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SLUM DEVELOPMENT POLICY (UNDER PUBLIC-PRIVATE PARTNERSHIP)



**Department of Urban Development,
Housing & Local Self Government,
Government of Rajasthan
June, 2010**

S. No. F9(1)UDH/03/09

Jaipur Dated : 28.06.2010

NOTIFICATION

Subject: Slum Development under Public-Private Partnership Model

In exercise of the powers conferred under section 60 of Rajasthan Housing Board Act, 1970, Section 337 of Rajasthan Municipalities Act, 2009, Section 90 of Jaipur Development Authority Act, 1982, Section 85 of Jodhpur Development Act, 2009 and Section 43, 60 and 74, of Rajasthan Urban Improvement Act, 1959 read with Rajasthan Improvement Trust (Disposal of Urban land) Rules, 1974, the State Government hereby notifies the following Slum Development Policy under Public Private Participation Model:-

It is observed that in the State of Rajasthan a number of unauthorized slum areas have come up and there are difficulties in proper development of several of these slums. The Urban local bodies have been undertaking slum development and have also rehabilitated some of the slum dwellers to other areas, how ever a lot more needs to done in this regard through Government as well Private Sector efforts.

It has therefore become necessary to involve the private sector through a new policy for redevelopment / improvement of slum areas on the same land as deemed fit by the Local Body/State Government.

The following procedure shall be adopted by the local bodies for clearance / redevelopment / improvement of the existing slum areas with the help of private sector participation-

1. DECLARATION OF THE SLUM AREAS

- (i) Where the Government or a Urban Local Body is satisfied that:
 - (a) Any area in the jurisdiction of the Urban Local Body which has already declared and listed as a slum area.
 - (b) Any area is or is likely to be a source of danger to health, safety or convenience of the public of that area or of its neighborhood, by reason of the area being low-lying, in-sanitary, squalid, over-crowded or otherwise; or
 - (c) The buildings in any area, used or intended to be used for human habitation are,-
 - (i) In any respect, unfit for human habitation; or
 - (ii) By reason of dilapidation, over crowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, detrimental to safety, health or morals, the State Government or Urban Local Body may, by notification, declare such area to be a slum area.

- (iii) In determining whether a building is unfit for human habitation, for the purpose of this policy regard shall be had to its condition in respect of the following matters, that is to say,-
- (i) repair,
 - (ii) stability,
 - (iii) freedom from dampness,
 - (iv) natural light and air,
 - (v) water-supply,
 - (vi) drainage and sanitary conveniences,
 - (vii) facilities for storage, preparation and cooking of food and for the disposal of waste water, and the building shall be deemed to be unfit as aforesaid, if it is so defective in one or more of the said matters that it is not reasonably suitable for occupation.

2. PREVENTION OF GROWTH OF SLUM AREAS AND REGISTRATION OF THE EXISTING SLUM DWELLERS

Any existing slum dweller who has been residing in the slum area as on 15th August 2009 shall be eligible for the purpose of rehabilitation. His name should appear in the voter list as on 15-08-09 and/or he should have any other valid proof of his residence in the area. He should be the actual occupant of the hutment. Such persons shall be registered for rehabilitation. It shall be the duty of the local body to prevent further settlement/growth of slums in the area under its jurisdiction.

3. IDENTIFICATION OF SLUM AREAS

- (i) Urban Local Bodies shall identify the slum areas for which improvement and redevelopment is needed either under Suo-Moto/(Swis Challenge) Public Private Participation Policy and shall seek/Prior NOC from State Government under this Policy for this purpose.
- (ii) After getting NOC from the Government, the local body shall invite Expression of Interest (EOI) for redevelopment/improvement of the slum area. The time period to be allowed for EOI shall not be less than 30 days. The EOI should contain all major features/highlights of the slum area.

4. ELIGIBILITY CRITERIA

The eligibility criteria for the developer shall be as follows :-

TABLE-A

S.No.	Category (area of slum)	Minimum net worth	Minimum turnover (in last 5 year)	Minimum number of Tech. Staff on payroll	Experience of land development	Minimum total area developed with all infrastructure facilities in various township projects	Present status of the total occupancy in the developed colonies	Saleable total area % age of built up by developer residential / commercial	Time period for completion of the complete project
1	2	3	4	5	6	7	8	9	10
(a)	Upto 25 Acre	10 cr.	100 cr.	50	7 yrs.	200 acre	Min. 20%	5 Lac sq.ft.	4 yrs.
(b)	25-50 Acre	20 cr.	150 cr.	75	8 yrs.	300 acre	Min. 20%	7 Lac sq.ft.	4 yrs.
(c)	50-100 Acre	40 cr.	200 cr.	100	9 yrs.	500 acre	Min. 20%	9 Lac sq.ft.	5 yrs.
(d)	100-200 Acre	50 cr.	300 cr.	150	10 yrs.	700 acre	Min. 20%	10 Lac sq.ft.	6 yrs.
(e)	> 200 Acre	100 cr.	500 cr.	200	15 yrs.	1000 acre	Min. 20%	15 Lac sq.ft.	7 yrs.

NOTE:

- (i) Net Worth means paid up capital + reserves - Losses if any.
- (ii) The requirements in column 4, 5, 6, 7, 8, 9 shall be calculated on the basis of the experience of the applicant company alongwith the present/previous experience of the parent/sister concerns working in the real estate sector subject to the condition that one of the Directors of the applicant company shall also be the Director of the parent/ sister concern and have a majority of shareholding in them.
- (iii) To avoid any complication regarding eligibility, the developer can apply through a new company (Special Purpose Vehicle) constituted especially for the execution of the project, for which the consortium of the parent/sister concerns for the eligibility can be considered for the qualification.
- (iv) The Government on the basis of the justified delay can extend the completion time period by a maximum of 2 years.

5. VERIFICATION OF THE TECHNICAL AND FINANCIAL ELIGIBILITY OF THE PRIVATE DEVELOPER

The urban local bodies after receiving the EOI proposals from the private developers (eligible bidder) shall examine the technical and financial details by comparing it with the eligibility requirement within a period of 15 days, (local bodies shall not make any addition in the requirement at their own level over and above the specific eligibility requirement given under the policy). The shortlisted eligible bidders shall be placed at the notice board of the local body and an information to the successful bidders shall be sent immediately.

6. PRESENTATION BY THE SHORTLISTED PRIVATE DEVELOPER AND APPROVAL OF THE SUCCESSFUL BIDDER

Committees at two levels shall be set up for finalising the successful bidder from the short listed bidders :

(A) City Level Committee

(i) For Urban Development Authorities:

- | | | |
|--|---|------------------|
| 1. Commissioner, Urban Development Authority | - | Chairperson. |
| 2. Representative of District Collector | - | Member |
| 3. Director Town Planning/STP of Development Authority. | - | Member |
| 4. Director, Engineering | - | Member |
| 5. Nodal officer in the Development Authority
(Not below the rank of Deputy Commissioner) | - | Member Secretary |

(ii) Urban Improvement Trust's:

- | | | |
|----------------------------------|---|------------------|
| 1. Secretary, UIT | - | Chairperson |
| 2. Nominee of District Collector | - | Member |
| 3. STP/DTP | - | Member |
| 4. Senior most Civil Engineer | - | Member |
| 5. Nodal officer | - | Member Secretary |

(iii) For Local Bodies:

- | | | |
|---|---|-------------|
| 1. CEO Nagar Nigam or Commissioner
Nagar Parishad/E.O. Nagarpalika | - | Chairperson |
| 2. Senior most officer of the Civil Engineer wing | - | Member |
| 3. Senior most officer of Town Planning wing | - | Member |

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| 4. Nominee of District Collector | - | Member |
| 5. Nodal Officer | - | Member Secretary |

(B) State Level Empowered Committee:

- | | | |
|---|---|------------------|
| 1. Minister, Urban Development and Housing | - | Chairperson |
| 2. Principal Secretary, Urban Development and Housing | - | Member |
| 3. Secretary, LSG | - | Member |
| 4. CTP/Director, Town Planning | - | Member |
| 5. CEO/Commissioner of ULB | - | Member Secretary |

All the proposals shall be submitted before the city level Committee within 15 days of finalizing the eligible EOI proposal and the bidder shall be asked to make a presentation about the project and his capability to develop the project. On the basis of the presentation, experience, financial capability of the bidder, the Committee shall make a recommendation to the State Level Empowered Committee. After receipt of the proposals by the SLEC it shall decide on the successful bidder for the preparation of a detailed project report under Suo-Moto/Public Private Participation approach.

After getting the approval of the Empowered Committee, the successful bidder shall prepare a Detailed Project Report (DPR) which shall be finally accepted by SLEC After acceptance of the same by the SLEC, global tenders shall be invited for the project.

7. ROLE OF THE STATE GOVERNMENT AND URBAN LOCAL BODIES

Land acquisition, de-reservation of forest lands and environmental clearances are the main issues related with the timely success of the project. In order to obtain timely Clearances for the project the role of the Urban Local Bodies and the State Government is very important. Keeping in view of the practical difficulties specially related with the ownership of the slum area, land in Urban areas, the concerned local body shall undertake clearance of the Project from environment point of view as also undertake forest de-reservation. The State Government would extend all necessary support to the developer and the slum dwellers in the area.

8. CONSTITUTION OF SLUM AREA COMMITTEE FOR SPEEDY AND TRANSPARENT APPROACH

The following Committee shall be constituted at the Urban Local Body level to decide on various issues necessary for inclusion in the detailed project report:

- (i) Representative of the developer company;
- (ii) Representative of the local body;

- (iii) Representative of the local dwellers;
- (iv) Any other representative as appointed by the Government.

The suggestion/outcomes of the above Committee shall be given due weightage before deciding any matter related with technical or financial aspects of the project. The Administrative head of local body or District Collector shall be empowered to accept the outcomes of the Committee. In case the Administrative head is not able to resolve the issue within a maximum period of 15 days of the report submitted by the Committee, the Principal Secretary, Urban Development & Housing Department shall be empowered to accept/ reject/ modify the outcomes of the Committee and issue necessary directions which shall be followed strictly by the local body.

9. GUIDELINES FOR THE PREPARATION OF DETAILED PROJECT REPORT BY THE SUCCESSFUL BIDDER

(a) Sustainable Development:

A detailed project report of the proposed redevelopment/improvement of the slum area including details of the nature of infrastructure facilities to be provided as external development as well as internal development of the colony such as construction of approach road, internal road network, laying of water supply pipeline, rising main and distribution network, sewerage-drainage facilities in the area, provision for the recycling of water, provision for sewerage treatment plant in the area, plan for disposal of the solid waste of the area, power electrification and street lighting in the area, tree plantation and need based development of public amenities and utilities, such as open parks, play ground, construction of school building, police station, primary health centre, sports facilities, security arrangement etc.

(b) Development plan and procedure:

- (i) The redevelopment plan shall be prepared by the successful bidder for which a detailed plain table survey / total station survey shall be carried out by the private developer to know the ground reality. The successful bidder shall prepare the list of the eligible dwellers in coordination with local bodies and local representative of the slum dwellers, the basis for the list shall be the slum dwellers, whose name appear in the voter list as on 01-08-2009 and who are the actual occupants of the hutments in the area.
- (ii) The successful bidder shall prepare the plan keeping in view that each eligible family could be allotted a self contained house of atleast 325-340 sq.ft. super built up area (carpet area 250-270 sq.ft.) free of cost in the G+3 to G+5 flatted construction under the rehabilitation policy for the slum area.
- (iii) The successful bidder shall prepare the plan keeping in view of the outcome of the slum level committee, as finally approved.

(c) Transit Tenements:

The successful bidder shall make a provision in the detailed project report that during the construction of the flats at the site, the local dwellers shall be provided with transit tenements, in close proximity of the area or within the area itself. The developers shall bear the cost on account of rent of the transit tenements, but the cost of consumable like water, electricity, telephone, etc. shall have to be borne by the slum dwellers.

(d) Infrastructure Cost on the Project:

The successful bidder shall work out the complete cost of all the infrastructure facilities to be provided for the development of the slum areas including the overhead, administrative, cost of transit tenements, interest and other miscellaneous charges expected to be invested for the clearance of the project site, such as removal of the existing structures or any other unforeseen items for the redevelopment of slum areas.

- (i) The successful bidder shall work out the average development cost of the slum area.
- (ii) The successful bidder shall work out the saleable rate for the different sizes of the flats.
- (iii) The successful bidder shall submit the proposal keeping in view the prevailing guidelines, technical parameters for the development of infrastructure at site, preparation of the layout plan within the urban parameters.

10. APPROVAL OF THE TECHNICAL AND FINANCIAL PARAMETERS OF THE DPR PREPARED BY SUCCESSFUL BIDDER

Redevelopment of the Slum Areas by Successful Bidder at his Own Cost:

The successful bidder shall make all the internal and external expenditure as per the approved Detailed Project Report (DPR), approved layout plan and the technical parameters approved by the Urban Local Body at his own cost.

The technical and financial parameters of the detailed project report as prepared by the successful bidder shall be examined by the Urban Local Body and after thorough examination of the report by the Urban Local Body the final Detailed Project Report shall be approved by the SLEC.

After due approval of the SLEC the proposal prepared by the successful bidder shall be considered as a final bid document for inviting bids.

11. Selection of the Developer through Global Tender:

- (i) After getting the approval of the Detailed Project Report from the Empowered Committee, the global tender shall be invited from various eligible developers having the desired technical and financial qualifications as per Table A.

The bidder who provides for free of cost flats to the residents of the slum area as well as offers the maximum developed land/property to the local body shall be considered as the successful bidder.

- (ii) The successful bid/offer so finalised shall be offered for acceptance to the bidder, who had prepared the detailed project report as a first right of refusal.
- (iii) In case, the bidder who had prepared the detailed project report, does not accept or fails to match the offer, then the project shall be awarded to the successful bidder and in turn the bidder who had prepared the DPR shall be paid an amount equivalent to 0.25% of the total estimated cost of the project. This cost shall be paid by the successful bidder who is awarded the project.
- (iv) The successfully authorized developer shall submit a Bank Guarantee @ 1% of the total estimated project cost (other than land cost).
- (v) The successful bidder shall be authorized to work on the project immediately after approval of the proposal.
- (vi) Being the Government approved project, the successful bidder shall officially use the name of the local body in marketing of the project for which a Memorandum of Understanding (MOU) shall be executed between the successful bidder, Urban Local Body and the State Government.
- (vii) The authorized developer shall enter into an agreement with the local body to surrender the percentage of the developed land to local body. The draft of the agreement shall be prepared by the authorized developer and will be approved by Urban local body and the Government.
- (viii) The authorized developer will have full rights on the left over land, for which he has been authorized vide the letter of authorization. The developer can use such land for the residential group housing purposes. If the authorized developer is interested to use the land for any other purpose, other than residential, then the developer shall deposit the difference amount of the conversion charges. After the deposition of the difference amount by the developer, the revised layout plan within the prevailing parameters and building byelaws shall be approved by the local bodies. As a special case and consideration of work for the poor, an automatic conversion may be accepted by the local bodies. Accordingly the amendment in the master plan/layout plan shall be made without any delay. As part of the above arrangement the Urban Local Body shall strive to obtain more developed land/property as its share or have revenue sharing as a profitable proposition.

12. ALLOWABLE FSI/FAR IN SLUM AREA PROJECT

The developer shall be allowed 4.00 FSI on the full project (instead of the normal permissible FSI) area.

13. PILOT PROJECT AT JAIPUR

Since the proposed model of development is a new model for the State of Rajasthan, it would be prudent to use it on a pilot basis in a few slum areas in Jaipur (like the Jawahar Nagar Kacchi Basti etc.) Jaipur Development Authority (JDA) would be the nodal agency for the project and it would be implemented with the support and monitoring of Jaipur Municipal Corporation and the State Government. Based on the experience gained, suitable changes may be made in the model subsequently.

- 14.** In case the EOI fails to attract any successful bidder for redevelopment of any particular slum area then proposals by private developers on the Swiss-Challenge model can be entertained by the local bodies. However the proposal needs to be placed before the SLEC for approval before inviting open tenders.

Sd/-
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