

Basic Services to Urban Poor (BSUP) and Measure of Social Change

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1. Background

Urban local bodies (ULBs) in India are traditionally mandated to undertake certain basic civic functions like water supply, roads, drains, street lighting and sanitation. They also perform certain regulatory functions like issue of trade licences, regulation of land use, issue of building permissions and removal of encroachments etc. The local bodies used to look after the infrastructural services and the social and livelihood aspects of the residents have been left to the residents themselves. The migration of rural people to urban areas during mid-70s and mushrooming of slums made the Governments and ULBs to ponder deeply on the needs of urban poor (including social inputs of health, literacy, livelihood and security) and rehabilitation of slum areas/poorer settlements in the municipal areas.

2. Government interventions

The result is centre's intervention in addressing the urban poor and making the following programmes.

- Urban Basic Services (UBS)
- Urban Basic Services for Poor (UBSP)
- Nehru Rozgar Yojana (NRY)
- Prime Minister's Integrated Urban Poverty Eradication Programme (PMIUPEP)
- Swarna Jayanthi Shahari Rozgar Yojana (SJSRY)
- Jawaharlal Nehru National Urban Renewal Mission (JNNURM)
- Valmiki Ambedkar Awas Yojana (VAMBAY)
- Rajiv Awas Yojana (RAY)
- National Urban Livelihood Mission (NULM)

These programmes covered various aspects of urban poor including slum improvement, livelihood programmes, primary health and education needs, social security measures and housing needs. The ULBs have implemented these programmes on the executive instructions of government.

Apart from the central intervention, states have also initiated various urban poverty related activities and most of them relate to

- Environmental Improvement of Urban Slums (EIUS)
- Issue of house site pattas
- Weaker section housing programmes
- SC/ST/BC/Minorities Welfare programmes
- Subsidy under various SC/ST/BC Finance Corporations

The 74th Constitution Amendment Act (CAA), 1992 added 'slum improvement and upgradation' and 'urban poverty alleviation' to the list of ULB functions. This resulted in all states amending the respective municipal laws and made the ULBs responsible to perform these two functions. Institutional arrangements have also been made at the municipal level to attend these activities. In some states, state level institutions have also been constituted to look after the urban poverty issues.

Urban poverty is multidimensional in its character and to address for its alleviation needs integrated approach. Various assumptions emerged all these years about alleviation of poverty and basic services to urban poor. They included, among others, tenurial rights of occupied space, low cost housing, physical infrastructure of settlement, social infrastructure in the settlement, livelihood options, social security measures, primary health and literacy programmes etc. But definite areas to address urban poverty or basic services to urban poor have been spelt out in JNNURM.

3. Jawaharlal Nehru National Urban Renewal Mission (JNNURM)

Jawaharlal Nehru National Urban Renewal Mission (JNNURM) launched during 2005-06 was the single largest Central Government initiative in the urban sector with ambitious goals of (a) improving the existing services in a financially sustainable manner, and (b) ensuring improvement in urban governance and service delivery. The duration of the programme was seven years initially, but later extended to 2014-15. It was extended to 63 Mission cities across the country. Thrust areas of the project, among others, include urban infrastructure and basic services for urban poor (BSUP).

The Mission had two sub-missions (i) Urban Infrastructure and Governance (UIG) and (ii) Basic services for urban poor (BSUP). The Mission was also extended to non-mission cities and they also had two sub-missions as in the case of mission cities. The corresponding two sub-missions in non mission cities were (i) Urban Infrastructure Development Scheme for Small & Medium Towns (UIDSSMT) and (ii) Integrated Housing and Slum Development Programme (IHSDP).

The UIG and UIDSSMT, apart from infrastructure development had a reform agenda. These reforms are mandatory (to access funds) and optional and apply to States and ULBs. Some of the reforms include:

- *Internal earmarking within local body budgets for basic services to the urban poor*
- *Provision of basic services to urban poor including security of tenure at affordable prices*
- *Earmarking at least 20-25% of developed land in all housing projects for EWS and LIG category with a system of cross subsidization.*

4. BSUP Sub-Mission

The BSUP sub-mission had focused attention towards integrated development of basic services to the urban poor in the cities covered under the Mission. The basic services to urban poor as per JNNURM guidelines was a seven-point charter which included

- i. Security of tenure at affordable prices
- ii. Improved housing
- iii. Water supply
- iv. Sanitation
- v. Education
- vi. Health, and
- vii. Social security.

Care would be taken to see that the urban poor are provided housing near their place of occupation. Effective linkage between asset creation and asset management would be secured so that the basic services to the urban poor created in the cities are not only maintained efficiently but also become self-sustaining over time. It is also proposed that adequate investment of funds would be ensured to fulfil deficiencies in the basic services to the urban poor. The sub-mission also envisaged scaling up delivery of civic amenities and provision of utilities with emphasis on universal access to urban poor. The main thrust of the sub-mission on BSUP was on integrated development of slums through projects for providing shelter, basic services and other related civic amenities with a view to provide utilities to the urban poor.

The sub-mission on Basic Services to the Urban Poor should cover the following components

- i. Integrated development of slums, i.e., housing and development of infrastructure projects in the slums
- ii. Projects involving development/improvement/maintenance of basic services to the urban poor
- iii. Slum improvement and rehabilitation projects
- iv. Projects on water supply/sewerage/drainage, community toilets/baths, etc.
- v. Houses at affordable costs for slum dwellers/ urban poor/EWS/LIG categories
- vi. Construction and improvements of drains/storm water drains
- vii. Environmental improvement of slums and solid waste management
- viii. Street lighting
- ix. Civic amenities like community halls, child care centers, etc.
- x. Operation and maintenance of assets created under this component.
- xi. Convergence of health, education and social security schemes for the urban poor

5. BSUP and Reforms

Under BSUP, the reforms contemplated and critical to slum improvement are three in number. They are:

(i) Internal earmarking within ULB budgets for basic services to the urban poor, eventually developing a BSUP Fund, so that adequate resources are available for meeting the needs of the urban poor;

(ii) Provision of basic services to the urban poor including security of tenure at affordable prices, improved housing, water supply, sanitation and ensuring delivery of other already existing universal services of the government for education, health and social security in a time-bound manner; and

(iii) Earmarking at least 20-25% of developed land in all housing projects (both public and private agencies) for EWS/LIG category with a system of cross-subsidization so that land is available for affordable housing for the urban poor.

It is also mentioned that the release of central assistance to States under the Sub-Mission on BSUP is linked to the progress of implementation of the three (3) pro-poor reforms under JNNURM that are critical to slum improvement. One of the outcomes of the Mission would be that all urban poor people would be able to obtain access to a basic level of urban services.

6. Security of tenure and improved housing

With this background, the paper deals with security of tenure at affordable prices and improved housing, which are critical measures of social change.

The objective of BSUP is to reduce urban poverty in cities and towns that participate in the programme within the context of urban policy reform. Any urban investment project where finances are involved should be socially and environmentally sound and sustainable. The environmental safeguards relate to land and land use, flora and fauna, air environment, noise environment, water environment and natural habitat. On the other hand, the social safeguards should address that the persons affected do not suffer from adverse impacts and retain their previous standard of living, earning capacity and production levels.

The social impacts on the people cover loss of land, built-up property, productive assets, livelihood, access to civic services and common/social properties. The basic objective of reducing poverty levels should coincide with improving quality of life through implementing reforms in urban governance and investment in urban infrastructure. Infrastructure investment, though being critical input in urban development, it has some social issues related to land and other assets that may result in displacement and other adverse impacts.

Therefore, while designing a project, the basic principles to guide are that there should be minimum disturbance of land and efforts to be made to utilise government/ municipal land before going for private land.

7. Land and State Government

”Land that is to say right in or over land, land tenures, land improvement etc. ” is covered under Item 18 of List II – State List of Schedule VII of Constitution of India; and in terms of Art.246 of the Constitution, the State Government has to take policy decision in the matter. ‘Slums’ do form on ‘land’ and therefore any policy decision on ‘slums’ has to be taken by State Government.

The State has to formulate a policy on slum-free cities through comprehensive reconstruction of the existing slums, both in terms of housing and infrastructure facilities. It has also to take a policy decision to assign property rights and tenement rights to the identified slum dwellers. Further, the State has also to take action for implementing various developmental measures to improve the social status of slum dwellers. In effect, the State has to take measures for identification, redevelopment and rehabilitation of slum areas.

8. Slums and Slum area

As a first step, ‘slum and slum area’ in the municipal area has to be defined and identified. Generally, areas which are source of danger to the health, safety and convenience of the occupants by reason of being low lying, insanitary, squalid, and overcrowded; areas having unhygienic conditions resulting unfit for safe living; and the buildings in the area, whether temporary or permanent to be used for human habitation are unfit due to lack of ventilation, light or sanitation are considered as “slum areas”. The ULB has to identify all the slum areas in the municipal area and notify them formally.

9. Key Social Measure

As discussed above, the key social measure under BSUP is that a slum dweller should not be evicted and rendered shelter-less without providing him an alternate site for accommodation or for shifting his dwelling or other facility.

10. Assigning property right

A slum dweller need be assigned with property right over the land occupied by him subject to certain reasonable ceiling (about 60-80 square yards) in the slum area notified. In case, vertical development is proposed in the slum, the slum dweller need be provided a building space of about 500-600 sft. Certain conditions may be stipulated

- The slum should lie on state government/municipal land
- The slum should not be on any objectionable land (objectionable from the point of dangerous location, environment, planning etc.)
- The slum dweller does not own any land or dwelling house in the municipal area either in his name or in the name of any of his family members
- The slum dweller may be identified by production of (i) registered deed, (ii) electricity receipt (iii) any tax receipt (iv) house-hold ration card (v) voter identity card or any other authoritative document
- The property right be assigned in favour of female member of slum dweller’s family
- The property right is not transferable for a specified period (say 10-15 years), but can be mortgageable to enable to have access of credit facility.

11. Development of slums

The development of slum may take place in two ways.

- In-situ development, if the slum do not fall in any objectionable area
- Rehabilitation of slum dwellers to other places, if the slum area falls in any objectionable area.

12. In-situ Development

Keeping in view the overall public health and safety measures, minimum planning standards with regard to approach roads, lanes and bye-lanes; and provision of basic services like water supply, drainage and electricity etc. , the slum areas may be redeveloped.

After redevelopment (in-situ development) of slum area as per approved layout, property rights (land or building space) would be formally conferred on the slum dwellers. While approving the layout, the community should be consulted and their views be taken into account. During the course of redevelopment of the slum area, transit accommodation need be provided to the slum dwellers.

13. Rehabilitation

Slum areas which cannot be developed in-situ in view of objectionable nature of land, they have to be rehabilitated in other places. In such case, land owned by state government or municipality available for the purpose of rehabilitation has to be identified initially. In case suitable government or municipal lands are not available, suitable private patta lands be acquired through private negotiations or under Land Acquisition Act, 2013.

If slum areas are located on lands owned by private pattadars and the land is not objectionable, action should be taken to acquire the land through private negotiation or land acquisition act.

Once the land is identified, a detailed layout plan for development of the area need be prepared and executed. During this stage, an intensive public participation need be organised and the views of the community need be taken. This exercise complies the social requirement of the exercise. After execution of development of land, action has to be taken for shifting of slum dwellers into the rehabilitation area. They will also be assigned with the property right. After the slum dwellers are resettled at the rehabilitation area, the structures built upon objectionable lands would be removed and the land would be handed over to the concerned department for safe custody.

14. Prevention of future growth of slum areas

It is also necessary to take action to prevent future growth of slums and ensure adequate supply of land to meet the housing needs of the urban poor. The following measures are suggested for the purpose:

- Land and building space for economically weaker sections and low income groups of persons in new housing projects of both public and private agencies may be earmarked
- Land for economically weaker sections and low income groups of persons may be reserved wherever government land is allotted to various organizations or institutions for development of works space or industries, or institutions etc.
- Incentives in the form of additional floor area, change of land use, concession in fees and charges etc. may be provided to any developer who undertakes rental housing projects for urban poor
- Incentives in the form of provision of trunk infrastructure, land use change, concession in conversion fee, lay out fee and development charges etc., may be provided where weaker section housing/plotting is taken up in high density zones and at major traffic nodes.

Secondly, it is also necessary to ensure that the owner or developer or builder or agency undertaking the development shall reserve and earmark the land to such extent; or housing units at such percentage as prescribed to economically weaker sections and low income groups of persons in any town planning scheme or group housing scheme.

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