

Draft Legislation on Slum-free Cities (18.10.2010)

**Andhra Pradesh
Slum (Identification, Redevelopment, Rehabilitation and Prevention)
Act, 2010**

Government of Andhra Pradesh have formulated a policy on slum-free cities in Andhra Pradesh by 2014 through comprehensive reconstruction of the existing slums in the State, both in terms of housing and infrastructure facilities, in addition to assigning property rights and tenement rights to the identified slum dwellers. It also envisages the prevention of formation of new slums.

Whereas Government of Andhra Pradesh felt that the existing law on slum development does not provide support to the executive machinery for implementing various developmental measures to improve the social status of slum dwellers.

And whereas, to achieve the goal of slum-free Andhra Pradesh, the Government of Andhra Pradesh propose to have a comprehensive legislation for identification, redevelopment, rehabilitation and prevention of the slum areas.

Now, therefore, the Government of Andhra Pradesh proposes the following comprehensive legislation.

CHAPTER – I

PRELIMINARY

1. Short title, Extent and Commencement

- (1). This Act may be called the Andhra Pradesh Slum (Identification, Redevelopment, Rehabilitation and Prevention) Act, 2010.
- (2). It extends to the whole of the State of Andhra Pradesh.
- (3). It shall come into force on such date as the Government may appoint by notification in the Andhra Pradesh Gazette.

2. Definitions

In this Act, unless the context otherwise requires,

- (1). “Below Poverty Line (BPL) person” means a person as notified by the Government from time to time;
- (2). “Above Poverty Line (APL) person” means a person who is not BPL;
- (3). “Building” includes house, out-house, stable, latrine, shed, hut, wall and any other such structure, whether of masonry, bricks; wood, mud, metal or any other material whatsoever, but does not include plant or machinery comprised in a building;
- (4). “Central Government” means Government of India;
- (5). “Competent Authority” means “District Slum Redevelopment Authority/Slum Redevelopment Authority for GHMC as elaborated in section 12 or any other Authority notified by the Government from time to time;
- (6). “Court” means
 - i. The City Civil Court in the cities of Hyderabad and Secunderabad, and
 - ii. The Court of Subordinate Judge having jurisdiction at other places;
- (7). “Dwelling space” means a dwelling house or land for construction of a dwelling house

- (8). "Dwelling structure" means a kachha, semi-pukka or pukka structure made out of wood, stone, mud, tarpaulin and / or tin, used for dwelling purposes by slum dwellers
- (9). "EWS" means Economically Weaker Section houses which can have a minimum carpet area of 25 sq.m."
- (10). "Family" includes husband, wife, minor son, unmarried daughter or any other person related by blood and wholly dependent on the slum dweller;
- (11). "Government" means the Government of Andhra Pradesh;
- (12). "In-situ development of slum area" means the process of upgradation of slum area to minimize displacement of the slum-dwellers in the said area and by providing basic services including affordable and decent housing;
- (13). "Land" means a portion of the surface of the earth, comprising the ground or soil and everything under it or over it. It includes building and benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (14). "Landless Person" means a person who does not own any land/ house site or building in any part of the municipal corporation or the municipality or the nagar panchayat, as the case may be, either in his name or in the name of any of his family members;
- (15). "LIG" means" Low Income Group flats with a maximum carpet area of 48 sq.m."
- (16). "Municipality" includes the municipal corporation or the municipality or the nagar panchayat;
- (17). "Notification" means a notification published in the Andhra Pradesh Gazette; and the word "notified" shall be construed accordingly;
- (18). "Objectionable / Hazardous lands" mean such areas where existence of human habitation entails undue risk to the safety or health or life of the residents themselves or where habitation on such areas is considered contrary to public interest;

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- (19). "Occupation" means occupation by way of a structure or otherwise before one year of the notification referred in section 4;
- (20). "Occupier" includes
- i. Any person, who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of his/her land or building in respect of which is under his occupation;\
 - ii. A owner in occupation of, or otherwise using, his land or building;
 - a. A rent-free tenant of any land or building;
 - b. A licensee in occupation of any land or building; and
 - c. Any person who is liable to pay to the owner damages for the use and occupation of any land or building;
- (21). "Owner" includes any person, who is receiving or is entitled to receive the rent of any tenement or building, whether on his own account or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the tenement or building were let out to a tenant;
- (22). "Prescribed" means prescribed by rules under this Act;
- (23). "Property Right" means the right assigned to slum dweller under section 8;
- (24). "Redevelopment" is a scheme of action through which an area is developed for better living environment;
- (25). "Rehabilitation" is a scheme of action for creating better alternate living environment;
- (26). A Shelter Fund is a dedicated fund earmarked for providing housing to the poor. Through legislative amendments private builders may either contribute a proportion of their land for social housing or equivalent land cost to the shelter fund.
- (27). "Slum area" means any area declared to be a slum under Section 4;
- (28). "Slum Redevelopment Authority" means the authorities referred to in sections 10, 12 and 14 for the purpose of this Act at state level or as the case may be at district/ GHMC / other Municipal Corporation level;

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- (29). "Slum Dweller" means any person who has been residing within the limits of a slum area for a minimum period of one year;
- (30). "Transferable Development Rights" mean an award specifying the built up area an owner and/or a developer of a site or plot can sell or dispose or utilize elsewhere, whose site or plot is required to be set apart or affected for a public purpose in the Master Plan (including house and slum redevelopment scheme) in the form of a TDR certificate;
- (31). "Transit Accommodation" means a habitable dwelling structure provided to the slum dweller for interim period during which dwelling house is being constructed for his/her occupation under the slum redevelopment scheme;
- (32). "Unobjectionable lands" mean those areas which do not fall strictly within the definition of 'objectionable lands'.

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Scheme for affordable Housing in
Partnership of Gov.¶

CHAPTER – II IDENTIFICATION AND DECLARATION OF SLUM AREAS

3. Identification of slum areas

- (1) The Competent Authority shall identify the areas fulfilling the following norms as slum areas and enumerate the details of the families residing therein in their jurisdiction.
 - (a) A slum is a compact settlement of at least 20 households with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitary and drinking water facilities in unhygienic conditions.
 - (b) Settlements with pucca houses of the poor which do not comply with town planning acts and rules prescribed for slum upgradation.
- (2) The Competent Authority, after identification and enumeration under sub-section 1, shall send proposals to the Municipal Council concerned in the case of municipalities and Nagar Panchayats; and the Standing Committee concerned in the case of Municipal Corporations.
- (3) The Municipal Council or the Standing Committee as the case may be, shall, within a period of thirty days from the date of receipt of the proposal, submit the same to the State Slum Redevelopment Authority for notification of such areas as 'Slum Areas'.

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4. Declaration of slum areas

- (1) The State Slum Redevelopment Authority, on receipt of the proposal from the District Slum Redevelopment Authority/ Slum Redevelopment Authority for GHMC through the Municipal Council in respect of municipalities and Nagar Panchayats or the Standing Committee in respect of Municipal Corporations, shall on being satisfied that the proposal received is in conformity with the norms specified under sub section (1) section 3 by notification declare such area as a Slum Area. Such declaration shall also be published in such other manner as may be prescribed to enable wide publicity.

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- (2) Any person aggrieved by the declaration made under sub-section (1), may, within thirty days from the date of such declaration file an appeal to the Government.
- (3) Any appeal received after the specified date shall not be entertained.
- (4) When an appeal is presented under sub section (2), the Government shall cause a detailed enquiry on the grounds put forth in the appeal and after giving a reasonable opportunity to the appellant in the manner prescribed pass an appropriate order within a period of 90 days from the date of such appeal.
- (5) The order passed thereon by the Government shall be final.

5. Slum areas notified earlier

The areas earlier notified as Slum Areas by the Government or the municipality under any relevant Act shall be deemed to have been notified as Slum Areas under the provisions of this Act.

CHAPTER – III

PROTECTION OF TENURAL RIGHTS OF SLUM DWELLERS

6. Survey and Identification of slum dwellers

- (1) The list of slum dwellers shall be enumerated by the Municipal Commissioner concerned duly involving Self Help Groups (SHGs) and Slum Level Federations (SLFs) following the procedure prescribed under rules.
- (2) The enumerated list of families shall be published in the Municipal office, in the slum area, together with a notice to submit any objections in the matter within 15 days from the date of publication of the notice. Any objection received thereon shall be enquired and disposed of by the Municipal Commissioner in respect of Municipalities and Deputy Commissioner/ Additional Commissioner in respect of Municipal Corporations within a reasonable period.
- (3) Any objection on the list shall lie with the Revenue Divisional Officer concerned in respect of Municipalities and with the District Collector in respect of Municipal Corporations and it shall be disposed within the period as prescribed.

7. Protection from eviction

Notwithstanding anything contained in the law in force, a slum dweller in a identified slum under Section 3 shall not be evicted or shifted from his living space and rendered shelter-less without providing him an alternate accommodation, except strictly in public interest.

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8. Assigning Property Rights

- (1) The municipality shall issue an Identity Card to the slum dwellers for entitlement to dwelling space in a notified slum as prescribed.
- (2) This Identify Card shall be the basis for assigning property right to the slum dwellers at a later date.
- (3) The slum dwellers shall be assigned with the property rights in the manner prescribed over the land occupied by them subject to a maximum of 80

sq.yds. in the Slum Areas notified by the State Slum Redevelopment Authority under this Act and located on unobjectionable lands owned by Government or the municipality and if consented, on lands owned by the Central Government. Provided that where the vertical development is resorted to, a minimum carpet area of 25 square metres with an undivided share over the land may be assigned.

- (4) The slum dweller who does not own any land or dwelling house in any part of the municipality either in his/her name or in the name of any of his/her family members alone is entitled for assignment of property rights under sub section (1).
- (5) The occupation of the slum dweller referred to in sub section (1) shall be established by production of one of the following documents, either of the female member or of her husband:
 - (a) Registered deed
 - (b) Electrical charges receipt
 - (c) Any tax receipt
 - (d) Water charges receipt
 - (e) House-hold ration card
 - (f) Voter identity card
 - (g) Telephone / Mobile Phone bill
 - (h) Driving license
 - (i) Unique Identity Card (AADHAR)
 - (j) Any other document as notified by the Government
- (6) The property rights shall be assigned in favour of the female member of slum dweller's family or in the joint name of head of the household and his/her spouse. Where there is no female member in the family, the property right shall be assigned in favour of the male member.
- (7) The property rights in whatever form assigned shall be inalienable and shall not be transferable for a period of fifteen years, but shall be mortgageable to enable the slum-dweller to have access to credit facility. The property rights however shall be heritable.

Provided that, notwithstanding anything contained in Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977, the banker / financial institution which provides credit facility shall be allowed to recover the loan, in case of default, by foreclosure as prescribed.

Provided also that the District Collector concerned shall have the first right to negotiate with the banker / financial institution within 30 days after intimation, to take back the property after paying the outstanding loan through SC / ST / BC / Women / Minority Corporations etc. and the same shall be allotted to any eligible beneficiary.

- (8) The property rights shall be assigned to Below Poverty Line (BPL) persons as prescribed, and on payment of market value for Above Poverty Line (APL) persons for the extent defined under Section 8(3).

9. Lands where property rights cannot be assigned

The property rights shall not be assigned to the slum dwellers in the Slum Areas notified under subsection (1) of section 4 and located on any of the following categories:

- (1) Hazardous/Objectionable government lands injurious to the slum dwellers, viz., canal bunds, tank beds, road margins, burial grounds, solid waste land fill sites etc.
- (2) Lands owned by the Central Government, Central Public sector undertakings and Railway lands without their consent
- (3) Lands belonging to Defence Forces
- (4) Lands belonging to any industrial unit
- (5) Lands under protected monuments and restricted areas declared by the Archeological Department
- (6) Lands owned by State public sector undertakings, Statutory Boards.
- (7) Layout open spaces, parks, green belt zones, conservation zones, schools, play grounds, health centres and stadiums etc.
- (8) Lands reserved for any specific purpose by the Government

CHAPTER – IV

REDEVELOPMENT AUTHORITIES OF SLUM AREAS

10. Constitution of State Slum Redevelopment Authority

There shall be a State Slum Redevelopment Authority constituted by the Government which shall consist of the following

1	Commissioner and Director of Municipal Administration	-	Chairman	
2	Engineer-in-Chief (Public Health)	-	Member	
3	Director of Town & Country Planning	-	Member	
4	Director of Health	-	Member	
5	Urban Governance Expert or a representative of Andhra Pradesh Urban Finance & Infrastructure Development Corporation	-	Member	
6	Managing Director AP Urban Finance & Infrastructure Development Corporation	-	Member	
7	Additional Secretary/Joint Secretary, Revenue Department	-	Member	
8	Managing Director, Andhra Pradesh State Housing Corporation Ltd.	-	Member	
9	Two Mayors (out of whom one will be Mayor of GHMC, the other one will be nominated by the C&DMA)	-	Member	
10	Three Municipal Chair Persons (nominated by C&DMA)	-	Member	
11	Convener, State Level Bankers Committee,	-	Member	Deleted: Lead Bank Manager
12	One Representative each from Two NGOs nominated by the C&DMA	-	Members	Deleted: Government
13	Director, School Education	=	Member	Formatted: Left
14	The Mission Director, Mission for Elimination of Poverty in Municipal Areas (MEPMA)	-	Member-Convener	Deleted: 3

11. Powers and Functions of State Slum Redevelopment Authority

The powers and functions of the State Slum Redevelopment Authority shall be as follows:

- (1). To declare, notify and de-notify slums;
- (2). To formulate programmes for redevelopment and rehabilitation of slums;
- (3). To formulate standards and guidelines for private sector participation;
- (4). To monitor implementation of slum redevelopment schemes;

- (5). To monitor the community participation and community ownership programmes in all group housing schemes for slum redevelopment and rehabilitation;
- (6). To administer the funds released by Govt. of India, State Govt., and other agencies and monitor the administration of Slum Redevelopment Fund;
- (7). provide guidance to District Slum Redevelopment Authorities;
- (8). To perform all other functions and activities as may be necessary for achieving the objectives of slum redevelopment and rehabilitation

12. Constitution of District Slum Redevelopment Authority

- (1) There shall be a District Slum Redevelopment Authority for each district other than GHMC area constituted in the manner prescribed to exercise the powers, perform the functions and discharge the duties as provided under this Act.
- (2) The District Slum Redevelopment Authority in each district other than GHMC shall consist of the following members:

1	District Collector		Chairman	
2	Revenue Divisional Officer	in whose jurisdiction the proposed slum redevelopment project lies	Members	
3	Executive Engineer, Public Health			
4	Chairperson of the Municipality/Mayor of the Corporation		Member	
5	Project Director, Andhra Pradesh State Housing Corporation Ltd.		Member	Deleted: District Manager
6	Planning Officer of Urban Development Authority in the district		Member	
7	District Town and Country Planning Officer		Member	
8	District Medical and Health Officer		Member	
9	District Educational Officer		Member	
10	Ward member / Corporator	In whose ward proposed slum redevelopment project lies	Member	
11	Two persons	Representing Slum Level Federations / Self Help Groups / Non Government Organizations in the slum proposed for redevelopment nominated by the District Collector	Members	
12	Two persons	Nominated by the District	Members	Deleted: Government

		<u>Collector</u> from among the persons having expertise in the fields of urban poverty, livelihood, housing, infrastructure, and environment.	
13	Lead Bank Manager		Member
14	Municipal Commissioner	District Head Quarters Municipality / Municipal Corporation	Member
15	Municipal Commissioner	In whose municipality the proposed slum redevelopment project lies	Member Convener
16	Project Director, MEPMA		Vice Chairperson

(3) The Slum Redevelopment Authority for GHMC shall consist of the following members:

1	Commissioner of GHMC		Chairman
2	Collector of the district	In whose jurisdiction the proposed slum project lies	Member
	Engineer –in-Chief/Chief Engineer, GHMC		Member
	Chief City Planner/City Planner, GHMC		Member
	Chief Medical Officer of Health, GHMC		Member
	Director (Planning) of Hyderabad Metropolitan Development Authority		Member
	Representative of Hyderabad Metropolitan Water Supply & Sewerage Board		Member
	<u>Project Director</u> , Andhra Pradesh State Housing Corporation <u>Ltd.</u> , Hyderabad and Ranga Reddy Districts		Members
	Project Director, DPMU, MEPMA Hyderabad and Ranga Reddy Districts		Member
	Corporator	In whose ward proposed slum redevelopment project lies	
	Two persons	Representing Slum Level Federations/Self Help Groups/Non Government Organizations in the slum proposed for redevelopment nominated by the Commissioner	Members
	Two persons	Nominated by the Commissioner from among the persons having	Members

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		expertise in the fields of urban poverty, livelihood, housing, infrastructure, and environment	
	Lead Bank Manager		Member
	District Educational Officer		Member
	Dy. Commissioner of the concerned Circle		Member Convener
	Additional Commissioner dealing with urban slums		Vice Chairperson

(4) The extent of areas of neighboring districts included in GHMC is excluded from the jurisdiction of corresponding District Slum Redevelopment Authority referred in sub section (2).

**13. Powers and Functions of the District Slum Redevelopment Authority/
Competent Authority:**

- (1) The powers and functions of the Competent Authority shall be as follows:-
- (i) Undertake the survey of slum areas and slum dwellers rehabilitation;
 - (ii) Assess the land and housing requirement for redevelopment and rehabilitation of slum areas;
 - (iii) Identify the land and/or sites for rehabilitation of slum areas;
 - (iv) Formulate schemes for rehabilitation and housing of slum dwellers;
 - (v) Administer the community ownership programmes or group housing schemes for Slum Redevelopment;
 - (vi) Formulate standards and guidelines for Slum Redevelopment;
 - (vii) Provide technical support in the preparation of schemes for Slum Redevelopment;
 - (viii) Formulate schemes with the private sector participation, and other non-government organizations with appropriate incentives;
 - (ix) Submit proposals for notification and de-notification of slum areas;
 - (x) Implement slum improvement programmes and redevelopment and rehabilitation plans of slum areas;
 - (xi) Monitor the community participation and community ownership programmes in all housing/Group housing schemes for slum redevelopment and rehabilitation;

- (xii) Associate with finance and housing agencies;
- (xiii) Assist in obtaining funds and other resources needed in the slum redevelopment and housing programs;
- (xiv) Coordinate activities of the Slum dwellers Associations.
- (xv) Coordinate with various departments of Government and organizations for Slum Redevelopment;
- (xvi) Transfer the developed schemes to the municipalities for further maintenance;
- (xvii) Take up any activity relating to slum improvement, slum rehabilitation and slum redevelopment and other activities as contemplated under this Act;
- (xviii) Administer the Slum Redevelopment Fund;
- (xix) Take up Slum Redevelopment Schemes in slums located on Govt. of India lands with the concurrence of concerned departments;
- (xx) To perform such other activities as may be necessary for achieving the objective of redevelopment of slums, as prescribed.

Provided that the formulation of standards and guidelines and schemes with the private sector participation, and other non-governmental organizations shall be with the approval of the State Slum Redevelopment Authority.

Provided also that the powers and functions shall be exercised and performed in coordination with the municipality concerned.

- (2) The Authority shall also exercise the powers, perform the functions and discharge the duties as may be prescribed by Government from time to time.

14. The Government may constitute Slum Redevelopment Authority for any Municipal Corporation other than GHMC and the constitution, powers and functions in respect of such Authority shall be as detailed under section 12 and 13 respectively.

CHAPTER – V

REDEVELOPMENT OF SLUM AREAS

15. In-situ Redevelopment of Slum Area

- (1). Keeping in view the overall public health and safety, and the minimum planning standards with regard to width of approach roads, lanes and by-lanes; and social, economic and rehabilitation aspects as may be prescribed to facilitate the provision of basic services like water supply, sewerage, drainage and electricity etc., the notified slum areas shall be redeveloped.

The redevelopment referred in sub-section (1) shall be undertaken in case of slum areas notified and existing on unobjectionable lands owned by State Government or the Municipality or Central Government if consented. Provided that after execution of the redevelopment of the slum area, the Competent Authority shall assign the property rights in the manner prescribed and as per the approved layout and subject to the conditions specified under section 8.

- (2). The slum areas located on hazardous and objectionable lands referred under section 9 shall not be redeveloped.

16. The Process of Redevelopment

- (1) The redevelopment of the slum area shall be done as per the guidelines issued by the Government from time to time.
- (2) Special zoning and building regulations shall be applied for the slum areas as prescribed following revised town planning standards specified for slum areas.
- (3) Any modifications consequent on special zoning and building regulations referred under sub-section (2) shall be deemed to have been modified in the General Town Planning Scheme / Master Plan and shall be incorporated therein.
- (4) While preparing the plans, the Competent Authority may consider the existing developmental programmes and other housing programmes.

- (5) While preparing the plans, the Competent Authority may consider creation of work centres, service centres, commercial spaces and vending zones.
- (6) While preparing the plans, the Competent Authority shall ensure community mobilization to ensure ownership and sustainability.
- (7) While preparing the plans, the Competent Authority may also consider the participation of private sector under Public Private Partnership (PPP) mode, duly providing incentives as prescribed by the Govt.

17. Transit Accommodation

During the course of redevelopment of the slum area, transit accommodation shall be provided to the slum dwellers for the prescribed duration, or reasonable rent shall be paid to the affected persons as prescribed.

CHAPTER – VI
RELOCATION AND REHABILITATION OF SLUM AREAS

18. Rehabilitation

- (1) In respect of the slum areas which cannot be developed in-situ on the lands referred under section 9, the occupiers of the said areas shall be rehabilitated in other places.
- (2) The Competent Authority shall in the first instance identify the available lands owned by Government or the municipality for the purpose of rehabilitation of occupants of the slum areas referred in sub-section 1.
- (3) The Competent Authority, after identification of land, shall take action to take possession of the land from the concerned authority for the purpose of rehabilitation of the slum areas.
- (4) In case suitable government or municipal lands are not available, the Authority shall take action to acquire suitable private patta lands under the provisions of Land Acquisition Act, 1894. Such acquisition shall be treated similar to that for public purpose.

19. Preparation of Detailed Development Plan

- (1) The process of rehabilitation of the slum dwellers shall be done as per the guidelines issued by the Government from time to time.
- (2) Once the land is identified and taken possession or acquired, the Competent Authority shall prepare a detailed development plan with suitable layout for the area complying with town planning acts and rules suitable for slum rehabilitation programmes.
- (3) Special zoning and building regulations shall be applied as per the revised town planning acts and rules specified for the areas for rehabilitation.
- (4) Any modifications consequent on the special zoning and building regulations shall be dealt with as prescribed under sub-section (3) under Section 16.
- (5) While preparing the plans, the Competent Authority may consider the existing developmental programmes as prescribed under sub-section (4) of Section 16.

(6) While preparing the plans, the Competent Authority may consider creation of work centres, service centres, primary schools, urban health centres, anganwadi centres, and commercial spaces and vending zones.

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(7) While preparing the plans, the Competent Authority shall ensure community mobilization and may involve private sector under Public Private Partnership as prescribed under sub-sections (6) and (7) of Section 16.

20. Shifting to rehabilitation area

(1) After execution of rehabilitation plans under sub-section (1) and (2) of Section 19, the Competent Authority shall take action for shifting of slum dwellers into the rehabilitation area. They shall also be assigned with the property right, subject to the conditions stipulated under section 8 of the Act.

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(2) Once the slum dwellers are resettled at the rehabilitation area, the structures built upon vacated lands shall be removed by the Competent Authority and the land shall be restored to the concerned department for safe custody and designated use.

(3) The beneficiaries of the hazardous/ objectionable slums shall be rehabilitated in an area, to the extent possible, nearer to their original location to prevent potential loss of livelihood opportunities suited to their skill-set.

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CHAPTER – VII

ACQUISITION OF LANDS

21. Acquisition of private patta lands for rehabilitation

In cases where no suitable government or municipal lands are available and suitable private patta lands are identified for rehabilitation of slum areas, the Competent Authority shall take action for acquisition of lands under the provisions of Land Acquisition Act, 1894 with its latest amendments.

22. Acquisition of land where slum areas are located on private patta lands

- (1) Where the Competent Authority is satisfied that in-situ redevelopment of slum areas can be undertaken on lands owned by private pattadars and it is necessary to acquire such land, it may acquire the land under the relevant provisions of Andhra Pradesh Slum Improvement (Acquisition of Land) Act, 1956 with its latest amendments.
- (2) While undertaking redevelopment in respect of the land covered under subsection (1), the procedure followed for in-situ redevelopment of land under Sections 15 and 16 shall be followed.

CHAPTER – VIII
DENOTIFICATION OF SLUMS

23. De-notification of slums

- (1) As soon as the slum areas are redeveloped or rehabilitated as per the provisions of the Act, the Competent Authority shall submit proposals to the State Slum Redevelopment Authority to de-notify the slum areas as prescribed.
- (2) After satisfying that the slum areas are redeveloped or rehabilitated as per the provisions of the Act, the State Slum Redevelopment Authority shall de-notify the slums as prescribed.

CHAPTER – IX FINANCING

24. Slum Redevelopment Fund

- (1) There shall be a fund called 'Slum Redevelopment Fund (SRF)' at the ULB level to implement the provisions of the Act. It shall be maintained by the municipality concerned as a separate fund.
- (2) The sources of the Fund shall consist the following:
 - (i) Not less than 10% of Urban Poverty Alleviation (UPA) / Basic Services to the Urban Poor (BSUP) fund of the municipality as may be prescribed;
 - (ii) Not less than 10% of all town planning related fees and charges collected by the municipality as may be prescribed;
 - (iii) Contribution from the District level SRA, municipality and the households towards operation and maintenance of the environmental and social infrastructure as may be prescribed;
 - (iv) Contributions from State Government and Central Government;
 - (v) Contributions from organizations, philanthropists, individuals and NGOs;
 - (vi) Contributions from external agencies;
 - (vii) Revenue generated by creating remunerative schemes in the commercial spaces;
 - (viii) Shelter **fund** as referred under sub section (2) of section 25.
 - (ix) Any other funding source as notified by the Govt.
- (3) The constitution and administration of the Fund shall be as may be prescribed.

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CHAPTER – X
PREVENTION OF FUTURE GROWTH OF SLUMS

25. Earmarking land / Built up space for economically weaker sections:

1. The Government may, in order to prevent future growth of slums and enable adequate supply of land to meet the housing needs of the Urban Poor, ensure that in case of plotted / Group Housing development, the developer shall handover at least 5% of the total area to the competent authority to enable utilization of the land for housing of the Economically Weaker Sections (EWS) as prescribed. In addition, 5% of the land / plots / housing units / built up space shall be earmarked for Economically Weaker Sections (EWS) and 5% of the land / plots / housing units / built up space shall be earmarked for Low Income Group (LIG) persons for housing purpose as prescribed provided that the Government may, in specific case to be prescribed, permit payment of amount in lieu of land / plots / housing units / built up space.
2. Government may also create a shelter fund to meet the objectives of the Act. The composition and utilization of this fund shall be as prescribed.
3. The procedure for handing over or earmarking of land / plots / housing units / built up space for Economically Weaker Sections (EWS) and Low Income Groups (LIG) of persons shall be as may be prescribed.
4. A Slum free City Committee shall be constituted at the ULB level, which shall constantly monitor the migration patterns in the surrounding areas, ensure effective enforcement of building regulations, assist in removal of encroachments, and initiate suitable measures for prevention of formation of new slums, as prescribed.

26. Land allotted to various organizations

- (4) In all new cases where land is allotted to various organizations or institutions by the Government for development of work space, or industries, or institutions etc., there shall be reservation of land for economically weaker sections and low income groups of persons as may be prescribed under sub-section (1) under Section 25, in respect of all Municipalities, Municipal Corporations and Urban Development Authorities.
- (5) In respect of land where it has already been allotted, the unutilized portion may be reserved for Economically Weaker Sections and Low Income Group persons as may be prescribed under sub-section (1) above.

27. Provision of incentives

- (6) The Government may provide incentives in the form of additional floor area, change of land use, transferable development rights, concession in fees and charges etc. to any developer who undertakes housing projects to encourage supply of housing for, economically weaker sections and low income groups of persons as may be prescribed.
- (7) The Government may provide incentives in the form of provision of trunk infrastructure, land use change, concession in conversion fee, lay out fee and development charges etc., where weaker section housing/plotting is taken up in high density zones and at major traffic nodes as may be prescribed.
- (8) In case the redevelopment or rehabilitation is undertaken by a society of slum dwellers or a Non Government Organization (NGO), incentives in the form of relaxation or exemption from the rules and regulations may be extended in the manner prescribed.

28. Land pooling schemes / Group Housing Schemes

In every layout or land pooling scheme or Town Planning Scheme or Group Housing Scheme or a mix of the above, the owner or developer or builder or agency undertaking the development shall reserve and earmark the land to the extent provided under Section 25.

CHAPTER – XI

POWER TO MAKE RULES

29. Power to make rules

The Government may by notification in the Andhra Pradesh Gazette make rules for carrying out all or any of the provisions of this Act. In particular and without prejudice to the generality of the foregoing power, such rules may provide for:

- (1). All matters expressly required or allowed to be prescribed by the Act;
- (2). Matters relating to identification and declaration of slum areas;
- (3). Matters relating to denotification of slum areas;
- (4). Preparation of plans for the redevelopment or rehabilitation of slum area;
- (5). The manner, extent, and procedure for assignment of property rights to slum dwellers;
- (6). Matters relating to constitution and functioning of State Slum Redevelopment Authority;
- (7). The manner of constitution of Competent Authority;
- (8). The manner in which the proceedings of the Competent Authority are conducted;
- (9). The procedure and manner in which slum redevelopment or rehabilitation schemes are undertaken by the Competent Authority or the municipality or any other agency;
- (10). Constitution and management of Slum Redevelopment Fund;
- (11). Matters relating to levy and collection of shelter **cess**;
- (12). Matters relating to earmarking of land and building spaces for economically weaker sections and low income group of persons;
- (13). Preparation and implementation of operation and maintenance plan for infrastructure and housing created;
- (14). Any other matters as required by Government.

30. Rules to be laid before the Legislature

Every rule made under section 29 shall, immediately after it is made, be laid before each House of the State Legislature if it is in session; and if not in session, in the session immediately following, for a total period of 14 days which may be comprised in one session, or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, both houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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CHAPTER – XII

GENERAL

31. Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act for executing any scheme made under this Act or any member, officer or other employee of such authority or authorities in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made, or the orders or directions issued, there under.

32. Effect of other laws inconsistent with the Act

(9) Subject to the provisions of sub-section (2) below, the provisions of this Act, the rules, or orders made there under shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

(10) If any act or omission constitutes an offence punishable under this Act and also under any other Act, then, the offender found guilty of such offence shall be liable to be punished under this Act and not under the other Act.

33. Penalty for contravention of the provisions of the Act and rules

Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made there under, shall, in respect of each such failure or contravention be punishable with imprisonment for a term which may extend to one year or with fine, which may extend to twenty thousand rupees, or with both; and in case the failure or contravention continues, with additional fine which may extend to one thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention. Revenue Recovery Act may be enforced against the defaulters, as necessary.

34. Offences to be cognizable

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

35. Provision in relation to jurisdiction

(1) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

(2) No Court shall take cognizance of any offence under this Act except upon a complaint made by a person generally or specially authorized in this behalf as may be prescribed.

36. Redevelopment and rehabilitation within four years

The State Slum Redevelopment Authority may within four years from the commencement of this Act redevelop or rehabilitate the slum areas and provide them with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the slum dwellers.

Provided the slums on areas unfit for safe living shall be rehabilitated within a period of two years from the commencement of this Act.

37. Delegation of powers by the Government

The Government may, by notification in the Andhra Pradesh Gazette delegate to any person or authority, subject to such restrictions and conditions, any of the powers vested in them by the Act except the power to make rules, and may in like manner withdraw any power so delegated.

38. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act, the Government may, issue such orders or clarifications as may appear to it necessary or expedient for the removal of the difficulty.