

# The Odisha Gazette

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## HOUSING & URBAN DEVELOPMENT DEPARTMENT

### NOTIFICATION

The 3rd January, 2023

**S.R.O. No.3/2023**—Whereas, the following draft of the Odisha Municipal Corporation (Property Right or Land Right to Slum Dwellers) Rules, 2022 was published as required by sub-section (1) of section 656 of the Odisha Municipal Corporation Act, 2003 (Odisha Act 11 of 2003) in the Extraordinary issue No.3331, dated the 28th November, 2022 of the *Odisha Gazette* under the notification of the Government of Odisha in the Housing and Urban Development Department No.19871–HUD-LEGIS-POLICY-0008/2022/HUD, dated the 28th November, 2022 as **S.R.O. No.707/2022** inviting objections and suggestions from all persons likely to be affected thereby within a period of fifteen days from the date of publication of the said notification in the *Odisha Gazette*;

And, whereas, no objection or suggestion has been received in respect of the said draft within the stipulated period;

Now, therefore, in exercise the powers conferred by sub-section (1) of section 656 of the Odisha Municipal Corporation Act, 2003, the State Government do hereby make the following rules, namely:—

**1. Short title and Commencement.**- (1) These rules may be called the Odisha Municipal Corporation (Property Right or Land Right to Slum Dwellers) Rules, 2022.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

**2. Definitions.** (1) In these rules, unless the context otherwise requires,-

(a) “Act” means the Odisha Municipal Corporation Act, 2003 (Odisha Act 11 of 2003);

(b) “Appellate Authority” means an officer as may be appointed by the Government under section 488;

- (c) "Collector" means the Collector of the district and includes Additional District Magistrate or any officer, specially appointed by the Government to perform the functions of the Collector;
- (d) "Form" means Form appended to these rules;
- (e) "Section" means a Section of the Act;
- (f) "Slum Dwellers' Association" means an association whether registered or not formed by the slum dwellers of the slum duly recognized by the Corporation in such manner and in such format as may be notified by the Government from time to time, which is working for the upliftment and welfare of the slum dwellers and the expression 'slum dweller' shall have the same meaning as defined in clause (s) of section 482.

(2) Words and expressions used but not defined herein shall have the same meaning as assigned to them in the Odisha Municipal Corporation Act, 2003.

## CHAPTER II

### SLUM DEVELOPMENT AND REHABILITATION COMMITTEE

**3. Powers and functions of the Slum Development and Rehabilitation Committee (SDRC).**- (1) Without prejudice to the generality of the powers and functions provided under sub-section (3) of section 486, the Slum Development and Rehabilitation Committee constituted under the Act, shall,-

- (i) undertake necessary survey of land in a slum area or any part thereof, whenever it thinks fit, to prepare the slum map, establish the locations and spatial dimensions of the slum households into the Geographic Information System (GIS) platform, capture socio-economic data of the slum households, collate spatial information with respect to network of basic civic infrastructure like roads, drainage, water supply, sewerage, street light etc;
- (ii) cause maintenance, revision and correction of survey records, maps and entries in registers;
- (iii) undertake technical and operational feasibility analysis to formulate plans and projects for slum development and rehabilitation so as to cover all slums in a time-bound manner;
- (iv) approve a list of slum dwellers eligible for property rights or land rights, as the case may be, and cause to be maintained a register containing details of slum dwellers in any Corporation area;

- (v) ensure that a certificate of property rights or land rights, as the case may be, is provided to the eligible slum dwellers in a time-bound manner and under technical and operational feasibility;
- (vi) ensure preparation of database regarding tenable and untenable slum areas and share the same with the Government;
- (vii) identify land available in urban areas for making provisions for rehabilitation;
- (viii) implement the decisions notified by the Government for slum development and rehabilitation and enable access to basic civic and social infrastructural services to the slum dwellers;
- (ix) encourage community participation through neighbourhood welfare associations such as Slum Dwellers Association at various stages of slum development, rehabilitation and management of community assets;
- (x) for the purpose of facilitating the implementation of the Provisions of the Act and rules, constitute sub-committee for each slum area or cluster of slums as may be required to validate the recommendations proposed by the Corporation; and
- (xi) review and coordinate the activities of the sub-committees, agencies and experts engaged and put in place effective implementation, monitoring and evaluation systems.

(2) The Committee shall discharge such other functions in accordance with the guidelines, orders or standard operating procedures issued by the Government, from time to time.

**4. Conduct of business of Committee.-** (a) The meetings of the Committee shall be convened by the Chairperson of the Committee or by any other member nominated by the Chairperson, in this behalf and shall be held at such intervals, times and places as may be decided by the Committee.

(b) The Chairperson of the Committee or in his absence, any other member nominated by the Chairperson, shall preside over the meeting.

(c) The quorum necessary for the conduct of business of the Committee shall be three.

(d) The Chairperson of the Committee shall nominate any member of the Committee or such officers and employees of the Committee not below the rank of Deputy Commissioner as Member Convenor to maintain the records, accounts, receipts and documents connected with the business of the Committee. In the absence of an officer of the rank of Deputy Commissioner or above, it shall be lawful on the

part of the Commissioner to nominate any other officer of the Corporation to act as Member Convenor.

- (e) The Chairperson in consultation with the other members may co-opt for one additional member of repute such as specialists, experts, professionals, academicians or any other persons from relevant domains on a “as needs” basis, when deemed necessary.

### **CHAPTER III PROPERTY RIGHTS OR LAND RIGHTS**

**5. Powers and functions of the Authorised Officer.-** In addition to the powers and functions provided in the Act, the Authorised Officer shall exercise the following powers and functions, namely:-

- (a) to enter upon any land or premises within the slum area or part thereof under survey between the hours of sunrise and sunset;
- (b) to cause a notice in writing to be served on the slum dwellers, calling upon them to appear before him within a specified time for the purpose of pointing out boundaries and for producing such information as may be needed and every person on whom such notice may be served shall be bound to appear as required by the notice and to give any information which may be required and is within his knowledge;
- (c) after due service of notice under sub-rule (b), to proceed with the survey whether the persons upon whom such notice has been served are present or not and every such person who fails to appear as required by the said notice shall be bound by the results of the survey in the same manner and to the same extent as if the survey was made in their presence;
- (d) to hold an inquiry, if in the course of a survey a dispute is found to exist as to the boundaries of any land to be surveyed shall summon and enforce attendance of witnesses compel production of documents and to pass an order in writing after giving opportunity of being heard to the parties involved;
- (e) to issue the Certificate of Property Rights or Land Rights in Form I or Form II, as the case may be, to the eligible slum dwellers upon approval by the Committee;
- (f) to enable access to basic civic and social infrastructural services to the slum dwellers;
- (g) exercise such powers and perform such duties not inconsistent with the provisions of the Act and these rules.

**6. Manner for determination of rate for settlement of land.-** (1) Subject to the provisions of clause (b) of sub-section (1A) of section 483 and the notification issued by the Government from time to time, the property rights or land rights as the case may be of the slum dweller, occupying land before the date of commencement of the Odisha Municipal Corporation (Amendment) Act, 2022 (Odisha Act 4 of 2022) and belonging to EWS category occupying land beyond thirty square meters in Corporation area but less than forty five square meters, as mentioned in sub-clause (ii) of clause (b) of sub-section (1A) of section 483, shall be settled at the rate of five per cent of the benchmark value of land ;

Provided that, if a slum dweller is occupying less than thirty square meters of land, in such cases, it provides for settling land in actual occupation of such slum dweller or to the extent of thirty square meters whichever is higher subject to availability of land adjacent to the dwelling unit of such slum dweller ;

Provided further that, if the slum dweller is not willing to pay the price for land beyond thirty square meter land due to any reason, the occupant shall voluntarily vacate such land and the Authorised Officer, shall record the reasons in writing, and take over the constructive possession of such land in such manner as may be notified by the Government from time to time, before issuing a Certificate of Property Rights or Land Rights.

2. Subject to the provisions of clause (c) of sub-section (1A) of section 483 and the notification issued by the Government from time to time, the slum dweller belonging to any category other than EWS category and occupying land before the date of commencement of the Odisha Municipal Corporation (Amendment) Act, 2022 (Odisha Act 4 of 2022) shall pay the price of the land at the rate of ten per cent of the benchmark value of land, within the permissible limit of forty five square meter in Corporation area, as specified in sub-section (1A) of section 483 ;

Provided that, where a slum dweller occupies land, beyond the maximum permissible limit provided under clause (a), he shall voluntarily vacate such excess land and the Authorized Officer shall take over the constructive possession of such excess land in such manner as may be notified by the Government before the issue of the Certificate of Property Rights or Land Rights.

**7. Manner for determination of rate for allotment of dwelling space.-** Subject to the provisions of sub-section (1B) of section 483 and the procedures laid down by the

Government, from time to time, the slum dweller may be allotted a dwelling space with access to basic civic and social infrastructural services irrespective of the category he may belong to, at the following rates,-

- (a) for EWS category, at the rate of five per cent of the cost of the dwelling space.
- (b) for any category other than EWS category, at the rate of ten per cent of the cost of the dwelling space.

**8. Manner of surrender of certificates.-** (a) Subject to the provisions of sub-section (6) of section 483, the slum dweller holding more than one Certificate of Property Rights or Land Rights shall immediately surrender all such certificates to the Authorised Officer and shall not use the certificates for any purpose whatsoever.

- (b) The Authorised Officer, upon receipt of such certificates, shall cancel them and shall cause revision of the necessary records and intimate the same to the Committee at its next meeting.

**9. Manner of filing, hearing and disposal of appeals.-** (1) Every appeal made under section 488 shall be preferred in Form III within a period of thirty days from the date on which a copy of the direction or order or decision made under the Act is received by the aggrieved person :

Provided that the Appellate Authority may entertain any appeal after the expiry of thirty days if it is satisfied that there was sufficient cause for not preferred it within that period.

- (2) On receipt of an appeal under sub-rule (1) the Appellate Authority may, after giving the parties an opportunity of being heard, pass such orders, including interim orders, as it thinks fit.

- (3) The Appellate Authority shall send a copy of order made by it to the parties and to the Committee or the Authorized Officer, as the case may be.

- (4) The appeal preferred under sub-rule (1), shall be dealt with as expeditiously as possible and endeavour shall be made to dispose of the appeal within a period of sixty days from the date of receipt of the appeal:

Provided that where any such appeal could not be disposed of within the period of sixty days, the Appellate Authority shall record its reasons in writing for not disposing of the appeal within that period.

- (5) The Appellate Authority may, for the purpose of examining the legality or propriety or correctness of any order or decision made under the Act, on its own motion or otherwise, call for the records relevant to dispose of such appeal and make such orders as it thinks fit.

#### **CHAPTER IV URBAN POOR WELFARE FUND**

**10. Management and Utilisation of Urban Poor Welfare Fund.-** (a) Each Corporation shall be responsible for the management of the Urban Poor Welfare Fund, constituted under section 490.

- (b) The Urban Poor Welfare Fund shall be applied for providing access to basic civic and social infrastructural services, improving living conditions and environment in slums within the Corporation and incidental expenses relating to its operation and maintenance.
- (c) An authority may be designated or a sub-committee may be constituted to spend moneys out of the Fund for carrying out the objects for which the Fund has been constituted.
- (d) The Urban Poor Welfare Fund may be utilised and spent in accordance with the guidelines, orders or standard operating procedures issued by the Government, from time to time.

#### **CHAPTER V MISCELLEAOUS**

**11. Protection of action taken against 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, which is, in good faith done or intended to be done under this Act, by adhering to the process as envisaged.

**FORM I****( see rule 5(e) )****CERTIFICATE OF PROPERTY RIGHT****Certificate No.**

<b>Name(s) of holder(s) of Property Rights (including spouse)</b>		
Name:	Name:	
<b>Family Details</b>		
Name of the father/mother:	Name of dependant family members:	
<b>Address</b>		
Door No.:	District:	Municipal Corporation:
Road/Street/ Slum:		
Pincode:	Ward No.	Phone No.
<b>Other details</b>		
Aadhar No./ or any other Identification No.:	EWS/non-EWS	Other Information:
<b>Details of the Dwelling space allotted</b>		
Landmark/ Building name:	Built up area (in sq. m):	
Flat No. Floor No.	Carpet area (in sq. m.):	
Amount paid for dwelling space (in Rs.):	Mode of Payment:	Receipt No. & Date:

The property rights issued by this certificate are heritable but not alienable or transferable by sub-lease, sale, gift or any other manner sub section (3) of section 483 of the Act.

The Certificate of Property Rights may be mortgaged for the purpose of raising finance in the form of housing loan from any financial institution.

The Certificate of Property Rights shall be acceptable as evidence for address proof.

I/We, the undersigned, hereby, for and on behalf of the Government of Odisha affix my/our signature(s) to issue the above Certificate of Property Rights.

Date:

Authorised Officer



**FORM II**  
**( see rule 5(e) )**  
**CERTIFICATE OF LAND RIGHT**

<b>Certificate No.</b>		
<b>Name(s) of holder(s) of Land Rights (including spouse)</b>		
Name:	Name:	
<b>Family Details</b>		
Name of the father/mother:	Name of dependant family members:	
<b>Address</b>		
Door No.: Road/Street/ Slum: Pincode:	District:	Municipal Corporation:
	Ward No.	Phone No.
<b>Other details</b>		
Aadhar No./ or any other Identification No.:	EWS/non-EWS	Other Information:
<b>Details of the land settled</b>		
Description of boundaries by prominent landmarks:	Area (in sq. m.)	Settlement amount, if any (in Rs.):
	Mode of Payment:	Receipt No. & Date:

The land rights issued by this certificate are heritable but not alienable or transferable by sub-lease, sale, gift or any other manner sub section (3) of section 483 of the Act.

The Certificate of Land Right may be mortgaged for the purpose of raising finance in the form of housing loan from any financial institution.

The Certificate of Land Right shall be acceptable as evidence for address proof.

I/We, the undersigned, hereby, for and on behalf of the Government of Odisha affix my/our signature(s) to issue the above Certificate of Land Right.

Date:

Authorised Officer

**Form III**  
**( see rule 9 )**  
**FORM FOR APPEAL**

To,  
The Appellate Authority

.....  
..... (Name and Address)

1. Name and Address of the Appellant (including phone no.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Name of the Committee/ Authorized Officer against the decision of whom the appeal is preferred: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Details of order of the Committee/ Authorized Officer:

Order/Notification No. \_\_\_\_\_ dated \_\_\_\_\_

4. Date of receipt of order by the Appellant: \_\_\_\_\_

5. Brief facts leading to the appeal:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Relief sought:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Grounds for relief:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Any other information necessary for deciding the appeal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. List of enclosures:

- a. Copy of the order/notification, against which appeal is being preferred
- b. Any other documents, if any (specify):

**Declaration**

I.....son/daughterof.....  
 .....residing at ..... verify  
 that the contents of the above appeal filled by me are true to the best of my knowledge  
 and belief.

Name of Appellant:

Date:

Place:

[No.80–HUD-LEGIS-POLICY-0008/2022]

By Order of the Governor  
 G. MATHI VATHANAN  
 Principal Secretary to Government