

Odisha round table meeting on - Status of Rajiv Awas Yojana (RAY) & Housing rights

Date: 22 & 23 January, 2013

Objective:-

- To understand the issues related with Ray and housing Rights at ground level and prepare a recommendation and design plan of action for intervention in Odisha with community based organization, people's institutions and non government organization.

- **Participants:** People involved in movement and working with slum dwellers were invited to participate in the workshop and share their ground experiences and challenges, and fence in the execution in the city. Participants from Bhubaneswar, Kalahandi, Baripada, Baleswar, Puri and Joda district presented their ground experiences in relation to Ray and R& R

Status of RAY:-

Issues:-

- ❑ According to the Bhubaneswar Municipal Corporation (BMC) survey there are 377 slums in the city, out of which 56 slums have been recognized by the BMC as teneable and the rest are non - teneable. There is no specific provision under RAY in connection to in-situ for the non teneable slums, and there is a plan to shift non teneable slum dwellers in vertical structures (multi- storey building) outside the city, this has led to rise in insecurity within the people.

- ❑ In Bhubaneswar and other cities as well the non teneable communities have no entitlement rights, no access to basic services neither are they provided with any basic services.

- ❑ The state government has made the Odisha state property right bill but the state assembly is yet to pass the bill. Simpreet Singh member of the National Urban Struggle Committee (NUSC) in his critique to the Odisha property Rights to slum dwellers and prevention of new slums Act 2012 stated that the ACT does not even mention those slums dwellers that are in- eligible, does that mean they should be evicted and rendered homeless? The central government Model Act mentions that "Every person living in a slum area who is in-eligible under sub-section (1) shall be provided with an all weather built space to live in, with provision of all basic civic services and other infrastructure facilities, which may be on rental basis at the same site as the eligible slum dwellers or

elsewhere, so that no slum family is left living in a slum like condition and the whole slum can be redeveloped as per the provisions of the this Act”.

- ❑ Bhubaneswar Municipal Corporation is presently carrying out MIS and GIS mapping and survey of the slum. However the findings of the survey are yet to be shared with the communities.
- ❑ Community people are opposing the survey under RAY because the institution carrying out the survey are not working in the given communities and hence there seems to be lack of trust, there has been no efforts put in building relationship with community members and representative. Had the people known the institution, probably the participation and acceptance would be high. Awareness and education on RAY seems to be lacking in communities. At the same time there is a big question mark on the organizations carrying out the survey in terms of their time and resources.
- ❑ There is a need to develop democratic functioning mechanism between the Community leaders and community members, such mechanism is non existent at the moment and therefore a strong need is felt for community organizing and facilitation.
- ❑ There is no clarity on the rehabilitation policy on the issue of tenable and non-tenable (where, how) on community level, there seems to be no space available to discuss the issue and so far it is unclear as to which person is accountable for the same which is also leading to insecurity within the community.

Forced eviction & R&R:-

Issues:-

- ❑ In Kalahandi district of Odisha, corporation has evicted slums in the town for the beautification and widening of the national highway and has relocated them 8 km outside the town. The corporation is yet to do proper rehabilitation of the evicted slums, there is no proper facility of water and electricity, people are facing problem in commuting to the town every day to earn their livelihood, as mentioned in the policy there should be proper transportation facilities for this evicted slum colony. Discussion on their livelihood has been totally neglected.

- ❑ In Baripada district government has ordered eviction for the Madhuban cluster by serving them a written notice. But there is no mention of rehabilitation and relocation of the cluster.
- ❑ In Baleswar district government has relocated the slums of 600 households 3 km outside the town, but the government has not provided any civic services and schools for the children in the colony, this has resulted in high rate of boys & girls dropping out of the school.
- ❑ In the Joda district, government is building Kanpur Dam on river and a local authority is trying to displace the slums situated on the riverbank .This particular slum community has no voter ID and ration card, because of which they are unable to demand a house and other civic services provided under the rehabilitation and relocation programme.
- ❑ Rangamatia is 15 km away from the main city. The Bhubaneswar Corporation has plans to make colonies for non-teneable slums, however the piece of land earmarked for rehabilitating the slum community is used by the villagers to conduct its yearly cultural activities hence people of Rangamatia are strongly opposing this plan, they are not ready to in come in terms with the fact that outsiders will be occupying their land. Mr. Shyam Sunder Sahoo, a community member and member of local municipal corporator Madan mohan sethi shared that there is also the issue of livelihood of the non teneable slums, they will be relocated far from the main city. The vertical structures do not take into account the livelihood and occupation of the people and the effect it will have on them. Such kind of relocation creates tension in the permanent resident and the non teneable slums communities, which could flare up into community conflicts and have larger impact on the long run leading to permanent fissures within the community, it is violation of UN Basic principles and guidelines on development –based evictions and displacement.
- ❑ The government seems to be more interested in relocating non teneable slum colony than to develop them under in-situ development, this is not favorable or acceptable by the cluster people because it is affecting their livelihood and cost of commuting to the city to earn their livelihood.
- ❑ The prepared Master Plan has recorded teneable slums but the non teneable slums are totally excluded from the records, there are large number of slums on reserved land (land meant for other purposes) which makes it difficult for the authorities to develop the land under in-situ. The government itself does not have the required understanding and knowledge on de- reserving land from the reserved category in order to carry out in-situ development. There is a need to shift/release reservations of land to other places and defining non-teneable in order to develop in-situ for non-teneable slum communities.

- ❑ There is a slum colony existing in the city of Bhubaneswar for rickshaw pullers since 1960, they were settled here by the government and also charged a rent. At present the slum has not been recognized under RAY policy, the corporation has gone ahead and issued notice for the eviction without any rehabilitation plan. People are demanding for the inclusion of their slum colony under RAY and demanding to conduct a survey of the slum and prepare a plan for the settlement either in-situ or relocate them as per the RAY policy.
- ❑ We met Mr. Brajabandhu Pradhan, and Dr. Prafulo Mahapatra one of the activists working on the issues of slum dwellers of Puri which was followed by a visit to Goda bazaar basti near Puri railway station. The slums here have existed since last 30 to 40 years. Almost 1000 people living in these slums come from Andhra Pradesh; they are being evicted by the railway authorities due to expansion of railway station.
- ❑ So far three notices have been sent to slum dwellers and both the communities as well as activist have agitated on several occasions to stop eviction, they have even approached the Commissioner for rehabilitation but the commissioner has expressed his inability to do so due to shortage of land in Puri. However they have agreed to pay enough compensation to people to buy or build a house. The slum dwellers had filed a case in the civil court in Puri and were awarded judgment favoring them; the railway authorities from their side have filed case in High court. The people of Goda basti are demanding that they be included under RAY and in-situ development plan, if the same is not possible than to rehabilitate them within 1 km of the area of the present slum and rehabilitation as per RAY policy.
- ❑ In a meeting with President of Puri Municipality, Smt.Santilata Pardhan, we were told that Puri has 46 slums out of which 16 slums have been approved for up gradation under RAY, names of two slums Boriganta and Partigatia slum have been sent for Pilot project to the central government. She also added that the government has asked for two more names for the pilot project and they are in the process of finalizing the same.
- ❑ On the issue of Goda basti, she shared that the said land belongs to the railway authority and efforts were made to get that land from the railway authority but they refused because they will use the land for the expansion of the railway station. Here too there is an issue of tenable and non tenable slums and the question of rehabilitation of slums located on central government land, which is the case in other parts of the country as well, Since the policy has been brought by Central Government, there is a need for all the concerned department to release land for in-situ development in order to implement the policy.
- ❑ We also had a meeting with Mr. L.P. Mishra, Planning Engineer of Puri Konark Development Authority, According to him, Puri Master Plan is in process of being

formulated and only notification of the space is left. The consulting organization for the Master Plan is CEPT Ahmedabad. The planning engineer has no idea about the process of releasing reserved land for the housing neither are they aware of 2.5% reservation of land for the Vending zone. The process of consultation with people has not even started.

- ❑ The 74th amendment states planning should involve community people and organization; however people's participation seems to be lacking and needs to be addressed. Therefore consultation on Existing Land Use (ELU), growth and projection analysis and finally land use distribution in Master Plan are 3 process in which people's active participation is needed along with incorporating local economy and peoples needs to the land use policy. RAY states that 20- 25% of land to be reserved for urban poor or economic poor and the street vendors policy speaks of reserving 2.5% of land for vending and incorporate the same in the Development Plan. It is imperative that planners keep this in mind and incorporate the same in the master plan for its effective implementation.
- ❑ On our visit to Cuttuck, we met Sheikh Abdullah, Secretary, Dalit Adivasi Ekta Manch, Chandni Chowk in Tulsipur , Taula Sahi Basti. He shared with us that in Cuttuck there are 400 slums both big and small, Cuttuck. Municipal Corporation has recognized only 256 slums. In Tulsipur Taula Sahi Basti total number of household is 240 and almost 2000 population living here belongs to Schedule Caste. This slum is approximately 150 year old. In year 2011, the Commissioner of Cuttuck Municipal Corporation launched a scheme for the housing and infrastructure development of the slum by laying a foundation stone at the entry of the slum.
- ❑ The state government had sanctioned an amount of 14 crore for the first time followed by a grant of 20 crore the second time on both occasion the amount was returned back by the Cuttuck Municipal Corporation. This case clearly suggest that monitoring and fixing accountability is necessary, if the process is not being implemented on time then there is need to fix responsibility. At present people here are demanding the up gradation of slums under RAY, they have been given flats but are demanding that they be given 300 sq ft constructed house on land having one room, kitchen, bathroom and verandah because in order to earn their livelihood they keep cattle which they are unable to accommodate in flat or in a multistorey building.
- ❑ Our second visit was to a slum named Jai Maa Mangla Shahi Basti. This basti is 50 years old and accommodates 150 families, we met Geeta Naik and Seeta Devi who live in the slum, and they shared their experiences with us. One fine day they said, the Municipal Corporation evicted their slum in the morning without any notification and sealed and destroyed all their households' utensils, they constructed multistorey quarters for the government doctors on the slum land and relocated them outside the city near river

bank, in monsoon season their houses get submerged into the water, they had no choice but to return back to their old place, they continue living on the road side in small huts living in a insecure and hazardous place. Now, the slum dwellers are demanding for their settlement under RAY with proper rehabilitation and basic services.

- ❑ Rehabilitation has not been done in spite of court order; the community has struggled to get order for rehabilitation from the High Court. “The authorities are quick to evict us on receiving court order, but the same authorities choose not to act or work at snail pace on receiving court order for rehabilitation “said Seeta Devi. There needs to be legal provision in such cases in order to fix time frame for rehabilitation, if the process is not moving a cognizable offence should be registered and authorities need to be punished for the same.

Following are some of the suggestion and recommendation that emerged from the two days discussion in the round table meeting.

Housing: -

- ✓ The government should pass the Odisha gazette bill in the assembly.
- ✓ To include each and every slums (teneable and non-teneable) of the city under RAY for the up gradation of the slums under in-situ development plan.
- ✓ To give the recognition to the slum dwellers - there should be equal civic services for all the people living in a one periphery of the city.
- ✓ There should be no discrimination of the slums on the basis tenable and non teneable category.
- ✓ Issue identity proof like Voter ID, Ration card to each and every slum dwellers of the city before starting the survey process..
- ✓ The slums that are in existence till 4th June 2009, should be included under RAY and eviction should be stopped in those slums
- ✓ Apart from the data collection, the survey should also focus on the inclusion and participation of the people
- ✓ The main focus of the government should be in-situ development of the slum. If the land belongs to other department then all efforts must be made to release that land from the particular department and compensate slum dwellers by providing land or compensatory cash and do in-situ development.

- ✓ The relocation of the slum should be within one kilometer of the area. So that it does not affect the livelihood of slum dwellers.
- ✓ There is a need for proper rehabilitations of the slum dwellers by providing them transport services, provision of school in near by area, provide civic services like water supply, proper house with the roof, kitchen, bathroom, sewer and drainage facility. Slum dwellers should also get compensation in relocation or rehabilitation.
- ✓ There should be no eviction without any rehabilitation or relocation and acceptance of slum dwellers. Development of rehabilitation plan should be according to RAY.
- ✓ The monetary contribution of slum households should be zero in RAY, because slum households cannot pay that much amount to government, even after borrowing credit from bank or credit agency.
- ✓ There should be proper formation and training of the RAY team at the district level as well as in the community level.
- ✓ There is a need of proper survey and discussion before relocating one slum to other place where local people are living, because there is a higher chance of non-acceptance of the new people in the slum or in village towns/city, which may, cause law and order problem, as is seen in the case of Rangamatia colony.

Plan of Action:-

- ❖ Creating awareness on RAY in cities by community organization and NGOs on the issue of tenebale and non tenable by working together.
- ❖ To provide inputs in form of recommendation and suggestions on Orissa property rights bill to government and other political parties.
- ❖ Communicating the findings of Eviction, R&R and Ray implementation findings to Urban poverty alleviation ministry so as to initiate dialogue through the National Urban Struggle Committee (NUSC).

- ❖ Letter to Puri Konark Development Authority in relation to land reservation for urban poor, 20 % housing for Economic weaker section (EWS), participation of the people and recommendation by local organization to be communicated for initiating a dialogue with the authorities.