

The Arunachal Pradesh Property Rights to Slum Dwellers Act, 2012.

(Act No. 1 of 2013)

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An

Act

to provide 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 general principles applicable to slum-free cities in all spheres of Government, to define the functions of State and Local Governments in respect of according property rights to slum dwellers and to provide Property Rights to Slum Dwellers, and matter connected or incidental thereto;.

BE it enacted by the **Legislative Assembly** of Arunachal Pradesh in the Sixty-third Year of the Republic of India as follows :

Chapter – I

PRELIMINARY

1. Short title, extent and Commencement : (1) This Act may be called the Arunachal Pradesh Property Rights to Slum Dwellers Act, 2012.

(2) It extends to the notified Urban areas of the State of Arunachal Pradesh.

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

2. Definitions : In this Act, unless the context otherwise requires :-

(1) **“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/ State Government.

(2) **“Authority Officer”** means any officer, the Government may be order specifically authorize to exercise the powers of the Authorized Officer in such area as may be specified therein.

- (3) **"Basic Civic Services"** means services of drinking water supply, drainage, sewerage, solid waste disposal and street lighting.
- (4) **"Building"** includes a house, out-house, 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 platform, plinths, door-steps, electric meters, walls including compound walls and fencing and the like, but does not include plant or machinery comprised in a building.
- (5) **"Carpet Area"** means the net usable floor area of a dwelling house, excluding that covered by the walls and the common areas.
- (6) **"State Government land"** means land owned by the State Government.
- (7) **"Central Government land"** means land owned by the Central Government or its undertakings.
- (8) **"Chairperson"** means the Chairperson of the City/ Urban Area Slum Redevelopment Committee appointed under section 8 of the Act.
- (9) **"City/ Urban Area Slum Redevelopment Committee"** means the City/Urban Area Slum Redevelopment Committee or Committees appointed under section 7 of this Act.
- (10) **"Collector"** means the Collector of a district and includes as Additional Collector or any officer specially appointed by the State Government to perform the functions of a Collector under this 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) **"Dweller House"** means an all weather single/ multi-stored super structure with adequate basic infrastructure including portable water, and sanitation for a quality living.

- (13) **"Dweller Space"** means 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 State Government of Arunachal Pradesh.
- (16) **"Government Land"** means any land owned or acquired by the State Government or its undertakings or the Urban Local Body or Development Authority situated in a district or an urban area as the case may be.
- (17) **"In-situ slum re-development"** means the process of redevelopment of slum areas by providing dwelling space and other basic civic and infrastructural services to the slum dwellers, or the existing land on which the slum is based.
- (18) **"Land"** includes benefits to arise 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 City/Urban Area slum Redevelopment Committee, means the member of the City/Urban Area Slum Redevelopment Committee appointed under section 8 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 this Act by the State Government.
- (26) **"Scheme"** means any arrangement or plan prepared and declared under the Act for the protection, redevelopment, up-gradation, relocation and resettlement of slum dwellers as provided under section 10.
- (27) **"Slum" or "Slum Area"** means a compact settlement of at least twenty 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 residing within the limits of a slum area.
- (29) **"Slum Resettlement"** means the process of relocation and settlement of slum dwellers from the existing untenable slums to an alternative site with dwelling space, basic civic and infrastructural services.
- (30) **"State Slum Redevelopment Authority"** means the Authority appointed under section 11 of this Act.
- (31) **"Tenable Settlement"** means all slums which do not fall within the definition of Untenable Settlements.
- (32) **"Tribunal"** means the Tribunal established by the State Government under the section 16 of the Act.
- (33) **"Untenable Settlement"** are those settlements which are non- environmentally hazardous sites (like riverbank, pond sites, hilly or marshy terrains, etc.), ecologically sensitive sites (like mangroves, national parks, sanctuaries, etc.), and on land marked for public utilities and services (such as major roads, railways tracks, trunk infrastructure, etc.).

(34) **"Up-gradation"** 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.

(35) **"Urban Area"** means the area comprised within the limits of all cities and towns classified as urban by the Census 2001/ 2011 including the limits of Municipal Corporation or Municipal Council or Nagar Panchayat as constituted under the State Acts, including cantonment board or notified areas, and shall include the planning area as per the Development Plan of a town or City.

(36) **"Words and expressions used but not defined in this Act shall have the same meaning as indicated under the State Municipal Corporation/ Municipality Act, State Town Planning Act and/ or the Urban Development Act and other relevant Acts of the State.**

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 tribal landless person living in a slum area in any city or urban area, from the last 10 year shall be entitled to a dwelling space at an affordable cost.

Explanation : For the purpose of this sub-section the dwelling house shall be of a minimum 25 sq m 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 25 sq m carpet area.

(2) Every Tribal 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.

- (3) Until the site for the dwelling space has been identified or developed as the case may be, every Tribal 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.
- (4) ***Every person living in a slum area who is in-eligible under sub-section (I) shall be provided with an all weather built space to live in, with provision of all basic civic services and other infrastructure facilities, which may be on rental basis at the same site as the eligible slum dwellers or elsewhere, so that no slum family is left living in a slum like condition and the whole slum can be redeveloped as per the provisions of this Act.***
- (5) The Dwelling space so provide under sub-section (I) shall not be transferable by sublease, sale, gift, mortgage or any other manner whatsoever except by inheritance, without the permission of the State Government for a period of 7 years from the date of allotment of the said dwelling space.

Provided that the dwelling space so allotted shall be mortgageable for the purpose to 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.

- (6) If the Slum dwellers to whom the dwelling space has been provided, transfers such dwelling space in contravention of the provisions of sub-section (5) above, the following consequences shall ensure, & 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 occupation rights shall accrue to the transferee of such dwelling space ;
- (d) The Authorized Officer on the directions of the City/Urban Areas Slum Redevelopment Committee shall dispossess the person who is in actual possession of such dwelling space if or when such transfer comes to its notice.

- (7) Notwithstanding anything contained in the Registration Act, 1908, no officer empowered to register documents thereunder shall admit for registration any document which purports to contravene the provisions of sub-section (5).

4. In-situ redevelopment/ up-gradation 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 State Authority 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 State Government land or on privately owned land for less than 10 years, and the State 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/ Urban Area Slum Redevelopment Committee shall ensure adequate public transport arrangements for the convenience of the slum dwellers to reach their places for livelihood.

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

- (1) the slum dwellers undertakes to pay the affordable cost for the dwelling space; and
- (2) the slum dwellers will occupy or construct the dwelling house as the case may be within the period notified by the City/ Urban Areas Slum Redevelopment Committee; and
- (3) the slum dweller undertakes to abide by the conditions of allotment.

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

Chapter-III

CITY/ URBAN AREAS SLUM REDEVELOPMENT COMMITTEE

7. Establishment of City/Urban Areas Slum Redevelopment Committee : The State Government shall by notification establish for the purpose of this Act a City/ Urban Areas Slum Redevelopment Committee for each city or urban area as it deems necessary and the Committee shall exercise their power under the respective jurisdiction over the area as specified therein.

8. Composition of City/Urban Areas Slum Redevelopment Committee : (1) The City/ Urban Areas Slum Redevelopment Committee shall in case of a city be headed by the Chairperson of the Urban Local Body and in case of a Municipal Corporation/Municipal Council/ Nagar Panchayat/ metropolitan area by the Chairperson of the Metropolitan Development Authority/Committee as the case may be and shall comprise of the following members.

- (a) The president of the District Panchayat/s functioning in the district or urban area or in any part thereof, ex-officio/ local Hon'ble MP/MLA of the jurisdiction.
- (b) All Chairpersons of the Urban Local Bodies under the metropolitan Area (where the Chairperson is the head of the ULB metropolitan Development Authority) ;
- (c) District Collector or his representative, not below the rank of Additional Collector ;
- (d) Superintendent of Police or his representative, not below the rank of Addition Superintendent of Police ;
- (e) Chief Executive Officer of the Development Authority/ ULB ;

- (f) City head of the Department of town and Country Planning ;
- (g) City head of the Environment Department of the State ;
- (h) District head of the Slum Development Board/ Slum Development Authority, if any ;
- (i) District Forest Officer ;
- (j) One member having expertise in the field of urban planning to be nominated by the State Government ;
- (k) Two representatives of reputed NGO's / CBO's/ Civil Society Organization from within the urban area, to be nominated by the State Government ;
- (l) Representative of the Central Government Land owning agency/ Land Revenue and Settlement officer of the District.
- (m) Commissioner of the Urban Local Body as Member Secretary who shall also be designated as the chief Executive Officer of the City/ Urban Area Slum Redevelopment Committee.
- (n) Any other member that the State Government may decide.

(2) The procedure and conduct of business by the City/ Urban Area Slum Redevelopment Committee shall be as prescribed.

(3) The terms and conditions for appointment of officers and employees to assist the City/ Urban Area Slum Redevelopment Committee and the Special Committees, their salaries and allowances etc. shall be as prescribed.

9. The Powers and duties of the City/ Urban Area Slum Redevelopment Committee Shall be as follows, namely :

- (1) To survey and make a list of slum dwellers for grant of legal entitlement of dwelling space ;
- (2) To review, and make an inventory of the existing position regarding slum areas and lands in urban areas for provision of dwelling space ;

- (3) To formulate schemes for slum redevelopment/ up-gradation so as to cover every slum area within a specified period of time ;
- (4) To implement the schemes for slum redevelopment/ upgradation/resettlement by designating agencies ;
- (5) To constitute special Committees headed by members of the Committee, for implementing slum redevelopment/ up-gradation/resettlement schemes ;
- (6) To appoint such number of experts for technical and legal work as may be necessary for the efficient performance of its functions ;
- (7) To put in place effective monitoring and evaluation systems relating to various projects under the slum redevelopment/ up-gradation/ resettlement schemes with clear responsibilities and budgets.
- (8) To formulate schemes for rental housing for the urban poor and slum-dwellers in-eligible under the Act, and ensure its implementation ;
- (9) To ensure prevention of slums in the future and to review and monitor the implementation of the provisions of the relevant Acts relating to prevention and removal of encroachment on government land.
- (10) To partner with the private sector and other non-government organizations for implementation of the schemes ;
- (11) To assist the slum dwellers in the forming of Co-operatives or Association or Society ; (1)
- (12) To do all such other acts and things as may be necessary for achieving the objective of redevelopment/ up-gradation/ resettlement of slums.

10. Slum Redevelopment/ Up-gradation/ Resettlement Scheme : (1) The City/ Urban Area 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 up-gradation 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 purpose of planning and land development under the slum redevelopment/ up-gradation/ resettlement schemes, the State Government may on the recommendation of the City/ Urban Area Slum Redevelopment Committee make regulations under the relevant Act.
- (3) The slum dwellers or their representatives shall be involved by the City/ Urban Area Slum Redevelopment Committee in the preparation of the schemes and no such scheme shall be implemented without the consent of the majority of the adult slum dweller living in that slum.

Chapter - IV

STATE SLUM REDEVELOPMENT AUTHORITY

11. State Slum Redevelopment Authority : (1) The State Government, may by notification, establish for the purpose of this Act an Authority to be called the State Slum Redevelopment Authority, (hereinafter referred to as the State Authority'), to continuously monitor implementation of this Act and to recommend corrective measures wherever necessary, to take overriding decisions that concern land use, town planning, master planning processes etc. and to exercise powers and perform such other functions assigned to it under this 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 of the State- Chairperson ;
- (b) Ministers for Urban Development/ Housing/ Municipal Administration/ Local Self-Government-vice-Chairman ;
- (c) Minister for Finance-Member ;
- (d) Minister for Land Management & Revenue-Member
- (e) Minister for Environment & Forest-Member
- (f) Minister for Law & Justice/ Legal Affairs-Member ;
- (g) Chief Secretary-Member ;
- (h) Managing Director/ Chief Executive Officer of the Slum Development Board/ Slum Development Authority, if any ;

- (i) Two members representing civil society/community based organizations/ NGO's/ Social Organization etc to be nominated by the Chairperson-Members ;
 - (j) Secretary (Municipal Administration/ Urban Development/ Local Self Government/ Housing) of the State Government who shall also be designated as the Chief Executive Officer of the State Authority- Member Secretary;
 - (k) Any other member that the State Government may decide.
- (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 be as 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 prescribed.

12. Powers and Functions of the State Authority : The Authority shall perform the following functions, namely ; -

- (1) To have overriding powers to take decisions on matters relating to land use, town planning, master planning process etc.
- (2) To set up the administrative machinery for the effective implementation of the provisions of the Act ;
- (3) To monitor implementation of the Act ;
- (4) To decided the financing mechanism for slum redevelopment/ up-gradation/ resettlement schemes, including determination of affordable cost to be paid by the slum dwellers for the dwelling space ;
- (5) To commission such surveys, studies and research as it consider necessary for the discharge of its functions, especially in regard to provision of housing to the urban poor, and to dissemination their findings ;
- (6) To make provisions for reservation of developed land/ FSI for providing housing to the urban poor and recommend measures to prevent future growth of slums; and
- (7) Any other functions as may be prescribed.

Chapter-V

ACQUISITION OF LAND

13. Power of State Government to acquire land : (1) Where on any representation from the City/ Urban Area Slum Redevelopment Committee it appears to the State Government that, in order to enable the City/ Urban Area Slum Redevelopment Committee to execute any work of redevelopment/ up-gradation/pesettlement in relation to any slum area, it is necessary that land with, adjoining or surrounded by any such area should be acquired, the State Government may acquire the land by publishing in the Official Gazette a notice to the effect that the State Government has decided to acquire the land in pursuance of this section :

Provided that, before publishing such notice, the State 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 State 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 Official 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.

14. Land acquired by State Government to be made available to the City/Urban Area Slum Redevelopment Committee : Where any land in a slum area or any other area has been acquired under this Act the State Government shall make the land available to the City/Urban Area Slum Redevelopment Committee for the purpose of executing any scheme of redevelopment/Up-gradation/resettlement.

15. 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 this Act shall be entitled to receive compensation from the State 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, appointment and procedure of payment of compensation as required under sub-section (1) shall be as prescribed.

16. Tribunal : (1) The State Government may, by notification, constitute for the purposes under this chapter, one or more tribunals to hear appeals from any person who does not agree to the amount of the compensation offered and claims a sum in excess of that amount and the decision of the tribunal in this regard shall be final.

(2) The State Government may, by notification, provide for the compensation and consultation of the tribunal, the term, salary, vacancy and other particulars of such Tribunal and all other matters that the Government deems fit and necessary for operation and fulfillment of the role of the Tribunal.

(3) For the purpose of enabling it to discharge its functions under this Act, the Tribunal shall have such staff on such terms and conditions of service as may be prescribed by rules.

Explanation : Compulsory acquisitions of land : (1) *When any land, whether within or outside the limits of the Municipal area, or any easement affecting any immoveable property vested in the Municipal, is required for any public purpose under this Act, the State Government may, at the request from the Municipality, proceed to acquire such land or easement under the Land of Acquisition Act, 1894.*

(2) The Municipality shall be bound to pay to the State Government the cost including all charges in connection with the acquisition of the land under the Land Acquisition Act, 1894.

(3) The Municipality may resort to other methods of land assembly including the use of transferable development rights.

17. Special provisions for acquisition of land adjoining streets : Whenever the Municipality makes a request to the State Government for acquisition of land for the purpose of widening or improving an existing street, it shall be lawful for Municipality to apply to the State Government for the acquisition of such additional land immediately adjoining the land to be occupied by such new street or existing street as is required for the sites of buildings to be erected on either side of the street, and such additional land shall be deemed to be required for the purposes of this Act.

Chapter –VI

PREVENTION OF ENCROACHMENTS AND CONSTRUCTION OF ILLEGAL STRUCTURES OTHER OFFENCES AND PENALTIES

18. Responsibility to prevent encroachments : (1) Notwithstanding anything contained in any law in force, any person who encroaches upon any Government land or constructs an illegal structure or abets the encroachment or construction of illegal structure thereon shall be punished with imprisonment of not less than three years or with a minimum fine of one lakh rupee or with both.

(2) 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 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 6 months of the report from the Authorized Officer, every slum dweller 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 exercised power of eviction and demolition over land on which such encroachment or construction of illegal structure has been reported.

(3) If any 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 extend to fifty thousand rupees or with both.

(4) 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/Urban Area Slum Redevelopment Committee.

19. 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.

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

Chapter-VII

MISCELLANEOUS

21. Information, reports or returns : The State Authority or the City/ Urban Area Slum 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.

22. 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 this Act or executing any scheme made under this 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 this Act or the rules or schemes made, or the orders or directions issued, thereunder.

23. Power to remove difficulties : (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this 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 5 (five) years from the commencement of this Act.

(2) Every order made under this section shall as soon as may be after it is made, be laid before the State Legislative Assembly.

24. Civic courts not to have jurisdiction : No Civic Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the City/Urban Area Slum Redevelopment Committee or the State Slum Redevelopment Authority is empowered by or under this 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 this Act.

25. Jurisdiction of court : (1) No court inferior to that of a Judicial Magistrate of First Class shall try any offence punishable under this Act.

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

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for the Judicial Magistrate of First Class to pass a sentence of imprisonment or of fine or both under this Act.

26. Power of State Government to make rules : (1) The State Government may, by notification, in the Official Gazette, make rules to carry out all or any of the purposes of this Act.

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

(a) The process of identification of eligible slum dwellers, grant of legal entitlement and dispute resolution under section 6 ;

(b) The composition, powers, and functions of the City/Urban Area Slum Redevelopment Committee under section 8, the powers and function thereof, the number of members and their terms and conditions of appointment and other matters connected therewith ;

- (c) Appointment of Special Committee and officers and employees of the City/ Urban Area Slum Redevelopment Committee, their salary and allowances etc. under section 9 (5) ;
- (d) Terms and conditions for engagement of experts for technical and legal work to assist the City/Urban Area Slum Redevelopment Committee and the remuneration payable to such experts under section 9 (6) ;
- (e) Preparation and implementation of schemes for slum Redevelopment/up-gradation/resettlement through designated agencies under section 10 ;
- (f) Procedure and framework for fixing responsibility for the maintenance and sustainability for schemes undertaken ;
- (g) The composition, powers and functions of the State Slum Redevelopment Authority under section 11, the powers and functions thereof , the number of members and their terms and conditions of appointment and other matters connected therewith ;
- (h) The procedure and conduct of business by the State Authority and its budget under section 11 (4) ;
- (i) Appointment of officers and employees of the State Authority, their salary and allowances etc. under section 11 (5) ;
- (j) Process of determination, appointment and procedure of payment of compensation in case of acquisition of land under section 15 ;
- (k) The composition, powers, functions and procedures of the Tribunal constituted under section 16 ; and
- (l) 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.

(3) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislative Assembly, while it is in session for a total period of 10 (ten) 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 session aforesaid, the Legislative Assembly agree in making any modification in the rule or agree that the 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 this Act.

27. Effect of other laws and agreements inconsistent with the Act. : The provisions of this Act or rules made thereunder shall have effect notwithstanding anything contained inconsistent therewith contained in any other Act.