

PUNJAB VIDHAN SABHA

Bill No.14-PLA-2020

THE PUNJAB SLUM DWELLERS (PROPRIETARY RIGHTS)

BILL, 2020

A

Bill

to provide for sustainable growth of basic civic services in slum areas in urban towns and cities of the State of Punjab by conferring proprietary rights of land to the slum dwellers and ensuring their development through optimal utilization of resources.

BE it enacted by the Legislature of the State of Punjab in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Slum Dwellers (Proprietary Rights) Act, 2020. Short title, extent and Commencement.
- (2) This Act shall be applicable to the whole of the State of Punjab.
- (3) This Act shall come into force on and with effect from the date of its publication in the Official Gazette.
2. (1) In this Act, unless the context otherwise requires,- Definitions.
 - (a) "Authorized Officer" means the head of the Slum Redevelopment and Rehabilitation Committee or any officer authorized by the Government, by order, to exercise such powers as may be prescribed;
 - (b) "basic civic services" means the services of drinking water supply, sanitation, drainage, sewerage, solid waste disposal, street lighting and urban environment improvement;
 - (c) "Collector" means the Deputy Commissioner of a district and includes the Additional Deputy Commissioner or the Commissioner of Municipal Corporation or any officer specially appointed by the Government to perform the functions of a Collector under this Act;

- (d) "Committee" means the Slum Area Redevelopment and Rehabilitation Committee constituted under section 6 of this Act;
- (e) "Economically Weaker Section (EWS)" means the section of beneficiaries whose household income is up to such limit as may be notified by the Government from time to time and is landless;
- (f) "family" means husband, wife, unmarried son, unmarried daughter or any other person related by blood and wholly dependent on the slum dweller;
- (g) "financial institution" means any institution or Company possessing license under the Banking Regulation Act, 1949 to carry out banking business and includes a Housing Finance Institution which has obtained a certificate of registration under the National Housing Bank Act, 1987;
- (h) "Government" means the Government of the State of Punjab in the Department of Local Government;
- (i) "Government land" means any land owned or acquired by the Government of Punjab or its undertakings and includes the land owned by the Urban Local Bodies;
- (j) "landless person" means a person residing in the State of Punjab, who is a citizen of India and does not own either in his own name or in the name of any member of his family any house or land, or land rights granted or inherited under this Act in the urban area;
- (k) "member" means a member of the Committee or sub-committee, as the case may be, and includes the Chairperson;
- (l) "occupation" means an occupation of a land by a slum dweller for residential purposes;

- (m) "prescribed" means prescribed by rules made under this Act;
- (n) "proprietary rights" means the rights to land assigned to slum dwellers under section 3 of this Act;
- (o) "public interest" means land usage as prescribed under the master plan or zonal development plans under the approved city development plan, if any, or the provision of basic urban services to public at large or prohibition of human habitation in environmentally hazardous or ecologically fragile sites or heritage sites;
- (p) "redevelopment" means improvement to the existing slum by providing basic civic services and facilitating improvement of housing conditions in accordance with the housing scheme framed by the Government from time to time;
- (q) "rehabilitation" means relocation of slum dwellers to other location in accordance with the housing scheme or policy framed by the Government from time to time;
- (r) "slum" or "slum area" means a compact settlement of at least twenty-five households with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitation and drinking water facilities in unhygienic conditions, which may be on the Government land in an urban area;
- (s) "slum dweller" means any landless person in occupation within the limits of a slum area;
- (t) "tenable habitations" means the habitations as decided by the Committee, where existence of human population does not entail undue risk to the safety or health or life of the residents or habitation or such sites are not considered contrary to public interest or the land is not required for any public or development purpose;
- (u) "untenable habitations" means such areas where existence of

human population entails undue risk to the safety or health or life of the inhabitants themselves or where habitation on such areas is considered by the Committee not to be in the public interest;

- (v) "urban area" means the area comprised within the limits of Urban Local Bodies; and
 - (w) "Urban Local Bodies" means the municipal bodies established under the Punjab Municipal Act, 1911 and the Punjab Municipal Corporation Act, 1976.
- (2) Words and expressions used herein but not defined, shall have the same meaning as assigned to them under the Punjab Municipal Act, 1911 and the Punjab Municipal Corporation Act, 1976.

CHAPTER II

PROPRIETARY RIGHTS

Proprietary
Rights.

3. (1) Notwithstanding anything contained in any other law of the State of Punjab for the time being in force, and subject to the provisions of sub-section (2), every slum dweller, occupying land in a slum in any urban area by such date as may be notified by the Government, shall be entitled for settlement of land occupied by him or on such other land as may be notified by the Government and a certificate of proprietary rights of land shall be issued in accordance with the provisions of this Act:

Provided that the Municipalities desirous of transferring Municipal Properties in accordance with the provisions of this Act, shall pass a resolution with simple majority to this effect:

Provided further that if the land occupied by a slum dweller belongs to any statutory Board or Corporation or any Department of the Punjab Government, consent of such Board or Corporation or the Department shall be obtained before the settlement of land under this Act.

(2) The proprietary rights on such land shall be settled in favour of a slum dweller to the extent specified hereinafter, namely:-

- (a) a slum dweller shall be entitled to a land as nearly as may be,-
- (i) where the slum is situated within the Municipal Corporation area, not exceeding thirty square meter;
 - (ii) where the slum is situated within the Municipal Council area, not exceeding forty-five square meter; and
 - (iii) where the slum is situated within the Notified Area Committee area, not exceeding sixty-square meter:

Provided that where a slum dweller is not getting in-situ settlement, in such a situation the maximum limit of land in a relocation site shall not exceed thirty square meter:

Provided further that where the slum dweller is in occupation of land in any of the areas mentioned in sub-clauses (i) to (iii), less than the maximum area mentioned therein, the land in actual occupation of such slum dwellers shall be settled accordingly;

- (b) where the slum dweller belongs to EWS category, the proprietary rights of land shall be settled free of cost;
- (c) where the slum dweller belongs to a category other than EWS, the land shall be settled at such rates, as may be determined by the Government from time to time; and
- (d) where a slum dweller occupies land beyond the maximum permissible limit provided under clause (a), irrespective of the category he may belong to, such excess land shall be settled in favor of the occupant at such rates as may be determined by the Government from time to time and in case it is not done so for reasons to be recorded in writing by the Authorized Officer, the slum dweller shall voluntarily vacate such excess land and the Authorized Officer shall take over the possession of such excess land before the issue of the certificate of proprietary rights of land.

(3) The proprietary rights of land so settled under sub-section (1), shall be inheritable but not transferable by sub-lease, sale, gift, or any other manner whatsoever for thirty years from the date of issue of certificate of proprietary rights of land:

Provided that the land so settled may be mortgaged for the purpose of raising finance in the form of housing loan from any financial institution.

(4) The certificate of the proprietary rights of land shall be issued jointly in the name of both the spouses in case of married persons and in the name of single head in the case of a household headed by a single person.

(5) If the slum dweller, with whom the proprietary rights of land has been settled or right has accrued for allotment of any land under this Act, transfers of such land, except by way of mortgage under sub-section (3), or the said land is not used for residential purposes, the following consequences shall follow, nameiy:-

- (a) the certificate of proprietary rights of land issued under sub-section (1), shall automatically stand cancelled;
- (b) such transfer shall be null and void;
- (c) no rights shall accrue to the transferee in respect of such land;
- (d) the Authorized Officer shall dispossess the person who is in actual possession of such land;
- (e) such slum dweller shall be debarred from getting any land in future under this Act; and
- (f) such slum dweller shall be guilty of an offence under this Act.

(6) The slum dweller, with whom the proprietary rights of land has been settled under this Act, shall not hold any certificate of proprietary rights of land in any other urban area of the State of Punjab and if he holds any such certificate, he shall surrender all such certificate(s) to the Authorized Officer in such manner, as may be prescribed.

(7) If any slum dweller is found to have obtained more than one certificate of the proprietary rights of land by way of misrepresentation of facts, the Authorized Officer shall, after giving reasonable opportunity of being heard to such slum dweller, cancel all the certificates of the proprietary rights of land and without prejudice to the penalty that may be imposed under this Act, dispossess him from such land.

(8) The evidence for the grant of certificate of proprietary rights of land under sub section (1) in favour of a slum dweller shall include,-

- (a) Government authorized documents such as aadhaar card, voter identity card, ration card under National Food Security Act, 2013, smart card under Sarbat Sehat Bima Yojana (SSBY) or passport; or
- (b) Government records such as Census, survey, maps, satellite imagery, plans, reports, reports of committees and commissions, Government orders, notifications, circulars or resolutions.

(9) The certificate of proprietary rights of land granted under sub-section (1) shall be acceptable as evidence for address proof of residence.

4. (1) Subject to the other provisions of this Act, the proprietary rights of land conferred under sub-section (1) of section 3 shall, as far as practicable, be provided in-situ and on as-is where-is basis: Redevelopment of slums.

Provided that where the Government decides that the site has untenable habitations, in such circumstances the slum dwellers shall be rehabilitated elsewhere:

Provided further that:

- (a) where, it is decided that the slum dwellers shall be rehabilitated elsewhere, the said site shall be utilized for any other purpose, as the Government may decide; and
- (b) where, after providing land in the existing slum to the slum dweller, any land remains surplus, the 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 a redevelopment plan, the same may be deemed to have been granted under permissible deviation under the said regulations.

(3) During the period of redevelopment of the slum area, transit space shall be provided to the slum dwellers for such duration as may be necessary as provided under the housing scheme issued by the Government, from time to time.

Abatement of proceedings.

5. All proceedings relating to eviction of slum dwellers pending on the ground of unauthorized occupation before any authority or Court under any law of the State of Punjab shall abate on the issue of certificate of proprietary rights of land under this Act.

CHAPTER III

PROCEDURE FOR SETTLEMENT OF PROPRIETARY RIGHTS

Slum Area
Redevelopment
and
Rehabilitation
Committee.

6. (1) For the purposes of this Act, the Government shall constitute a Committee to be known as the Slum Area Redevelopment and Rehabilitation Committee for each urban area with the name of such urban area, as it deems necessary and such Committee shall have the authority to approve the list of persons on whom the proprietary rights of land under this Act, shall be settled and shall exercise jurisdiction over the areas and exercise such powers and functions as may be prescribed.

(2) Every Committee shall be headed by the Collector and shall comprise of such other members as may be notified by the Government from time to time.

(3) Without prejudice to the generality of powers and functions under sub-section (1), the Committee shall,-

(a) undertake necessary surveys, spatial mapping, fix the physical boundary of the slums, identify eligible slum dwellers with community participation, prepare and publish the list of slum dwellers to whom the certificate of proprietary rights of land has been issued, in such manner as may be prescribed; and

(b) for the purposes of facilitating the implementation of the provisions of this Act and rules made there under, constitute such sub-committee for each slum area, cluster of slums, comprising of such number of members, as may be specified by the Committee.

(4) For the purpose of efficient functioning of the Committee, the Government shall provide such officers and employees, as may be notified, from time to time.

7. The procedure for the conduct of business of the Committee shall be such, as may be prescribed. Conduct of
business of
Committee.

8. (1) Subject to such rules as may be made, appeal from any decision or order made under this Act, shall lie to such an officer, as may be appointed by the Government. Appeal.

(2) Every appeal preferred under this section, shall be heard and disposed of in such manner, as may be prescribed.

(3) Every order passed by the Appellate Authority under this section shall be final.

(4) Notwithstanding anything contained in this Act, the Government shall be competent to review any order passed by the Committee or Appellate Authority.

CHAPTER IV

OFFENCES AND PENALTIES

9. Whoever contravenes the provisions of sub-sections (5) and (6) of section 3 or fails to comply with any notice or order issued under this Act or rules made there under, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, which may extend to fifty thousand rupees, or with both. Penalty for
contravention of
the Act.

- Municipal Area Development Fund.
10. (1) There shall be constituted a fund called the Municipal Area Development Fund at the level of each urban local body to which the moneys received from the slum dwellers under this Act shall be credited and in addition to the same, the following receipts may also be credited to the said fund, namely:-
- (a) contributions from the State and Central Governments, if any;
 - (b) contributions from organizations, philanthropists, individuals and Non-Government Organizations; and
 - (c) the Government may notify any other sources of funding including the Corporate Social Responsibility (CSR) funding.
- (2) The constitution and administration of the fund shall be in such manner, as may be prescribed.
- Protection of action taken in good faith.
11. No suit, prosecution or other legal proceedings shall lie against the Government or any officer or other employee of the Government or the Committee or any sub-committee constituted under this Act, which is, in good faith, done or intended to be done under this Act.
- Nodal Agency
12. The Government or any officer authorized by it in this behalf shall be the Nodal Agency for the implementation of the provisions of this Act.
- Bar of Jurisdiction of Civil Court.
13. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Government or the Committee constituted under this Act 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.
- Cognizance of offence.
14. An offence punishable under this Act shall be tried in the court of Judicial Magistrate in accordance with the Criminal Procedure Code, 1973:
- Provided that no court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing made by any officer of the Government authorized by the Government.
- Power to make rules.
15. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section, shall be laid, as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

16. Notwithstanding anything contained in any other law enacted by the Legislature of the State of Punjab, the provisions of this Act shall have precedence and overriding effect in the matters covered under it. Overriding effect on other laws.

17. The Government may by an order clarify doubts, if any arise, on any of the provisions of this Act or the rules made there under, with a view to ensure fair and proper implementation of the Act. The Government shall also be competent to issue guidelines for implementation of this Act. Power to remove difficulties.

STATEMENT OF OBJECTS AND REASONS

The management of slums in urban areas of the State is a major concern for the sustainable growth of the cities. Multi-pronged efforts are required to improve the quality of life of the people living in the slums for the all-round development of the residents of the slums as well as of the city or town in which they are situated. In order to address these concerns, the Government of Punjab has decided to introduce a new legislation titled as "The Slum Dwellers (Proprietary Rights) Bill, 2020" which provides for proprietary rights of land to slum dwellers in the State of Punjab, to improve their living.

BRAHM MOHINDRA,
Local Government Minister, Punjab.

FINANCIAL MEMORANDUM

The State Government has decided that to introduce a new legislation to address the needs of the slum dwellers. Accordingly, the present Bill i.e. the "The Punjab Slum Dwellers (Proprietary Rights) Bill, 2020" aims at providing basic civic amenities and propriety rights to slum dwellers. There are no predictable financial demands on the state budget with the enactment of the, The Punjab Slum Dwellers (Proprietary Rights) Act, 2020. Hence this Bill.

However, if in future, any demand arises, suitable resources will be mobilised and if need be budget provision will be got made from Department of Finance.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 15 of the, The Punjab Slum Dwellers (Proprietary Rights) Bill, 2020 empowers the State Government to make rules to carry out the purposes of this Act. The Powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

CHANDIGARH
THE 4th MARCH, 2020

SHASHI LAKHANPAL MISHRA,
SECRETARY.

N.B. - The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 4th March, 2020 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).