

## **SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, 1956**

**96 of 1956**

**[29th December, 1956]**

### CONTENTS

#### **CHAPTER 1 :- PRELIMINARY**

1. Short title, extent and commencement
2. Definitions

#### **CHAPTER 2 :- SLUM AREAS**

3. Declaration of slum areas

#### **CHAPTER 3 :- SLUM IMPROVEMENT**

- 4 . Power of competent authority to require improvement of buildings unfit for human habitation
- 5 . Enforcement of notice requiring execution of works of improvement
6. Expenses of maintenance of works of improvement, etc., to be recoverable from the occupiers of buildings
- 6A. Restriction on building, etc., in slum areas
- 7 . Power of competent authority to order demolition of building unfit for human habitation
8. Procedure to be followed where demolition order has been made

#### **CHAPTER 4 :- SLUM CLEARANCE AND REDEVELOPMENT**

9. Power to declare any slum area to be a clearance area
10. Slum clearance order
11. Power of competent authority to redevelop clearance area

#### **CHAPTER 5 :- ACQUISITION OF LAND**

12. Power of Central Government to acquire land
13. Land acquired by Central Government to be made available to the competent authority
14. Right to receive compensation
15. Basis for determination of compensation
16. Apportionment of compensation
17. Payment of compensation or deposit of the same in court
18. Powers of competent authority in relation to determination of compensation etc

- 19. Proceedings for eviction of tenants not to be taken without permission of the competent authority
- 20. Appeals
- 20A. Restoration of possession of premises vacated by a tenant
- 20B. Rent of buildings in slum areas
- 21. Chapter not to apply to eviction of tenants from certain buildings

## **CHAPTER 6A :- SLUM CLEARANCE BOARD**

- 21A. Establishment of Slum Clearance Board
- 21B. Constitution of the Board
- 21C. Conditions of service of members
- 21D. Appointment of officers and servants
- 21E. Conditions of service of officers and servants
- 21F. General disqualification of members, officers and servants
- 21G. Functions of the Board
- 21H. Finance, accounts and audit
- 21I. No disqualification in certain cases
- 21J. Power of Board to make regulations
- 21K. Board to comply with directions of Administrator
- 21L. Power of the Pondicherry Housing Board to cease
- 21M. Transfer of certain assets and liabilities to the Board

## **CHAPTER 7 :- MISCELLANEOUS**

- 22. Powers of entry
- 23. Powers of inspection
- 24. Power to enter land adjoining land where work is in progress
- 25. Breaking into buildings
- 26. Entry to be made in the day time
- 27. Owners consent ordinarily to be obtained
- 28. Power of eviction to be exercised only by the competent authority
- 29. Power to remove offensive or dangerous trades from slum areas
- 30. Appeals
- 31. Service of notices, etc
- 32. Penalties
- 33. Order of demolition of buildings in certain cases
- 34. Jurisdiction of Court
- 35. Previous sanction of the competent authority or officer authorised by it for prosecution
- 36. Power to delegate
- 37. Protection of action taken in good faith
- 37A. Bar of jurisdiction
- 38. Competent authority, etc., to be public servants
- 39. Act to override other laws
- 40. Power to make rules

## **SCHEDULE 1 :-PRINCIPLESFOR DETERMINATION OF THE NET AVERAGE MONTHLY INCOME**

# **SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, 1956**

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**[29th December, 1956]**

STATEMENT OF OBJECTS AND REASONS "The rapid growth of population and over-crowding have created bad slums in Delhi. The average density of population in the Delhi City (area administered by the Delhi Municipal Committee) is about 600 per acre as against the normal standard of 200 per acre. In slum areas the average density is even higher varying from 800 to 1,200 per acre and in some katras the density is as high as 2,500 per acre. Other common features of these slum areas are (i) dilapidated conditions of the tenements, (ii) lack of civic amenities and community facilities and (iii) cattle sharing the available space with human beings. The slums are a menace to the safety, health and morals of the inhabitants and it is of imperative necessity that improvements in, and clearance of, the slum areas have to be taken in hand immediately. 2. At present, there are neither any powers for entering privately owned slum areas for the purpose of providing basic amenities such as water supply, lavatories, etc., nor any powers for acquiring slum properties and demolishing dilapidated houses. 3. Slum dwellers are also harassed by eviction by landlords. Provision is necessary to prevent such eviction. 4. It is, therefore, considered necessary that a comprehensive Slum Improvement Clearance Act be enacted under which Government should have the necessary powers for carrying out the requisite improvements, acquisition or demolition of slum properties and for the prevention of eviction of tenants from slum areas. Even though the necessary legislation is required mainly for Delhi, it is considered that it is better if it is enacted for all the Union Territories except those of Andaman and Nicobar Islands and Laccadive, Minicoy and Amindivi Islands. The Bill, therefore, provides that the Act will come into force in a Union Territory only on such date as the Central Government may notify."-Gaz. of Ind., 15-12- 1956, Extra., Pt. II, section 2, p. 1169. Amending Act 43 of 1964.- The Act was passed to remove difficulties experienced in the working of the Act to facilitate and quicken slum clearance work, to require owners to restore the possession of the improved and redeveloped premises to the previous tenants on payment of a reasonable rent, and to give protection against eviction to tenants such as Amledars of premises in slum areas. 2. The main features of the Bill are,- (a)

unauthorised building activity in slum areas will be prohibited; (b) the competent authority will have the power to re-develop a clearance area before this work is commenced by the owner, if it is necessary in the public interest to do so. That authority will also be authorised to undertake re- development work itself if the owner re-develops the clearance area in contravention of the plans or delays the work of re-development work; (c) it will be obligatory on the owners of slums, who take up improvement or redevelopment work of their property to restore possession of the premises to the previous tenants in the improved or re-erected buildings at a concessional rent; (d) proceedings for the eviction of tenants in the slum areas will not be taken without the prior permission of competent authority. 3. The notes on clauses explain the various changes proposed to be made.-Gaz. of Iind.. 17-9-1963, Pt. II, section 2, Ext., p. 676.

CHAPTER 1  
PRELIMINARY

**1. Short title, extent and commencement :-**

(1) This Act may be The Slum Areas(Improvement and Clearance) Act, 1956.

(2) It extends to all Union Territories except the Union Territories of the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindivi Islands.

(3) It shall come into force in a Union Territory on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different Union Territories.

1. Substituted for former clauses (e) and (f) by the Slum Areas (Improvement and Clearance) Amendment Act, 1963 (43 of 1964), section 2(i) (27-2-1965).

**2. Definitions :-**

In this Act, unless the context otherwise requires,-

(a) "Administrator" means the Administrator of a Union Territory;

(b) "building" includes any structure or erection or any part of a building as so defined but does not include planter machinery comprised in a building;

(c) "competent authority" means such officer or authority as the

Administrator may, by notification in the Official Gazette, appoint as the competent authority for the purposes of this Act;

(d) "erection," in relation to a building, includes extension, alteration or re-erection;

**1** [(e) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(f) "occupier" includes-

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner in occupation of; or otherwise using his land or building;

(c) a rent-free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;]

(g) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or as agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant;

(h) "prescribed" means prescribed by rules made under this Act; and

(i) "slum clearance" means the clearance of any slum area by the demolition and removal of buildings therefrom.

**2** [(j) "work of improvement" includes, in relation to any building in a slum area, the execution of any one or more of the following works, namely :-

(i) necessary repairs;

(ii) structural alterations;

(iii) provision of light points, water taps and bathing places;

(iv) construction of drains, open or covered;

- (v) provision of latrines, including conversion of dry latrines into water-borne latrines;
- (vi) provision of additional or improved fixtures or fittings;
- (vii) opening up or paving of courtyards;
- (viii) removal of rubbish; and
- (ix) any other work including the demolition of any building or any part thereof which in the opinion of the competent authority is necessary for executing any of the works specified above.]

OBJECTS AND REASONS "Clause 2.-The definition of occupier' has been amplified to include persons who are paying or are liable to pay rent of the land or the building and certain categories of persons in occupation of or otherwise using the land or building so as to facilitate recovery under section 6 of the Act of expenses incurred in connection with the maintenance of works of improvement, etc. It is on the same line as in Delhi Municipal Corporation Act, 1957. The definition of "work of improvement" besides being placed in its proper alphabetical order, has been slightly modified to include provision of bathing places."-Gaz. of Ind., 17-9-1963, Pt. II-S. 2, Extra., p. 678.

1. Substituted for former clauses (e) and (f) by the Slum Areas (Improvement and Clearance) Amendment Act, 1963 (43 of 1964), section 2(i) (27-2-1965).
2. Inserted, section 2(ii) (27-2-1965).

## CHAPTER 2 SLUM AREAS

### **3. Declaration of slum areas :-**

(1) Where the competent authority upon report from any of its officers or other information in its possession is satisfied as respects any area that the buildings in that area-

(a) are in any respect unfit for human habitation; or

(b) are by reason of dilapidation, overcrowding, 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; it may, by notification in the Official Gazette, declare such area to be a slum area.

(2) In determining whether a building is unfit for human habitation for the purposes of this Act, regard shall be had to its condition in respect of the following matters, that is to say-

- (a) repair;
- (b) stability;
- (c) freedom from damp;
- (d) natural light and air;
- (e) water supply;
- (f) drainage and sanitary conveniences;
- (g) 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 and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

### CHAPTER 3

#### SLUM IMPROVEMENT

#### **4. Power of competent authority to require improvement of buildings unfit for human habitation :-**

(1) Where the competent authority upon report from any of its officers or other information in its possession is satisfied that any building in a slum area is in any respect unfit for human habitation. it may, unless in its opinion the building is not capable at a reasonable expense of being rendered so fit. serve upon the owner of the building a notice requiring him within such time not being less than thirty days as may be specified in the notice to execute the works of improvement specified therein and stating that in the opinion of the authority those works will render the building fit for human habitation. <sup>1</sup>[Provided that where the owner of the building is different from the owner of the land on which the building stands and the works of improvement required to be executed relate to provision of water -taps, bathing places, construction of drains, open or covered, as the case may be, provision of water- borne latrines or removal of rubbish and such works are to be executed outside the building the notice shall be served upon the owner of the land.]

(2) In addition to serving a notice under this section on the owner, the competent authority may serve a copy of the notice on any other person having an interest in. the building <sup>2</sup> [or the land on which the building stands] whether as lessee, mortgagee or

otherwise.

(3) In determining, for the purposes of this Act, whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

OBJECTS AND REASONS "Clauses 3 and 4.- section 4 and Section 5 of the Act empower the competent authority to require by notice the owner of the building to execute works of improvement of the building in slum areas. These have been found to be inadequate in cases where the owner of the land is different from the owner of the building and certain essential improvements outside the building have to be carried out, which can be done only by the owner of the land, clauses 3 and 4 seek to amend section 4 and Section 5 of the Act suitably to remove this difficulty."-S.O.R. of Act 43 of 1964.

1. Proviso inserted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 3(a) (27-2-1965).

2. Inserted, by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 3(b) (27-2-1965).

#### **5. Enforcement of notice requiring execution of works of improvement :-**

(1) If a notice under section 4 requiring the owner of the building <sup>1</sup>[or of the land on which the building stands, as the case may be,] to execute works of improvement is not complied with, then, after the expiration of the time specified in the notice the competent authority may itself do the works required to be done by the notice.

(2) All expenses incurred by the competent authority under this section, together with interest, at such rate as the Central Government may by order fix from the date when a demand for the expenses is made until payment, may be recovered by the competent authority from the owner of the building, <sup>2</sup> [or of the land on which the building stands, as the case may be] as arrears of land revenue : Provided that if the owner proves that he-

(a) is receiving the rent merely as agent or trustee for some other person; and

(b) has not in his hands on behalf of that other person sufficient money to satisfy the whole demand of the authority, his liability shall be limited to the total amount of the money which he has in

his hands as aforesaid.

OBJECTS AND REASONS See under section 4

1. Inserted by the Slum Areas (I. and C.)Amendment Act, 1964 (43 of 1964), section 4 (.27-2-1965).

2. Sub-section (3) omitted, by the Slum Areas(I. and C.) Amendment Act, 1964 (43 of 1964).

**6. Expenses of maintenance of works of improvement, etc., to be recoverable from the occupiers of buildings :-**

Where works of improvement have been executed in relation to any building in a slum area in pursuance of the provisions of section 4 and Section 5 , the expenses incurred by the competent authority or, as the case may be, any local authority in connection with the maintenance of such works of improvement or the enjoyment of amenities and conveniences rendered possible by such works shall be recoverable from the occupier or occupiers of the building as arrears of land revenue.

**6A. Restriction on building, etc., in slum areas :-**

(1) The competent authority may, by notification in the Official Gazette, direct that no person shall erect any building in a slum area except with the previous permission in writing of the competent authority,

(2) Every notification issued under sub-section (1) shall cease to have effect on the expiration of two years from the date thereof except as respects things done or omitted to be done before such cesser.

(3) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such information in respect of the erection of the building to which the application relates as may be prescribed.

(4) On receipt of such application, the competent authority, after making such inquiry as it considers necessary, shall, by order in writing,-

(a) either grant the permission subject to such terms and conditions, if any, as may be specified in the order; or

(b) refuse to grant such permission : Provided that, before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should

not be refused.

(5) Nothing contained in sub-section (1) shall apply to-

(a) any works of improvement required to be executed by a notice under sub-section ( 1 ) of section 4 or in pursuance of an undertaking given under sub-section (2) of section 7 ; or

(b) the erection of any building in any area in respect of which a slum clearance order has been made under section 10 .

OBJECTS AND REASONS "Clause 5.- Proposed section 6-A empowers the competent authority to prohibit for a reasonable period the construction of any building or any addition or alteration in an old building in the areas declared as slum areas except with its previous permission and on such terms and conditions as may be imposed in this regard. This will facilitate planned improvement of slum areas."--S.O.R. of Act 43 of 1964.

**7. Power of competent authority to order demolition of building unfit for human habitation :-**

(1) Where a competent authority upon a report from any of its officers or other information in its possession is satisfied that any building within a slum area is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, it shall serve upon the owner of the building, and upon any other person having an interest in the building, whether as lessee, mortgagee or otherwise, a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

(2) If any of the persons upon whom a notice has been served under sub-section (1), appears in pursuance thereof before the competent authority and gives an undertaking to the authority that such person shall, within a period specified by the authority, executes such works of improvement in relation to the building as will in the opinion of the authority render the building fit for human habitation, or that it shall not be used for human habitation until the authority on being satisfied that it has been rendered fit for that purpose cancels the undertaking, the authority shall not make any order of demolition of the building.

(3) If no such undertaking as is mentioned in sub-section (2) is given, or if in a case where any such undertaking has been given any work of improvement to which the undertaking relates is not carried out within the specified period, or the building is at any

time used in contravention of the terms of the undertaking, the competent authority shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days from the date of the order, and that it shall be demolished within six weeks after the expiration of that period.

**8. Procedure to be followed where demolition order has been made :-**

(1) Where an order for demolition of a building under section 7 has been made, the owner of the building or any other person having an interest therein shall demolish that building within the time specified in that behalf by the order; and if the building is not demolished within that time the competent authority shall enter and demolish the building and sell the materials thereof.

(2) Any expenses incurred by the competent authority under subsection (1), if not satisfied out of the proceeds of sale of materials of the building shall be recoverable from the owner of the building or any other person having an interest therein as arrears of land revenue.

CHAPTER 4

SLUM CLEARANCE AND REDEVELOPMENT

**9. Power to declare any slum area to be a clearance area :-**

(1) Where the competent authority upon a report from any of its officers or other information in its possession is satisfied as respects any slum area that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area, the authority shall by an order notified in the Official Gazette declare the area to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the provisions of this Act : Provided that any building in the area which is not unfit for human habitation or dangerous or injurious to health may be excluded from the declaration if the authority considers it necessary.

(2) The competent authority shall forthwith transmit to the Administrator a copy of the declaration under this section together with a statement of the number of persons who on a date specified in the statement were occupying buildings comprised in the clearance area.

## **10. Slum clearance order :-**

(1) As soon as may be after the competent authority has declared any slum area to be a clearance area, it shall make a slum clearance order in relation to that area ordering the demolition of each of the buildings specified therein and requiring each such building to be vacated within such time as may be specified in the order and submit the order to the Administrator for confirmation.

(2) The Administrator may either confirm the order in toto or subject to such variations as he considers necessary or reject the order.

(3) If the Administrator confirms the order, the order shall become operative from the date of such confirmation.

(4) When a slum clearance order has become operative, the owners of buildings to which the order applies shall demolish the buildings before the expiration of six weeks from the date on which the buildings are required by the order to be vacated or before the expiration of such longer period as in the circumstances of the case the competent authority may deem reasonable.

(5) If the buildings are not demolished before the expiration of the period mentioned in sub-section (4), the competent authority shall enter and demolish the buildings and sell the materials thereof.

(6) Any expenses incurred by the competent authority in demolishing any building shall, if not satisfied out of the proceeds of sale of materials thereof, be recoverable by the competent authority as arrears of land revenue.

**1** [(7) Subject to the provisions of this Act, where a slum clearance order has become operative, the owner of the land to which the order applies may redevelop the land in accordance with plans approved by the competent authority and subject to such restrictions and conditions (including a condition with regard to the time within which the redevelopment shall be completed), if any, as that authority may think fit to impose : Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land or by a subsequent refusal of the competent authority to cancel or modify any such restriction or condition may, within such time as may be prescribed, appeal to the Administrator and the Administrator shall make such order in the matter as he thinks proper and his decision shall be final.]

(8) No person shall commence or cause to be commenced any work in contravention of a plan' approved or a restriction or condition imposed under sub-section (7).

OBJECTS AND REASONS "Clauses 6 and 7.- Clause 6 substitutes existing sub-section (7) of section 10 by a new sub-section. This new sub-section effects a change which is consequential to the substitution of section 11 by a new section. Moreover, it has been made clear in the new sub-section that the competent authority may impose a condition as to the time limit within which redevelopment shall be completed.-S.O.R. of Act 43 of 1964.

1. Substituted for former sub-section (7) by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 5 (27-2-1965).

**11. Power of competent authority to redevelop clearance area :-**

(1) Notwithstanding anything contained in sub-section (7) of section 10, the competent authority may at any time after the land has been cleared of the buildings in accordance with a slum clearance order but before the work of redevelopment of that land has been commenced by the owner, by order, determine to redevelop the land if that authority is satisfied that it is necessary in the public interest to do so.

(2) Where land has been cleared of the buildings in accordance with a slum clearance order, the competent authority, if it is satisfied that the land has been, or is being, redeveloped by the owner thereof in contravention of plans approved by the authority or any restrictions or conditions imposed under sub-section (7) of section 10 or has not been redeveloped within the time, if any, specified under such conditions, may, by order, determine to redevelop the land : Provided that before passing such order, the owner shall be given a reasonable opportunity to show cause why the order should not be passed.]

OBJECTS AND REASONS ".....Proposed section 11 consists of 2 sub-sections. Proposed sub-section (1) confers power on the competent authority to undertake redevelopment work in urgent cases without giving the owner an opportunity to redevelop the land. Proposed sub-section (2) would apply in cases where the owner has undertaken the redevelopment of the land himself but the redevelopment is not being done in accordance with the plans or has not been completed within the time specified by the competent authority. In such cases the competent authority may determine to redevelop the land. It is, however, being provided

that no such order shall be passed without affording to the owner a reasonable opportunity of showing cause against the order proposed."-S.O.R. of Act 43 of 1964.

#### CHAPTER 5

#### ACQUISITION OF LAND

### **12. Power of Central Government to acquire land :-**

(1) Where on any representation from the competent authority it appears to the Central Government that, in order to enable the authority to execute any work of improvement in relation to any building in a slum area or to redevelop any clearance area, it is necessary that land within, adjoining or surrounded by any such area should be acquired, the Central Government may acquire the land by publishing in the Official Gazette a notice to the effect that the Central Government has decided to acquire the land in pursuance of this section : Provided that, before publishing such notice, the Central Government may call upon the owner of, or any other person who, in the opinion of the Central Government, may be interested in, such land to show cause why it should not be acquired; and after considering the cause, if any, shown by the owner or any other person interested in the land, the Central Government may pass such order as it deems fit.

(2) When a notice as aforesaid is published in the Official Gazette, the land shall, on and from the date on which the notice is so published, vest absolutely in the Central Government free from all encumbrances.

### **13. Land acquired by Central Government to be made available to the competent authority :-**

Where any land in a slum area or clearance area has been acquired under this Act, the Central Government shall make the land available to the competent authority for the purpose of executing any work of improvement or carrying out any order of demolition or for the purpose of redevelopment. <sup>1</sup> [Provided that where on any representation from the competent authority, the Central Government is satisfied that any such land or any portion thereof is unsuitable for the purposes mentioned in this section, the Central Government may use the land or allow it to be used for such other public purpose or purposes as it may deem fit.] OBJECTS AND REASONS "Clause 8.- The proposed proviso to section 13 is intended to make it clear that in cases where land acquired under the Act has become or is found to be unsuitable for the purposes of

slum improvement, the Central Government may use the land or allow it to be used for such other public purpose or purposes as it may deem fit."-S.O.R. of Act 43 of 1964.

1. Proviso inserted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 5 (27-2-1965).

**14. Right to receive compensation :-**

Every person having any interest in any land acquired under this Act shall be entitled to receive from the Central Government compensation as provided hereafter in this Act.

**15. Basis for determination of compensation :-**

(1) The amount payable as compensation in respect of any land acquired under this Act shall be an amount equal to sixty times the net average monthly income actually derived from such land during the period of five consecutive years immediately preceding the date of publication of the notice referred to in section 12 .

(2) The net average monthly income referred to in sub-section ( 1 ) shall be calculated in the manner and in accordance with the principles set out in the Schedule.

(3) The competent authority shall, after holding an inquiry in the prescribed manner, determine in accordance with the provisions of sub-section (2) the net average monthly income actually derived from the land and publish a notice in the Official Gazette specifying the amount so determined and calling upon the owner of the land and every person interested therein to intimate to it before a date specified in the notice whether such owner or person agrees to the amount so determined and if he does not so agree. what amount he claims to be the net average monthly income actually derived from the land. '

(4) Any person who does not agree to the amount of the net average monthly income determined by the competent authority under sub-section (3) and claims a sum in excess of that amount may prefer an appeal to the Administrator within thirty days from the date specified in the notice referred to in that sub-section.

(5) On appeal the Administrator shall, after hearing the appellant, determine the net average monthly income and his determination shall be final and shall not be questioned in any Court of law.

(6) Where there is any building on the land in respect of which the net average monthly income has been determined, no separate compensation shall be paid in respect of such building : Provided that where the owner of the land and the owner of the building on such land are different. the competent authority shall apportion the amount of compensation between the owner of the land and the owner of the building <sup>1</sup>[in the same proportion as the market price of the land bears to the market price of the building on the date of acquisition.]

**1** [ \* \* \* \* \* ]

OBJECTS AND REASONS "Clause 9.- Section 15(6) is being amended to make it clear that the apportionment of compensation between the owner of the land and the owner of the building standing on such land would be in the proportion the market price of the land bears at the time of acquisition to the market price of the building thereon. At present it is left to the discretion of the competent authority."-S.O.R. of Act 43 of 1964.

1. Substituted for the words "in such proportion as he considers reasonable" and second proviso omitted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 9 (27-2-1965).

#### **16. Apportionment of compensation :-**

(1) Where several persons claim to be interested in the amount of compensation determined under section 15 , the competent authority shall determine the persons who in its opinion are entitled to receive compensation and the amount payable to each of them.

(2) If any dispute arises as to the apportionment of compensation or any part thereof, or as to the persons to whom the same or any part thereof is payable, the competent authority may refer the dispute- to the decision of the Administrator; and the Administrator in deciding any such dispute shall follow, as far as may be, the provisions of Land Acquisition Act, 1894 .

#### **17. Payment of compensation or deposit of the same in court :-**

(1) After the amount of compensation has been determined, the competent authority shall on behalf of the Central Government tender payment of, and pay, the compensation to the persons entitled thereto.

(2) If the persons entitled to compensation do not consent to

receive it, or if there be any dispute as to the title to receive compensation or as to the apportionment of it, the competent authority shall deposit the amount of the compensation in the court of the District Judge and that court shall deal with the amount so deposited in the manner laid down in sections 32 and Section 33 of the Land Acquisition Act, 1894 .

**18. Powers of competent authority in relation to determination of compensation etc :-**

(1)The competent authority may, for the purposes of determining the amount of compensation or apportionment thereof, require, by order, any person to furnish such information in his possession as may be specified in the order.

(2) The competent authority shall, while holding inquiry under section 15 , have all the powers of a civil court while trying a suit under Code of Civil Procedure, 1908 , in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any Court or office;

(e) issuing commissions for examination of witnesses.

**19. Proceedings for eviction of tenants not to be taken without permission of the competent authority :-**

(1) Notwithstanding anything contained in any other law for the time being in force, no person shall, except with the previous permission in writing of the competent authority,-

(a) institute, after the commencement of the Slum Areas (Improvement and Clearance) Amendment Act, 1964, any suit or proceeding for obtaining any decree or order for the eviction of a tenant from any building or land in a slum area; or

(b) where any decree or order is obtained in any suit or proceeding instituted before such commencement for the eviction of a tenant from any building or land in such area, execute such decree or order.

(2) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such particulars as may be prescribed.

(3) On receipt of such application, the competent authority after giving an opportunity to the parties of being heard and after making such summary inquiry into the circumstances of the case as it thinks fit, shall by order in writing either grant or refuse to grant such permission.

(4) In granting or refusing to grant the permission under sub-section (3) the competent authority shall take into account the following factors, namely :-

(a) whether alternative accommodation within the means of the tenant would be available to him if he were evicted;

(b) whether the eviction is in the interest of improvement and clearance of the slum areas;

(c) such other factors, if any, as may be prescribed.

(5) Where the competent authority refuses to grant the permission, it shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant.]

**OBJECTS AND REASONS** Clause 10.- Under section 19 previous permission in writing of the competent authority is required for the execution of any decree or order for the eviction of a tenant from any building in slum area. Clause 10 seeks to amend section 19 to provide that after the commencement of the amendment Act, no suit for the eviction of a tenant from any building in a slum area, shall be instituted except with the previous permission in writing of the competent authority. Permission at the commencement of legal proceedings would avoid infructuous litigation. Specific principles for guiding the competent authority in dealing with applications for the grant of sanction to sue are laid down. The existing provisions will continue to apply in relation to the pending suits or other proceedings for eviction or decrees or orders already passed.- S.O.R. of Act 43 of 1964.

## **20. Appeals :-**

Any person aggrieved by an order of the competent authority refusing to grant the permission referred to in sub-section (1) of section 6-A or referred to in sub-section (1) of section 19 may, within such time as may be prescribed, prefer an appeal to the Administrator and the Administrator may, after hearing the

appellant, decide such appeal and his decision shall be final.]

**20A. Restoration of possession of premises vacated by a tenant :-**

(1) Where a tenant in occupation of any building in a slum area vacates any building or is evicted therefrom on the ground that it was required for the purpose of executing any work of improvement or for the purpose of re-erection of the building, the tenant may, within such time as may be prescribed, file a declaration with the competent authority that he desires to be replaced in occupation of the building after the completion of the work of improvement or re-erection of the building, as the case may be.

(2) On receipt of such declaration, the competent authority shall by order require the owner of the building to furnish to it, within such time as may be prescribed, the plans of the work of improvement or re-erection of the building and estimates of the cost thereof and such other particulars as may be necessary and shall, on the basis of such plans and estimates and particulars, if any, furnished and having regard to the provisions of sub-section (3) of section 20-B and after holding such inquiry as it may think fit, provisionally determine the rent that would be payable by the tenant if he were to be replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1).

(3) The rent provisionally determined under sub-section (2) shall be communicated in the prescribe^ manner to the tenant and the owner.

(4) If the tenant after the receipt of such communication intimates in writing to the competent authority within such time as may be prescribed that when he is replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1), he would pay to the owner until the rent is finally determined under section 20-B the rent provisionally determined under sub-section (2), the competent authority shall direct the owner to place the tenant in occupation of the building after the completion of the work of improvement or re-erection of the building, as the case may be, and the owner shall be bound to comply with such direction.

**20B. Rent of buildings in slum areas :-**

(1) Where any building in a slum area is let to a tenant after the execution of any work of improvement or after it has been re-erected, the rent of the building shall be determined in accordance with the provisions of this section,

(2) Where any such building is let to a tenant other than a tenant who is placed in possession of the building in pursuance of a direction issued under sub-section (4) of section 20-A, the tenant shall be liable to pay to the owner-

(a) if there is a general law relating to the control of rents in force in the area in which the building is situated and applicable to that building, the rent determined in accordance with the provisions of that law;

(b) If there is no such law in force in such area, such rent as may be agreed upon between the owner and the tenant.

(3) Where any such building is let to a tenant in pursuance of a direction issued under sub-section (4) of section 20-A, the tenant shall, notwithstanding any law relating to the control of rents in force in the area, be liable to pay to the owner-

(a) if any work of improvement has been executed in relation to the building, an annual rent of a sum equivalent to the aggregate of the following amounts namely :-

(i) the annual rent the tenant was paying immediately before he vacated the building for the purpose of execution of the work of improvement;

(ii) six per cent of the cost of the work of improvement; and

(iii) six per cent of a sum equivalent to the compensation payable in respect of any land which may have been acquired for the purpose of effecting such improvement as if such land were acquired under section 12 on the date of the commencement of the work of improvement:

(b) if the building has been re-erected, an annual rent of a sum equivalent to four per cent of the aggregate cost of reconstruction of the building and the cost of the land on which the building is re-erected.

Explanation.- For the purposes of this clause, the cost of the land shall be deemed to be a sum equivalent to the compensation

payable in respect of the land if it were acquired under section 12 on the date of commencement of the reconstruction of the building.

(4) The rent payable by a tenant in respect of any building under sub-section (3) shall, on an application made by the tenant or the owner, be determined by the authority referred to in sub-section (5) : Provided that an application for determination of such rent by the owner or the tenant shall not, except for sufficient cause, be entertained by such authority after the expiry of ninety days from the completion of the work of improvement or re-erection of the building, as the case may be.

(5) The authority to which the application referred to in sub-section (4) shall be made, shall be-

(a) where there is a general law relating to the control of rents in force in the area in which the- building is situate, the authority to whom applications may be made for fixing of rents of buildings situate in that area; and for the purpose of determining the rent under this section that authority may exercise all or any of the powers it has under the said general law; and the provisions of such law including provisions relating to appeals shall apply accordingly;

(b) if there is no such law in force in that area, such authority as may be specified by rules made in this behalf by the Central Government and such rules may provide the procedure that will be followed by that authority in determining the rent and also for appeals against the decision of such authority.

(6) Where the rent is finally determined under this section, then the amount of rent paid by the tenant shall be adjusted against the rent so Finally determined and if the amount so paid falls short, of, or is in excess of the rent finally determined the tenant shall pay the deficiency, or be entitled to a refund, as the case may be.]

OBJECTS AND REASONS Clause 12.- Proposed section 20-A seeks to impose, in the circumstances mentioned in that section, an obligation upon the owner of a building to replace a tenant, who has vacated the building to facilitate the execution of any works of improvement or the re-erection of the building after completion of such works of improvement or re-building. Proposed section 20-B provides for determination of rent of buildings in a slum area let out after the execution of any work of improvement or re-erection of the building. In the case of an old tenant replaced in possession of the building in pursuance of the provisions of proposed section

20-A, a concessional rent is prescribed and in the case of other tenants the provisions of the general rent control law are sought to be made applicable.-S.O.R. of Act 43 of 1964.

**21. Chapter not to apply to eviction of tenants from certain buildings :-**

Nothing in this Chapter shall apply to or in relation to the <sup>1</sup>[eviction under any law] of a tenant from any building in slum area belonging to the Government, the <sup>2</sup> Delhi Development Authority] or any local authority.

1. Substituted for the words "execution of any decree or order under any law for the eviction", by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 13 (27-2-1965).

2. Substituted for "Delhi Improvement Trust", by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964).

CHAPTER 6A

SLUM CLEARANCE BOARD

**21A. Establishment of Slum Clearance Board :-**

(1) With effect from such date as the Administrator may, by notification, appoint in this behalf, there shall be established a Board by the name of the Pondicherry Slum Clearance Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal, and shall, by the said name sue and be sued.

**21B. Constitution of the Board :-**

(1) The Board shall consist of the following members, namely :-

(a) a Chairman to be appointed by the Administrator;

(b) the Secretary to Government incharge of slum clearance;

(c) the Secretary to Government, Finance Department;

(d) the District Collector;

(e) the Director of Public Works Department;

(f) the Director of Health and Family Welfare Services;

(g) the Senior Town Planner; and

(h) three non-official members to be appointed by the Administrator one of whom shall be an Engineer who possesses

experience in slum clearance and who is not in the employment of the Central or State or Union territory Government or of a local authority or of any corporation owned or controlled by the Central or State or Union territory Government; and one shall be a resident of any one of the outlying areas of Karaikal, Mahe or Yanam.

(2) The appointment of Chairman and non-official members shall be notified in the Official Gazette.

(3) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy among members or any defect in the appointment of a member thereof.

**21C. Conditions of service of members :-**

The terms and conditions of the service of members of the Board shall be such as may be prescribed.

**21D. Appointment of officers and servants :-**

(1) The Secretary to the Board shall be appointed by the Administrator.

(2) The Secretary shall be the Chief Executive Officer of the Board.

(3) The Board may appoint such other officials and servants as it considers necessary for the efficient performance of its functions.

**21E. Conditions of service of officers and servants :-**

The pay and other conditions of service of the officers and servants of the Board shall be such as may be prescribed.

**21F. General disqualification of members, officers and servants :-**

No person who has directly or indirectly by himself or his partner or agent, any share or interest in any contract by or on behalf of the Board, shall become or remain a member or officer or servant of the Board.

**21G. Functions of the Board :-**

The functions of the Board shall be-

(a) to exercise the powers of the competent authority in cases where the Government have, by notification, directed that the powers of the competent authority shall be exercised by the Board;

(b) such other functions as may be prescribed.

**21H. Finance, accounts and audit :-**

The provisions of Pondicherry Housing Board Act, 1973 relating to finance, accounts and audit shall apply as far as may be, to the Board as the said provisions apply to the Pondicherry Housing Board.

**21I. No disqualification in certain cases :-**

No person shall be disqualified for being chosen as, or for being a member of the Legislative Assembly by reason only of the fact that he is a Chairman or a member of the Board.

**21J. Power of Board to make regulations :-**

The Board may make regulations in regard to the meetings of the Board and the conduct of business.

**21K. Board to comply with directions of Administrator :-**

It shall be the duty of the Board to comply with such directions as the Administrator may from time to time issue either generally or in regard to any particular matter.

**21L. Power of the Pondicherry Housing Board to cease :-**

With effect from the date of the establishment of the Board, the Pondicherry Housing Board shall cease to exercise any function under the Pondicherry Housing Board Act, 1973 in respect of matters dealt with in this Act and in particular, the improvement of the slum area, the clearance of a slum area and the re-development of a slum clearance area.

**21M. Transfer of certain assets and liabilities to the Board :-**

(1) All property, assets, rights and liabilities of the Government or any of other authority shall in so far as such property, assets, rights and liabilities are relatable immediately before the date of establishment of the Board to the improvement of the slum area, the clearance of the slum area and the re-development of the slum clearance area, stand transferred to and vested in the Board.

(2) All contracts, agreements and other instruments of whatever nature subsisting or having effect immediately before the date of the establishment of the Board and to which the Government or such other authority is a party, in so far as such contracts, agreements and instruments are relatable to the improvement of the slum area, the clearance of a slum area and the re-development of a slum clearance area shall be of full force and effect against or in favour of the Board and may be enforced or

acted upon as fully and effectually as if, instead of the Government or such other authority, the Board had been a party thereto or as if they had been entered into or issued in favour of the Board.

(3) If, on the date of establishment of the Board, any suit, appeal or other legal proceeding of what ever nature by or against the Government or such other authority is pending, then such suit, appeal or other legal proceeding in so far as it is relatable to the improvement of the slum area, the clearance of a slum area and the re-development of a slum clearance area, shall not abate, be discontinued or be in any any way prejudicially affected by reason of the transfer to the Board of the property, assets, rights and liabilities of the Government or such other authority or of anything done under this Act, bin the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Board.

Explanation.- For the purpose of this sub-section, "legal proceeding" includes any proceeding under the Land Acquisition Act, 1894." -Pondi. Act 10 of 1986, S. 7.

#### CHAPTER 7

#### MISCELLANEOUS

### **22. Powers of entry :-**

It shall be lawful for any person authorised by the competent authority in this behalf to enter into or upon any building or land in a slum area with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work which is authorised by or under this Act or which it is necessary to execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule or order made thereunder.

### **23. Powers of inspection :-**

(1) The competent authority may, by general or special order, authorise any person-

(a) to inspect any drain, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in a slum area, and in his discretion to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, latrine, urinal, cesspool, pipe. sewer or channel, as the case may be;

(b) to examine works under construction in the slum area, to take levels or to remove test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain, or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the competent authority.

**24. Power to enter land adjoining land where work is in progress :-**

(1) Any person authorised by the competent authority in this behalf may, with or without assistants or workmen, enter on any land' within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or for obtaining access to such work or for any other purposes connected with the carrying on of the same.

(2) The person so authorised shall, before entering on any land under sub-section (1), state the purpose thereof, and shall, if so required by the occupier, or owner, fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage, as may be, and compensation shall be payable by the competent authority to the owner or occupier of such land or to both for any such damage whether permanent or temporary.

**25. Breaking into buildings :-**

It shall be lawful for any person authorised by the competent authority in this behalf to make any entry into any place, to open or cause to be opened any door, gate or other barrier-

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

**26. Entry to be made in the day time :-**

No entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

**27. Owners consent ordinarily to be obtained :-**

<sup>1</sup> [Save as otherwise provided in this Act, no building or land] shall be entered without the consent of the occupier, or if there is no occupier, of the wner thereof, and no such entry shall be made without giving the said occupier or owner, as the case lay be, not less than twenty-four hours written notice of the intention to make such entry : Provided that no such notice shall be necessary if the place to be inspected is a shed for cattle or a latrine, urinal or a work under construction.

1. Inserted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 19 (27-2- 1965).

**28. Power of eviction to be exercised only by the competent authority :-**

Where the competent authority is satisfied either upon a representation from the owner of a building or upon other information its possession that the occupants of the building have not vacated it in pursuance of any notice, order direction issued or given by the authority, the authority shall, by order, direct the eviction of the occupants from the building in such manner and within such time as may be specified in the order <sup>1</sup> [and the purpose of such eviction may use or cause to be used such force as may be necessary :] Provided that before making any order under this section the competent authority shall give a reasonable opportunity to-the occupants of the building to show cause why they should not be evicted therefrom.

1. Inserted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 19 (27-2- 1965).

**29. Power to remove offensive or dangerous trades from slum areas :-**

The competent authority may, by order in writing, direct any person carrying on any dangerous or offensive trade in a slum area to remove the trade from that area within such time as may be specified in the order : Provided that no order under this section shall be made unless the person carrying on the trade has been afforded a reasonable opportunity of showing cause as to why the order should not be made.

**30. Appeals :-**

(1) Except as otherwise expressly provided in this Act, any person aggrieved by any notice, order or direction issued or given by the competent authority may appeal to the Administrator within a

period of thirty days from the date of issue of such notice, order or direction.

(2) Every appeal under this Act shall be made by petition in writing accompanied by a copy of the notice, order or direction appealed against.

(3) On the admission of an appeal, all proceedings to enforce the notice, order or direction and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal. and if the notice, order or direction is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

(4) No appeal shall be decided under this section unless the appellant has been heard or has had a reasonable opportunity of being heard in person or through a legal practitioner.

(5) The decision of the Administrator on appeal shall be final and shall not be questioned in any Court.

### **31. Service of notices, etc :-**

(1) Every notice, order or direction issued under this Act shall, save as otherwise expressly provided in this Act, be served-

(a) by giving or tendering the notice, order or direction, or by sending it by post to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice, order or direction on some conspicuous part of its last known place of abode or business, or by giving or tendering the notice, order or direction to some adult male member or servant of his family or by coming it to be affixed on some conspicuous part of the building, or land, if any to which it relates.

(2) Where the person on whom a notice, order or direction is to be served is a minor, service upon his guardian or upon any adult male member or servant of his family shall be deemed to be the service upon the minor.

(3) Every notice, order or direction which by or under this Act is to be served as a public notice, order or direction or as a notice, order or direction which is not required to be served to any individual therein specified shall, save as otherwise expressly provided, be deemed to be sufficiently served if a copy thereof is affixed in such conspicuous part of the office of the competent authority or in such

other public place during such period, or is published in such local newspaper or in such other manner, as the competent authority may direct.

### **32. Penalties :-**

(1) Whoever <sup>1</sup> [fails to comply with] any notice, order or direction issued or given under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever commences or causes to be commenced any work in contravention of any restriction or condition imposed under sub-section (7) of section 10 or any plan for the redevelopment of a clearance area shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(3) Whoever obstructs the entry of any person authorised under this Act to enter into or upon any building or land or molests such person after such entry shall be punishable with fine which may extend to one thousand rupees.

(4) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(5) Notwithstanding anything contained in sub-section (3) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section-

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

1. Inserted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 19 (27-2- 1965).

**33. Order of demolition of buildings in certain cases :-**

**1**

[( 1 )] Where the erection of any building has been commenced, or is being carried out, or has been completed, in contravention of any restriction or condition imposed under sub-section (7) of section 10 or a plan for the redevelopment of any clearance area or in contravention of any notice, order or direction issued or given under this Act, the competent authority may, in addition to any other remedy that may be resorted to under this Act or under any other law, make an order directing that such erection shall be demolished by the owner thereof within such time not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the competent authority may itself cause the erection to be demolished and the expenses of such demolition shall be recoverable from the owner as arrears of land revenue : Provided that no such order shall be made unless the owner has been given a reasonable opportunity of being heard.

**1** [(2) For the purpose of causing any building to be demolished under sub-section (1), the competent authority may use or cause to be used such force as may be necessary.]

1. Inserted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 19 (27-2- 1965).

**34. Jurisdiction of Court :-**

No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act.

**35. Previous sanction of the competent authority or officer authorised by it for prosecution :-**

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the competent authority or an officer authorised by the competent authority in this behalf.

**36. Power to delegate :-**

**1**

[(1)] The competent authority may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised, in such cases and subject to such conditions if any, as may be specified in the notification by such officer or local authority as may be mentioned therein.

[(2)] The Central Government may, by notification in the official Gazette, direct that any power exercisable by the Administrator under sub-section (7) of section 10 , section 15 , section 20 and section 30 may, subject to such conditions, if any, as may be specified in the notification, be exercised also by the Chief Secretary or by such other officer as may be mentioned therein,]

1. Inserted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 19 (27-2- 1965).

**37. Protection of action taken in good faith :-**

No suit, prosecution or other legal proceeding shall lie against the competent authority or against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

**37A. Bar of jurisdiction :-**

Save as otherwise expressly provided in this Act, no Civil Court shall have jurisdiction in respect of any matter which the competent authority or any other person 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.] OBJECTS AND REASONS "Clause 19.- Proposed section37-A provides for bar of jurisdiction of Civil Court in respect of matters which the competent authority or any other person is empowered to determine under the Act and further provides that no court or authority shall have the power to grant any injunction in respect of any action taken or to be taken in pursuance of any power conferred by or under the Act. This is to facilitate the speedy execution of slum improvement and clearance work- S.O.R. of Act 43 of 1964.

**38. Competent authority, etc., to be public servants :-**

The competent authority and any person authorised by <sup>1</sup> [it] under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 .

1. Substituted for "him" by the Repeating and Amending Act, 1960

(58 of 1960), section 3 and Schedule II (26-12- 1960).

**39. Act to override other laws :-**

The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

**40. Power to make rules :-**

(1) The Central Government may by notification in the Official Gazette, make rules<sup>1</sup> to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :-

(a) the manner of authentication of notices, orders and other instruments of the competent authority:

(b) the prevention of plans for the redevelopment of any slum area, and matters to be included in such plans;

<sup>2</sup>[(bb) the form in which an application under sub-section (3) of section 6-A shall be made and the information to be furnished and the fees to be levied in respect of such application;

(bbb) the manner in which inquiries may be held under section 15 and Section 19 ;]

(c) the form and manner in which applications for permission under sub-section (2) of section 19 shall be made and the fees to be levied in respect of such applications;

(d) the procedure to be followed <sup>3</sup>[and the factors to be taken into consideration] by the competent authority before granting or refusing to grant permission under section 19 ;

(e) the time within which an appeal may be preferred under <sup>4</sup>[sub-section (7) of section 19 or section 20 ];

<sup>5</sup>[(ee) the time within which a declaration may be filed under sub-section (1) or an intimation may be sent under sub-section (4) of section 20-A and the fees, if any, to be levied in respect of such declaration;

(eee) the time within which plans, estimates and other particulars referred to in sub-section (2) of section 20-A may be furnished;

(eeee) the procedure to be followed by the competent authority for fixing the provisional rent under sub-section (2) of section 20-A;

(eeeeee) the manner in which the rent provisionally determined under section 20-A shall be communicated to the tenants and owners;

(eeeeeee) the matters in respect of which provision may be made under sub-section (5) of section 20-B.]

(f) the officers and local authorities to whom powers may be delegated under section 36 ; and

(g) any other matter which has to be, or may be prescribed.

**6**[(3)] Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session <sup>7</sup> [in two or more successive sessions, and if before the expiry of the session immediately following the session, or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses 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 that rule.]

1. For the Slum Areas (Improvement and Clearance) Rules, 1957, see S.R.O. 488, published in Gaz. of Ind., 1957, Pt. II, S. 3, p. 294.

2. Inserted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964), section 20 (27-2- 1965).

3. Inserted by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964).

4. Substituted for the word and figure "section 20", by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964).

5. Inserted after clause (e), by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964).

6. Substituted for former sub-section (3), by the Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964).

7. Substituted for the words "in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following" by Delegated Legislation Provision (Amendment) Act (4 of 1986), S. 2. Sch. (15-5-86).

#### SCHEDULE 1

#### PRINCIPLES FOR DETERMINATION OF THE NET AVERAGE MONTHLY INCOME

1. The competent authority shall first determine the gross rent actually derived by the owner of the land acquired including any building on such land during the period of five consecutive years referred to in sub-section (1) of section 15 . 2. For such determination the competent authority may hold any local inquiry and obtain, if necessary, certified copied of extracts from the property tax assessment books of the municipal or other local authority concerned showing the rental value of such land. 3. The net average monthly income referred to in sub-section ( 1 ) of section 15 shall be sixty per cent. of the average monthly gross rent which shall be one-sixtieth of the gross rent during the five concesutive years as detrmined by the competent authority under paragraph 1. 4. Forty per cent. of the gross monthly rental referred to above shall not be taken into consideration in determining the net average monthly income but shall be deducted in lieu of the expenditure which the owner of the land would normally incur for payment of any property tax to the municipal or other local authority, for collection charges, income-tax or bad debts as well as for works of repair and maintenance of the buildings, if any, on the land, 5. Where the land or any portion thereof has been unoccupied or the owner has not been in receipt of any rent for the occupation of the land during the whole or any part of the said period of five years, the gross rent shall be taken to be the income which the owner would in fact have derived if the land had been leased out for rent during the said period, and for this purpose the rent actually derived from the land during a period prior or subsequent to the period during which it remained vacant or from similar land in the vicinity shall be taken into account.