

Bill No. LVI of 2015

THE SLUMS AND *JHUGGI-JHOPRI* AREAS (BASIC AMENITIES AND
CLEARANCE) BILL, 2015

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BILL

*to provide for the basic amenities and clearance of Jhuggi-Jhopri areas and slum areas
and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Slums and *Jhuggi-Jhopri* areas (Basic Amenities and Clearance) Act, 2015.

Short title,
extent and
commence-
ment.

(2) It extends to Union territories only.

5 (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

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

Definitions.

(a) “building” includes any structure or erection or any part of a building but does not include a plant or machinery comprised in a building.

(b) “competent authority” means such officer or authority as the Central Government may, by notification in the Official Gazette, appoint as the competent authority for the purpose of this Act;

(c) “*jhuggi-jhopri*” means a small roughly built house or shelter usually made of mud, wood or metal having thatched or tin sheet roof covering; 5

(d) “prescribed” means prescribed by rules made under this Act;

(e) “slum” means an area consisting of *jhuggi-jhopri* areas, badly built and overcrowded houses and buildings; and

(f) “slum clearance” means the clearance of any slum area by demolition and removal of buildings therefrom. 10

Competent authority to declare slum areas.

3. The competent authority may, from time to time by notification in the Official Gazette, declare any area to be a slum area within the meaning of this Act.

Central Government to provide basic amenities to inhabitants of slums and construct new dwelling unit through competent authority.

4. For the purpose of effective implementation of this Act, the Central Government shall, through the competent authority,—

“(i) carry out the works of improvement in slums and *jhuggi-jhopri* areas from time to time in such manner as may be prescribed; 15

(ii) provide all basic amenities in slums and *jhuggi-jhopri* areas in such manner as may be prescribed;

(iii) extend financial assistance or vocational training to the inhabitants of slums and *jhuggi-jhopri* areas for their self-employment; and 20

(iv) construct and allot dwelling units to the inhabitants of slums and *jhuggi-jhopri* areas where such areas have been declared as slum basic amenities and clearance areas.

Competent authority to declare any slum area to be a clearance area.

5. (1) Where the competent authority is satisfied that most satisfactory method of dealing with conditions in a slum area is the demolition of all the buildings in the area, the authority shall by an order notified in the Official Gazette declare the area to be a slum clearance area, that is to say, an area to be cleared of all buildings in accordance with provisions of this Act and the rules made thereunder. 25

(2) The competent authority shall give adequate notice to the inhabitants of slums and *jhuggi-jhopri* areas before demolition of houses, shelters or buildings. 30

(3) The competent authority shall not remove or demolish any *jhuggi-jhopri* areas till all residents of the area have been evacuated and allotted alternative dwelling units with all basic amenities at convenient locations.

Ban on setting up of *jhuggi-jhopri* areas.

6. On and from the date of commencement of the Act, no person shall be allowed to set up any *jhuggi-jhopri* in any area. 35

Central Government to make provision of funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds every year for carrying out the purposes of this Act.

Act to have overriding effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for time being in force. 40

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matter dealt with in this Act.

Act not to be in derogation of other laws.

10. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.

Power to make Rules.

5 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the
10 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; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A considerable people of our country are at present living in slums and jhuggi-jhopri areas under inhuman conditions. There are no basic facilities of potable water, electricity, sanitation and health services in these areas. However, people have no other option but to live in such slums and jhuggi-jhopri area under inhuman conditions. The problem is more appalling in Metropolitan cities and other big cities where people migrate in large numbers in search of employment. Poverty forces them to find shelter in slums and jhuggi-jhopri areas. However, there is no policy to deal with the problems of slums and jhuggi-jhopri areas.

Being a welfare state, it is the duty of the Government to provide alternate houses with basic facilities to persons who are living in slum areas. The Government should also see that slum areas do not come up and those which are already there should be cleared.

The Bill seeks to achieve the above objective.

B.K. HARIPRASAD

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall provide basic facilities to those who are living in slum areas. Clause 7 of the Bill provides that Central Government shall provide adequate funds for carrying out the purpose of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one thousand five hundred crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYASABHA

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and for matters connected therewith.

(Shri B.K. Hariprasad, M.P.)