

'The Regulation for the Rehabilitation and Redevelopment of the Slums 2010'

ઝુપડાવાસીઓના પુનઃવસન અને પુનઃવિકાસ માટેના વિનયમો- ૨૦૧૦

ગુજરાત સરકાર

શહેરી વિકાસ અને શહેરી ગૃહનિર્માણ વિભાગ

હુકમ ક્રમાંક : પરચ-૧૦૨૦૦૯-૩૫૭૨-૯

બ્લોક નં. ૧૪, ૯ મો માળ,

સચિવાલય, ગાંધીનગર

તા.૦૪-૦૩-૨૦૧૦

આમુખ :

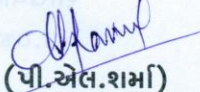
દેશની વધતી જતી વસ્તી તથા શહેરી વિસ્તારોમાં મળતી રોજગારીની વધુ તકો ધ્યાને લેતાં ગ્રામ્ય વિસ્તારોમાંથી તથા અન્ય રાજ્યોમાંથી લોકો શહેરોમાં સ્થાનાંતર કરે છે. તે પૈકીના ગરીબ વર્ગના લોકો ઝુપડપટ્ટીમાં વસવાટ કરતા હોઈ શહેરોમાં ઝુપડપટ્ટીઓનું સર્જન થાય છે. આવા ઝુપડપટ્ટી વાસીઓને સુવિધા યુક્ત પાકું મકાન મળે સ્વચ્છ વાતાવરણમાં રહેવા મળે અને અન્ય સુવિધાઓ પ્રાપ્ત થાય તે માટે રાજ્ય સરકાર ઝુપડપટ્ટીમાં રહેતા લોકોનો સહયોગ મેળવી કાચા-પાકા ઝૂપડા દુર કરી ત્યાં સારા પાકા મકાનો બનાવી અન્ય સુવિધાઓ ઉપલબ્ધ કરાવી શકાય તે માટે ઝુપડપટ્ટી પુનઃવસન યોજના બનાવેલ છે. આવા ઝુપડાવાસીઓના પુનઃવસન માટે તથા આવા વિસ્તારોમાં સુઆયોજન માટે જી.ડી.સી.આર.માં અમુક ફેરફાર કરવાની જરૂરીયાત ઉપસ્થિત થાય છે. ઝૂપડાવાસીઓની સ્થિતિ સુધારવા તથા તેઓને આવાસની સુવિધાઓ પુરી પાડવા જે કાર્યવાહી હાલ જુદા જુદા શહેરોમાં જુદી જુદી રીતે અમલમાં છે તેમાં કોઈ ચોક્કસ નિતી નિયમો તથા એકસુત્રતા જળવાતી નથી. આથી આ બાબતે જરૂરી અભ્યાસ કરી રાજ્યના મહાનગરો/નગરોમાં ઝુપડપટ્ટી વિસ્તારોમાં સુધારણા કરવા માટે ખાનગી વ્યક્તિઓ/સંસ્થાઓ મારફતે ઝુપડાવાસીઓના પુનઃવસનની કામગીરી હાથ ધરવાની દિશામાં રાજ્ય સરકાર કદમ માંડવા ઇચ્છે છે. જે ધ્યાને લઈ નિતી સ્વરૂપના નિયમો તૈયાર કરવામાં આવ્યા છે. તથા તેનો સમાવેશ જી.ડી.સી.આર.માં કરવાનું ઠરાવવામાં આવેલ છે.

: હુકમ :

આથી ગુજરાત નગર રચના અને શહેરી વિકાસ અધિનિયમ-૧૯૭૬ની કલમ-૧૨૨ની પેટા કલમ (૧) હેઠળ મળેલ સત્તાની રૂએ સરકાર **"The**

Regulation for the Rehabilitation and Redevelopment of the Slums 2010 (ઝુપડાવાસીઓના પુનઃવસન અને પુનઃવિકાસ માટેના વિનિયમો - ૨૦૧૦)ને મંજૂર કરે છે. આ સાથે સામેલ સદર વિનિયમો તમામ સત્તામંડળોના મંજૂર/અમલી વિકાસ યોજનાના જી.ડી.સી.આર.માં સમાવેશ કરવા ગુજરાત નગર રચના અને શહેરી વિકાસ અધિનિયમ-૧૯૭૬ની કલમ-૧૯ હેઠળની કાયદાની નિયમાનુસારની દરખાસ્ત તુરંત જ સરકારને મોકલી આપવા અને જ્યાં સુધી કલમ-૧૯ હેઠળનો આવો ફેરફાર મંજૂર/અમલી ન બને ત્યાં સુધી ગુજરાત નગર રચના અને શહેરી વિકાસ અધિનિયમ-૧૯૭૬ની કલમ-૧૨૨ હેઠળ આ હુકમનો અમલ કરવા તમામ સમુચિત સત્તામંડળોને આથી હુકમ કરવામાં આવે છે

ગુજરાત રાજ્યપાલશ્રીના હુકમથી અને નામે,


(પી.એલ.શર્મા)

ખાસ ફરજ પરના અધિકારી અને સંયુક્ત સચિવ
શહેરી વિકાસ અને શહેરી ગૃહનિર્માણ વિભાગ

પ્રતિ,

- માન.મુખ્યમંત્રીશ્રીના સચિવશ્રી, માન.મુખ્યમંત્રીશ્રીનું કાર્યાલય, બ્લોક નં. ૧, ૫ મો માળ, સચિવાલય, ગાંધીનગર.
- સર્વે માન.મંત્રીશ્રીઓના અંગતસચિવશ્રી, સચિવાલય, ગાંધીનગર.
- મુખ્ય સચિવશ્રીના અંગત સચિવશ્રી, બ્લોક નં. ૧, ૪ થો માળ, સચિવાલય, ગાંધીનગર
- અગ્રસચિવશ્રીના રહસ્ય સચિવશ્રી, શહેરી વિકાસ અને શહેરી ગૃહનિર્માણ વિભાગ, સચિવાલય, ગાંધીનગર.
- સચિવાલયના તમામ વિભાગો તરફે
- મ્યુનિ.કમિશનરશ્રી, અમદાવાદ, વડોદરા, રાજકોટ, ભાવનગર, સુરત, જામનગર, જુનાગઢ.
- મુખ્ય કારોબારી અધિકારીશ્રી, તમામ શહેરી/વિસ્તાર વિકાસ સત્તામંડળ
- સર્વે કલેક્ટરશ્રીઓ/સર્વે જીલ્લા વિકાસ અધિકારીશ્રીઓ
- નગર પાલિકા નિયામકશ્રી ગુજરાત રાજ્ય, ગાંધીનગર તરફે દરેક નગરપાલિકાઓને જાણ કરવાની વિનંતી સહ.
- મુખ્ય નગર નિયોજકશ્રી, ગુજરાત રાજ્ય, ગાંધીનગર
- સીસ્ટમ મેનેજરશ્રી, શહેરી વિકાસ અને શહેરી ગૃહનિર્માણ વિભાગ, ગાંધીનગર તરફે વિભાગની વેબસાઇટ પર પ્રસિદ્ધિ અર્થે.
- નાયબ સેક્શન અધિકારીશ્રીની સિલેક્ટ ફાઇલ (૨૦૧૦)
- લ-શાખા સિલેક્ટ ફાઇલ (૨૦૧૦)

**Regulations For
The Rehabilitation and Redevelopment of the Slums
2010**

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- 1.1. These regulations may be called “The Regulations for the Rehabilitation and Redevelopment of the Slums – 2010”
- 1.2. These regulations shall be applicable within the jurisdiction of the appropriate authority constituted under Gujarat Town Planning & Urban Development Act 1976.
- 1.3. It shall come into force on such date as decided by order of the State Government.

2. APPLICABILITY

These regulations shall apply to slums on lands or plots or part of lands or plots, irrespective of the ownership.

3. DEFINITIONS

“Beneficiary” means any person who may receive benefits of any slum rehabilitation scheme under these regulations. Such beneficiary may include eligible slum dweller or any project affected person.

“Competent Authority” means any person or persons or authority or authorities, authorized by the prescribed authority as the case may be, to perform such functions as may be specified under these regulations.

“Dwelling Unit” means a unit constructed under the slum rehabilitation scheme.

“Eligible Slum Dweller” means a Slum dweller, who is not a foreign national and is the occupant of hutment for a period of minimum of 10 years and has a domicile of Gujarat for 25 years or his descendant.

As a proof of occupancy, the person shall, for the period of minimum occupancy, produce any two of the following documents:

- a. Copy of ration card;
- b. Copy of the electricity bills;
- c. Proof of being included in the electoral rolls;
- d. any other proof as decided by the prescribed authority

“GDCR” means the prevalent General Development Control Regulations applicable for the relevant appropriate authority.

“Notified Slums” means the slum notified by the Government in the Official Gazette under section 3 of Gujarat Slum Area (Improvement, clearance and Redevelopment), Act 1973.

“Prescribed authority” shall be as under:

	Jurisdiction	Prescribed Authority
1.	Municipal Corporation and the Appropriate Authority in its periphery constituted under section 5 or 22 of the Gujarat Town Planning and Urban Development Act 1976.	Municipal Commissioner or the Chief Executive Authority for the relevant area
2.	Municipality Area designated as Area Development Authority under section 6 of the Gujarat Town Planning and Urban Development Act 1976.	Collector & Chairman District Urban Development Agency,

The state government on the approval of these regulations shall by notification in the official Gazette appoint as the prescribed authority under section 2(j) of Gujarat Slum Area (Improvement, Clearance and Redevelopment), Act, 1973.

“Project Affected Person” means an eligible slum dweller occupying a part of any town planning scheme, road or development plan road or a part under road widening.

“Private land” means any land other than public land;

“Public land” means any land owned by the urban local body or by the government or authority constituted under Gujarat Town Planning and Urban Development Act, 1976.

“Slum Area” means and include:

- slums which are censused or declared or notified by the municipal corporation or Nagarpalika;

“Scheme Developer” means the owner or owners of the plot or Institute or Co-operative society or Company or Gujarat Houysing Board and similar organization or any developer permitted to develop by the competent authority.

“Slum Rehabilitation Scheme (SRS)” means any notified slum approved under these regulations.

“Slum Rehabilitation Plot (SRP)” means any plot where the slum dwellers are rehabilitated.

“Slum Plot (SP)” means any plot in a notified slum which forms a part of a slum Rehabilitation scheme.

“Slum Rehabilitation Zone (SRZ)” means an area which shall be delineated by the Slum Rehabilitation Committee.

- a. The Slum Rehabilitation Zone shall correspond to the area of equal FSI as per the GDCR.
- b. The following shall be permissible within a zone –
 - Clubbing of two or more plots in each slum rehabilitation scheme;
 - Use of spare FSI from one plot to another, within a scheme

“Slum Rehabilitation Committee (SRC)” a committee which shall comprise of:-

A. Municipal Corporation and appropriate authority areas:

Sr. No,	Officials/ in charge	Designation
1	Municipal commissioner	Chairman
2	Standing committee chairman	Member
3	Chief Town Planner or his representative not below the rank of Senior Town Planner	Member
4	Collector & Chairman District Urban Development Authority	Member
5	Chief Executive Authority of Urban/Area Development Authority	Member
6	Deputy Municipal Commissioner, Municipal Corporation	Member Secretary.

B. For Municipality areas designated as Area Development Authority

Sr. No,	Officials/ in charge	Designation
1	Collector & Chairman District Urban Development Authority	Chairman
2	President of the Municipality	Member
3	Director of Municipalities or his representative not below the rank of Deputy Director	Member
4	Town Planner of the district branch office of Town Planning and Valuation Department	Member
5	Chief Executive Officer of Gujarat Municipal Finance Board or his representative not below the rank of Deputy Director	Member
6	Chief Officer	Member Secretary.

4. PRESCRIBED AUTHORITY

- 4.1. The prescribed authority shall be vested with all the powers made available under the Gujarat Slum Area (Improvement, clearance and Redevelopment), Act 1973.
- 4.2. The prescribed authority shall exercise all the powers of the competent authority, to scrutinize and implement any rehabilitation and redevelopment scheme as recommended by the SRC.

- 4.3. The prescribed authority shall assist the scheme developer in eviction.
- 4.4. The prescribed authority shall notify the Slum Rehabilitation Zone (SRZ) as delineated by the Slum Rehabilitation Committee.

5. FUNCTIONS OF THE SLUM REHABILITATION COMMITTEE (SRC)

- 5.1. Delineate a slum area;
- 5.2. Recommend to the State Government to notify the slum area;
- 5.3. Delineate the Slum Rehabilitation Zone;
- 5.4. Evaluate and approve the proposals of slum rehabilitation schemes;
- 5.5. Disclose and provide information relating to any of the schemes of state or central government.
- 5.6. Recommend to the government to allow the benefits available under any scheme of the state or central government.
- 5.7. Coordinate with the revenue and all other related departments.
- 5.8. Approve the location and facilities to be provided in the transit camp;
- 5.9. Assign Jantri as value of the plots under consideration;

6. NOTIFICATION OF THE SLUM AREA

The state government, on the recommendation of the Slum Rehabilitation Committee or otherwise may declare any slum area under sub section(1) of section 3 of the Gujarat Slum Area (Improvement, clearance and Redevelopment), Act 1973.

7. NOTIFICATION OF THE SLUM REHABILITATION ZONE

The prescribed authority shall, on the recommendation of the Slum Rehabilitation Committee, notify the slum rehabilitation zone in the official gazette.

8. CONTENTS OF A REHABILITATION SCHEME:-

- 8.1. The rehabilitation scheme, shall contain the following:
 - 8.1.1. Proposals for the dwelling units to accommodate the beneficiaries on the same plot or on plots which are clubbed or bundled;
 - 8.1.1.1. Water supply, drainage, power supply to the individual dwelling units;
 - 8.1.1.2. Provide for every 500 dwelling units
 - 8.1.1.2.1. five room school of minimum total area 100 sqmt,
 - 8.1.1.2.2. one Community Center of minimum area 50 sqmt
 - 8.1.1.2.3. one Anganwadi or Health Post of minimum area 50 sqmts
 - 8.1.1.3. Provided that in case the dwelling unit less than 500, the facility for community centre, school, anganwadi or health post shall have to be provided as decided by the slum rehabilitation committee.
- 8.2. May contain the following Proposal for the construction of building for commercial or residential or any other purpose, which the scheme developer may sale or disposal or rent or lease.

9. DUTIES OF THE SCHEME DEVELOPER:

The scheme developer shall:

- 9.1. Acquire through ownership or the rights to develop either through purchase / lease of period not less than 99 years;
- 9.2. Have to pay, to the competent authority, 100% of prevalent jantri rates for the land used for commercial purpose, if the developer intends to develop slum area on a public land;
- 9.3. Organize all the eligible hutment dwellers into a Registered Co-operative Housing Society or a Registered Association.
- 9.4. Seek consent of at least 75 percent of the occupants of any slum settlement being considered under the scheme. This consent shall contain willingness to join the slum rehabilitation scheme and come together to form a co-operative housing society of eligible hutments through resolution to that effect. The resolution shall contain the following points;
 - 9.4.1. Resolution electing a Chief Promoter.
 - 9.4.2. Resolution giving the Chief Promoter the Authority to apply for registration of name for Co-operative Housing Society.
 - 9.4.3. To collect share capital (Rs.50/- per member for slum societies) and Rs. 10/- as entrance fee and to open account in any nationalized bank.
- 9.5. On the direction of the prescribed authority, the scheme developer shall include the Project Affected Persons (PAP) as a part of the Cooperative Housing Society and issue him requisit shares and allot the dwelling unit in the scheme.
- 9.6. Once the slum rehabilitation scheme is certified to have been complete by the Prescribed Authority, the developer shall hand over the maintenance of services to the registered co-operative housing society.

10. PROCEDURE FOR SECURING THE PERMISSION:

Subject to the provisions of the these regulations and the GDCR, any slum developer intending to carry out slum rehabilitation work in any notified slum shall apply to the SRC along with the details of ownership.

11. GRANT OR REFUSAL OF THE PERMISSION:

- 11.1. The right to recommend for grant or to refuse the proposal shall be vested with SRC. The SRC shall:
 - 11.1.1. Decide the proposal within 30 days from the receipt of the application and shall communicate its decision to the Government.
 - 11.1.2. For same slum pocket, entertain any application after satisfying that no other application is pending before it to decide;
 - 11.1.3. Deny any slum rehabilitation if the rehabilitation plot forms a part of any area of military or cantonment or railways, airport authority or any notified water body or any difficult area.

- 11.2. The government may review the decision of the SRC or if necessary ask to reconsider or give direction to the SRC with respect to its decision.
- 11.3. In conformity with the intent and spirit of these regulations, for any application, the government may, with delectance and judicious consideration, waive any part of these regulations and give directions to the SRC.
- 11.4. Grant of any permission under these regulations shall mean acceptance by the authority of the following requirements:
 - 11.4.1. Benefits under any scheme as admissible;
 - 11.4.2. Layout of buildings in SRP;
 - 11.4.3. Permissible built-up area.
 - 11.4.4. Permissible floor space index.
 - 11.4.5. Height of a building and its various stories.
 - 11.4.6. Permissible open spaces enforced under regulations, common plot, Marginal spaces, other open spaces, setbacks etc.
 - 11.4.7. Permissible use of land and built spaces.
 - 11.4.8. Arrangements of stairs, lifts, corridors and parking.
 - 11.4.9. Minimum requirements of high-rise buildings including N.O.C. from Fire Officer or Fire Safety Consultant as appointed by the Competent Authority.
 - 11.4.10. Minimum requirement of sanitary facility and other common facility.
 - 11.4.11. Required light and ventilation.

Provided that it shall not mean acceptance of correctness, confirmation, approval or endorsement of and shall not bind or render the Authority liable in any way in regard to:

- title of the land or building.
- easement rights.
- variation in area from recorded areas of a plot or a building.
- structural reports and structural drawings.
- workmanship and soundness of material used in construction of the building.
- location and boundary of the plot.

- 11.5. Interpretation of these regulations
 - 11.5.1. If any question or dispute arises with regard to interpretation of any of these regulations the decision of the government shall be final.
 - 11.5.2. In conformity with the intent and spirit of these regulations, the government may, if required in appropriate cases, use the discretionary powers to decide in any of the matters.
- 11.6. Any proposal submitted by any slum developer which is in conformity with the intent and spirit of these regulations, the government may, after considering the merits of the proposals, sanction as it is or with modifications.

- 11.7. The slum developer may without tampering the intent and spirit of these regulations may provide facility or compensation in addition that is required under the regulations.

12. PLANNING REGULATIONS FOR REHABILITATION SCHEME

The scheme developer for the purpose of the rehabilitation scheme shall have to plan and design to fulfill the following requirements:

- 12.1. The minimum height of the plinth shall be 45 cms. from the top surface of approach road or path way.
- 12.2. The built-up area of any dwelling unit shall be minimum 36 Sq. mts. excluding common areas.
- 12.3. The dwelling unit shall at least include two rooms, kitchen, and a bath, a water closet excluding, common areas, such as stairs passages etc.
- 12.4. Permissible built-up area, for the purpose of rehabilitation scheme under these regulations, shall mean the area covering the ground, after leaving margins.
- 12.5. Floor Space Index. (FSI)
- 12.6. For the purpose of these regulations, the floor space shall be computed as under:
- 12.6.1. The F.S.I. permitted under GDCR for the remaining plot shall be on the basis of Gross Building unit/ Plot area;
- 12.6.2. The FSI shall be granted as under:
- FSI shall be computed for the total area of the clubbed plots.
 - Clubbing of plots shall be allowed for rehabilitation of slum and also for other use;
 - Additional FSI shall be available to the developer equivalent to the area used for slum rehabilitation.
 - Within the clubbed plots, transfer of FSI from one plot to the other shall be permitted proportionate to the jantri value of respective plots;
- 12.7. Margins for the purpose of these regulations shall be applicable as under:

Margin	Low Rise Building	High Rise Building
Road side margin	4.50 mt	6.00 mt
Other than road side margin	3.00 mt	6.00 mt
Building to building margin	4.50 mt	6.00 mt
Common plot to building margin	3.00 mt	3.00 mt

- 12.8. Prevailing GDCR shall apply for development other than slum rehabilitation. For the purpose of FSI, the plot shall be considered as a single plot.
- 12.9. Rehabilitation scheme shall be permitted on 9.0 mts and more wide roads.

- 12.10. Parking, height, common plots and all other provisions which are not included in these regulations shall be provided as per GDCR. However for the purpose of these regulations Parking shall also be permitted in the common plot.
- 12.11. Shops having maximum size of 25 sq mt have to provide on ground floor up to maximum 25 % of the ground coverage. The scheme developer may dispose them by allotting it to the occupants of shops in the SP or otherwise.

13. REHABILITATION OF THE PROJECT AFFECTED PERSONS AND OTHER ELIGIBLE SLUM DWELLERS

The scheme developer under any proposed slum rehabilitation scheme shall,

- 13.1. in addition to the dwelling units required to rehabilitate the occupants of concerned notified slums, shall for the PAP's provide minimum of 10% of extra dwelling units;
- 13.2. Surrender for disposal such dwelling units to the prescribed authority at no cost.

14. REGULATIONS FOR ALLOTMENT.

- 14.1. The scheme developer shall provide a transit accommodation facility for all the beneficiaries as per requirement.
- 14.2. The newly developed dwelling units shall be allotted, to the eligible slum dwellers, by computerized random draw or with the unanimous consent of the eligible slum dwellers.
- 14.3. The scheme developer shall transfer the absolute ownership rights of all the dwelling units and the related infrastructure free from all encumbrances to the Co-operative Registrar Society of the slum dwellers free of cost.
- 14.4. The allottee or his legal heirs shall not transfer the dwelling unit for at least 20 years from the date of owning the possession. In case if it is found that any sale or any mode of transfer during the above specified period, such allotment shall be considered to be null and void. Such null and void units shall be the property of the competent authority.
- 14.5. The individual occupier of the dwelling unit shall bear the responsibility of payments towards Government and Municipal Taxes applicable from time to time.
- 14.6. Minimum 10% of the cost of rehabilitation dwelling units shall have to be deposited with the competent authority which later on shall be transferred to the co-operative housing society.
- 14.7. The scheme developer shall be permitted to construct buildings other than those of slum rehabilitation only after the construction of dwelling units and infrastructure relating to slum rehabilitation is completed.
- 14.8. Joint ownership with spouse: The reconstructed tenement shall be the ownership of the hutment dweller and spouse conjointly, and shall be so

entered and deemed to be so entered in the record of the co-operative housing society, including the share certificates or all other relevant documents.

- 14.9. If at any point of time it is found that the slum dweller, after the allotment under the slum rehabilitation scheme, has encroached any land, then in such cases, the allotment under the scheme shall stand cancelled and dwelling of the dwelling unit shall be forfeited and such dwelling unit shall be the ownership of the authority.

15. EXTERNAL DEVELOPMENT CHARGES:

- 15.1. The scheme developer shall pay, for the external development charge an amount, which is equivalent to the prevalent and applicable rates of amenities fees.
- 15.2. The betterment charge, the development charge, amenities fees, scrutiny fee, proportionate to that used for slum rehabilitation, shall be waived.

16. DE-NOTIFICATION OF THE SLUMS

- 16.1. The Slum Rehabilitation Committee shall scrutiny the rehabilitation work and on satisfaction and request to the state government to de-notify any slum area;
- 16.2. The state government may consider the request of the Slum Rehabilitation Committee to de-notify any slum area;

17. EFFECT OF OTHER ZONES AND REGULATIONS:

- 17.1. All the regulations under any prevalent act, rules and GDCR shall apply mutatis mutandis except for the specific provisions mentioned under these regulations;
- 17.2. For the purpose these regulations, the rehabilitation use shall be permissible irrespective to any of the provisions of zoning in the applicable GDCR.

18. SUPERVISION AND MONITORING OF THE QUALITY OF CONSTRUCTION

- 18.1. On sanction of the project,, the prescribed authority, shall appoint a consultant to supervise the quality and timely execution of the project.
- 18.2. The scheme developer shall deposit 5% of the estimated cost of the project as security.
- 18.3. The prescribed authority, shall on the advice of the consultant, release the deposits on prorate basis.

19. GRIEVANCE REDRESSAL:

- 19.1. For any grievance related to benefits available under these scheme, any eligible slum dwellers, availing the benefits under the scheme shall be entitled to lodge his complain before the prescribed authority.
- 19.2. The prescribed authority shall, on the merits resolve the grievance(s) by giving direction to the developer to resolve the issue.