

**THE HIMACHAL PRADESH SLUM DWELLERS
(PROPRIETARY RIGHTS) ACT, 2022**

ARRANGEMENT OF SECTIONS

Sections:

**CHAPTER-I
PRELIMINARY**

1. Short title and commencement.
2. Definitions.

**CHAPTER-II
PROPRIETARY RIGHTS**

3. Proprietary Rights.
4. Redevelopment of slums.
5. Abatement of proceedings.

**CHAPTER-III
PROCEDURE FOR SETTLEMENT OF PROPRIETARY
RIGHTS**

6. Slum Area Redevelopment and Rehabilitation Committee.
7. Conduct of Business of Committee.
8. Appeal.

**CHAPTER-IV
MISCELLANEOUS**

9. Municipal Area Development Fund.
10. Protection of action taken in good faith.
11. Nodal Agency.
12. Bar of jurisdiction of Civil Court.
13. Cognizance of Offences.
14. Power to make rules.
15. Act to have overriding effect.
16. Power to remove difficulties.

**THE HIMACHAL PRADESH SLUM DWELLERS
(PROPRIETARY RIGHTS) ACT, 2022**

(Act No. 9 of 2022)¹

(Received the assent of the Governor on the 8th April, 2022 and was published both in Hindi and English in the Rajpatra, Himachal Pradesh (e-Gazette), dated 19th April, 2022, pp. 355-371).

An Act to provide for sustainable growth of basic civic services in slums in the urban areas of the State of Himachal Pradesh by conferring proprietary rights of land to the slum dwellers and ensuring their development through optimal utilization of resources.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventy-third Year of the Republic of India as follows:—

**CHAPTER-I
PRELIMINARY**

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Slum Dwellers (Proprietary Rights) Act, 2022.

(2) This Act shall come into force on such date as the State Government may, by notification in the Rajpatra (e-Gazette), Himachal Pradesh appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requires—

- (a) “Appellate Authority” means the authority to whom the appeal lies under section 8;
- (b) “applicant” means a slum dweller who has made application to the Authorized Officer for conferment of proprietary rights of land under section 3 of this Act;
- (c) "Appointed day" means the 21st day of February, 1974;
- (d) “Authorized Officer” means the Chairman of the Slum Area Redevelopment and Rehabilitation Committee or any other officer authorized by the Government, by order, to exercise such powers, as may be prescribed;

1. Passed in Hindi and English by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (e-Gazette), dated 19th March, 2023, pp. 9037-9038 and 9046.

- (e) “basic civic services” means the services of drinking water supply, sanitation, drainage, sewerage, solid waste disposal, street lighting and urban environment improvement etc.;
- (f) “Collector” means the Deputy Commissioner of a district and includes the Additional Deputy Commissioner or the Commissioner of a Municipal Corporation or any officer specially appointed by the Government to perform the functions of a Collector under this Act;
- (g) “Committee” means the Slum Area Redevelopment and Rehabilitation Committee constituted under section 6;
- (h) “Director” means Director of Urban Development Department in the Government;
- (i) “Economically Weaker Section (EWS)” means the section of beneficiaries whose household income is up to such limit as may be notified by the Government;
- (j) "family" means husband, wife, son, daughter and any other person wholly dependent on the slum dweller;
- (k) “Government” or “State Government” means the Government of Himachal Pradesh;
- (l) “Government land” means any land owned or acquired by the Government or its undertakings and includes the land owned by an Urban Local Body;
- (m) “landless person” means a person who is a citizen of India, and does not own either in his own name or in the name of any member of the family any house or land, or land rights anywhere in India;
- (n) “member” means a member of the Committee and includes its Chairperson;
- (o) “notification” means the notification published in the Rajpatra (e-Gazette), Himachal Pradesh;
- (p) “occupation” means an occupation of a land by a slum dweller for residential purposes;
- (q) “prescribed” means prescribed by rules made under this Act;
- (r) “proprietary rights” means the rights to land assigned to slum dwellers under section 3;

- (s) “redevelopment” means improvement to the existing slum by providing basic civic services and facilitating improvement of housing conditions in accordance with the housing scheme framed by the Government from time to time;
- (t) “rehabilitation” means relocation of slum dwellers to other location in accordance with the housing scheme or policy framed by the Government;
- (u) “section” means a section of this Act;
- (v) “slum” or “slum area” means a compact settlement of atleast fifteen households, with a collection of poorly built tenements or temporarily built tenements, crowded together; and in dilapidated, unhygienic conditions, faulty arrangements of designs, lack of ventilation, light or sanitary facilities or any combination of these factors, which are detrimental to safety, health or morale and which are on the Government land in an urban area and notified as such by the Government;
- (w) “slum dweller” means a Bonafide Himachali landless person, who is a citizen of India in occupation and residing continuously in the slum area;
- (x) "State" means State of Himachal Pradesh;
- (y) “tenable habitations” means the habitations as decided by the Committee, where existence of human population does not entail undue risk to the safety or health or life of the residents or habitation or such areas are not considered contrary to public interest or the land is not required for any public or development purpose;
- (z) “untenable habitations” means such areas where existence of human population entails undue risk to the safety or health or life of the inhabitants themselves or where habitation on such areas is considered by the Committee not to be in public interest;
- (za) “urban area” means the area comprised within the limits of an Urban Local Body; and
- (zb) “Urban Local Body” means Municipal Corporation, Municipal Council or Nagar Panchayat constituted under the Himachal Pradesh Municipal Corporation Act, 1994 (12 of 1994) or the Himachal Pradesh Municipal Act, 1994 (13 of 1994) as the case may be.

(2) Words and expressions used herein but not defined shall have the same meaning as assigned to them under the Himachal Pradesh Municipal Corporation Act, 1994 or the Himachal Pradesh Municipal Act, 1994.

CHAPTER-II PROPRIETARY RIGHTS

3. Proprietary Rights.—(1) Notwithstanding anything contained in any other law of the State for the time being in force, and subject to the provisions of sub-section (2), every slum dweller, in occupation of Government land in a slum area, on an application in such form and manner as be prescribed, to the Authorized Officer, shall be entitled for consideration for settlement of land occupied by him or on such other land as may be notified by the Government and a certificate of proprietary rights of land shall be issued in such form and manner as may be prescribed:

Provided that the slum dweller who was, and continues to be in occupation in the slum area on or before the Appointed day shall only be considered for conferment of proprietary rights of land under this Act:

Provided further that certificate of proprietary rights under this Act shall not be granted to any Slum Dweller whose either or both the parents are alive and have been granted certificate of proprietary rights under this Act :

Provided further that an Urban Local Body desirous of transferring the properties in accordance with the provisions of this Act, shall pass a resolution with simple majority to this effect:

Provided further that if the land occupied by a slum dweller belongs to any statutory Board or Corporation or any Department of the Government, consent of such Board or Corporation or the Department as the case may be, shall be obtained before the settlement of land under this Act:

Provided further that if the land occupied by a slum dweller is a forest land, the Government or the concerned Urban Local Body shall undertake due process of law for diversion of such forest land under the Forest Conservation Act, 1980 (69 of 1980) or any other Law, as the case may be, for afore mentioned purpose.

(2) The proprietary rights on such land shall be settled in favour of a slum dweller to the extent specified hereinafter, namely:—

- (a) a slum dweller shall be entitled to a land not exceeding seventy five square meters:

Provided that where the slum dweller is in occupation of land less than seventy five square meters, the land in actual occupation of such slum dwellers may be settled accordingly;

- (b) where the slum dweller belongs to Economically Weaker Section category, the proprietary rights of land shall be settled free of cost;
- (c) where the slum dweller belongs to a category other than Economically Weaker Section, the land shall be settled at such rates, as the Government may by notification determine; and
- (d) where a slum dweller has occupied land beyond the maximum permissible limit provided under clause (a), irrespective of the category he may belong to, the slum dweller shall voluntarily vacate such excess land and the Authorized Officer shall take over the possession of such excess land before the issue of the certificate of proprietary rights of land.

(3) The proprietary rights of the land so settled under sub-section (1), shall be inheritable to the spouse and children only but not transferable by lease, sale, gift, mortgage, will or in any other manner whatsoever from the date of issue of certificate of proprietary rights of land:

Provided that if a certificate of proprietary rights is granted under this Act in favour of a person, who dies without spouse and children, then in such circumstances, land along with structure thereupon allotted under this Act shall vest with the State Government free from all encumbrances.

(4) The certificate of the proprietary rights of land shall be issued jointly in the name of both the husband and wife in case of married persons and in the name of single head in the case of a household headed by a single person:

Provided that a red entry shall be made in the record of rights to the effect that the proprietary rights of land so conferred under this Act shall not be transferable by lease, sale, gift, mortgage, will or in any other manner except inheritance:

Provided further that no Registrar or the Sub-Registrar appointed under the Indian Registration Act, 1908 (16 of 1908) shall register any document which is in contravention of this section :

Provided further that an applicant who is a non-agriculturist and to whom proprietary rights of land have been granted under this Act, irrespective of

such rights, shall continue to remain non- agriculturist for the purpose of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (8 of 1974).

(5) If a slum dweller, with whom the proprietary rights of land has been settled or right has accrued for allotment of any land under this Act, transfers such land or the said land is not used for residential purposes within five years of issuance of certificate of proprietary rights or indulges in misrepresentation or concealment of material facts in the application or commits fraud, the following consequences shall follow, namely:—

- (a) the certificate of proprietary rights of land issued under sub-section (1), shall automatically stand cancelled;
- (b) such transfer shall be null and void;
- (c) no rights shall accrue to the transferee in respect of such land;
- (d) the Authorized Officer shall dispossess the person who is in actual possession of such land;
- (e) such slum dweller shall be debarred from getting any land in future under this Act;
- (f) such slum dweller shall be guilty of an offence under this Act; and
- (g) any other consequences as may be prescribed.

(6) The slum dweller, with whom the proprietary rights of land have been settled under this Act, shall not hold any certificate of proprietary rights of land in any other urban area and if he holds any such certificate, he shall surrender all such certificates to the Authorized Officer in such manner, as may be prescribed.

(7) If any slum dweller is found to have obtained more than one certificate of the proprietary rights of land by way of misrepresentation or concealment of material facts or commits fraud, the Authorized Officer shall, after giving reasonable opportunity of being heard to such slum dweller, cancel all the certificates of the proprietary rights of land and dispossess him from such land. Such slum dweller shall be guilty of an offence under this Act.

(8) The evidence to be given with application for the grant of certificate of proprietary rights of land under sub section (1) shall include documents as may be prescribed.

(9) The certificate of proprietary rights of land granted under sub-section (1) shall be acceptable as evidence for address proof of residence.

(10) The slum dweller who commits an offence under sub-section (5) or sub-section (7) shall be punishable with imprisonment of either description for a term which may extend to one year or with fine up to Rupees fifty thousand, or both.

4. Redevelopment of slums.—(1) Subject to the other provisions of this Act, the proprietary rights of land conferred under sub-section (1) of section 3 shall, as far as practicable, be provided on 'as-is where-is basis':

Provided that where the Government decides that the site has untenable habitations, in such circumstances the slum dwellers shall be rehabilitated elsewhere:

Provided further that,—

- (a) where, it is decided that the slum dwellers shall be rehabilitated elsewhere, the site of occupation shall be utilized for any other purpose, as the Government may decide;
- (b) before issuance of certificate of proprietary rights to a slum dweller, the Authorised Officer shall ensure that he has been dispossessed of existing slum dwelling of untenable habitation; and
- (c) where, after providing land in the existing slum to the slum dweller, any land remains surplus, the Government may utilize such land for any purpose, as it may decide.

(2) In the event of redevelopment, the applicable planning and building regulations shall be applied and wherever any relaxation is felt necessary for implementation of a redevelopment plan, the same may be deemed to have been granted under permissible deviation under the said regulations.

(3) During the period of redevelopment, transit space shall be provided to the slum dwellers for such duration as may be necessary and as provided under the housing scheme framed by the Government.

5. Abatement of proceedings.—All proceedings relating to eviction of slum dwellers pending on the ground of unauthorised occupation before any authority or Court under any law of the State shall abate on the issue of certificate of proprietary rights of land under this Act.

CHAPTER-III

PROCEDURE FOR SETTLEMENT OF PROPRIETARY RIGHTS

6. Slum Area Redevelopment and Rehabilitation Committee.—(1) For the purposes of this Act, the Government shall constitute a Committee to be known as the Slum Area Redevelopment and Rehabilitation Committee for each urban area with the name of such urban area, as it deems necessary and such Committee shall have the authority to approve the

list of persons on whom the proprietary rights of land under this Act, shall be conferred and shall exercise jurisdiction over the areas and exercise such powers and functions as may be prescribed.

(2) The Collector may be appointed as the Chairman of the Committee of the urban areas under his jurisdiction. The Committee shall also comprise of such other members as may be notified by the Government.

(3) Without prejudice to the generality of powers and functions under sub-section (1), the Committee shall,—

- (a) undertake necessary surveys, spatial mapping, fix the physical boundaries of the slums, identify eligible slum dwellers with community participation, prepare and publish the list of slum dwellers to whom the certificate of proprietary rights of land is to be issued or has been issued, as the case may be, in such manner, as may be prescribed;
- (b) for the purposes of facilitating the implementation of the provisions of this Act and rules made thereunder, constitute such sub-committee or sub-committees for each slum area, cluster of slums, comprising of such number of members, as may be specified by the Committee; and
- (c) ensure that no new slum dwelling is set up in the urban areas under their jurisdiction.

(4) For the purpose of efficient functioning of the Committee, the Government may appoint or depute such officers and employees, as may be notified, from time to time.

7. Conduct of business of Committee.—The procedure for the conduct of business of the Committee shall be such, as may be prescribed.

8. Appeal.—(1) Any person aggrieved by any decision or order passed under this Act, may prefer an appeal within a period of ninety days from the date of passing of such order to the Director.

(2) Every appeal preferred under this section, shall be heard and disposed of in such manner, as may be prescribed.

(3) Every order passed by the Appellate Authority under this section shall be final.

(4) Notwithstanding anything contained in this Act, the Government shall be competent to review any order passed by the Committee or the Appellate Authority.

**CHAPTER-IV
MISCELLANEOUS**

9. Municipal area Development Fund.—(1) There shall be constituted a fund called the Municipal Area Development Fund in each Urban Local Body to which the moneys received from the slum dwellers under this Act shall be credited and in addition to the same, the following receipts may also be credited to the said fund, namely:—

- (a) contributions from the State and Central Governments, if any;
- (b) contributions from organisations, philanthropists, individuals and Non-Government Organisations; and
- (c) the Government may notify any other sources of funding including the Corporate Social Responsibility (CSR) funding.

(2) The constitution and administration of the fund shall be in such manner, as may be prescribed.

10. 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 the Committee or any sub-committee constituted under this Act, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

11. Nodal agency.—The Government or any officer authorized by it in this behalf shall be the Nodal Agency for the implementation of the provisions of this Act.

12. Bar of jurisdiction of Civil Court.—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Government or the Committee constituted under this Act 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.

13. Cognizance of offences.—An offence punishable under this Act shall be tried in the court of Judicial Magistrate in accordance with the Code of Criminal Procedure, 1973 (2 of 1974):

Provided that no court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing made by any officer of the Government authorized by the Government:

14. Power to make rules.—(1) The Government may, by notification in the Rajpatra (e-Gazette) Himachal Pradesh, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a period of not less than ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides 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 amendment shall be without prejudice to the validity of anything previously done under that rule.

15. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other State law for time being in force.

16. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Rajpatra (e-Gazette), Himachal Pradesh, make provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the date of 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.
