

AS INTRODUCED IN THE RAJYA SABHA
ON THE 25TH FEBRUARY, 2011

Bill No. LXXIV of 2010

**THE UNAUTHORISED COLONIES, SLUMS AND JHUGGI CLUSTERS
(WELFARE, BASIC AMENITIES AND OTHER PROVISIONS)
BILL, 2010**

A

BILL

to provide for the regularization of unauthorized colonies existing for more than two years in the urban areas and for the basic amenities like drinking water, sanitation, healthcare, electricity, toilets and management of garbage, sewerage in such unauthorized colonies, slums Jhuggi-Jhopri clusters to be provided by the appropriate Government and for certain welfare measures to be initiated by the State for the residents of such colonies, slums and Jhuggi clusters and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Unauthorised Colonies, Slums and Jhuggi Clusters (Welfare, Basic Amenities and other Provisions) Act, 2010.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

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

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "Jhuggi Cluster" means an area consisting of Jhuggies which may be on the land belonging to Government or private land, generally built with bricks and mud, metal or wood having thatched roof, tin shed and roof covered with polythene etc., and are unauthorised;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "slum" includes an area consisting of unplanned and shabbily built and overcrowded houses without civic amenities with unhygienic atmosphere and such other areas declare as slums by the appropriate Government;

(e) "Unauthorised Colony" means a colony which has not been approved by the appropriate Government or any of its agency including local self Government and has been in existence for two or more years.

National Policy
for
Unauthorised
Colonies, Slums
and Jhuggi
Jhopri Clusters.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, formulate and implement a national policy for the regularisation, betterment, upkeep, removal and rehabilitation and all other related aspects thereto, for unauthorised colonies, slums and *Jhuggis* clusters and for the welfare of the inhabitants of such colonies, slums and clusters particularly in the Metropolitan and other urban areas.

(2) Without prejudice to the generality of the provisions of sub-section (1) of section 3 the measures referred to therein may provide for,—

(a) basic civil amenities such as potable water supply, electricity for domestic usage, road or street lighting, sewerage, toilets both individual and community toilets drainage, metallic roads in the streets and surroundings, sanitation, garbage removal, provision of dumping binds and such other amenities as may be prescribed from time to time;

(b) healthcare facilities through Health Centres, dispensaries, pathological labs and mobile clinics for the inhabitants;

(c) educational facilities, playgrounds and recreational facilities for the children;

(d) marketing facilities for daily needs of households including provision for vegetables, fruits and other needs;

(e) adequate public distribution system facilities and domestic fuel such as kerosene, LPG, etc.

(f) transportation facilities; and

(g) such other measures as the Central Government may deem necessary for carrying out the purposes of this Act.

(3) The National Policy so formulated under this section shall be uniformly implemented throughout the country by the appropriate Government.

Special
provisions in
respect of
Slums, Jhuggi
Clusters and
Unauthorised
Colonies.

4. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall,—

(a) **regularise, by notification in the Official Gazette, all unauthorised colonies which were in existence for the more than two years on the commencement of this Act, in such manner, as may be prescribed and shall provide all basic civic amenities to the inhabitants of such colonies;**

(b) for the time being recognize the right to use Government land in case *Jhuggis* have already been built thereon and were in existence for more than two years on such land till alternative living arrangements are made for the dwellers by the appropriate Government;

5 (c) construct such number of dwelling units as the concerned authority may deem necessary with required amenities and allot them to the dwellers of the concerned *Jhuggi* clusters with such terms and conditions and in such manner as may be prescribed;

10 (d) not remove or demolish any *Jhuggi* cluster, slum or unauthorised colony without making alternative arrangement of roofs or dwelling units for the residents of such *Jhuggi* clusters slums for unauthorised colony, as the case may be;

15 (e) provide essential healthcare by establishing health centre or through mobile units by distributing free of costs essential medicines, mosquito nets and repellants and fumigate the *Jhuggi* clusters, slums and unauthorised colonies from time to time and in particular during rainy season to protect the inhabitants from Vector-borne disease like malaria, dengue, chickngunya, encephalitis filariasis, etc., and extend free of cost pathological services to the needy inhabitants thereof;

20 (f) extend necessary help in cash and kind, advice and training for the self employment of inhabitants of *Jhuggi* clusters and slums in such manner as may be prescribed; and

(g) make such other provisions as the appropriate Government may deem necessary or expedient for carrying out the purposes of this Act.

5. 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.

Central Govt. to make provision of funds.

25 **6.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and the Government of concern State shall be guided by such direction or order on questions of policy as may be given to it by the Central Government under this Act.

Power to give direction and remove difficulty.

30 **7.** 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 but save as aforesaid 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 to have overriding effect.

35 **8.** The Central Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Our Country is very vast and second most populous nation of the globe after China. Seventy per cent of our population lives in villages and poverty is rampant in rural India. Driven by poverty and to earn their livelihood or fulfill their dreams people migrate to urban areas and more to the metropolitan cities. Millions of such migrant people and also the local ones settle down in slums, *Jhuggi* clusters and unauthorised colonies and even on footpaths or pavements under the open sky in most inhuman conditions without basic civic amenities like potable water, electricity, toilets, sanitations, sewerage, healthcare, education etc. Such slums, *Jhuggi* clusters and unauthorised colonies exist in all parts of most of the urban areas and the Metropolitan cities including the national Capital, Delhi, are not an exception. In Delhi regularisation of unauthorised colonies has always been a burning problem for successive Central Government. However, the number of slums, *Jhuggi* clusters and unauthorised colonies is increasing and millions of people continue languishing in stinking and inhuman conditions and falling victims to various fatal diseases. These slums, *Jhuggi* clusters and unauthorised colonies have also gained notoriety for other reasons but majority of people living there are law abiding citizens. Despite all this, we do not have a national policy on slums, *Jhuggis* clusters and unauthorised colonies.

Being a welfare State, the Central and State Governments are duty bound to initiate welfare measures for the residents of slums, *Jhuggi* Clusters and unauthorised colonies by providing them basic civic amenities therein because they too are citizens of our nation and entitled to lead a healthy and good life. It has been observed that such areas are also neglected by civic and local authorities which are responsible for providing civic amenities citing various technical and legal reasons but quite a large number of people should not be denied the basic amenities. But in this context, the States are not in a position to bear the huge expenditure on this front. The Central Government should come forward and bear all the expenses in implementing the provisions of this Bill.

Hence this Bill.

DR. AKHILESH DAS GUPTA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain facilities and civic amenities to be provided to the dwellers of slums, *Jhuggi* clusters and unauthorised colonies. Clause 5 makes it mandatory for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of twenty-five thousand crore rupee may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees fifty thousand crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. It will relate to matters of details only. The delegation of legislative power is of normal character.

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(Dr. Akhilesh Das Gupta, M.P.)