

UPA's next folly: right to housing, without a land bank

by [Seetha](#) Mar 14, 2013

So, after roti, it's going to be makaan.

There has been talk for some time now that the United Progressive Alliance (UPA) government is working on a right to housing legislation. Rural Development Minister Jairam Ramesh had made a commitment to this effect to the Ekta Parishad – a network of activist groups – last year, as it led a Jan Satyagraha march to Delhi in October last year.

One had hoped that saner voices in the government would nip this in the bud. But with elections looming in the horizon, sanity obviously goes out of the window. So Ramesh's ministry has finalised a draft National Right to Homestead Bill, 2013, the details of which have been published in [The Indian Express](#).

The highlights of the housing scheme are the following

- 1: Every landless and homeless poor family in rural areas will be entitled to a 'homestead' of not less than 10 cents" (0.1 acre, or 4,356 sq ft).
- 2: Homestead is a dwelling with adequate housing facilities. The definition of 'adequate' includes access to basic services (drinking water, electricity, roads and public transport), appropriate location, accessibility and cultural adequacy.
- 3: This right has to be enforced within five years of the enactment of the law.

When Finance Minister P Chidambaram unveiled a budget shorn of election-driven populist announcements, there were cynical predictions that this was merely to please rating agencies by providing a semblance of an effort at fiscal consolidation. And that pork barrel giveaways would resurface as we got closer to 2014. The cynics are being proven right. The Indian Express report says the Bill could be tabled in the monsoon session of Parliament.

Sure, it's unfortunate that India has close to 8 million homeless rural families. The Twelfth Plan working group on rural housing estimates the shortage in the Plan period (2012-17) at around 40 million. But is giving such families a right to housing the answer? There's reason to believe it isn't.

It's not as if the problem of homelessness has been ignored completely by policy makers. The Indira Awas Yojana (IAY) was started in 1985 to help below poverty line rural families build houses or upgrade existing kutcha houses. The central and state governments share the costs on a 75:25 formula.

In 2005 the UPA government brought it under the umbrella of its flagship Bharat Nirman scheme to give it extra support and thrust. Implementation of the scheme may have improved – achievement of targets has increased from 66 percent in 2007-08 to above 80 percent – but it has also been dogged by scams, with stories coming from as far as Assam and Kashmir, apart from Bihar and Odisha. There are irregularities in the selection of beneficiaries and the quality of construction has also been found to be extremely poor.

The IAY also has a provision for the government to provide land for families on its waiting list who don't have land. That's easier said than done. Where is the government going to get the land from? No doubt, from all the surplus land that state governments have acquired under various land reform legislations or donated under the Bhoodan movement started by Acharya Vinobha Bhave. But what is the record of such land being redistributed (which was the rationale behind the land ceiling laws and Bhoodan)?

Let me quote Ramesh's words back to him. "Five million acres has been pledged as part of the Bhoodan movement over the last 60 years but only 50 percent has actually been distributed...This is a land scam beyond everything, without any parallel," Ramesh said last year. (*See the report [here](#).*) A Land Reform Commission that Nitish Kumar appointed in Bihar also came to a similar conclusion.

Even in West Bengal, which is supposed to be a benchmark for implementation of land reforms, the iconic Operation Barga has not been as successful as it has been claimed to be. For every registered bargadar (sharecroppers who were given redistributed land) there are several unregistered ones. Land sharks and other goons have taken away land from people who got titles. Can Ramesh ensure that people who get land under his proposed law will not have it taken away, either forcibly or by subterfuge? Many of the landless have been allotted land, they have not got titles. It would be better for Ramesh to focus on that first, even though it is a state subject.

Forget land grabbers. The proposed law says it will give land to the landless. But the government can also take away land for public purposes. And its record of compensating those whose land is taken away (especially those with small patches of land) is abysmal, at best. There's an inherent contradiction here. Would it not be better to restore the right to property (abolished by the 44th Constitution Amendment in 1978) and enforce it?

These are reasons enough to conclude that a right to housing will be meaningless at best and a scam at the worst.

There's no point arguing that a scheme or an idea is good and that it is the implementation problem that needs fixing. Grand ideas, which are not practical to implement, are nothing

more than empty dreams. So long as they remain dreams, there's no problem. But when they become the basis of pushing through laws with huge financial implications for a country with a faltering economy, there's a very serious problem, indeed.

This whole rights-based entitlement approach of the UPA is hugely problematic.

There is ample evidence that each of the rights that it is championing – education, work, food and now housing – can be better achieved by means other than legislated guarantees. Ending the licence raj in education can ensure better access to schools, even for the poor. Unshackling agriculture and small rural and urban enterprises could generate more and productive jobs than NREGA. Ending distortions in the food economy can ensure that food stocks are managed more efficiently so that people don't go hungry.

But the record of the UPA in listening to voices of reason when it is set on reviving the *mai-baap* state is poor.

So what's the next right it will confer, as we move closer to 2014? Kapda?