**Undermining RAY**

**By Kathyayini Chamaraj**

The Rajiv Awas Yojana recognises the right to land and security of tenure of the urban poor, requires slums to be redeveloped or upgraded in-situ, and mandates community participation in rehousing plans. Then why are slum-dwellers federations in Karnataka rejecting the scheme and governments continuing to push for one-size-fits-all multi-storeyed housing and PPP models?



Not long ago, in 2013, 1,512 tin sheds belonging to slum-dwellers living on EWS (economically weaker section) land in Ejipura, Bangalore, were bulldozed, leaving over 5,000 people homeless. While the state moved with alacrity against the poor, no such speed was displayed in following up on more affluent looters of lakhs of acres of public lands in Karnataka identified by a legislative committee and taskforce. Here there have been no bulldozers, no lathi charges, no evictions, arrests, or seizure of lands by the zealous, law-enforcing state.

Forced evictions without ‘prior informed consent’, adequate alternatives and compensation are considered illegal, unjust and a gross violation of human rights, according to international law. The Bangalore evictions happened despite the rolling out of the Rajiv Awas Yojana (RAY), a new central government scheme aimed at providing housing for all, in 2011.

Nearly 96% of the housing shortage in the city is among economically weaker sections and lower income groups even as thousands of luxurious skyscrapers lie vacant, waiting for speculators to invest in them as second or third homes.

The Rajiv Awas Yojana (RAY) was introduced as an improved version of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) which preceded it. The Centre took note of a number of gaps in implementation of the JNNURM, as highlighted by civil society, and incorporated certain corrective measures in the new scheme.

RAY took important recognition of the right to land and security of tenure of the urban poor. Earlier, slum-dwellers in Bangalore would refuse to vacate their dwellings to enable redevelopment of their land as they were not given written assurance of a house at the redeveloped site by the state. RAY required that a ‘letter of intent’ guaranteeing a house to each identified beneficiary be given before people were asked to leave the land. Countering perpetual complaints by the states about shortages of land for the poor, the new scheme called on states to mandatorily set up land banks for economically weaker sections.

JNNURM required states to pass laws reserving 15% of land or 25% of dwellings in every new public/private housing project for lower income groups and the economically weak. Many states failed to do so. RAY called on states to make this reservation during the preparatory stage itself, between 2011 and 2013. Noting the states’ reluctance to offer ownership rights to slum-dwellers, RAY asked states to legislate mortgage able property rights to slum-dwellers. Unlike JNNURM, where often a ‘one-size-fits-all’ model of multi-storeyed housing was imposed on slum-dwellers, RAY mandated that communities be consulted and plans drawn up with their informed consent, through associations, housing societies or cooperatives. While under JNNURM there was no option of giving ‘rights to a piece of land’, which is what most slum-dwellers wanted, RAY sent a ‘model law on property rights to slum-dwellers’ to the states, defining a ‘dwelling place’ as either a dwelling unit or ‘a piece of land’ which would allow slum-dwellers to own land and build houses on their own if the states so legislated.

To stop states from pushing slum-dwellers off prime land in the city centre to the city’s peripheries and cutting them off from their sources of livelihood, RAY required slums to be redeveloped or upgraded in-situ. Relocation was to be the last resort only for slums on ‘untenable’ land -- those on lake beds, along stormwater drains, etc. Taking note of the state authorities’ callousness in evicting slum-dwellers without providing them transit housing during the period of redevelopment, RAY recognised the right to transit housing.

Under JNNURM, slum-dwellers could not be given soft loans to raise their contribution amount of 10-20%. This forced many to seek out moneylenders with their high rates of interest. RAY came up with various measures linking slum-dwellers to low-interest loan schemes.

The much-maligned Slum Redevelopment Authority (SRA) model adopted in recent years to supplement provision of housing to economically weaker sections and lower income groups through public private partnerships (PPP) involved giving away about 50% of the land occupied by slum-dwellers to a builder for commercial development. In Ejipura, for instance, 50% of the land was handed over to a private builder for construction of a mall. The builder, in return, would build free high-rises with over 10 floors for the slum-dwellers. This reduced the already meagre 1-2% of urban land occupied by slum-dwellers to just 0.5-1%, and brought about a greater densification of their areas. There is no mention of this PPP model under RAY. Instead, an Affordable Housing Policy was announced which spelt out how the private sector would be incentivised with tax exemptions, easy credit and subsidies to invest in housing for the economically weak and low income groups. Nothing is mentioned about a portion of land to be given for commercial development.



However, the initial guidelines for RAY did not offer financial assistance to the states to acquire or purchase land to house the poor. And so, states could simply throw up their hands and say they could not afford to pay for land, limiting the number of slums that could be rehabilitated. Another weak point was, and remains, the absence of a decisive policy to provide social rental housing for short-term migrants to cities who do not wish to own a house but still cannot afford the market rate for rents. The Centre should have studied social rental housing schemes in other countries where the state provides subsidies on rent to poor/needy tenants, or alternatively, subsidises landlords who rent their houses at less-than-the-market rate to state-identified poor/needy households.

Despite the many favourable provisions in RAY, government officials in Karnataka still push multi-storeyed housing, PPP models and the right to tenure for dwelling units only, not pieces of land, on slum-dwellers. They failed to pass laws on land reservation for the economically weak in all housing projects and also the Property Rights to Slum-Dwellers Act. Instead, they busied themselves preparing detailed project reports for individual projects. No slum-level committees were formed involving slum-dwellers in the planning of projects despite elaborate guidelines prepared by the Centre for community participation and preparation of Slum-Free City Action Plans. Token ‘capacity-building programmes’ were conducted in Bangalore for municipal commissioners and officials who subsequently returned to their cities to carry on ‘business as usual’. No NGOs or slum-dwellers associations were invited to the so-called capacity-building exercises.

Even as activist Medha Patkar welcomed RAY, slum-dwellers federations in Karnataka mobilised slum-dwellers to reject the scheme, a job made easy as no awareness programmes on exactly what was contained in RAY’s many guidelines were ever conducted. The slum-dwellers went only by what municipal officials told them. Narasimha Murthy, President, Slum Janandalona-Karnataka, said: “GIS is being done under RAY to identify the locations of slums which can be evicted so that land is handed over to the real estate mafia and builders. There is no provision under RAY to give slum-dwellers land to build their own houses or to give them property rights to the land. We do not want either the government or builders to build our houses for us. Let them just give us the land and we will build our own houses.”

Ramachandra, a member of Slum Janandalona-Karnataka, from Hospet, Bellary district, said: “Under the Affordable Housing Policy, all slum-dwellers are being made to buy houses from private builders, and tax exemptions, incentives and subsidies are being given to the builders to build these houses to enable them to make runaway profits at the cost of the slum-dwellers. This is an abdication of government responsibility of enabling the poor to build their own houses. No more grants will be given under RAY to slum-dwellers to build their own houses.”

Social activist Rajendran Prabhakar said: “It is a scheme to push all slum-dwellers to the city periphery, deprive them of their livelihood and make cities beautiful and slum-free.” Isaac Arul Selva of Slum Jagattu added: “The capacity-building of the municipal cadre to implement RAY is being done with the intention of creating a cadre capable of identifying all slum-dwellers with Aadhar numbers and hounding them out. We want the state government instead to implement its own Slum Act and other circulars issued over time promising property rights to slum-dwellers.”

Similar violations of RAY guidelines have been recorded from other states in a multi-state study of pilot projects under RAY done by Simpreet Singh and Raju Bhise of Ghar Bachao Ghar Banao Andolan. According to the study, consultants prepared detailed project reports (DPRs) in Madhya Pradesh and no new survey was done for RAY. Meanwhile, money was taken from the central government and shown to be utilised for the survey. For most cities in Madhya Pradesh, RAY projects propose multi-storeyed dwelling units, something that is rejected by the slum-dwellers as their demand has always been: *‘Hamari Chhat, Hamara Makan’* (our house, our roof).

In the recent past, thousands of slum-dwellers have been evicted in Ahmedabad under the Sabarmati River Front Development Scheme, in Surat for development of the Tapi river, and to make way for BRTS. Removal of slums for Aji river development in Rajkot was also being considered.

The understanding of ‘tenable’ and ‘non-tenable’ in Ranchi is such that old villages are considered ‘tenable’, and households living on rent and communities situated on government or private land considered ‘non-tenable’. As a result of this classification, many households have been rendered ineligible in spite of being eligible, depriving them of the benefits of in-situ development.

Although slum-dwellers in 25 Mumbai slums did demand implementation of RAY, the state government or urban local body had not agreed to their demand at the time of writing this report. A major area of contention has been the issue of a cut-off date (1995); the state government had not agreed to extend it to 2009 at the time of the study.

Bhubaneswar Municipal Corporation surveyed a total of 377 slums in the city, of which 56 were recognised by the BMC as tenable and the rest as non-tenable. The criterion for the 56 slums being tenable and the rest untenable was that the former were notified slums, the latter non-notified. This is against the guidelines issued for preparing the Slum-Free City Plan of Action. In Bhubaneswar, the proposed relocation site (Rangamatia) was 15 km away from the main city. The land was being used by local villagers for their yearly cultural activities, hence there was strong opposition to the move. Further, relocation of residents from non-tenable slums 15 km away from the city would have seriously jeopardised their livelihoods. In Uttar Pradesh, the Uttar Pradesh Property Rights to Slum-Dwellers Bill was not available in the public domain.

In Lucknow, under USHA, a comprehensive slum profile and household and livelihood survey that was supposed to be initiated, was not done properly. A plan of action (PoA) was being formulated without the survey being completed. Kukral Nala in Lucknow was considered untenable when the slums were present; after the slums were removed the land was deemed tenable.

Everywhere, efforts at building relationships with community members were undermined. Indeed, participation and acceptance would have been higher had there been greater awareness and education about RAY in the communities.
Dunu Roy from the Hazards Centre, and a member of India Habitat Forum (INHAF), says: “Lately, the state has become very adept at taking the words of 'activists' (contained in documents sent to them as petitions and appeals) and putting them into documents so that they sound very progressive. Eventually, though, the interpretation is left to the state authorities, and they can argue about things like 'shortage of land' and 'value addition' and 'cities as engines of growth' and 'returns on investment'. I would be happy to go through the Model Property Rights Bill as well as the RAY guidelines word-by-word to show how context determines the actual outcomes.”

Anita Reddy, founder of the Association for Voluntary Action and Services (AVAS), which has enabled several award-winning housing projects by giving land rights to slum-dwellers to build their own houses, says: “For all its forward steps RAY seems to have gone backwards because of the context and interpretation, and the way the authorities in each state want to see it. Very conveniently, states are creating their own wraps, so to say, and therefore they are holding the proverbial Damocles sword over the heads of the poor, with what could have been a potentially good tool instead.”

In October 2013, following alleged pressure by state governments on the central ministry, revised guidelines for RAY were issued that nullify the good points of the initial guidelines. Whereas earlier all projects were to be planned in consultation with slum-dwellers, now material considerations have crept in and PPPs with commercial development have been made mandatory where land values are high or of a medium level: “The slums and vacant lands will need to be further classified into sub-categories based on the land ownership information and land value (market price) to decide the redevelopment model to be followed for each slum pocket within the zone. Slums that can be developed on the PPP model will be given preference.” Cooperatives of slum-dwellers to design their own houses will be allowed only where the land is of low value.

Kirtee Shah, President, India Habitat Forum, says: “I made presentations on RAY to both the secretary, HUPA, and then President of India Pratibha Patil that the early idea -- of giving property rights (land rights) to slum-dwellers -- had lots of merit and strength and that the watered-down later version would go nowhere, solve no problem, make no city slum-free. The time is ripe to tell the government why RAY offers no hope. I am doing so at every conceivable opportunity I get.”

“In my letters to the government, I have defined ‘property’. The early idea saw property as land for slum-dwellers. Cities, municipalities and consultants have inflated the role of multi-floor apartments. That is because they think there is not enough land and also because formal housing means projects and contracts and money, not only for contractors and businessmen but also for NGOs. Ask some NGOs that are building such apartment buildings how much money they earn building them as contractors under special -- and favoured -- conditions. I have it from the horse’s mouth that the amount runs into tens of crores. Therefore who will argue for land as a property right for slum-dwellers under RAY?”

Shah continues: “With property rights entitling facilitation and in-situ slum improvement as a housing improvement strategy, RAY will go far. In any other way, it will fumble. Flats for slum-dwellers will remain traditional tokenism. It will not ensure cities without slums as you will only be dealing with a small number. Slum-formation being an on-going process, more slums will come up even as you build and give away flats. It is a zero-sum game, a losing proposition at all ends, for all concerned.”

Wherever slum-dwellers and their associations have been made aware of the RAY guidelines they have successfully demanded their right to land and single-dwelling housing. Ramachandra of Hospet says their informed struggle has resulted in the municipality preparing a DPR for 630 single houses for slum-dwellers to be financed under RAY. N P Samy of the Karnataka Kolageri Nivasigala Samyukta Sanghatane (Karnataka Slum-Dwellers Federation) and member of INHAF supports this view and adds that wherever slum-dwellers have demanded the right to land and single housing, they have been able to realise it.

Will state governments demonstrate the political will to implement the good points in RAY to make our cities truly slum-free? Or will they continue their longstanding callousness towards the poor? Will the spokespersons leading the slum-dwellers movements empower them to engage with the state government and demand that the state eschew faulty PPP models and instead implement the various progressive measures laid out in RAY?

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