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## **Jammu and Kashmir Property Rights to Slum Dwellers Act, 2011**

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EXTRAORDINARY

REGD. NO. JK—33



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**PART III**

**Laws, Regulations and Rules passed thereunder.**

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**JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY  
SECRETARIAT, SRINAGAR.**

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) **M. RAMZAN,**

Secretary.

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THE JAMMU AND KASHMIR PROPERTY RIGHTS TO SLUM  
DWELLERS BILL, 2011.

[L. A. Bill No. 24 of 2011.]

A Bill to provide for facilitation of inclusive growth and slum-free cities, lay down general principles applicable to slum-free cities in all spheres of Government and according property rights to slum dwellers and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-second Year of the Republic of India as follows :—

CHAPTER 1

**Preliminary**

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Property Rights to Slum Dwellers Act, 2011.

(2) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint and different dates may be appointed for different areas.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) “Act” means the Jammu and Kashmir Property Rights to Slum Dwellers Act, 2011 ;

(2) “affordable cost” means a cost that is based on the needs and financial capability of the slum dweller, as determined by the State Slum Redevelopment Authority ;

(3) “authorized officer” means any officer as may be specifically authorized by the Government to exercise the powers of an authorized officer in any specified area ;

(4) “basic civic services” means services of drinking water supply, drainage, sewerage, solid waste disposal and street lighting ;

(5) “building” includes a house, outhouse, 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 verandahs, fixed platforms, plinths, doorsteps, electric meters, walls including compound walls and fencing and the like, but does not include plant or machinery comprised in a building ;

- (6) "carpet area" means the net usable floor area of a dwelling house, excluding that covered by the walls and the common areas ;
- (7) "Central Government land" means land owned by the Central Government or its undertakings ;
- (8) "Chairperson" means the Chairperson of the City Slum Redevelopment Committee appointed under section 8 of the Act ;
- (9) "City Slum Redevelopment Committee" and "District Slum Redevelopment Committee" means City Slum Redevelopment Committee and District Slum Redevelopment Committee appointed under section 8 or 9 of the Act, as the case may be ;
- (10) "Deputy Commissioner" means the Deputy Commissioner of a district and includes an Additional Deputy Commissioner or any officer specially appointed by the Government to perform the functions of a Deputy Commissioner under the Act ;
- (11) "development/redevelopment" with its grammatical variations and cognate expressions, means the carrying out of any building, engineering or other operations in, on, over or under land or the making of any material change in any building or land and includes layout and sub-division of any land ;
- (12) "dwelling house" means an all weather single/multistoried super structure with adequate basic infrastructure including portable water, and sanitation for a quality living ;
- (13) "dwelling space" means a dwelling house or a piece of land for construction of a dwelling house ;
- (14) "Floor Space Index/Floor Area Ratio" means the area that can be constructed on a piece of land divided by the total area of the land ;



- (15) "Government" means the Government of Jammu and Kashmir ;
- (16) "Government Land" means any land owned or acquired by the State Government or its undertakings or the Urban Local Body or Development Authorities situated in a district or an urban area, as the case may be ;
- (17) "*in situ* slum redevelopment" means the process of redevelopment of slum areas by providing dwelling space and other basic civic and infrastructural services to the slum dwellers, on the existing land on which the slum is based ;
- (18) "land" includes benefits arising out of land, and things attached to the earth or permanently fastened to anything attached to the earth ;
- (19) "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 house or land in an urban area ;
- (20) "Member" in relation to the District or City Slum Redevelopment Committee, means the member of the District or City Slum Redevelopment Committee appointed under sections 7 & 8, as the case may be and includes the Chairperson ;
- (21) "person" includes an individual and his family ;  

Explanation :— 'family' includes husband, wife, minor son, unmarried daughter or any relation by blood wholly dependent on the slum dweller.
- (22) "prescribed" means prescribed by rules made under the Act ;
- (23) "private land" means land owned by a private person or entity ;
- (24) "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 ;

- (25) "rule" means the rules made under the Act by the Government ;
- (26) "scheme" means any arrangement or plan prepared and declared under the Act for the protection, redevelopment, upgradation, relocation and resettlement of slum dwellers as provided under section 11 ;
- (27) "slum" or "slum area" means a compact settlement of at least 10 to 15 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 ;
- (28) "slum dweller" means any person who is a Permanent Resident of the State of Jammu and Kashmir and is residing within the limits of a slum area ;
- (29) "slum resettlement" means the process of relocation and settlement of slum dwellers from the existing slums to an alternative site with dwelling space, basic civic and infrastructural services ;
- (30) "State Authority" means the State Slum Redevelopment Authority establishment under section 12 of the Act ;
- (31) "tenable settlement" means all slums which do not fall within the definition of Untenable Settlements ;
- (32) "untenable settlements", are those settlements which are on environmentally hazardous sites, ecologically sensitive sites, prohibited areas around heritage sites and on land marked for public spaces, utilities and services and infrastructure ;
- (33) "upgradation" means the process of improving the quality or expanding of dwelling spaces occupied by slum dwellers with provision of basic services and infrastructure services and includes landscaping ;

- (34) "Urban Area" means the areas notified as Municipal Corporation, Municipal Council or Municipal Committee under the Jammu and Kashmir Municipal Corporation Act, 2000, and Jammu and Kashmir Municipal Act, 2000, and it also includes area under Cantonment Board and the areas notified as "Local Area" under sub-section (1) of section 3 of Jammu and Kashmir Development Act, 1970 ; and
- (35) Words and expressions used but not defined in this Act shall have the same meaning as assigned to them respectively under the Jammu and Kashmir Municipal Corporation Act, 2000, Jammu and Kashmir Municipal Act, 2000, Jammu and Kashmir Town Planning Act, 1963 and the Jammu and Kashmir Development Act, 1970.

## CHAPTER II

### Property Rights

#### 3. *Property Rights in the form of dwelling space.*—

(1) Notwithstanding anything contained in any law for the time being in force, every landless person who is permanent resident of the State and lives in a slum area in any city or urban area as on 01-01-2010 shall be entitled to a dwelling house at an affordable cost.

*Explanation* :— For the purpose of this sub-section the dwelling house shall be of a minimum twenty five square meter carpet area, or where land is being allotted, the allotment shall be of a minimum area so as to allow a construction of a dwelling house of minimum twenty five square meter carpet area.

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

*Explanation* :— For the purpose of this sub-section, the legal title 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 :

Provided that where slum redevelopment is carried out or proposed to be carried out with the slum dwellers acting as a collective, then the

entitlement may be given to the registered Co-operative/Association/Society, as the case may be of the slum dwellers, wherein the slum dwellers shall individually have membership rights in such registered Co-operative/Association/Society :

Provided further that entitlement of Co-operative/Association/Society shall be subject to the condition that all its members are permanent residents of the State.

(3) The legal 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 may be, every eligible slum dweller shall be issued a document of intent to allot and shall not, irrespective of his land tenure status, be evicted from that slum area.

(5) Every slum dweller eligible under sub-section (3) shall be provided with basic civic services until the site for the dwelling space has been developed.

(6) The dwelling space so provided under sub-section (1) shall not be transferable by sub-lease, sale, gift, mortgage or any other manner whatsoever except by inheritance, without the permission of the Government before a period of ten years from the date of allotment of the said dwelling space :

Provided that the dwelling space so allotted can be mortgaged for the purpose of raising finance in the form of a housing loan from any accredited financial institution for repayment of the cost of construction of the dwelling house.

(7) If any slum dweller to whom the dwelling space has been provided, transfers such dwelling space in contravention of the provisions of sub-section (5), the following consequences shall ensue, namely :—

- (a) the allotment shall stand automatically cancelled on the date of such transfer ;
- (b) such transfer shall be null and void ;
- (c) no ownership or occupancy rights shall accrue to the transferee of such dwelling space ;

- (d) the authorized officer on the directions of the City/District Slum Area Redevelopment Committee shall dispose of the person who is in actual possession of such dwelling space if or when such transfer comes to its notice.

(8) Notwithstanding anything contained in the Jammu and Kashmir Registration Act, 1977, no officer empowered to register documents thereunder shall admit for registration any document which purports to contravene the provisions of sub-section (6).

4. *In situ redevelopment and upgradation of all tenable slums.*—

(1) The dwelling space under sub-section (1) of section 3 shall be provided *in situ* in all tenable slums and the Government may for this purpose modify the land use and town planning provisions, wherever needed.

(2) The slum dwellers living in a slum, which is untenable, shall be provided a dwelling space at an alternate site with basic civic and infrastructure services.

(3) Where the slum is located on Central Government land or on privately owned land for less than 20 years, and the Central Government or the private owner, as the case may be, is unwilling to negotiate a solution, the eligible slum dwellers shall be provided a dwelling space at an alternate site with basic civic and infrastructure services.

(4) Where under sub-section (2) or sub-section (3), the slum is relocated to a site more than 5 kilometers, and such relocation site is unconnected by public transport to the original site, the City/District Area Slum Redevelopment Committee shall ensure adequate public transport arrangements for the convenience of the slum dwellers to reach their places of livelihood.

5. *Conditions for allotment of a dwelling space.*—(1) the allotment of the dwelling space under sub-section (1) of section 3 shall be subject to the following conditions :—

- (i) the slum dweller undertakes to pay the affordable cost for the dwelling space ;
- (ii) the slum dweller will occupy or construct the dwelling house as the case may be within the period notified and the City Slum Area Redevelopment Committee ;

- (iii) the slum dweller undertakes to abide by the conditions of allotment ; and
- (iv) the slum dweller is a permanent resident of the State.

6. *Process of Identification of Eligible Slum Dwellers, Grant of Legal Entitlement and Dispute Resolution.*—The Government shall prescribe and notify necessary directions for the identification and periodic survey of slum dwellers including biometric survey, manner of grant of legal entitlement to dwelling space, grievance redressal or dispute resolution mechanism etc. for the purpose of granting legal entitlement to the slum dwellers.

### CHAPTER III

#### Slum Area Redevelopment Committees

7. *Establishment of District Slum Area Redevelopment Committee.*—(1) The Government shall, by notification in the Government Gazette, establish for the purpose of the Act a District Slum Area Redevelopment Committee for slum areas of each districts and the Committee shall exercise jurisdiction over the areas as specified therein.

(2) The District Slum Area Redevelopment Committee shall be headed by the Deputy Commissioner and shall comprise of the following members :—

- (a) Superintendent of Police of the district ;
- (b) District Slum Development Officer who shall also function as the Chief Executive Officer of the Committee ;
- (c) Town Planner of the district ;
- (d) Director of Environment ;
- (e) Divisional Forest Officer ;
- (f) one member having expertise in the field of urban planning to be nominated by the Government ;
- (g) Executive Officers of the Municipalities ;
- (h) two representatives of reputed NGO's/Civil Society Organizations from within the urban area, to be nominated by the Government ;

(i) representative of the Central Government Land Owning Agency ;

(j) any other member that the Government nominate.

**8. *Establishment of City Slum Redevelopment Committee.*—**

(1) The Government shall, by notification in the Government Gazette, establish a City Slum Redevelopment Committee for areas in each Municipal Corporation.

(2) The City Slum Redevelopment Committee shall be headed by the Administrative Secretary, Housing and Urban Development Department and shall comprise of the following members :—

(a) Municipal Commissioner of the Municipal Corporation who shall also function as Chief Executive Officer of the Committee ;

(b) Deputy Commissioner of the district ;

(c) Superintendent of Police of the district ;

(d) District Slum Development Officer ;

(e) Town Planner of the district ;

(f) Director of Environment ;

(g) Divisional Forest Officer ;

(h) one member having expertise in the field of urban planning to be nominated by the Government ;

(i) two representatives of reputed NGO's/Civil Society Organizations from within the urban area, to be nominated by the Government ;

(j) representative of the Central Government Land Owning Agency ;

(k) any other member that the Government may nominate.

**9. *Conduct of business and appointment of Staff.***— (1) The procedure and conduct of business by the City Slum Redevelopment Committee and District Slum Redevelopment Committee shall be as prescribed by the Government.

(2) The terms and conditions for the appointment of officers and employees to assist the City Slum Redevelopment Committee and District Slum Redevelopment Committee and the Special Committees, their salaries and allowances etc. shall be as prescribed by the Government.

**10. *Power and Duties of the City Slum Redevelopment Committee and District Slum Redevelopment Committee.***—(1) The City Slum Redevelopment Committee and District Slum Redevelopment Committee shall have following powers and duties, namely :—

- (i) to survey and make a list of slum dwellers for grant of legal entitlement to dwelling space ;
- (ii) to review, and make an inventory of the existing position regarding slum areas and lands in urban areas for provision of dwelling space ;
- (iii) to formulate schemes for slum redevelopment/upgradation/resettlement so as to cover every slum area within a specified period of time ;
- (iv) to implement the schemes for slum redevelopment/upgradation/resettlement by designating agencies ;
- (v) to constitute special committees headed by members of the Committee, for implementing slum redevelopment/upgradation/resettlement schemes ;
- (vi) to appoint such number of experts for technical and legal work as may be necessary for the efficient performance of its functions ;
- (vii) to put in place effective monitoring and evaluation systems relating to various projects under the slum redevelopment/upgradation/resettlement schemes with clear responsibilities and budgets ;
- (viii) to formulate schemes for rental housing for the urban poor and slum dwellers ineligible under the Act and ensure its implementation ;



- (ix) to ensure prevention of slums in the future, review and monitor the implementation of the provisions in the relevant Acts related to prevention and removal of encroachment on Government land ;
- (x) to partner with the private sector, and other non-government organizations for implementation of the schemes ;
- (xi) to assist the slum dwellers in the forming of Co-operatives or Association or Society ;
- (xii) to do all such other acts and things as may be necessary for achieving the objective of redevelopment/upgradation/resettlement of slums.

11. *Schemes for Redevelopment, Upgradation in and Resettlement of Slum.*—(1) The City/District Slum Redevelopment Committee shall prepare schemes as per the rules prescribed, covering provision of dwelling space, basic civic and infrastructure services for *in situ* redevelopment or upgradation or relocation and resettlement of slums and for such other matters as it deems fit and necessary for the implementation of the provisions of the Act.

(2) For the purposes of planning and land development under the slum redevelopment, upgradation and resettlement schemes, the Government may, on the recommendation of the City/District Slum Redevelopment Committee, make regulations under this Act.

(3) The slum dwellers or their representatives shall be involved by the City/District Slum Development Committee in the preparation of the schemes and no such scheme shall be implemented without the consent of the majority of the adult slum dwellers living in that slum.

#### CHAPTER IV

##### State Slum Redevelopment Authority

12. *State Slum Redevelopment Authority.*— (1) The Government may, by notification, establish for the purpose of the Act an authority to be called the State Slum Redevelopment Authority, to continuously monitor implementation of the Act and to recommend corrective measures wherever necessary, to take decisions that concern land use, town planning, master planning processes etc. and to exercise powers and perform such other functions assigned to it under the Act.

(2) The State Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.

(3) The State Authority shall consist of the following members, namely :—

- |  |                      |
|--|----------------------|
| (a) Chief Minister   | — Chairperson ;      |
| (b) Minister for Housing and Urban Development and Local Self-Government   | — Vice-Chairman ;    |
| (c) Minister for Finance   | — Member ;           |
| (d) Minister for Revenue   | — Member ;           |
| (e) Minister for Environment   | — Member ;           |
| (f) Minister for Law, Justice and PA   | — Member ;           |
| (g) Chief Secretary  | — Member ;           |
| (h) Administrative Secretary, Planning and Development Deptt.  | — Member ;           |
| (i) Administrative Secretary, Finance Deptt.   | — Member ;           |
| (j) Administrative Secretary, Housing and Urban Development and Local Self-Government who shall be ex officio Chief Executive Officer of the State Authority | — Member-Secretary ; |
| (k) Two members representing civil society/community based organizations/NGO's/Social Organization etc. to be nominated by the Chairperson                   | — Members ;          |
| (l) Any other member(s) that the State Government may nominate.  |                      |

(4) The procedure and conduct of business by the State Authority, its budget and the term of office and conditions of service of the members shall such be as may be prescribed.

(5) The terms and conditions for the appointment of officers and employees to function as the secretariat of the State Authority, their salaries and allowances etc. shall be as may be prescribed.

13. *Powers and functions of the State Authority.*—The authority shall perform the following functions, namely :—

- (i) to have overriding powers to take decisions on matters relating to land use, town planning, master planning process etc.
- (ii) to set up the administrative machinery for the effective implementation of the provisions of the Act ;
- (iii) to monitor implementation of the Act ;
- (iv) to decide the financing mechanism for slum redevelopment/upgradation/resettlement schemes, including determination of affordable cost to be paid by the slum dwellers for the dwelling space ;
- (v) to commission such surveys, studies and research as it considers necessary for the discharge of its functions, especially in regard to provision of housing to the urban poor, and to disseminate their findings ;
- (vi) to make provisions for reservation of developed land/Floor Space Index for providing housing to the urban poor and recommend measures to prevent future growth of slums ; and
- (vii) any other functions as may be prescribed.

## CHAPTER V

### Acquisition of Land

14. *Power of Government to acquire land.*—(1) Where on any representation from the City/District Slum Redevelopment Committee, it appears to the Government that, in order to enable the City/District Slum

Redevelopment Committee to execute any work of redevelopment, upgradation or resettlement in relation to any slum area, it is necessary that land within, adjoining or surrounded by any such area should be acquired, the Government may acquire the land by publishing in the Government Gazette a notice to the effect that the Government has decided to acquire the land in pursuance of this section :

Provided that, before publishing such notice, the Government, or as the case may be, the Collector may call upon by notice the owner of, or any other person who, in its or his opinion, may be interested in, such land to show cause in writing why the land should not be acquired ; and after considering the cause, if any, shown by the owner or any other person interested in the land, the Government may pass such order as it deems fit.

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

(3) When a notice as aforesaid is published in the Government Gazette, the land to which the said notice relates shall, on and from the date on which the notice is so published, vest absolutely in the Government free from all encumbrances.

*15. Land acquired by Government to be made available to the City/District Slum Redevelopment Committee.*—Where any land in a slum area or any other area has been acquired under the Act, the Government shall make the land available to the City/District Slum Redevelopment Committee for the purpose of executing any scheme of redevelopment, upgradation or resettlement of schemes.

*16. Compensation for acquisition of land.*—(1) Where land is acquired for the purpose of allotment to the slum dweller, every person having any interest in any land acquired under the Act shall be entitled to receive compensation from the Government.

(2) Compensation will be paid to the land owner which may be monetary, or in the form of concessional building rights in lieu of value of land foregone, partially or wholly transferable or a combination of both.

(3) The process of determination, apportionment and procedure of payment of compensation as per the provisions of the Jammu and Kashmir Land Acquisition Act, Samvat 1990.

## CHAPTER VI

### **Prevention of encroachments and construction of illegal structures, other offences and penalties**

17. *Responsibility to prevent encroachments.*—(1) It shall be the duty of the Government to ensure that there is no encroachment or construction of an illegal structure on Government land, and it 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 to take such action as necessary :

Provided that if such encroachment is not removed within a period of 20 years of the report from the Authorized Officer, every slum dweller, who is permanent resident of the State, shall be entitled to rights over such land in the same measure as provided under section 3 of this Act.

*Explanation* :—For the purpose of this section, Competent Authority means the authority which exercises power of eviction and demolition over land on which such encroachment or construction of illegal structure has been reported.

(2) If the Authorized Officer fails to inform the Competent Authority about the encroachment or illegal construction as the case may be or if the Competent Authority knowingly omits 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 does not provide adequate protection and support, he shall be punished with a simple imprisonment which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

(3) The Authorized Officer shall inform and file a monthly report of all cases of encroachment or construction of illegal structure along with the corrective measure taken to the City/District Slum Area Redevelopment Committee.

(4) Any person who encroaches upon the Government land or constructs an illegal structure or abets the encroachment or construction of illegal structure thereon shall be punished with imprisonment which shall not be less than three years or fine which shall not be less than one lac rupees or both.

18. *Penalty for contravention of the Act and rules.*—Whoever fails to comply with or contravenes any of the other provisions of the Act or the rules, thereunder except as provided under section 17, shall in respect of each such failure or contravention be punishable with fine, which may extend to twenty thousand rupees, 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 of the first such failure or contravention.

19. *Offences to be cognizable.*—Notwithstanding anything contained in the Jantmu and Kashmir Code of Criminal Procedure, Samvat 1989, every offence under the Act shall be cognizable.

## CHAPTER VII

### Miscellaneous

20. *Information, reports or returns.*—The State Authority or the City/District Slum Area Redevelopment 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 and such person, officer or other authority, as the case may be, shall be bound to do so.

21. *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 or Committee constituted under the Act or executing any scheme made under the Act or any member, officer or other employee of such authorities or committees in respect of anything which is done or intended to be done in good faith in pursuance of the Act or the rules or schemes made, or the orders or directions issued, thereunder.

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

Provided that no such order shall be made after the expiration of two years from the commencement of the Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Legislature.

**23. *Civil Courts not to have jurisdiction.***—No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the City/District Slum Area Redevelopment Committee or the State Slum Area Redevelopment Authority is empowered by or under the 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 the Act.

**24. *Jurisdiction to try offences.***—(1) The offences under the Act shall be triable by the Judicial Magistrate having the jurisdiction in the area.

(2) No court shall take cognizance of an offence punishable under the Act or any rules or regulations made thereunder, except upon a complaint in writing made by the City/District Slum Area Redevelopment Authority or by any officer of the City/District Slum Area Redevelopment Authority duly authorized by it for this purpose.

(3) Notwithstanding anything contained in the Jammu and Kashmir Code of Criminal Procedure, Samvat 1989, it shall be Judicial Magistrate of the First Class to pass a sentence of imprisonment or of fine or both under the Act.

**25. *Power of Government to make rules.***—(1) The Government may, by notification in the Government Gazette, make rules to carry out all or any of the purposes of the Act.

(2) Without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :—

- (i) the process of identification of eligible slum dwellers, grant of legal entitlement and dispute resolution under section 6 ;
- (ii) the composition, powers, and functions of the City/District Slum Area Redevelopment Committee under sections 8 or 9, the number of members and their terms and conditions of appointment and other matters connected therewith ;
- (iii) the procedure to conduct business by City Slum Redevelopment Committee and District Slum Redevelopment Committee under section 10 ;
- (iv) appointment of Special Committees and officers and employees of the District Slum Area Redevelopment Committee, their salary and allowances etc. under section 10 ;



- (v) terms and conditions for engagement of experts for technical and legal work to assist the District Slum Area Redevelopment Committee and the remuneration payable to such experts under section 10 ;
- (vi) preparation and implementation of schemes for slum redevelopment, upgradation or resettlement through designated agencies under section 11 ;
- (vii) procedure and framework for fixing responsibility for the maintenance and sustainability for schemes undertaken ;
- (viii) the composition, powers and functions of the State Slum Redevelopment Authority under sections 12 and 13, the number of members and their terms and conditions of appointment and other matters connected therewith ;
- (ix) the procedure and conduct of business by the State Authority and its budget under section 13 ;
- (x) appointment of officers and employees of the State Authority, their salary and allowances etc. under section 12 ;
- (xi) any other matter which is required to be, or may be prescribed, or in respect of which provision is to be, or may be, made by rules.

26. *Overriding effect of the Act over other laws and agreements.*—The provisions of this Act or rules made thereunder shall have effect overriding notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 26 of the Bill empowers the Government to make rules, and Clause 11 (2) empowers the Government to make regulations on the recommendation of the City/District Slum Redevelopment Committee.

The said delegation is of normal character.

MINISTER INCHARGE  
HOUSING AND UD DEPARTMENT

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### **STATEMENT OF OBJECTS AND REASONS**

This Bill aims to provide for legislative framework for facilitation of inclusive growth and slum free cities, including basic amenities and affordable housing to the slum dwellers for this purpose to lay down a general principle to slum free cities. The Bill also provides for setting up of an institutional mechanism by way of setting up of District Slum Area Redevelopment Committees and State Slum Development Authority.

**MINISTER INCHARGE  
HOUSING AND UD DEPARTMENT**

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### **FINANCIAL MEMORANDUM**

Section 9 (2) of the Bill provides for appointment of officers and employees to assist the City Slum Redevelopment Committee and District Slum Redevelopment Committee, including their terms of appointment, salaries etc.

Section 12 (5) provides for appointment of officers and employees to assist the State Slum Redevelopment Authority, including their terms of appointment, salaries and allowances etc.

The annual financial implication on account of payment of salaries, allowances etc. for the staff comes to Rs. 131.00 lacs.

**MINISTER INCHARGE  
HOUSING AND UD DEPARTMENT**

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**RECOMMENDATION OF THE GOVERNOR**

The Governor has in pursuance of sub-sections (1) and (3) of section 84 of the Constitution of Jammu and Kashmir recommended to the Jammu and Kashmir Legislative Assembly the introduction and consideration of the Bill.

(Sd.) M. RAMZAN,

Secretary.