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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 16th September, 2017

THE ODISHA LAND RIGHTS TO SLUM DWELLERS RULES, 2017.

S.R.O. No.413/2017— In exercise of the powers conferred by Section 16 of the Odisha Land Rights to Slum Dwellers Ordinance, 2017 (Odisha Ordinance No. 2 of 2017), the State Government do hereby make the following Rules, namely:—

1. Short title, extent and commencement.— (1) These rules may be called the Odisha Land Rights to Slum Dwellers Rules, 2017.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

- (a) “Appellate Authority” means an officer appointed under section 8;
- (b) “Form” means Forms appended to these rules;
- (c) “Ordinance” means the Odisha Land Rights to Slum Dwellers Ordinance, 2017;
- (d) “Section” means a Section of the Ordinance;
- (e) “Urban Local Body” means the Municipal Council and Notified Area Council constituted under the Odisha Municipal Act, 1950.

(2) Words and expressions used but not defined herein shall have the same meaning as assigned to them in the Ordinance or under the Odisha Municipal Act, 1950.

3. Constitution of Urban Area Slum Redevelopment and Rehabilitation Committee.— Subject to the provisions of sub-section (2) of section 6, every Urban Area Slum Redevelopment and Rehabilitation Committee shall comprise of such other members, namely:—

- (a) An elected representative of the Urban Local Body - Member;
nominated by the Municipal Council
- (b) Superintendent of Police or his representative, : Member;
not below the rank of Deputy Superintendent of
Police or Sub-Divisional Police Officer (SDPO)
- (c) Tehsildar of the District : Member;
- (d) Executive Officer of the Urban Local Body : Member;
- (e) One urban planner to be nominated by the Collector : Member;
- (f) One representative from any Community Based : to be nominated
Organization or slum dwellers who are resident in by the Collector;
the slums in the respective urban area
- (g) One representative of a reputed Non-Government : to be nominated
Organization or Civil Society Organizations working by the Collector.
in the urban area of the State

4. Powers and functions of the Urban Slum Redevelopment and Rehabilitation Committee.— (1) The Urban Slum Redevelopment and Rehabilitation Committee shall —

- (a) undertake necessary survey of land in a slum area or any part thereof, whenever it thinks fit, to prepare the slum map, establish the locations and spatial dimensions of the slum households into the Geographic Information System (GIS) platform, capture socio-economic data of the slum households, collate spatial information with respect to network of basic infrastructure like roads, drainage, water supply, sewerage etc;
- (b) cause maintenance, revision and correction of survey records, maps and entries in registers;
- (c) approve a list of slum dwellers eligible for land rights and cause to be maintained a register containing details of slum dwellers;
- (d) ensure that a certificate of land rights is provided to the eligible slum dweller in a time-bound manner;
- (e) ensure preparation of database regarding tenable and untenable slum areas and share with the State Government;
- (f) identify land available in urban areas for making provisions for rehabilitation;

- (g) formulate plans and projects for slum redevelopment and rehabilitation so as to cover all slums in a time-bound manner;
- (h) facilitate implementation of the schemes for slum redevelopment and rehabilitation;
- (i) constitute sub-committees for implementing the provisions of the Ordinance and these rules; and
- (j) review and coordinate the activities of the sub-committees, agencies and experts engaged and put in place effective implementation, monitoring and evaluation systems.

(2) The Committee shall discharge such other functions in accordance with the guidelines, orders or standard operating procedures issued by the State Government, from time to time.

5. Conduct of business of the Committee. — (1) The meetings of the Committee shall be convened by the Chairperson of the Committee or by any member nominated by the Chairperson, in this behalf and shall be held at such intervals, times and places as may be decided by the Committee.

(2) The Chairperson of the Committee or in his absence, any other member nominated by the Chairperson, shall preside over the meeting.

(3) The quorum necessary for the conduct of business of the Committee shall be three.

(4) The Chairperson of the Committee shall nominate any member of the Committee or such officers and employees of the Committee to maintain the records, accounts, receipts and documents connected with the business of the Committee.

6. Powers and functions of the Authorised Officer. — In addition to the powers and functions specified in the Ordinance, the Authorised Officer shall exercise the following powers and functions, namely:—

- (a) to enter upon any land or premises within the slum area or part thereof under survey between the hours of sunrise and sunset;
- (b) to cause a notice in writing to be served on the slum dwellers, calling upon them to appear before him within a specified time for the purpose of pointing out boundaries and for producing such information as may be needed; and every person on whom such notice may be served shall be bound to appear as required by the notice and to give any information which may be required and is within his knowledge;

- (c) after due service of notice under sub-rule (b), to proceed with the survey whether the persons upon whom such notice has been served are present or not and every such person who fails to appear as required by the said notice shall be bound by the results of the survey in the same manner and to the same extent as if the survey were made in his presence;
- (d) to hold an inquiry, if in the course of a survey, a dispute is found to exist as to the boundaries of any land to be surveyed, shall summon and enforce attendance of witnesses, compel production of documents and to pass an order in writing after giving opportunity of being heard to the parties involved;
- (e) to issue the certificate of land rights to the eligible slum dwellers upon approval by the Committee, in Form I; and
- (f) exercise such powers and perform such duties not inconsistent with the provisions of the Ordinance and these rules.

7. Manner of surrender of certificates. — (1) Subject to the provisions of sub-section (6) of section 3, the slum dweller holding more than one certificate of land right shall immediately surrender all such certificates to the Authorised Officer and shall not use the certificates for any purpose whatsoever.

(2) The Authorised Officer, upon receipt of such certificates, shall cancel them and shall cause revision of the necessary records and intimate the same to the Committee at its next meeting.

8. Manner of filing, hearing and disposal of appeals. — (1) Every appeal made under section 8 shall be preferred within a period of sixty days from the date on which a copy of the direction or order or decision made under the Ordinance is received by the aggrieved person and it shall be in Form II and shall be accompanied by a fee of Rupees five hundred:

Provided that the Appellate Authority may entertain any appeal after the expiry of sixty days if it is satisfied that there was sufficient cause for not filing it within that period.

(2) On receipt of an appeal under sub-rule (1), the Appellate Authority may, after giving the parties an opportunity of being heard, pass such orders, including interim orders, as it thinks fit.

(3) The Appellate Authority shall send a copy of every order made by it to the parties and to the Committee or the Authorized Officer, as the case may be.

(4) The appeal preferred under sub-rule (1), shall be dealt with as expeditiously as possible and endeavour shall be made by it to dispose of the appeal within a period of sixty days from the date of receipt of the appeal:

Provided that where any such appeal could not be disposed of within the said period of sixty days, the Appellate Authority shall record its reasons in writing for not disposing of the appeal within that period.

(5) The Appellate Authority may, for the purpose of examining the legality or propriety or correctness of any order or decision made under the Ordinance, on its own motion or otherwise, call for the records relevant to dispose of such appeal and make such orders as it thinks fit.

9. Administration of Urban Poor Welfare Fund. — (1) The Fund shall be applied for creation of urban infrastructure in the slums in the Urban Local Body and incidental expenses relating to its operation and maintenance.

(2) The Fund shall be administered by a sub-committee of such members of the Committee as may be determined by the Chairperson of the Committee.

(3) The sub-committee appointed under sub-rule (2) shall spend monies out of the Fund for carrying out the objects for which the Fund has been constituted.

Form - I

[See Rule 6 (e)]

CERTIFICATE OF LAND RIGHT

Certificate No.:		
Name (s) of holder (s) of land rights (including spouse)		
Name:	Name:	
Family details		
Name of the father/ mother:	Name of dependent family members:	
Address		
Road/Street/Basti:	District:	Municipality /NAC:
	Ward No.:	Phone No.:
Other details		
Aadhaar No./Identification No.:	EWS/Other than EWS:	Other Information:
Details of land settled:		
Description of boundaries by prominent landmarks:	Area (in sq.m):	Settlement amount, if any (in Rs.):
	Mode of Payment:	Receipt No. & Date:

This right is heritable, but not alienable or transferable under sub section (3) of section 3 of the Ordinance.

This right may be mortgaged for the purpose of raising finance in form of housing loan from any financial institution.

The right shall be acceptable as evidence for address proof of residence.

I/We, the undersigned, hereby, for and on behalf of the Government of Odisha affix my/our signature(s) to issue the above certificate of land rights.

Date:

District Collector/Authorized Officer

Form - II
[See rule 8 (1)]
FORM FOR APPEAL

To,
The Appellate Authority
..... (Name & Address)

1. Name and Address of the Appellant (including phone No.): _____

2. Name of the Committee / Authorised Officer against the decision of whom the appeal is preferred: _____
3. Details of order of the Committee / Authorised Officer: No. _____ dated _____
4. Date of receipt of the order by the Appellant: _____
5. Brief facts leading to the appeal: _____

6. Relief Sought: _____

7. Grounds for the Relief: _____

8. Any other information necessary for deciding the appeal: _____

9. List of enclosures, if any:

Declaration

I..... son of.....residing at
.....verify
that the contents of the above appeal filed by me are true to the best of my knowledge and belief.

Name of the appellant:
Date:
Place:

Signature:

[No.21429-HUD-13-LEGIS-67-POLICY-15-34/2017/HUD.]

By Order of the Governor

G. MATHI VATHANAN
Commissioner-*cum*-Secretary to Government