

Citizen's Charter of Demands



We, the delegates of Civil Society Organizations, Youth Groups, City Makers, Academicians, Practitioners and Activists are submitting this charter of demands for your kind perusal and urge you to implement the following concerns.



1. National policy on urban homelessness:

NULM-SUH is the only scheme and we need a more robust policy mechanism-We urge that a National Policy on Urban Homeless be developed by the Ministry of Housing and Urban Affairs. The ultimate aim of the policy should be to safeguard the Right to Life and Livelihoods of the Urban Homeless

2. Shelters are not a solution to homelessness -

need bigger linkage to housing policy and urban policy - We urge to include provisions, specifically related to 'adequate permanent housing for the urban homeless', in the National Urban Housing and Habitat Policy (NUHHP), 2007 and mandate all State Governments and Union Territories to include similar provisions in their State Urban Housing and Habitat Policy (SUHHP).

3. Recognizing homeless people as most marginalized section and hence be prioritized for inclusion -

Homeless as city makers should be identified and recognized in the convergence (PMAY & STATE SPECIFIC) of new schemes and should be seen as a priority to have provisions for them not just limiting to shelters but linking them to schemes related to health, education, housing and legal aid.

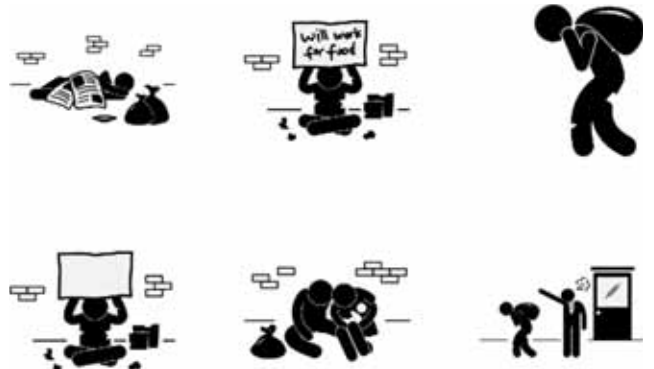
4. Homeless to be given identity and access to all welfare schemes - We urge that this should be taken into priority in order to give them right to the city and citizenship. This has always acted as a deterrent for them to receive and rightfully access the basic infrastructure.

5. No evictions of the homeless - The lens of criminalization of homeless should stop. In order to be successful in this sensitization of public and law enforcement agencies, it is necessary to engage with homeless.

6. Including Homeless in Master Plan and Smart City - Master plan should amend the provisions of homeless as specified in the city level plans for homeless in NULM and SUH.

7. Capacity building of state and city level agencies on homelessness - The government should play an important role in debunking the ensuing discrimination homeless face. Hence, active engagement in capacitating agencies working on homeless is needed.

8. Better prioritized implementation of NULM SUH: While schemes like SCAMRUT get all the attention, NULM SUH is in the back burner- The wave of new schemes and policies can see that the spirit of NULM and SUH being bypassed. The ongoing schemes should have the space to adopt the provisions of NULM, SUH and work forward from there.



DEMANDS



1. Full Implementation of Supreme Court Judgment: We urge to fully implement the direction of the Honourable Supreme Court based on the PIL filed by the National Campaign Committee for Central Legislation (NCC-CL) on Construction Labour. All the directions should be implemented in letter and spirit by Central and State Governments.

2. De-merger of BOCW Acts from the proposed Labour Codes: We urge to de-merge the BOCW with the proposed Labour codes. Merging of BOCW Acts will result in stoppage of benefits to lakhs of construction workers across India. Also, labour codes are being implemented in haste and without much consultation.

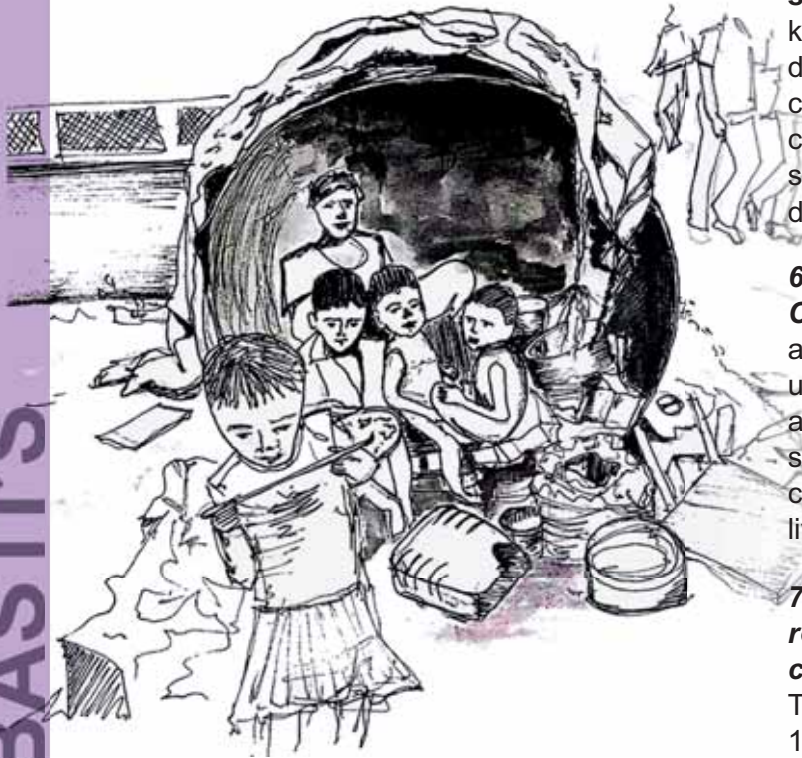
3. Registration of All Construction Workers: We urge for registration of all construction workers and the establishments by the respective State governments in a fair and transparent process. NGOs should be involved in the process.

4. Improvement in the Cess Collection Machinery: We urge that the cess collection guidelines be implemented effectively. Currently, there are many flaws in the collection of cess at State level due to which many construction workers are not able to reap its benefits.

5. Model scheme to be prepared and implemented with portability of Construction Worker Registration No. and portability of benefits across all states: We urge to include Mandatory Pension provision in the model scheme framed by DGLW and provision of medical benefits through ESI. Similarly, portability of all benefits for construction workers should be portable across all states in the country.

6. Social Audit of BOCW Act: We urge to conduct a social audit of the BOCW Welfare boards and district offices once in every two years. We demand that social audit guidelines and framework that has already been submitted to DGLW be implemented in-toto.





1. Zero evictions policy; Under no circumstances can services be stopped and not provided - We urge that no Slum Dwellers/Resident be evicted from his/her current place of residence without his/her consent. We also urge that all the State governments introduce favourable policies in this regard and take sincere efforts. We also urge all the State governments to follow their respective eviction policy, which sadly is not being followed in many States.

2. Land rights to be given to the slum dwellers - basti people - We urge that all the slum dwellers are provided ownership of the land and all the state governments take favourable measures and provide all kinds of required support to Slum Dwellers in acclaiming the ownership of the land.

3. Slums on railways & Cantonment lands to be given rights to development - There are various landowning authorities and the slums within are restricted to services, ownership, and development. This inherent contradiction should be taken away when there are popular claims of 'housing for all'.

4. Introduce a specific scheme for the development / improvement of informal settlements - A separate scheme/policy should be brought into for improvement/development of informal settlement. This should go beyond the notions of PMAY redevelopment or BLC components and focus on a settlement level upgradation.

5. Housing to be expanded in the current schemes like PMAY - The spectrum of various kinds of housing should be included in the PMAY definition of housing. This should not only stick to census definition of material, size etc. Hostel, auto constructed houses, migrant workers housing etc should seek a place in the spirit of PMAY document.

6. There cannot be any cut-off dates: the Centre should pass an order guideline - Cities are seen as engine of growth in the same light as urbanization as a means of development. Citizens are continuously moving and settling in cities for shelter, livelihood, better services etc. Hence, the cut-off dates contradict this movement and right to live within the city, delimiting their citizenship.

7. Master plans to ensure that 15% of land is reserved for lower income housing, with connection to annual income of the people - The housing units built in cities should ensure that 15 percent of land is for city residents for whom affordability is an issue. Hence, a median of annual income of the city residents should be fed into the prices of the housing unit. All the slums should be marked as residential zone in existing or coming Master Plan.

8. To ensure policy convergence with other schemes like SBM, SCM - New schemes and policies like Swacch Bharat Mission and Smart City Mission should include and acknowledge the inclusivity claim that is strongly put forward in their documents. SCM, SBM etc should ensure, while implementing their mission objectives, that it does not lead to evictions of slums rather thinks of how to include them in the fabric of Indian cities. Hence, institutional improvement or less preferably redevelopment of the slums, with community participation, should be mandated in their mission objectives.

9. Constitute a committee to monitor housing and slum improvement in India - We urge to set up a different committee that looks into the process of slum improvement in India. This would ensure the materiality, location, livelihood aspect of the improvement and rehabilitation projects will be taken up. Moreover, this is to ensure that the standards are maintained as per the geographical needs.



1. Stop Criminalization of Waste Pickers and ensure their right to Waste (Livelihood) -

There have been increasing instances of criminalization of waste pickers and their access to livelihoods being restricted under the alibi of implementation of schemes and policies. We urge to Identify and Enumerate waste-pickers and informal waste collectors in all cities and towns and issue them occupational Identity Cards, and also guarantee the right to Waste.

2. Need for an elaborate Social Protection System -

There is a need to have an elaborate social protection system / policy for waste pickers, who are the most marginalized amongst the working groups in urban areas. This should look at especially their children and other dependent family members. Necessary skill trainings and access to finance needs to be effectively provided so as to aid Waste Pickers in earning their dignified livelihoods.

3. Urgent Implementation of SWM 2016 Rules -

The Solid Waste Management (SWM) 2016 Rules provided a detailed timeline to the State and ULBs to effectively implement the progressive SWM rules that came after numerous public consultations. We urge for a renewed effort to effectively monitor the adoption of SWM rules for a transparent and effective implementation.

4. Decentralizing Waste Management -

Setting up of a decentralized dry waste collection centres in all cities, as done in cities of Bengaluru and Pune. Also, involve waste-pickers and informal waste collectors in the operations of these centres. A stricter monitoring is also needed for segregation and making local composting compulsory for bulk waste generators.

5. Pursue a 3-way segregation of waste - Dry waste (recyclables, low and no value inert waste), Wet (organic) waste and Sanitary/hazardous waste and include waste-pickers in segregated waste collection as prescribed by MSW guidelines 2016. Involve waste-pickers and informal waste collectors as an important professional partner in processing of organic waste i.e. composting, operations of bio-methanization units.

6. Planning for Solid Waste Management in the Cities and Master Plans -

Currently, places of work and livelihoods are being destroyed under the guise of beautification and development, ignoring the ecological and decentralized waste management systems that exist. There is an urgent need to change the planning norms as per the directions in the MSW 2016 and amend the master plans in the cities for securing places of work, solid waste management, of the waste pickers.

7. Special housing scheme for waste-pickers or amalgamation within state / central schemes -

In the existing provisions of State and Central schemes there is no linkage of housing with livelihoods. Housing of waste-pickers should be considerate of employment/livelihood needs of waste-pickers and informal waste collectors. Also, there should be provisioning of space for sorting and storing of waste.

8. Capacity building of Public and Civic Agencies -

We urge to invest more on raising awareness on segregation and decentralization of SWM and the need for locally handling the waste, particularly targeting the wider public and ULBs to effectively manage the waste locally. There is also a need to accord positive recognition to the waste pickers in the society and recognize their contribution to keeping our cities clean and environment healthy.

9. Supporting Waste Picker Collectives-

Facilitate viability gap funding to support micro enterprises of waste-pickers and informal waste collectors to expand their business and not companies claiming to handle solid waste management effectively. Create safe and secure marketplace for scrap business, a recycling hub, and minimize the need for dumping site and incinerators.

DEMANDS



STREET VENDORS

1. No evictions of Street Vendors - In spite of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 being passed, evictions and harassment of street vendors continue to be a daily routine. The act clearly spells out that under no circumstances street vendors can be 'evicted/ removed', and only be 'regulated' and also 'protected'. We urge that no street vendors are evicted from their current place of business/vending along with efforts should be taken in promoting to preserve and restore the natural markets in our Indian cities.

2. Transparent and accurate implementation of Street Vendors Act 2014 - Since 2014, it is amply visible that even after a progressive law in favour of Street Vendors, the State apparatus has failed to recognize and bestow the rights to street vendors in India. The various rules, schemes passed by States and ULBS are clearly contradictory to the SV Act's spirit. We urge for an efficient implementation of THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014 across all the States with effective monitoring and support from the Centre.

3. Town Vending Committees to be elected and not selected - The SV Act's foundation of governance is the TVC, that is representative of street vendors who are elected, wider civil that is nominated and state representatives, who together effectively implement the SV Act. It is noticed that TVCs are now being completely nominated as per the convenience of the ULBs and thereby sabotaging the foundational democratic representation of street vendors in regulation of street vending.

4. All Street Vendors have to be Surveyed - Surveys carried out by the ULBs cannot cherry pick street vendors based on their time, location, kind of vending and their proof of street vending. Surveys have to ensure that ALL Street Vendors are enumerated for proper implementation of the Law. Needless to say, surveys are to be carried to under the supervision of TVCs with support from ULBs, unlike now where agencies are carrying out faulty surveys.

5. Identification of Vending and Non Vending Zones: We urge that the Vending and the Non -

Vending zones in every city can ONLY be decided by the TVCs via a transparent and effective process and not arbitrarily, based on earlier Court directives and decisions by ULBs and the state agencies.

6. Link Street Vendors with Schemes: Street Vendors are not benefitting from the many schemes that exist today, Smart Cities Mission, PMAY and other urban schemes. They ignore their existence and are the reasons for their evictions. We urge to include all the Street Vendors with the existing Schemes in their respective States and Central policies. And if need be, to create schemes only for Street Vendors. Sincere efforts should be made by all the State governments to link all the street vendors with social security schemes, medical benefits, basic amenities such as storage, toilets, drinking water etc, link with PMAY and skill development and pension and provident fund. We also request for an allocation of 5% of the Shahri Rojgar Yojana (SJSRY) to the street vendors.

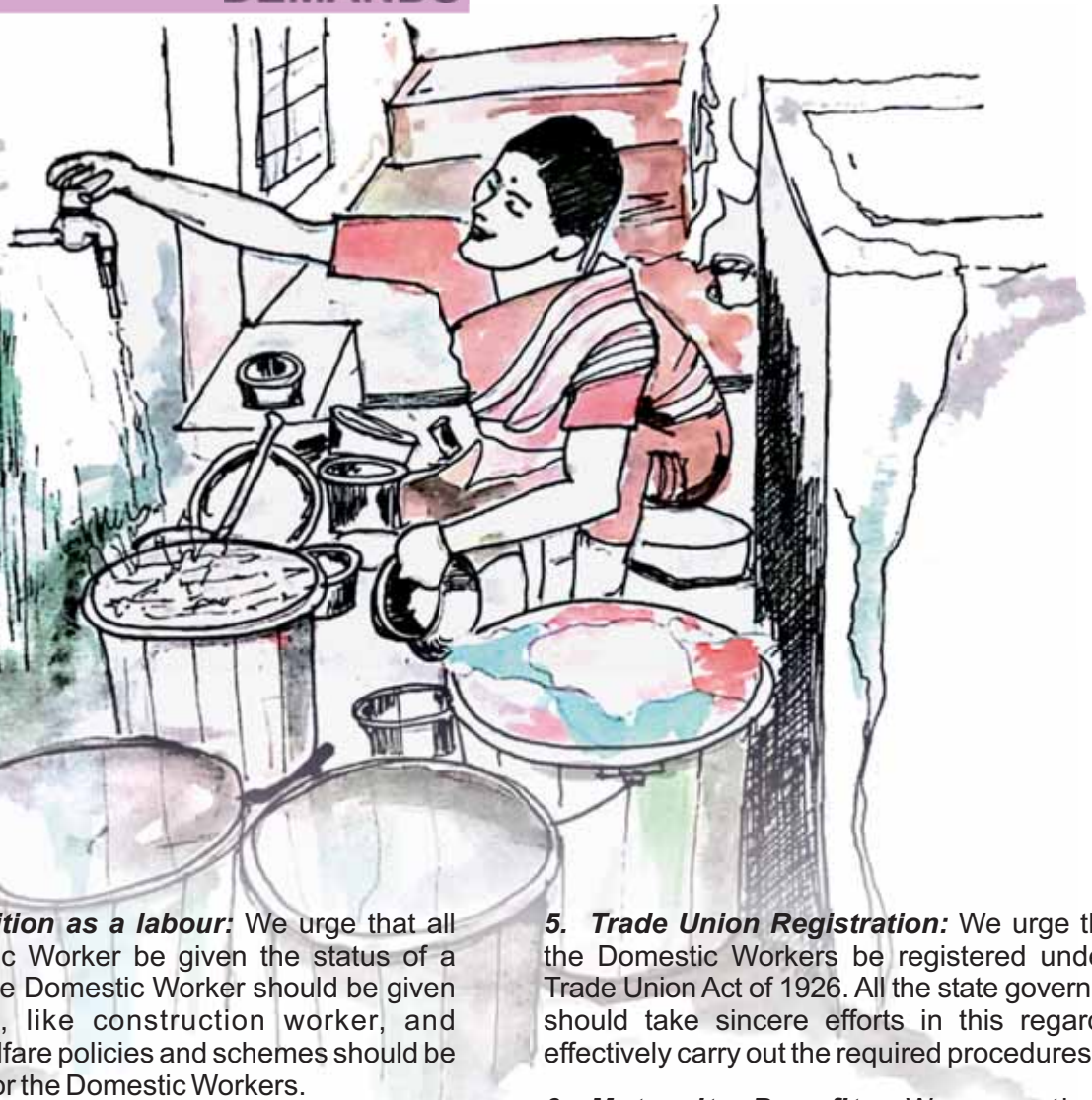
7. Amendment of all Master Plans in ULBs - The SV Act 2014 ensures space for 2.5% population of cities to the street vendors. This also requires that all existing Master Plans and other planning documents/ schemes need to be amended to ensure space for street vendors as stipulated in the Act. This of course needs to be decided with the consultation of TVCs intervention.

8. Capacity building of State, City Governments and TVCs - The Act, since 2014, has not percolated into the state of its effective implementation and there is an urgent need to capacitate the actors and street vendors in TVCs on their rights, duties and responsibilities.

9. All the communications from the ULBs should be in their regional languages - To make the street vendors an active participant in the TVC meeting, preference should be given to the language of the street vendors and not the government officials who use English for the purpose of communication.

10. Setting up a National Level Monitoring Committee: We urge to set-up a National and State level Monitoring committees to effectively monitor and guide and to implement effectively the SV Act 2014 for the benefit of Street Vendors across the country.





1. Recognition as a labour: We urge that all the Domestic Worker be given the status of a labour. All the Domestic Worker should be given recognition, like construction worker, and separate welfare policies and schemes should be introduced for the Domestic Workers.

2. Registration of Domestic Workers: We urge that all the domestic workers in all the states be registered under the Welfare Board of Unorganised Sector Workers of 2008 Act and implementation of Existing and sincere efforts be made in carrying out the process along with the NGOs. We also urge to issue valid identity Cards and compulsory registration of Employer, Domestic Workers and Placement agency by the mechanism of Welfare Board through the enactment of Comprehensive Legislation.

3. Guaranteed Minimum Wages: We also urge that all the Domestic Workers get minimum wages as per the State specific law. To effectively implement the provision, we urge all the State governments to issue a circular making the minimum wages mandatory and also include them in the schedule of employment in respective states.

4. Social Welfare Department: We demand for the establishment of tripartite Board as proper management which looks after the Social Security of Domestic Workers as well as make a Centralised record of Domestic Workers to stop the exploitation and child labour in the sector. Social Audit of the same should be held once every two years.

5. Trade Union Registration: We urge that all the Domestic Workers be registered under the Trade Union Act of 1926. All the state governments should take sincere efforts in this regard and effectively carry out the required procedures.

6. Maternity Benefits: We urge that the provisions of maternity benefit be made available to all the domestic workers and should be compulsorily mandated in all the states. All the domestic workers should be allowed to take maternity leaves as per the Maternity Benefit Amendment Act, 2017.

7. Enactment and implementation of existing schemes and Act: We demand for the amendment of the existing Act of Domestic Workers which have been in states such as Maharashtra and Chhattisgarh and also demand to seek a resolution of Central Legislation for Domestic Workers from the States Assembly of States such as Jharkhand, Chhattisgarh, Assam, and West Bengal & Odisha. We urge for establishment of Complaint Committee under Sexual Harassment Act and consider Domestic Workers under its ambit.

8. Setting up monitoring Committee for minor domestic workers - We demand to constitute a monitoring Committee in all the States/UTs level to capacitate Child Welfare Committee in order to monitor the condition of Minor Domestic Workers and ensure proper rehabilitation mechanism.



सत्यमेव जयते

1. Devolution of powers to ULB'S: We urge that in reference to XII schedule functions as delineated in 74th CAA, the local bodies should have the financial and political freedom to perform to perform. States should ensure that the ULB are given the support to reach desired level of capacity. It is also expected that crucial municipal functions, like Urban Planning, require considerable capacity building and empowerment of the ULBs themselves.

2. New schemes should take into note the functions of ULB - New schemes and policies from the Centre cannot ignore the 74 CAA, and should take consideration of the role of ULB. The role of ULB and Parastatals should be clarified and mandated by law. A binding legal clause should be there to ensure participation and contribution of ULBs. Parastatals as a mechanism should gradually be dismantled from the urban centres and powers be passed on to the local elected bodies.

3. No to SPVs and SEZs in Cities - All the schemes like Smart City, that propagates the need for Special Purpose Vehicles (SPVs), need to be amended and its functions be clubbed with existing ULBs. If need be, specific departments and wings can be created for speedier implementation, but it has to be housed with the urban elected governments.

4. Executive powers of Municipal corporation - This should be vested within an elected representative and not a bureaucrat nominated by the state. A limited term period with substantial period to function, rather than a one year or six months tenure should be ensured.

5. Financial Powers to ULB - ULBs should in their own discretion be able to set their own tax rates, fees, charges to generate their revenue for municipal budgets and its utilization.

6. City Planning powers to ULB - We urge closer participation between master plans and other city level plans or schemes related to urban planning We urge that master plans be accorded primacy and all other planning decisions / proposals feed into the master planning process. This only will ensure transparency and participation in planning process.

7. Urgently reconstituting Ward Committees - Reconstitution of ward committees in all the cities and states in the spirit of 74 CAA. This needs to be ensured by taking all the states into confidence and amending the existing laws that limit the same. Also, start to ensure and push for devolution of finances and powers to ward committees to influence municipal functioning positively.

8. The need to go beyond the 74 CAA - There is an urgent need to decentralize further to reach at mohalla and area sabha level to ensure participatory democracy. The Central government needs to take urgent steps to further devolve powers and functions to the local, area and mohalla sabhas and make them capacitated and empowered. (as the power of Mohalla Sabha & Samiti in Madhya Pradesh Patta Act)

9. Need for a Monitoring Committee - There is a need to constitute a monitoring committee at the Central level to keep a track of devolution of power to ULBs and assess the implementation of 74th CAA. This committee will also point out the needs for capacity building and empowerment of ULBs to function as local governments.