elected representative for as many as 500 to 1,000 citizens, the proximity of elected representatives to the citizens in urban areas is more than ten times distant, varying from 10,000 to 50,000. Whereas there is one grama panchayat for at least 10,000 citizens, ward committees often cover more than one lakh population. There is often no fixed ratio of elected representative : number of citizens in urban areas.
- **Undemocratic nominations:** Karnataka has chosen the route of nominations by the State government, which are hardly democratic, to fill the posts of ward committee members and has not opted for direct elections to these positions.
- **Unwillingness to part with power:** There has been indifference on the part of municipalities in Karnataka to make the ward committees function effectively. In Karnataka, for instance, ward committees have not been set up at all in places other than Bangalore. In Bangalore too, the Government had to be literally dragged to set up the Committees (upon pressure from CIVIC).
- **Dysfunctional ward committees:** Even when they were set up, many of these ward committees have not met for more than a year and some for two years. They are also sites for several internal squabbles. Also the necessary powers, procedures, funds, functionaries and facilities to perform their functions effectively have been denied to the ward committees. There was much internal squabbling within the ward committees.
- **Weak participation of civil society in ward committees:** The possibilities for citizen and civil society participation in these committees in order to enhance

participatory democracy are also minimal. There are hardly any opportunities for citizens to participate in decision-making – in planning, implementing, monitoring and auditing works in their wards - when compared to Kerala where the 'People's Plan' process has been institutionalised.

- **Lack of awareness:** Most citizens are unaware of the existence of the ward committees due to lack of publicity and media coverage of their functioning.
- **Lack of citizen - ward committee interaction:** There are no requirements in the laws to make the ward committees interact with the citizens regularly at a 'ward sabha' on the lines of the grama sabhas in rural areas, which can be considered as accountability platforms. Ward committees have been unable to assert their rights over local resources and assets and have a consultative status when projects are planned in their areas by higher arms of the government.

For all these reasons decentralization has remained ineffective and failed to give good governance and "Power to the People" as envisaged by the 74th CA.

Kasturirangan Committee Report on governance of Bangalore

Some of its recommendations relevant for the issues of the urban poor are:

- The creation of the enlarged BBMP must be accompanied by effective and meaningful decentralization of decision-making and municipal service delivery.
- Ward Committees must be reconstituted in an effective manner. Each of these Committees should be constituted through elections and nominations, by a wide range of stakeholders including educational institutions and neighbourhood organizations.
- An "information infrastructure" unit should be set up which would use effective visual communication to illustrate various development initiatives undertaken.
- Setting up of a Citizens' Service Portal which would be responsive and interactive and effectively address the needs of the citizens.
- ULBs should become more responsive to people's basic needs and be more sensitive to public opinion.
- ULBs should facilitate voluntary disclosure of information relating to their policies and programmes
- ULBs should establish a public interface to communicate the relevant information and obtain feedback about their own performance. This should be promoted through institutional mechanisms rather than ad hoc arrangements which may be perceived as being non-representative or exclusive in nature.

Social Service Delivery

Specifically with regard to social service delivery, the Committee recommends:

- The MPC and the BBMP should reorient their organizational focus and policy to undertake comprehensive poverty alleviation programmes, with special emphasis on the plight of Scheduled Castes/Scheduled Tribes (SCs/STs) and other marginalized sections within the city.
- They should also streamline service delivery in the fields of education, health and housing.
- These institutions should develop an 'Urban Indicators Database' so that the deficits in service delivery may be bridged by effectively targeted programmes.

- All primary, secondary and high schools presently administered by the State Government within the BBMP jurisdiction should be transferred to the BBMP.
- A participative model of administering schools so that parents and neighbourhood communities emerge as key stakeholders in the school system.
- To promote public health, the MPC and BBMP must commission a large public health survey to establish baseline indicators on its status in the BMR.
- The BBMP must focus on preventive and promotive health care rather than tertiary health care.
- BBMP must be given overall power and responsibility to provide adequate housing to the urban poor and to upgrade slums as provided under the XII Schedule to the Constitution. Land Use planning and developmental permissions should be aligned to meet these objectives. To facilitate the same, the BBMP must be given the responsibility and the resources to carry out slum redevelopment activities. Any functions performed by the Karnataka Slum Clearance Board in the BMR must be under the overall direction of the BBMP and the MPC.

Focus Group Discussion Results

FGDs were held on political power, participation, organisation and bargaining power in a few slums of Bangalore. Results are as follows:

Problems identified

Leaders

- Lack of organisation and coordination among communities
- People give excuses to avoid going collectively to offices.
- When leaders go, others say they don't do anything.

Men

- A few political parties operate in the area. They don't come together for community development. Friction has hindered development.
- The politicians came saying they would issue Pattas and provide water. After elections they have not turned up.
- When elections come they come to us. In other times we need to go to them. They don't give us respect.
- We are called only when some programmes are arranged.
- Development means only development of temples to some political leaders.

Women

- Domination by men in the community
- Selfishness of men
- Men won't allow women to come forward
- Landlords don't allow us to form a sangha
- Forming a sangha is also difficult

Children

- There is less awareness about collective action
- Many groupings are based on caste

The findings point to the need for more and stronger people's organisations to collectively bargain and demand accountability from the structures of governance.

Recommendations

Effective implementation of spirit of 74th Constitutional Amendment

- The basic purpose of the 74th CA, as expressed in Article 243, i.e., "Planning for economic development and social justice" has been a forgotten mandate. Urban development has come to mean only more and better roads, flyovers, elevated highways, etc.
- Human welfare through social justice, with the citizen at the centre, needs to become the goal of BBMP.

Making BBMP an agency for bringing about social justice and not merely for providing services

- There should be an enlargement of the list of functions devolved to BBMP to include issues that affect the basic needs of citizens such as PDS, labour and employment issues, housing, social security, primary health and primary education, etc.
- The concerned officials of these line departments should be made accountable to the BBMP/ward committee.

Decision-making by elected representatives & citizens

- Formation of a Metropolitan Planning Committee (MPC) for Bangalore as mandated by the 74th Constitutional Amendment
- Representation can be given on the MPC to civil society groups, including representatives of the urban poor, in addition to elected representatives.

Increasing decentralisation to enhance accountability

Three-tier structure in the municipal corporation (similar to Panchayat Raj Institutions) with:

- BBMP Council equivalent to Zilla Panchayat with elected Mayor with 5-year term
- Zonal committees in each of 8 Zones with one elected councillor per ward (25 wards?)
- One ward committee per ward at ward-level equivalent to the grama panchayat (50,000 population)

Making BBMP an institution of genuine local self-governance

- The principle of subsidiarity needs to be followed and "what can be done at the lowest level needs to be done at that level and not at a higher level".
- MLAs and MPs should not have a say or role in the BBMP
- Activity mapping of functions between the State and BBMP, and BBMP and zonal and ward-levels needs to be undertaken as already done in Panchayat Raj Institutions

Increasing number of people's representatives for proximity

- Direct election of ward committee members to BBMP from sub-units of the ward (Direct election recommended by NCRWC)

- Basis to be of one elected representative for a fixed population as in grama panchayats (from one or more contiguous polling booths)

Ward committees to be elected to make them democratic and representative

- Population basis of one elected ward committee member for every 5,000 population or less (from one or more contiguous polling booths) and
- One ward committee for every 50,000 people or less in the municipal corporation area (on the lines of grama panchayats).

Representation to the excluded

- One-third reservation of seats for women in the ward and zonal committees; reservation for SC/STs, BCs, etc.
- Representation to other stakeholders in the ward on the ward committee, such as women's groups, youth groups, slum-dwellers' associations, traders' associations, trade unions, RWAs, NGOs, etc. as per prescribed criteria in democratic manner
- Individual groups to decide on their representatives to sit on ward committee; or a committee of distinguished persons to be set up to do the same.

Accountability of officials to elected representatives & citizens

- Para-statal bodies [such as BDA, BWSSB] to be answerable to BBMP or brought under MPC.
- Ward-level officials of all service providers, BBMP, BWSSB, BESCO, KSCB, Police, Transport, etc. to be ex-officio members of ward committees. All service providers to have the same geographical jurisdiction.
- There should be no extra-constitutional bodies [such as BATF] which distort accountability structures and mechanisms

Sub-committees for people's direct participation

Issue-specific sub-committees should be formed at ward level comprising ward committee members, concerned officials, CBOs and interested citizens on issues such as:

- PDS
- Labour, training and employment
- solid waste management
- roads and drains
- health and education
- social security, poverty alleviation.

Functioning of sub-committees

- The sub-committees can meet monthly and plan, implement and monitor the functioning of the respective departments.
- Sub-committees can give monthly reports at the ward committee meetings.

People's plans for enhanced people's participation

- Devolution of at least 40% of BBMP budget as untied grants to ward committees for preparing people's plans (on the lines of grama panchayats);
- Grassroots plans prepared by each ward committee to be consolidated at zonal level by zonal committees and BBMP at city level.

Ward and sub-ward sabhas for direct interaction with citizens

Quarterly or bi-annual ward/sub-ward sabhas (on the lines of grama sabhas) to be held in each councillor/ward committee member constituency to inform citizens about the functioning of the ward committee and its sub-committees, and get inputs from citizens for planning, budgeting, implementing, monitoring and auditing of works in the area.

Giving voice to the excluded

Measures to be taken to give voting rights in elections and right to participate at the ward/sub-ward sabha to every citizen – even to those without a ration card, to residents of unrecognized slums, migrant workers, pavement dwellers, etc., who are at present excluded.

Making ward committees more effective

- Necessary infrastructure and personnel to be provided for the effective functioning of ward committees.
- Necessary funds and functionaries for performing their functions to be devolved to ward committees.
- The post of a CEO for every ward committee to be created on the lines of GP secretary.
- Mandatory holding of ward committee meetings every month on a pre-determined / specified day in a public place within the ward
- Date, time and venue of ward committee meetings to be announced by the media and the proceedings covered by them;
- Proceedings to be open to the public as observers as mandated by the 74th Amendment; ensure that the members of the public have an opportunity to speak on any item being considered
- Ward Committees to have control over use of local assets and resources and have a say in decisions about any development project in the area.

Ward office as point of information disclosure

- All items of information about the ward, minutes of ward committee meetings, details of ward budgets, accounts, programme of works, work orders, bills, vouchers, muster rolls, etc., to be either available for scrutiny at ward office or displayed on notice board
- They should have information boards on which important Section 4(1) (b) information under Right to Information (suo motu declaration) is displayed/painted.
- Detailed suo motu information should be available in pamphlet form or on touch-screen kiosks.
- Every ward office should be upgraded with computers which have all ward-level information

Grievance redressal at ward-level to overcome citizens' cynicism

- Complaint registration should also be computerised at ward-level, carry a unique complaint number and provide Action Taken Reports within time-frames.
- All complaints / grievances, emanating from all sources and levels (CM's office, BBMP head office, zonal office, etc.) should be reviewed at the monthly ward committee meeting

- Only those not resolved should be escalated to higher levels (Zonal DC and Commissioner's level).

Measures for fiscal transparency

The Karnataka Local Fund Authorities Fiscal Responsibility Act (KLFAFRA) mandates:

- 1) that there are at least two meetings every year at the time of budget preparation and finalization with such citizen forums as may be prescribed.
- 2) that provision shall be made for meetings at such intervals and with citizen forums as may be prescribed to review the operations and finances of the local fund authority.
- 3) In particular, local fund authority shall, at the time of presentation of the annual budget, disclose:
 - significant changes in the accounting standards, policies and practices affecting or likely to affect the computation of fiscal indicators;
 - the contingent liabilities created by way of guarantees and the actual liabilities arising out of execution of works by external agencies where liability for repayment is on the local fund authority.
 - These provisions have never been implemented and need to be built into the legislation on BBMP

Citizens' charter

A Citizens' Charter needs to be developed for BBMP which will represent the commitment of the organization towards standards, quality and a time frame of service delivery, grievance redressal mechanism, transparency and accountability.

Support for recommendations from NCRWC: The recommendations of CIVIC on constituting one ward committee per ward and having direct elections of its members have found a place in the recommendations of the Expert Group on municipalities and panchayats set up under the National Commission to Review the Working of the Constitution.

6 CASE STUDIES AND ANALYSIS OF FGDs



6 CASE STUDIES AND ANALYSIS OF FGDs

Case studies

Urban Homeless, Jaraganahalli, Kanakapura Road

There were 64 tents next to Kanakapura Main Road near Sarakki in Ward 56 on 20th May 2008 when we visited the site to conduct focus group discussions. As we write this report 3 more huts have been added. They are all on privately-owned land, which they say is under dispute. The hut-dwellers came here 5 years ago as construction labourers to work for the land-owner and have remained here since. Each tent pays Rs.150 to the owner every month. Now they also work on their own as wage labourers elsewhere, often at far-off places. Both men and women work on construction sites. In one of the FGDs with women one lady painfully pointed out - on the way back from work they get into buses and are shoved away by the co-passengers as dirty people from Gulbarga.

Raja (name changed), aged 23, lives in a tent, which is about 5 feet in width and 10 feet in length. He lives with his family of aged parents and four siblings who are younger to him. They cook and sleep in the same place. His parents came to Bangalore 30 years ago from Yadgir of Gulbarga district in search of work as there was famine in their village. Raja was born here at Yediyur in Bangalore. He was in 5th standard of Yediyur Government School when he met with an accident and had to lie in hospital for 8 months. He was admitted to Sanjay Gandhi Hospital in Jayanagar. His parents laboured to bear the hospital charges. Though a case was filed he never got any compensation. After recovering from the accident he lost interest in studies and also, as there was pressure to keep the family going, he was pushed to work as a child labourer – at the age of 11. He started as a wage labourer.

The family was working on the construction of a government school in Yediyur. The work was stopped abruptly because of internal complications. But the family continued to stay on the premises. When construction resumed after some years, the family was asked to move by the authorities and the then councillor, Mr. Venkatesh Reddy. Their tents were thrown out. They appealed in vain to Mr. Ramalainga Reddy who was a minister then. They gave up the fight, lived elsewhere for a few months and moved into this place.

Raja works with his younger brother as a construction worker now. They are the two earning members in the family of six. Their total earning is about Rs. 3,500 per month. He has no identity card. He has no ration card. He is not aware of any government schemes. After returning from work he, along with his siblings, goes to Sarakki, which is about a kilometer away, to get water. He answers nature's call in the open. His PRIMARY concern is to get a permanent place to live.

Sanjaynagar Slum, KR Puram (Earlier CMC area)

The slum is about 30 years old. It has a mixed vernacular population having people from various places like Shivamogga and also Bangalore itself. This slum was declared immediately after the BMP became BBMP and the CMC area was

integrated into BBMP. About 25 years ago, some of those who were then living there were given Hakku Pathras (land title). The persons living there now say they don't have the original land titles. But until 2006 all used to pay tax to the CMC at the rate of Rs. 208 but after it was revised to Rs.560 in 2006 no one is paying the tax. One group used to pay one Mr. Naushad Ali Khan who used to deposit it in Syndicate Bank – for which all have proof. Some time back officials and the MLA conducted a survey of the slum and said that all would be shifted to Sigehalli on Hoskote Road. They even threatened that they would bring in bulldozers any time and raze the slum. They are living constantly under the threat of dislocation and of losing land – even after the slum being a notified slum.

Rani (name changed), a 24-year-old widow, is living in the slum with her two sons aged 13 and 11. She is the sole bread earner. She works as a housemaid and earns Rs.700. She has managed to get widow pension of Rs.400 which comes irregularly. With Rs.43 as her average daily income she is managing to send her children to school, provide them food, clothes and other basic requirements besides meeting her own requirements. She was married at a very young age because her parents were poor and could not keep her. Her husband passed away but the house they were living in, in the same slum, was usurped by her in-laws and she was put out on the street. She managed to get a small place – 20x25 site in a corner of the slum and has put up a shed. There is one tap for 8 houses and she manages to get 4-5 buckets of water on alternate days. She wants to be independent and is a member of a SHG. She has not yet taken any loan from the group.

Bakshi Garden slum, KR Market

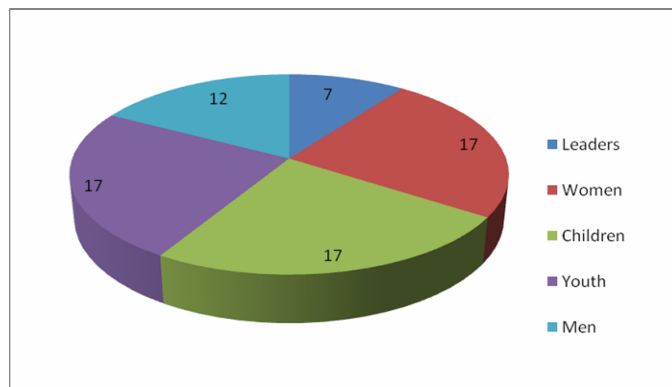
The slum has about 120 families and 800 inhabitants. Most of them have acquired land titles. People without Patta have no water connections and even some with Patta too do not have connections. In one street all 14 Telugu families have Pattas, but they have no water connection. In another street there are 10 muslim families without Patta, and they too have no water connections. People use tap water to wash clothes as it is dirty and bore-well water to drink. In the past month, 3 children have fallen sick with cholera. All have ration cards and voter IDs and all children go to school.

Some have built their own houses. 47 houses are being built by the BBMP in the ground+three model under JnNURM. Though the DPR-BSUP-JnNURM-BBMP points to detailed discussions with all the stakeholders, there is no report available on what was discussed, when it was held and what the decisions were. Rs.35,000.00 has allegedly been collected as deposits/beneficiary contribution. The DPR shows a cost of about Rs.5.41 lakhs per house.

Part of the space is used for building a school. It is over a year now since the building was started and the second floor is being built currently. The rooms are small and struggling to get sunlight. The board displayed points to contract of six months. The rate at which this is going it may take over three years for completion.

Families of those for whom houses are being constructed are shifted to makeshift tents. These are cramped, with no water supply and bad toilet facilities.

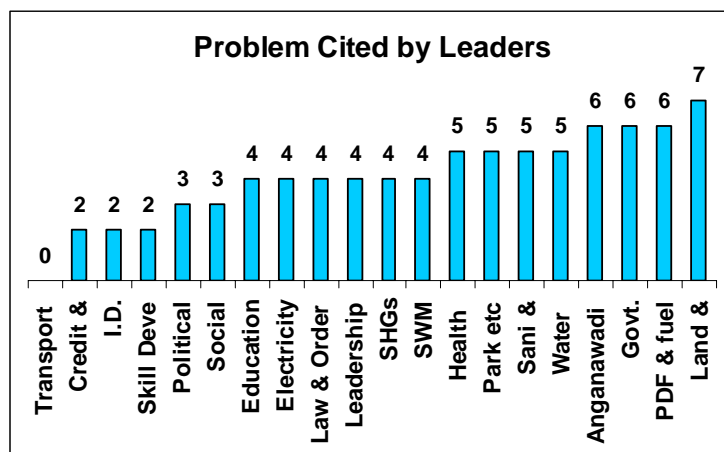
Analysis of findings from FGDs



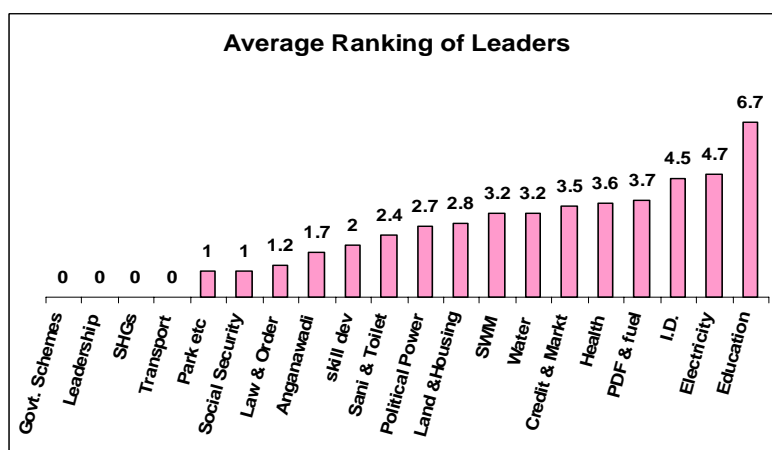
A total of 70 groups were contacted and spoken to in 19 locations.

As most of them work during daytime it was mostly in the night that the discussions took place.

Concerns of leaders' groups

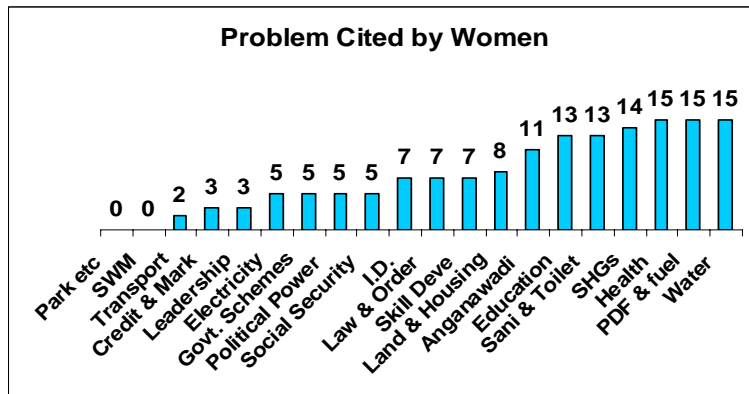


All the groups talked about land and housing being a problem and no group mentioned transport as a problem at all.

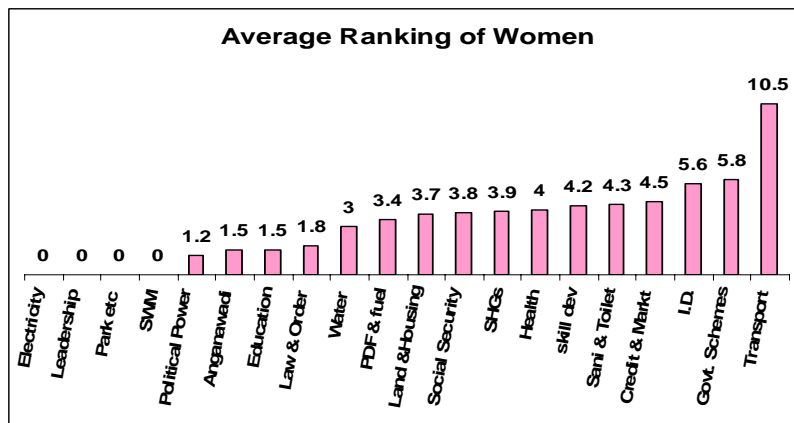


While social security, law and order figured high on the list, education was the least priority to them. They did not seem to be either aware of or interested in the government schemes.

Concerns of women's groups



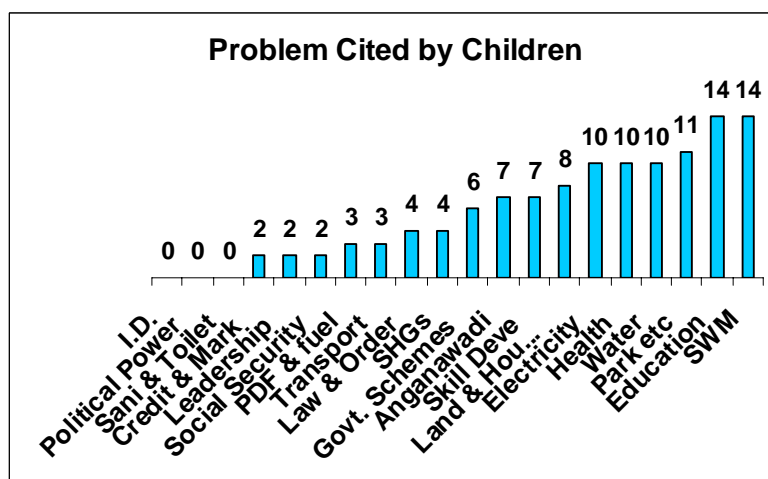
Most of the women's groups, 15 out of 17, mentioned water, PDS and health as important issues. Surprisingly none mentioned about waste management as a problem.



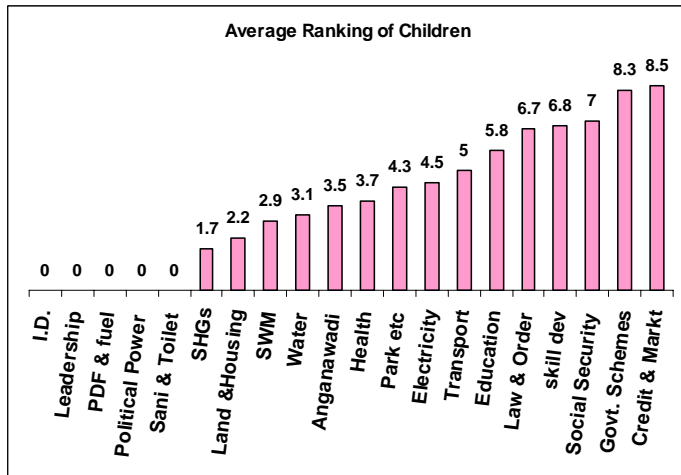
While political representation and anganwadi figured high on their list of priority, transport figured last.

Interestingly power was not on their list. Probably they have gotten used to living in the dark!

Concerns of children's groups

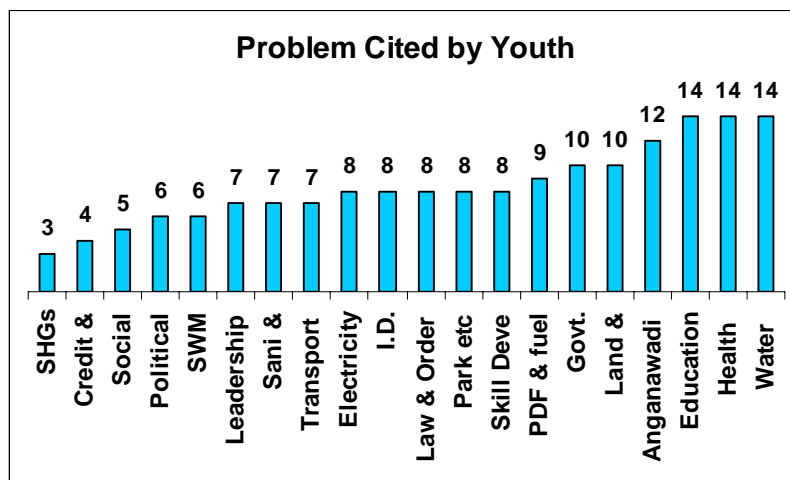


Most of the groups, 14 of the 17, mentioned education and waste management as problems. Interestingly – very interestingly we should say – no group mentioned toilets as a problem at all.

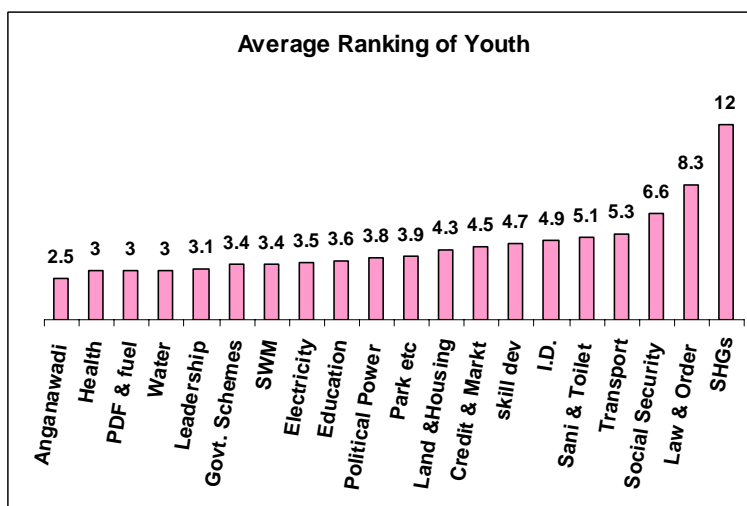


Interestingly SHGs are very important and figure very high in the priority list. They seem to be aware that their education is supported by their mother being in SHGs. Also surprisingly sanitation and toilets didn't figure in the list – probably they are resigned to the fact that they have to live with the present situation.

Concerns of youth groups

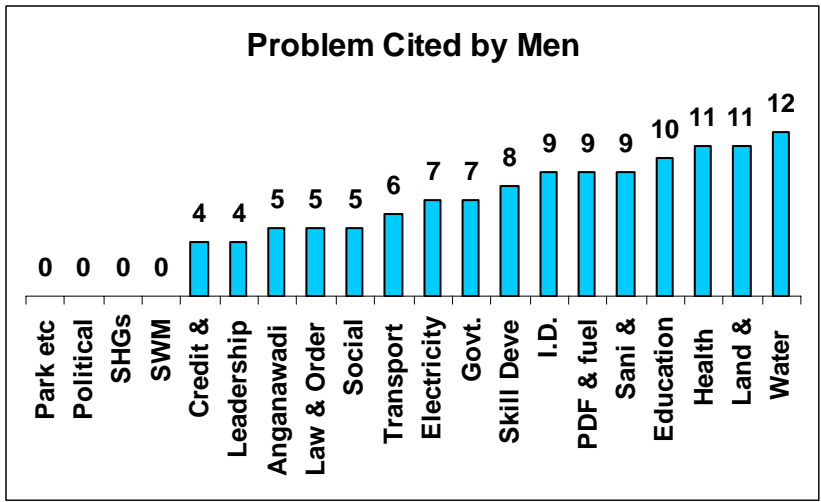


All the groups mentioned all the issues as problems – for them all are important. Not surprisingly education, health and water which are cross-cutting issues were quoted by 14 out of 17 groups.

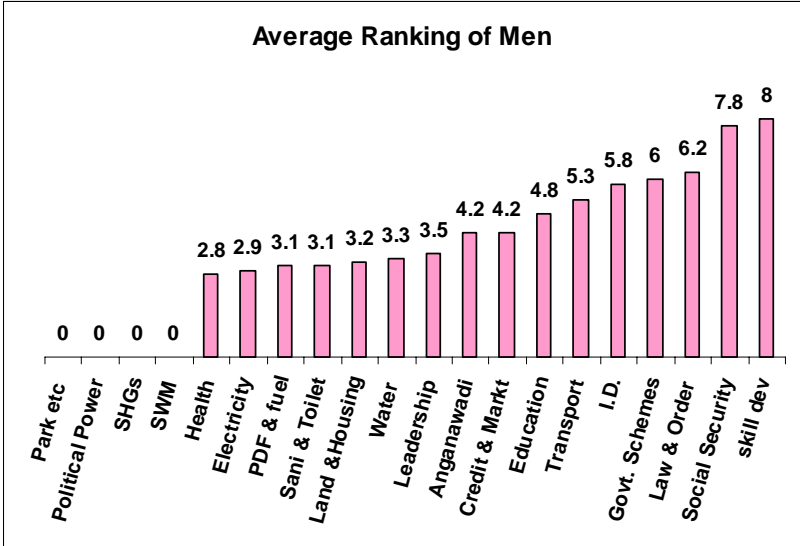


Accordingly anganawadi, health, food and education figured very high on their list of priorities.

Concerns of men's groups



Most of the groups mentioned water, land and housing as problematic issues. Park and playgrounds or waste were not perceived by them as issues of concern.



While health and electricity occupied high position in their list, social security and skill development figured least prominently on the list.

7 OVERALL RECOMMENDATIONS

Policy commitments

- Abide by international, national and state laws and policies that are based in human rights and social justice.
- A city is for its entire people, not just the elite. Base all actions on the norm that GDP is not the true measure of happiness; fulfillment of basic human rights is.
- The responsibility for fulfilling basic needs (human rights) to all – food, water and sanitation, shelter, health and education, should lie with the Government.
- Recognition of the right of the urban poor to equitable shares in the land, assets, resources, budgets and services of the city.
- Earmarking of budgets for providing minimum basic needs to all before spending on other less required needs. Creating prioritized lists for the same and providing funding, as a first charge on resources, for meeting basic minimum needs.
- Providing representation to the urban poor on all decision-making bodies at various levels: the ward, zone, city and MPC, and on sectoral monitoring committees, such as vigilance committees for PDS, Board of Visitors of hospitals, School Development & Monitoring Committees, Ward Vendors' Committees, land and housing committees, water-users' committees, etc.
- Institutionalising and promoting organizations of the urban poor in street-wise neighbourhood groups, neighbourhood committees, ward-level federations, zonal level community development societies, etc.
- Reservation/subsidies/cross subsidies to enable BPL and vulnerable populations to obtain their full entitlements in each sector – eg., reservation of seats in all private schools, hospital beds, etc., a certain minimum free water supply, electricity supply, etc. even if metered, needs to be ensured.

Public Vs. Private

- Public provisioning of basic social services has been the norm as these are considered public goods. But recently, there has been increasing resort to privatization of services in the education, health, water and sanitation sectors, often driven by donors. This is often due to “lack of government resources, low-quality public provision and pressure to liberalise the economy” (HDR-2003). Insufficient public funds are compounded by distorted tariff structures which essentially subsidise the rich while the poor lack access. The poor often end up paying exorbitant rates for the service from private providers.
- There may be areas where private investment and competition help to provide better and more economical services, such as in the telecom sector. But there is inconclusive evidence on the private sector being able to provide efficient and quality service in the social sectors. The handing over of operations and maintenance in a sector such as water is even more questionable as water is required for very survival. The sector is also not amenable to competition and one ends up with a private monopoly in place of a public one.
- Examples of market failures in private provisioning of water abound across the world. Thus privatization need not be seen as the only option for reforming poorly run public services. At the same time, there have been very promising examples of

public water sector agencies being converted very successfully into companies owned by the people, where each consumer becomes a shareholder. Thus, one will need to look more at public-people partnerships in the management of service agencies to remove inefficiencies in purely public provisioning.

- In their regulatory and stewardship role, governments need to evolve standard protocols of care and establish mechanisms of quality control. There ought to be legislation governing the entry of any private player or a specific public-private interaction through licensing and registration.
- A prerequisite for building partnerships is that there should be free and fair competition in the selection of partners (Baru & Nundy, 2008).
- Where there is a weak managerial capacity at state and/or municipal levels, it needs to be strengthened to ensure that such partnerships are well-managed, are of acceptable quality, and expand access to under-served groups and to services not available in the public sector.

(Analysis of Kerala's decline in health and education indicators once the reform process and privatization took hold of that model state is a vivid warning to other states/cities. [Oommen] References: Oommen, M.A., Reforms and the Kerala Model, EPW, January 12, 2008.)

Institutional changes

- A separate and exclusive institution, a "State Urban Poverty Alleviation Authority" needs to be created within the State Urban Development Department to provide greater focus to the subject of poverty alleviation – as is clearly articulated in the concept paper of SJSRY from the Ministry of Housing and Urban Poverty Alleviation. All programmes and services to the urban poor have to be channelled through this single window.
- There is a need to convert the "welfare" department of BBMP into an "Urban Poverty Alleviation Department" in order to shift the focus from "charity" to "empowerment" of the urban poor. The Department should look at all basic services and livelihood-related issues of the urban poor, including all schemes for urban poverty alleviation.
- There is a need for an "Urban Poverty Eradication Cell" to coordinate the implementation of all poverty alleviation schemes at field level.
- An exclusive wing within this cell to identify the urban poor, maintain a common and convergent (with all service agencies) database, and update the database continually has to be created.
- The State Information Department needs to be revamped to become an agency for creating mass awareness about government schemes, eligibility criteria, etc., using multi-media techniques of street plays, songs, skits, radio and TV programmes. One of its wings should be located in the Urban Poverty Alleviation Cell.

Convergence

- Convergence of all service providers for Greater Bangalore has to be achieved. Roles and responsibilities of each service provider – line departments, boards, institutions - need to be clarified. Duplication of roles and responsibilities needs to be avoided. At the same time, the jurisdictions of various service providers within BBMP need to be harmonized with the administrative units of BBMP. Pooling of resources

of various agencies for the urban poor needs to happen and a single-window delivery system for all services to the urban poor could be envisaged.

Transparency

- Transparency in the functioning of all service agencies should be the norm. The roles and responsibilities of each public authority must be in the public domain as required under Section 4.1.b of the RTI Act. All the information should be made accessible in the public domain – charters, service standards, schemes, etc., so as to minimize pressure on people to use RTI.

Accountability

- There is need to create institutional structures and mechanisms for ensuring accountability by both public, private and non-profit partners. Accountability needs to become downward accountability to citizens rather than upward accountability to higher-ups. Periodic platforms such as ward sabhas need to be institutionalised for the purpose.
- A monitoring mechanism needs to be put in place to oversee implementation of policies/laws/rules/regulations. Adequate means to pin the accountability on authorities has to be designed along with suitable penal action in case of dereliction of responsibility.

Decentralisation

- 74th CA should be implemented in its entirety – the Constitutional violation of not setting up a Metropolitan Planning Committee for Bangalore must be ended. Proper mechanism to implement 74th CA in its true spirit – decentralization up to ward sabhas - needs to be achieved. There should be one ward committee per ward. Ward committees must be elected and given adequate powers, personnel and finance to address the local issues at local levels. Adequate representation to the urban poor should be provided. As prescribed – MPC must be constituted. BBMP has to become the overall agency for all services in Greater Bangalore.

People's participation

- People's direct participation needs to be brought about at various levels of governance, ward, zone and city. Constitute an advisory (consultative) committee at city level of various stakeholders, including representatives chosen by and among urban poor (at city level this will have to be of federations of slum-dwellers). The neighbourhood committees get to sit on the ward committees at ward level and CDSs at zonal level. NGOs who work with different groups of people could be roped in to help the city plan, implement and monitor all schemes that have an impact on the poor.

Processes

- All proposed policies, programmes, projects and schemes need to be publicized giving full data and details to those going to be affected by them. The rationale and justification for the decisions should also be explained. Consultations should be held with the affected persons and their feedback and suggestions sought. If suggestions are not being accepted, reasons for rejecting the same need to be assigned. Final drafts should also be placed in public domain, objections sought and then only finalized.
- Civil society can be involved in training of councillors, ward committee members, community development societies, neighbourhood groups and committees, in conducting the interactions, in following-up on decisions taken and in creating awareness about the final products.

1. Background

BBMP is concerned about the situation of the urban poor in the City and the services being provided to them by various agencies like BDA, KSCB, KUIDFC, BESCO, BWSSB etc. Some basic questions it is seeking answers to include:

- Who are the urban poor?
- What are the parameters for categorising the urban poor?
- What services and facilities are reaching and not reaching the poor?
- Why are resources not reaching the poor? And
- How should BBMP's policies be framed in order to reach resources to the poor?
- What schemes are being planned & implemented by different agencies and how to integrate these various agencies/schemes to achieve maximum output?

2. Purpose and Scope

While a full-fledged study is proposed for the period 2008-2009, a preliminary exercise needs to be undertaken, on the basis of which the scope and parameters for the detailed study would be identified.

BBMP has approached CIVIC Bangalore to do this preliminary exercise and together they have agreed on these terms of reference [TOR].

The larger study has three components to it:

1. Community perspective from the viewpoint of the urban poor - this is what is hoped CIVIC can provide.
2. City planning with an urban poor perspective - right now the social fabric perspective is missing from plans.
3. Economic perspective - meaning what kind of investments need to be made and how to raise the resources for it.

CIVIC is not expected to provide much input about how to raise resources, etc. though it could be a component in the detailed study.

3. Methodology

The preliminary exercise will not involve any primary data collection, but rather information on the basis of secondary data, and CIVIC's knowledge of, and access to, various sources, governmental and through civil society – the community especially. In order to update this information, CIVIC will have to meet key persons in government and city NGOs and also have focus group discussions with slum communities.

Secondary data - Some sources

- Data and information from census, departmental and NFHS data, KHDR, local surveys, histories
- Official documents (KSCB, BBMP, KUIDFC, RMP 2015, City Profile under CDP/JnNURM etc) and plans that refer to city's slum types and poverty, including national laws, city ordinances, programme statements, or other documentation
- Other research, consultancy and academic literature on slums and poverty in the city, Slum Study of CIVIC/Janasahyog

The draft report will be shared and discussed at a meeting of representatives of all stakeholders, i.e., the communities, NGOs and service providers. CIVIC will finalise the report after this consultation.

The final report will be available for use by all the above stakeholders.

4. Aspects to be covered

The following aspects of slums will be studied:

- Legal issues related to slums
- Access to land and land tenure
- Housing
- Water and sanitation
- SWM and environmental issues (pollution)
- PDS
- Child care
- Primary education
- Primary health care
- Skills, employment & training
- Access to credit and marketing
- Social security
- Parks and playgrounds
- Transport
- Law and order
- Political power, participation, dignity and respect.
- Organisation, leadership, the power to bargain/negotiate position, networking capabilities, conflict resolution

5. Key activities:

- Survey of existing literature
- Preparation of outline for focus group discussions
- Identification of slum communities for focus groups discussions
- Conducting focus group discussions
- Coordination/interaction with various agencies for relevant data (e.g. BBMP, KSCB, BSUP, KUIDFC, BDA etc)
- Preparation of case studies and draft report
- Preparation of final report

6. Deliverable

The deliverable from the study is a detailed report covering the following aspects

- Urban poor in BBMP – numbers, size, demographics (based on the secondary data & other sources)
- Present policies of categorization of urban poor, merits, deficiencies, policy intervention required
- Status of governance, service delivery, administration outreach to urban poor (ref Section 5 above)
- Summary of resources being allocated, spent and indicative outcome
- Policy interventions for improving the BBMP outreach to urban poor including improving governance, administration, service delivery, community involvement, optimizing outcomes from all programmes
- The above-mentioned contents shall be supported by case studies in at least 2 or 3 of the selected pilot slums

7. Duration

The study must be completed by the end of May 2008.

8. Budget

The total budget for the preliminary study is rupees two and a half lakhs [Rs. 2.50 lakhs].

- An advance of rupees one lakh [Rs. 1.0 lakh] will be given at the beginning of the study based on the submission of inception report & activity chart & timeframe document to CDSUS Project Cell.
- A second payment of rupees one lakh and twenty-five thousand [Rs. 1.25 lakh] will be given before the consultation on the draft report and upon submission of the draft report to CDSUS Project Cell.
- The final payment of rupees twenty-five thousand [Rs. 25,000] will be made upon submission of the final report to the CDSUS Project cell.

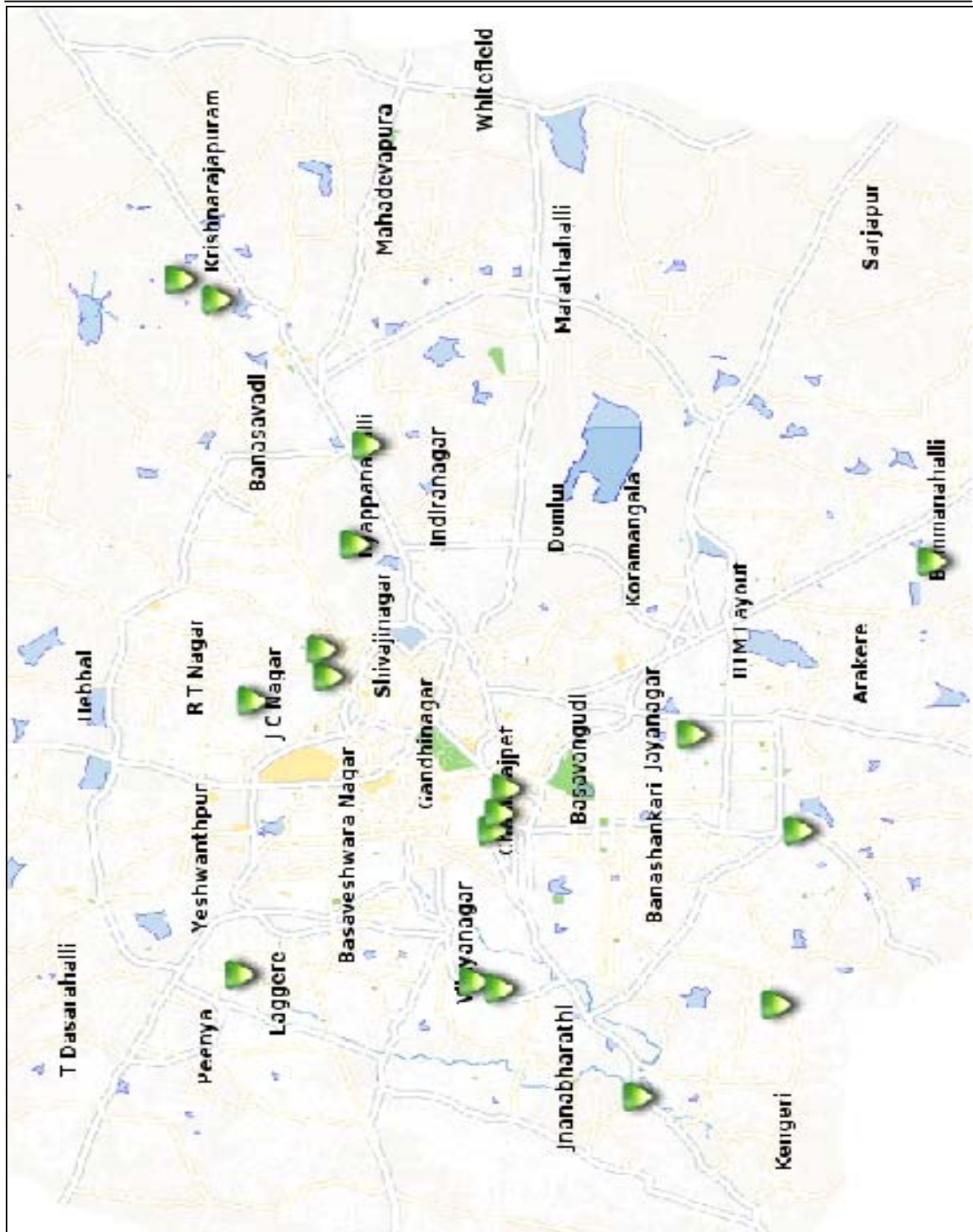
9. Terms & Conditions:

- The entire activity has to be completed within 30 days from the date of inception. Extension of time if any should be duly approved by the Project Head, CDSUS Project, BBMP.
- A detailed activity chart and timeframe of the pilot study has to be presented at the beginning of the project to the CDSUS Project Cell for recording all the activities & make necessary payments.
- A weekly progress report of the activities to be submitted to the CDSUS Project Cell for effective monitoring & reviewing the progress of pilot study
- The CDSUS Project Cell may take appropriate action in case the agency abandons the project or does not carry out the activities satisfactorily

Annexure II: Locations of FGDs

SLUM	Ward	Area	Status	Number of houses	Population
JARAGANAHALLI	56	Kanakapura Main Road	Urban Homeless	25	125
BHUVANESHWARI NAGAR	CMC	Utharahalli	Undeclared	500	1950
MCT QUARTERS	41	Mysore Road	Declared	272	1160
INDIRAGANDHI COLONY	58	Jayangara 9th Block	Undeclared	186	1864
GULBARGA	CMC	Bommanahalli	Undeclared	320	1860
RPC LAYOUT	34	Vijayanagara	Notified	230	1500
KSB QUARTERS	34	Vijayanagara Hosahalli	Declared	300	1500
JAIBHUVANESHWARI NAGARA	11	Nandini Layout	Declared	2100	10000
DODDANNA NAGARA	93	Kavalbairasandra/ DJHalli	Declared	200	1500
PK COLONY	90	Frazer town	Declared	177	900
GAJENDRA NAGAR	84	Byappanahalli	Declared	560	3200
SANJAY GANDHI NAGAR	84	Byappanahalli	Declared	450	2700
SANJAY NAGAR	CMC	K R Puram	Declared	350	1463
KR PURAM	CMC	K R Puram	Urban Homeless	40	160
CEMENT COLONY	48	J C ROAD	Declared	125	950
DESIA NAGAR	90	Cocstown	Declared	116	695
BAKSHI GARDEN	30	KR Market	Declared	120	800
JALLI MOHALLA	30	KR Market	Undeclared	45	2000
AKKIYAPPA GARDEN	2	Yeshwanthpur	Declared	532	2541

Annexure III – Map of locations where the FGDs were held



Annexure IV – Pictures of FGDs



Men's group -Jaraganahalli - Urban Homeless



Youth group -Jaraganahalli - Urban Homeless



Women's group - Jaraganahalli - Urban Homeless



Children's group - Gajendra Nagar



Women's group - Gajendranagar



Women's group - Sanjay Gandhi Nagara



Children's group - Jaibhuvaneshwarinagar



Women's group - Jaibhuvaneshvaringar



Youth group - Jaibhuvaneshwarinagar



Leader's - Jaibhuvaneshwrinagar



Children's group - Cement Colony



Women's group - Cement Colony



Youth group - Cement Colony



Men's group - Cement Colony

Annexure V - Discussion on the draft

Date: 1st July 2008 at Shikshakara Sadana

CIVIC made presentations on each issue and facilitated the discussion.



Key points that were raised/suggested:

On poverty:

- Include 'Urban Homeless' in the title as they are the most important section that needs attention.
- A definite set of criteria needs to be evolved to identify the poor.

On land and housing:

- Land sharing concept (TDR) is a failure. It has only created multi-storied slums. This only allows 80% land grabbing by developers.
- Government has recovered 40,000 hectares of land. 90% of this land has to be earmarked to bridge the 90% backlog in land requirement of the poor.
- Repealing the Urban Land Ceiling Act has made land inaccessible to the poor. It should be brought back.
- Issue land titles to the poor first.
- Don't impose multi-storied houses.
- Under NURM vacant land is bought to construct car parking. Why the poor are not considered first.
- 20% land must be reserved on area basis. Not on number of sites basis.
- Create transit homes for old, single.
- Reserve land for the homeless.

On food:

- Cancel Unit system
- Special cards to HIV infected
- All children to be covered under PDS, they are the most insecure and vulnerable.

On water:

- To the urban homeless provide a public tap or hand pump. Provide tankers once in three days.
- A separate section/department to deal with the urban poor is needed.
- Review the bore-well policy.
- Exclusive water adalats need to be held for slums and urban homeless.
- Include water as human right in urban water and sanitation policy.
- Storage policy – limit the amount of storage.

On health:

- Like DOTS for TB, complete solutions to HIV, sugar and such complex diseases must be provided with consultation in PHCs.
- No government doctor should be allowed to practice in private.
- All the list of drugs available must be displayed.
- Health policies relevant to local situations must be framed.
- No transparency in the operation of PHCs. Schemes are not disclosed. When NGOs approach government wishing to run the schemes, 25% cut is asked for.
- Waste from the affluent area is dumped in the localities of the poor.
- Better HR needs to be put in place in hospitals. Currently the poor are treated as outcastes when claiming service is their right.

On education:

- International standard government residential schools to be created to accommodate children from slums.
- Budgetary allocation is too little.
- 12 departments are given responsibility to rescue children from labour. Yet the menace is flourishing.
- Education is a fundamental right. No PPP should be allowed.
- Implement Kothari Commission recommendations.

On social security:

- Labour welfare board: cumbersome procedures, unnecessary monthly registration is followed. No awareness on the labour laws imparted to the labourers. **To deliver 1 rupee government spends 6 rupees.**
- Most of the grants go back unutilized. This wouldn't happen if the planning was bottom-up and rigorous monitoring process was in place.
- Need to review all the schemes and their appropriateness as of today.
- Need to check the role of Information Department.
- While the regular Pourakarmikas get Rs.8000 and above, the contracted ones (who are about 25000 in number) get daily wages which amount to about Rs.2000.

CIVIC said it would incorporate the above points in the relevant sections. It was also agreed that a second draft would be floated after adding today's feedback and everyone would study the second draft from their locations, share it with the communities and finally input their second round of suggestions. The points from this further input would also be included in the report.

List of participants on 1st July 2008 for discussion on the draft

Sl. No	Name of the participant	Representing the organization/slum/settlement
1	Anitha	GRACE
2	Anselm Rosario	MSSS
3	Bhagyalakshmi	Paraspara Trust
4	Bosco Anthony	GRACE
5	Geetha	V N K
6	Harish Kumar	CIVIC
7	Hemavathi	BOSCO
8	Indira	CIVIC
9	Jayalakshmi	Gilgal
10	Jayanthi	Gilgal
11	Jhansi	BOSCO
12	Laxmidevi	Odanata Seva Samsthe
13	Laxmikantha	CIVIC
14	M Dhanalaxmi	Vidyanikethana
15	M Haseena	TRUST
16	M Mahadevi	Paraspara Trust
17	M Srinivas	CDSUS, BBMP
18	K Manjula	Gilgal
19	Nagaraj	Vidanikethana
20	Narendra Kumar	Paraspara Trust
21	P Lakshapathi	APSA
22	Padmavathi	Mythri
23	Pramila	M S S S
24	P Pramila	TRUST
25	Radha	I P D P
26	Rama Chendruppa	Bridge Network (M S S S)

27	Rama murthi	I P D P
28	Ramadevi	APSA
30	Ramamurthy	CIVIC
31	Ranganath	Paraspara Trust
32	Rathnajaya	CURDS
33	Roothamma	CURDS
34	S B Uday Kumar	S V K Trust
35	Saroja	Jeevan Public Trust
36	Savithri	BOSCO
37	Selvi	Mythri
38	Shabana	APSA
39	Shanthi	Mythri
40	Dr. R. Padmini	CIVIC
41	Kathyayini Chamaraj	CIVIC
42	Manjulika Vaz	CIVIC
43	Srinivas	I PDP
44	Sumithra	Vidyanikethana
45	T O Sampath	Gilgal
50	Veerabhadriah	CURDS
51	Venkatesh	APSA
52	S Venkatesh	CIVIC
53	K D Venkatesh	CIVIC
54	Vijaya	GRACE

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