

**THE ODISHA PROPERTY RIGHTS TO SLUM DWELLERS AND
PREVENTION OF NEW SLUMS BILL, 2012.**

**A
BILL**

**TO PROVIDE FOR THE IDENTIFICATION, REDEVELOPMENT,
REHABILITATION AND FOR PREVENTION OF SLUMS AND TO
PROVIDE RESIDENTIAL HOUSES WITH INFRASTRUCTURAL
FACILITIES, ASSIGNING PROPERTY RIGHTS TO IDENTIFIED SLUM
DWELLERS AND FOR MATTERS CONNECTED THEREWITH OR
INCIDENTAL THERE TO.**

**BE it enacted by the Legislature of the State of Odisha in the Sixty-
third Year of the Republic of India as follows:-**

Chapter I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the **Odisha Property Rights to Slum Dwellers and Prevention of New Slums Act, 2012.**
- (2) It extends to urban areas in the whole of the State of Odisha.
- (3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different urban area.

Definitions.

2. In this Act, unless the context otherwise requires,-

(1) **“Affordable cost”** means the cost determined by the State Slum Redevelopment and Rehabilitation Authority, from time to time, as the reasonable cost to be paid by the slum dweller for allotment of dwelling space;

(2) **“Apartment”** means apartment as defined in the Odisha Apartment Ownership Act, 1982.

(3) **“basic urban services”** means services of drinking water supply and sanitation, drainage, sewerage, solid waste disposal and street lighting;

(4) **“Building”** includes a house or dwelling unit, out-house, stable, shed, hut and other enclosure or structure, whether of masonry bricks, wood, mud, metal or any other material whatsoever, whether used as human dwelling or otherwise; and also includes balconies, fixed platforms, plinths, door-steps, electric meters, walls including compound walls and fencing and the like, but does not include fixtures, furniture and equipment in a building;

(5) **“Built-up Area”** means the entire built-up area of a dwelling unit, including carpet area, walls and balconies, but excluding common areas;

(6) **“Collector”** means the Collector of a district and includes Additional Collector or any officer specially appointed by the State Government to perform the functions of a Collector under this Act;

(7) **“Developer”** means any person who is engaged in constructing Apartment / Group Housing;

(8) **“Development Authority”** means an Authority constituted under section 3 for a development area under the Odisha Development Authority Act, 1982.

(9) **“Dwelling Space”** means a dwelling unit or a piece of land for construction of a dwelling unit;

(10) **“Dwelling Unit”** means an all weather single unit or a unit in a multi-storeyed super structure with basic urban services;

Odisha
Act 1 of
1984

(11) **“EWS”** means an economically weaker section beneficiary whose household income is upto the limit prescribed by the Government from time to time;

(12) **“EWS unit”** means an economically weaker section dwelling unit which would have a typical carpet area for 25 square meters or as may be revised by the Government from time to time;

(13) **“family”** means husband, wife, unmarried son, unmarried daughter or any other person related by blood and wholly dependent on the slum dweller;

(14) **“Financial Institution”** means any company possessing, licence under the Banking Regulation Act, 1949 to carry on banking business and includes a Housing Finance Institution which has obtained certificate of registration under the National Housing Bank Act, 1987;

10 of 1949

53 of 1987

(15) **“Floor Area Ratio”** means the area that can be constructed on a piece of land divided by the total area of the land;

(16) **“Government Land”** means any land owned or acquired by the State Government or its undertakings or the Urban Local Bodies or Development Authorities or Regional Improvement Trusts or Special Planning Authorities situated in a district or urban areas as the case may be;

(17) **“Grievance Redressal Committee”** means the Committee constituted under Sub-section (2) of section 6 of the Act;

(18) **“Group Housing”** means housing for more than four dwelling units, where land is owned jointly (as in the case of cooperative societies or public agencies, such as local authorities and housing board) and the construction is undertaken by a common agency;

(19) **“In-situ slum redevelopment”** means the process of redevelopment of existing slum areas by providing dwelling space and other basic civic and infrastructural services to the slum dwellers, on the land on which the slum is based;

(20) **“Land”** includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(21) **“Landless Person”** means a person who does not own either in his own name or in the name of any member of his family any dwelling unit or land in an urban area in the state of Odisha or elsewhere in the country;

(22) **“Land Use”** means the use of land in comprehensive development plan or zonal development plan or town plan or master plan or any other plan as may be applicable;

(23) **“LIG”** means Lower Income Group whose household income is upto the limit prescribed by the Government from time to time;

(24) “**LIG unit**” means a Lower Income Group dwelling unit with a typical carpet area of 48 square metres or as may be revised by the Government from time to time;

(25) “**Member**” means member of the State Slum Redevelopment and Rehabilitation Authority or the Urban Area Slum Redevelopment and Rehabilitation Committee or the Grievance Redressal Committee as the case may be, and includes the Chairperson;

(26) “**Municipality**” means a Municipal Corporation or Municipal council or a Notified Area Council;

(27) “**Municipal Laws**” means the Odisha Municipal Act, 1950; the Odisha Municipal Corporation Act, 2003; the Odisha Town Planning Improvement Trust Act, 1956; and the Odisha Development Authorities Act, 1982;

(28) “**Occupation**” means occupation by a slum dweller by way of a structure or otherwise before one year of the identification;

(29) “**Prescribed**” means prescribed by rules made under this Act;

(30) “**Property**” means the land, the building, all improvements and structures thereon, and all easements, rights and appurtenances belonging thereto, and includes every type of right and interest in land which a person can have to the exclusion of other persons, such as possession, use and enjoyment free from interference, right of disposition and franchises;

(31) “**Property Right**” means right to property assigned to slum dwellers under section 3;

(32) “**Public Interest**” means land usage as prescribed under the city development plan or zonal development plan developed under the city development plan or the provision of basic urban services to public at large or prohibition of human habitation in environmentally hazardous sites or ecologically sensitive sites or heritage sites;

(33) “**Redevelopment**” means improvement to the existing slum by providing basic urban services and facilitating improvement of housing quality; by a scheme made by the state Government, from time to time;

(34) **Regional Improvement Trusts and Special Planning Authority** as constituted under the **Odisha Town Planning and Improvement Trust Act, 1956** and rules made there under.

Odisha
Act 10
of 1957

(35) “**Rehabilitation**” means a scheme for relocation of slum dwellers with basic urban services and housing at an alternative site;

(36) “**Scheme**” means any arrangement or plan prepared and notified under this Act for redevelopment and rehabilitation of slum dwellers as provided under clause (c) of section 10;

(37) **“Slum”** or **“Slum Area”** means a compact settlement of at least twenty households(20) with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitary and drinking water facilities in unhygienic conditions, which may be on Government land or Central Government Land or on Private Land;

(38) **“Slum Development Committee”** means the Committee constituted by the Urban Area Slum Redevelopment and Rehabilitation Committee comprising such members as it feels necessary, including representatives from the Slum Community for plan preparation, implementation, monitoring and evaluation and post project maintenance.

(39) **“slum dweller”** means any person in occupation within the limits of a slum area.

(40) **“State Authority”** means the State **Slum Redevelopment and Rehabilitation** Authority constituted under section 9 of this Act;

(41) **“Tenable Settlements”** are such as decided by the Urban Slum Redevelopment and Rehabilitation Authority, where existence of human habitation does not entail undue risk to the safety or health or life of the residents or habitation on such sites is not considered contrary to public interest or the land is not required for any public or development purpose;

(42) **“Transferable Development Rights”** means an award specifying the built-up area which can be used elsewhere or sold or disposed by way of gift or any other manner;

(43) **“Transit accommodation”** means the accommodation provided to slum dwellers during the redevelopment period when they are unable to continue occupying their existing dwelling space;

(44) **“Untenable Settlements”** means such areas where existence of human habitation entails undue risk to the safety or health or life of the inhabitants themselves or where habitation on such areas is considered by the Urban Slum Redevelopment and Rehabilitation Committee not to be in public interest;

(45) **“Urban Area”** means the area comprised within the limits of all cities and towns classified as urban by the Census 2011 including the limits of a Municipality and shall include the Development areas of a Development Authority or Regional Improvement Trusts or Special Planning Authority.

(46) **“Urban Area Slum Redevelopment and Rehabilitation Committee”** means the Urban Area Slum Redevelopment and Rehabilitation Committee constituted under Section 7;

(47) **“Urban Local Body”** means the Municipal Corporation or Municipality or Notified Area Council;

(48) **“Urban Poor”** means EWS and LIG beneficiaries.

Words and expressions used herein but not defined shall have the same meaning as assigned to them under the Odisha Municipal Act, 1950, Odisha Municipal Corporation Act, 2003, Odisha Town Planning and Improvement Trust Act, 1956, Odisha Development Authorities Act, 1982;

Odisha Act
23 of 1950,
Odisha Act
11 of 2003,
Odisha Act
10 of 1957,
odisha Act
14 of 1982

Chapter II

PROPERTY RIGHTS

Property Rights in the form of dwelling space

3. (1). Notwithstanding anything contained in any law for the time being in force and subject to fulfilment of the conditions mentioned in section 5 every landless person living in a slum area in any urban area as on a date determined by the State Slum Redevelopment and Rehabilitation Authority, shall be entitled to a dwelling space at an affordable cost provided he belongs to EWS category.

(2) Every slum dweller eligible as per sub-section (1) shall be given a 'legal document of entitlement':

Provided that where slum redevelopment or upgradation is carried out or proposed to be carried out with the slum dwellers acting collectively, then the entitlement may be given to the registered Co-operative or Association or Society, as the case may be, of the slum dwellers, wherein the slum dwellers shall, individually, have membership rights;

(3) The legal document of entitlement to the dwelling space shall be in the name of the female head of the household or in the joint name of the male head of the household and his wife.

(4) Until the site for the dwelling space has been identified or developed, as the case maybe, every eligible slum dweller shall be issued a 'document of intent to allot', which shall not be transferable and the said slum dweller shall not irrespective of his land tenure status be evicted from that slum area except for slum redevelopment or relocation or where such continuance is considered by the Slum Redevelopment and Rehabilitation Authority to be injurious to the safety or health or life of the slum dweller, or where the land is required for any public purpose of emergent nature.

(5) Every slum dweller eligible under sub-section(4) shall be provided with basic urban services until the site for the dwelling space has been developed but however, this shall not confer any tenure security in the form of property rights over the existing space occupied by him.

(6) The dwelling space so provided under sub-section(1) shall not be transferable by sub-lease, sale, gift, or any other manner whatsoever except by inheritance:

Provided that the dwelling space so allotted may be sold by the slum dweller only to the Government or Urban Local Body or such other body as may be prescribed.

Provided further that the dwelling space so allotted may be mortgaged for the purpose of raising finance in the form of housing loan from any financial institution for payment of the cost of the dwelling space.

(7) In the event of non-payment of the dues by the slum dweller, the dwelling space shall not be sold by the financial institution in favour of any person for

realisation of the mortgaged money other than the Government or the Urban Local Body within which the dwelling space is situated.

(8) If the slum dweller to whom the dwelling space has been allotted transfers such dwelling space in contravention of the provisions of sub-section(6), the following consequences shall follow, namely:-

- (a) the allotment shall be cancelled;
- (b) such transfer shall be null and void;
- (c) no ownership or occupation rights shall accrue to the transferee of such dwelling space; and
- (d) the Authorized Officer on the directions of the Urban Area Slum Redevelopment and Rehabilitation Committee shall dispossess the person who is in actual possession of such dwelling space if or when such transfer comes to its notice.
- (e) such slum dweller shall be debarred from getting any dwelling space in future.

Redevelopment of Slums

4 (1) The dwelling space under sub-section(1) of section 3 may be provided in-situ except where State Slum Redevelopment and Rehabilitation Authority decides that the site is untenable, and in such circumstances the slum dwellers shall be rehabilitated elsewhere:

Provided that :-

- (a) where it is decided that the slum dweller shall be rehabilitated elsewhere, the said site shall be utilized for any other purpose as the State Government may decide:
- (b) where, after providing dwelling space in situ to slum dweller, any land remains surplus, the State Government may utilize such land for any purpose as it may decide.

(2) In the event of in-situ redevelopment, the applicable planning and building regulations shall be applied, and wherever any relaxation is felt necessary for implementation of the redevelopment plan, the same may be deemed to have been granted under permissible deviation under the said regulations.

(3) During redevelopment of the slum area, transit accommodation shall be provided to the slum dwellers for such duration as may be necessary.

(4) Where the slum is located on Central Government land, the State Slum Redevelopment and Rehabilitation Committee shall, in consultation with the Central Government authority, decide on its tenability or otherwise:

Provided that in case, it is recognised as a tenable settlement, the Central Government authority shall be entitled to receive compensation as per the premium rate applicable for Government land in that location or may, in lieu of such compensation, take repossession of the surplus land released after redevelopment of the slum:

Provided further that the Urban Area Slum Redevelopment and Rehabilitation Committee shall, in collaboration with the State Government and Central Government authority prepare a project for redevelopment or upgradation or rehabilitation of the slum, as the case may be, with provisions for basic urban

services and construction of new housing or upgradation of existing housing and urban infrastructure.

(5) Where the slum is located on private land, the Urban Area Slum Redevelopment and Rehabilitation Committee shall in consultation with the land owner decide on the tenability or otherwise.

Provided that the Urban Area Slum Redevelopment and Rehabilitation Committee may in collaboration with the private land owner prepare a project for redevelopment or rehabilitation of the slum, as the case may be, and for this purpose the Government shall compensate the private land owner for the land forgone by way of Transfer of Development Rights equivalent to the permissible FAR, which may be utilised in another location commanding same or similar benchmark price in terms of the premium applicable to Government land in that area, or may be sold or transferred to another person for such use; or the private land owner may, in lieu of the Transfer of Development Right opt for taking repossession of surplus land released after redevelopment of the slum;

(6) Where the slum rehabilitation is made at a site more than five kilometres from the original site, and such site is unconnected by public transport to the original site, the Urban Area Slum Redevelopment and Rehabilitation Committee shall ensure adequate public transport arrangements for the convenience of the slum dwellers to reach their places of livelihood.

(7) On receipt of the recommendation of the Urban Slum Redevelopment and Rehabilitation Committee regarding successful redevelopment or rehabilitation of the slum and after duly satisfying itself of the same, the State Government shall de-notify the slum area.

Conditions for allotment of a dwelling space

5 The allotment of the dwelling space in favour of a slum dweller under section 3 shall be subject to the following conditions, namely:-

- (a) he must be a citizen of India;
- (b) he must belong to EWS category;
- (c) he must undertake to pay the affordable cost for the dwelling space;
- (d) he shall occupy or construct the dwelling unit as the case may be, within the period notified by the Urban Area Slum Redevelopment Committee; and
- (e) he must undertake to abide by the conditions of allotment.

Identification of Slum Dwellers

6 (1) The State Government shall prescribe the procedures for the identification of eligible slum dwellers and for periodic survey of slum dwellers, using bio-metric tools and the procedure for grant of document of intent to allot and legal document of entitlement.

(2) The State Government shall constitute, by notification, a Grievance Redressal Committee for such urban areas as may be specified, therein consisting of the Chairperson and such number of members, as may be prescribed including members from the affected slum community, Non-Governmental Organizations and Community Based Organizations as the Government may deem fit, for the purposes of resolving disputes in relation to matters about identification of slum dwellers.

(3) The procedure for the constitution of the Grievance Redressal Committee, the procedure for conduct of business and such other details shall be such as may be prescribed.

(4) The eligible slum dwellers identified under sub-section (1) shall be entitled to receive an identity card from the Urban Area Slum Redevelopment and Rehabilitation Committee.

Chapter III

URBAN AREA SLUM REDEVELOPMENT AND REHABILITATION COMMITTEE

Constitution of Urban Area Slum Redevelopment and Rehabilitation Committee.

7 (1.) For the purpose of this Act, the State Government shall, by notification, constitute a Slum Redevelopment and Rehabilitation Committee for each urban area with the name of such urban area, as it deems necessary and such Committee shall exercise jurisdiction over the areas and exercise such powers as specified therein.

(2) Every urban area Slum Redevelopment and Rehabilitation Committee shall, in case of a Municipality or Notified Area Council, be headed by the Chairperson of the Urban Local Body and in case of a Municipal Corporation by the Mayor and shall comprise the following members namely:-

- (a) the President of Zilla Parishad of the District;
- (b) Collector or his representative, not below the rank of Additional Collector;
- (c) Superintendent of Police or his representative, not below the rank of Additional Superintendent of Police;
- (d) Vice Chairman of the Development Authority or his representative not below the rank of Secretary to the Development Authority or representative of the concerned Town Planning Authority, as the case may be;
- (e) District Forest Officer;
- (f) One member having expertise in the field of urban planning to be nominated by the State Government;
- (g) Two representatives from Community Based Organizations who are residents of slums in the urban area, to be nominated by the State Government;
- (h) Two representatives of reputed Non-Government Organizations or Civil Society Organizations from within the urban area, to be nominated by the State Government;
- (i) Representative of the Central Government Land owning agency wherever applicable;
- (j) Commissioner or Executive Officer of the Urban Local Body as Member Secretary; and
- (k) Any other member as may be prescribed.

(3) The Commissioner or Executive Officer of the Urban Local Body concerned shall be the Chief Executive Officer of that Urban Area Slum Redevelopment and Rehabilitation Committee.

(4) The procedure and conduct of business of the Urban Area Slum Redevelopment and Rehabilitation Committee shall be such as may be prescribed.

(5) The terms and conditions for the appointment of officers and other employees to assist the Urban Area Slum Redevelopment and Rehabilitation Committee and their salaries and allowances etc. shall be such as may be prescribed.

The powers and functions of the Urban Area Slum Redevelopment and Rehabilitation Committee

8. The powers and functions of the Urban Area Slum Redevelopment and Rehabilitation Committee shall be :-

- (a) to survey and make a list of eligible slum dwellers and issue identity cards and grant document of intent to allot and legal document of entitlement to dwelling space to them;
- (b) to review and prepare database regarding tenable and untenable slum areas and recommend to the State Government for notifying them;
- (c) to identify land available in urban areas for provision of rehabilitation.
- (d) to formulate plans and projects for slum redevelopment and rehabilitation so as to cover all slums in a time bound manner;
- (e) to implement the schemes for slum redevelopment and rehabilitation by designating agencies and inform the State Government of the same for denotifying them as slum areas;
- (f) to constitute special task committees headed by members of the Committee, for implementing slum redevelopment or rehabilitation schemes;
- (g) to appoint such number of experts for technical and legal work as may be necessary for the efficient performance of its functions;
- (h) to establish Slum Development Committees for each slum area comprising such members as it feels necessary, including representatives from the Slum Community for plan preparation, implementation, monitoring and evaluation and post project maintenance;
- (i) to put in place effective monitoring and evaluation systems relating to various projects under the slum redevelopment and rehabilitation schemes with clear responsibilities and budgets;
- (j) to formulate plans and projects for rental housing, including dormitories and night shelters, for the urban poor and slum-dwellers ineligible under this Act and undertake its implementation;
- (k) to ensure prevention of formation of new slums;
- (l) to partner with the private sector as well as non-government organizations for implementation of the schemes;
- (m) to assist the slum dwellers in the forming of Co-operatives or Association or Society; and
- (n) to do all such other things as may be assigned by the State Government for achieving the objective of redevelopment and rehabilitation of slums.

Chapter IV

CONSTITUTION, COMPOSITION AND POWERS AND FUNCTIONS OF THE STATE SLUM REDEVELOPMENT AND REHABILITATION AUTHORITY

State Authority

9.(1.) The State Government shall, by notification, constitute the State Slum Redevelopment and Rehabilitation Authority.

- (2). The State Authority shall consist of the following members, namely:
- (a) Chief Minister - Chairperson;
 - (b) Minister in charge of Housing and Urban Development - Vice-Chairman;
 - (c) Minister in charge of Finance- Member;
 - (d) Minister in charge of Revenue & Disaster Management-Member;
 - (e) Minister in charge of Forest & Environment- Member;
 - (f) Minister in charge of Law -Member;
 - (g) Chief Secretary-Member;
 - (h) Two members to be nominated by the State Government representing civil society and community based organizations or Non- Government Organisation or Social Organization;
 - (i) Secretary to Government, Housing and Urban Development department- Member Secretary; and
 - (j) Any other member that the State Government may appoint.
- (3) The State Authority shall decide the procedure for conduct of its business.
- (4) The State Government shall provide to the State Authority such officers and employees as may be necessary and their salaries and allowances and other terms and conditions of service shall be such as may be prescribed.

Powers and Functions of the State Authority

10. The State Authority shall have the following powers and functions, namely:-
- (a) to recommend changes in land use prescribed under urban development plan, zonal development plan developed under the urban development plan, town plan, master plan etc., wherever it is felt necessary for the implementation of the provisions of this Act;
 - (b) to recommend the minimum land reservation in urban development plan or zonal plan or town plan or master plan required for housing of EWS, which shall be binding on municipalities, including development authorities, regional improvement trusts and special planning authorities;
 - (c) to formulate and approve schemes for redevelopment and rehabilitation of slums;
 - (d) to formulate schemes for private sector participation in slum redevelopment and rehabilitation;

- (e) to monitor the implementation of this Act;
- (f) to decide the financing mechanism for slum redevelopment and rehabilitation schemes, including determination of affordable cost to be paid by the slum dwellers for the dwelling space and the cut-off date for entitlement to a dwelling space;
- (g) to commission such surveys, studies and research as it may consider necessary for the discharge of its functions, especially in regard to provision of housing to the urban poor and to disseminate their findings;
- (h) to make provisions for earmarking of land for housing of urban poor and recommend measures to prevent future growth of slums;
- (i) to constitute one or more Task Force, Agency and Committee in the prescribed manner and with specific powers and functions for implementation of the provisions of this Act;
- (j) to frame guidelines or to issue directions to the Urban Area Slum Redevelopment and Rehabilitation Committee; and
- (k) to perform any other functions as may be necessary in order to achieve the objectives of this Act.

Chapter V

LAND FOR REHABILITATION OF EXISTING SLUMS AND PREVENTION OF FORMATION OF NEW SLUMS

- Reservation of land for urban poor** 11 (1.) The State Government shall, in order to prevent the growth of new slums and to enable adequate supply of land to meet the housing needs of the urban poor, ensure reservation of minimum ten percentum of the total land in an urban area earmarked for residential purposes.
- (2) The State Government shall also alienate government land free of premium on the recommendation of the State Authority for the purpose of slum redevelopment and rehabilitation.
- Implementation of Scheme.** 12 (1) The State Authority shall have the power to reserve Government land in urban areas for the implementation of scheme for redevelopment and rehabilitation of slum.
- (2) The Government land reserved under sub section (1) shall vest in the Housing and Urban Development Department before transfer of such land to the Urban Local Bodies, Development Authorities, Regional Improvement Trusts, Special Planning Authorities or Odisha State Housing Board, as the case may be, in the manner as may be prescribed.
- Mandatory reservation by developer of Apartment and Group Housing Scheme.** 13 (1) For all Apartment/Group Housing Schemes, ten percentum of the built-up area shall be earmarked for the construction of EWS and LIG dwelling units with EWS units not being less than 60 percentum of the total such units, which shall be further subject to a predetermined costing and method of allotment as may be notified by the State Government, from time to time:
- Provided** that developer shall have the option constructing the EWS and LIG units at a separate site within a distance of 5 kilometres from the main project in case the Group Housing scheme contains 50 dwelling units or more.
- Provided** further that the developer may be given the option to pay compensation at the rate to be notified by the State Government for non-construction of the required EWS and LIG units in the project, which shall be deposited in the Urban Poor Shelter Fund established under section 15.
- (2) For reservation of ten percentum built-up area for construction of EWS & LIG, the developer shall be entitled to receive additional FAR equivalent to the FAR utilised for the said purpose.
- (3) After commencement of this Act, where land is allotted to various organisations or institutions by the State Government for development purposes including group housing purpose, in urban areas there shall be reservation of land for EWS and LIG housing as prescribed under sub-section (1).
- (4) Where a developer constructs EWS and LIG housing beyond the ten percentum mandatory provision, he shall be entitled to receive additional FAR equivalent to the FAR utilised for the construction of EWS housing subject to a ceiling of twenty five percentum of the permissible FAR.

Chapter VI

ACQUISITION OF LAND AND ESTABLISHMENT OF URBAN POOR SHELTER FUND

Power of the State Government to acquire land

14 (1.) Where on the recommendation of the Urban Area Slum Redevelopment and Rehabilitation Committee it appears to the State Government that, in order to enable the Urban Area Slum Redevelopment and Rehabilitation Committee to execute any work of redevelopment and rehabilitation in relation to any slum area, it is necessary that land within, adjoining or surrounded by any such area should be acquired, the State Government may acquire the land under the provisions of the Land Acquisition Act, 1894.

Act 1 of
1894

(2) The acquisition of land for any purpose mentioned in sub-section (1) shall be deemed to be a public purpose under this Act.

Urban Poor Shelter Fund (UPSF)

15 (1.) The State Government shall establish an Urban Poor Shelter Fund at the state level which shall be primarily meant for providing financial support to urban local bodies, development authorities, regional improvement trusts, special planning authorities and Odisha State Housing Board for acquisition of land and construction of dwelling space, or redevelopment and rehabilitation of existing slums, including the provision of basic urban services.

(2) The constitution and administration of the fund shall be in such manner as may be prescribed by the Government.

(3) The State Government shall initially contribute five crore of rupees to the fund from Odisha Urban Infrastructure Development Fund.

(4) The following receipts shall be credited to the Fund namely :-

- (a) Not less than ten percentum of Basic Services to Urban Poor (BSUP) Fund of the municipality as may be prescribed;
- (b) Not less than ten percentum of all town planning related fees and charges collected by the municipality or development authority or regional improvement trust or special planning authority as may be prescribed by the State Government, from time to time;
- (c) Contributions from the State Government and Central Government, if any;
- (d) Any agency, in case of outside india, contributions from with prior approval of the Central Government;
- (e) Contributions from Organisation, Philanthropist, individual and non-Government Organisation;
- (f) Any other funding source as may be notified by the Government;

Chapter VII
OFFENCES AND PENALTIES

Responsibility to prevent encroachments on Government land.

16 (1) Notwithstanding anything contained in any law in force, any person other than the person holding legal document of entitlement under section 3 who encroaches upon any Government land or constructs an illegal structure or building(s), or abets the encroachment or construction of illegal structure or building thereon, shall be punishable with imprisonment which may extend to three years or with fine which may extend to one lakh rupees or with both.

(2) Notwithstanding anything contained in the Odisha Prevention of Land Encroachment Act, 1972, and the Odisha Public Premises (Eviction of Unauthorized Occupant) Act, 1972 any person encroaching the Government land after commencement of this Act shall be summarily evicted.

Odisha Act
6 of 1972.

Odisha Act
7 of 1972

(3) It shall be the duty of the State Government to ensure that there is no encroachment or construction of an illegal structure or building on Government land and shall, for this purpose by order, authorize the officers by designation for each urban area, who shall report in writing such encroachment or violation to the Competent Authority to evict such encroachers or to demolish such illegal structure or building or to take such action as may be necessary.

(4) The Authorized Officer shall also inform and file a monthly report of all cases of encroachment or construction of illegal structure along with the corrective measures taken to the Urban Area Slum Redevelopment and Rehabilitation Committee.

(5) If the Authorized Officer fails to inform the Competent Authority about the encroachment or illegal construction, referred to in sub-section (3) or if the Competent Authority on being informed of such encroachment, fails to take action against such encroachment or illegal construction therein, or a police officer responsible to provide assistance for removal of such encroachment or demolition of such illegal structure or building fails to provide adequate protection and support, he shall be punishable with a fine which may extend to fifty thousand rupees apart from being liable for disciplinary proceedings.

Explanation:- For the purpose of this section, Competent Authority means the Authority empowered under the O.P.P Act, 1972 and the OPLE Act, 1972 to exercise power of eviction and demolition over the land on which such encroachment or construction of illegal structure or building(s) has been reported.

Odisha
Act 7 of
1972

Odisha
Act 6 of
1972

**Penalty for
contravention
of the
provisions of
this Act.**

17 Whoever fails to comply with or contravenes any of the provisions of this Act or any rules made thereunder other than section 16, shall in respect of each such lapse or contravention, be punishable with fine, which may extend to twenty thousand rupees, and in case the lapse or contravention continues, with additional fine which may extend to one thousand rupees for every day during which such lapse or contravention continues after the first such lapse or contravention.

**Offences
to be
cognizable**

18. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable.

2 of 1974

Chapter VIII

MISCELLANEOUS

Information, reports or returns 19. The State Authority or the Urban Area Slum Redevelopment and Rehabilitation Committee, may, in relation to its functions under this Act, from time to time, require any person, officer, or other authority to furnish to it, reports, returns, statistics, accounts and other information as may be deemed necessary in such manner as may be prescribed and such person, officer, or other authority, as the case may be, shall be bound to do so.

Protection of action taken in good faith 20. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or other employee of the State Government or any Authority or Committee constituted under this Act for executing any scheme made under this Act or any member, officer or other employee of such authority or committee in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules or schemes made, or the orders or directions issued, thereunder.

Power to remove difficulties 21 (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no order shall be made under this section after expiry of the period of two years from the date commencement of this Act..

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Odisha Legislative Assembly.

Bar of Jurisdiction of Civil Court 22. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Urban Area Slum Redevelopment and Rehabilitation Committee or the State Authority or the Grievance Redressal Committee or the State Government is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Jurisdiction of Courts 23 (1.) No court inferior to that of a Judicial Magistrate of First Class shall try any offence punishable under this Act.

(2) No court shall take cognizance of any offence punishable under this Act or any rules made thereunder, except upon a complaint in writing made by the Urban Slum Redevelopment and Rehabilitation Committee or the Authorised Officer appointed under sub-section (3) of section 16, as the case may be.

Power to make rules

24 (1.) The State Government may, by notification in the Official Gazette, make rules to carry out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) the process of sale of the dwelling space by the slum dweller to the Government or the Slum Collective, and the procedure for allotment of the same to other eligible persons under section 3(6);

(b) the process of identification of eligible slum dwellers, grant of document of intent and legal document of entitlement under section 6(1);

(c) the composition, powers, and functions of the Grievance Redressal Committee under section 6(2), the powers and functions thereof, the number of members and their terms and conditions of appointment and other matters connected herewith;

(d) the composition, powers, and functions of the Urban Area Slum Redevelopment Committee under section 8, the powers and functions thereof, the number of members and their terms and conditions of appointment and other matters connected therewith;

(e) preparation and implementation of schemes for slum redevelopment and rehabilitation under section 10(d);

(f) appointment of officers and employees and their salaries and allowances of the State Authority under section 9(1);

(g) powers and functions as may be assigned to the State Authority under section 10(k).

(h) manner of reservation of land for the establishment of Slum Dwellers' Rehabilitation under section 12;

(i) mandatory reservation of FAR for EWS and LIG housing and costing and method of allotment under section 13;

(j) constitution and administration of urban poor shelter fund under section 15;

Effect of other laws

25. The provisions of this Act or rules made thereunder shall have effect notwithstanding anything inconsistent with contained in any other Act.

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