

# The Punjab Slum Areas (Improvement and Clearance) Act, 1961

HARYANA

India

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### Act 24 of 1961

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The Punjab Slum Areas (Improvement and Clearance) Act, 1961 Punjab Act No. 24 of 1961 Statement of objects and reasons. - "The slum dwellers are not willing to pull down their houses and Government cannot demolish these houses to implement the Slum Clearance Scheme. Government can also not execute the work of improvement in slum areas to render the buildings fit for human habitation unless they are legally empowered to do so. Moreover, Government can also not require the land owner to execute any work of improvement in relation to any building in a slum area or to re-develop any Clearance area. Necessity is therefore felt to enact a law to overcome these difficulties. The Bill accordingly seeks to make provisions for these matters". Punjab Government Gazette Extraordinary, dated the 17th October, 1960. Statement of Objects and Reasons - Haryana Act 7 of 1990. - There is mushroom growth of un-authorised colonies by the Jhugi, Jhopries/Slum dwellers in the Industrial cities and other towns of the State of Haryana. This problem is particularly being experienced in Faridabad, Ballabhgarh, Yamuna Nagar, Sonapat and Panipat towns of the State. In the absence of basic amenities, these un-authorised colonies have turned into slums and pose serious problems in the State of Haryana. The number of slums in the industrial cities and towns of the Haryana State is further increasing day-by-day and is a source of danger to public health and sanitation of the area. In order to provide for the removal of un-hygenic and in-sanitary conditions prevailing in the slum, for better accommodation and improved living conditions of slum dwellers, for the promotion of public health and the purpose of improving, developing or re-developing slum areas, clearance of slums and rehabilitation of slum dwellers, immediate necessity has been realised for the constitution of a Board to be known as Haryana Slum Clearance Board, to achieve the above objectives and to carry out the purpose of the Punjab Slums Areas (Improvement and Clearance) Act, 1961. Hence this Bill. Published vide Haryana Government Gazette (Extraordinary), dated the 17th March, 1990, page 439. Received the assent of the President of India on the 18th May, 1961, and was first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, of the 10th June, 1961. An Act to provide for the improvement and clearance of slum areas in the State of Punjab and for the protection of tenants in such areas from eviction. Be it enacted by the Legislature of the State of Punjab in the Twelfth Year

of the Republic of India as follows :-

## **Chapter I**

### **Preliminary**

#### **1. Short title, extent and commencement.**

(1) This Act may be called the Punjab Slum Areas (Improvement and Clearance) Act, 1961. (2) It shall extend to the whole of the State of [Haryana] [Substituted by Haryana Adoption of Laws Order 1968.]. (3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint; and different dates may be appointed for different areas.

#### **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a) 'building' includes any structure or erection or any part of a building as so defined but does not include plant or machinery comprised in a building; (aa) [ 'Board' means the Haryana Slum Clearance Board established under Section 21-A; ] [Inserted by Haryana Act No. 7 of 1990.]. (b) 'competent authority' means such officer or authority as the State Government may by notification in the Official Gazette, appoint as the competent authority for the purposes of this Act; (c) 'erection' in relation to a building includes the extension, alteration or re-erection; (d) '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 and water taps; (iv) construction of drains, open or covered; (v) provision of latrines; (vi) provision of additional or improved fixture 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; (e) 'occupier' includes an owner in occupation of or otherwise using his own land or building; (f) '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; (g) 'prescribed' means prescribed by rules made under this Act; (gg) [ 'slum area' means any area declared to be a slum area under sub-section (1) of Section 3; ] (h) 'slum clearance' means the clearance of any slum area by the demolition and removal of buildings therefrom; and (i) 'State Government' means the Government of the State of [Haryana] [Substituted by Haryana Adoption of Laws Order 1968.].

## **Chapter II**

### **Slum Areas**

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

(1) Where the competent authority upon report from any of its officer 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, (b) are by reason of dilapidation, overcrowding, or faulty arrangements and design of such building, 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) repairs; (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 II-A] [Chapter II-A inserted by Haryana Act No. 7 of 1990.]

### **3A. [ Registration of buildings in slum areas. [Inserted by Haryana Act No. 7 of 1990.]**

(1) The owner or occupier of every building situated in any slum area shall send to the competent authority a statement in such form and within such period as may be prescribed. (2) On receipt of the statement under sub-section (1) the competent authority shall, on being satisfied about the correctness of the statement, register the building in a register maintained for the purpose and containing such particulars as may be prescribed and shall issue, in the prescribed form, a registration certificate to the owner or occupier of the building.

### **3B. Restriction on erection of buildings etc. in slum areas.**

(1) The competent authority may, by notification, direct that no person shall erect any building in a slum area except with the prior permission in writing of the competent authority. (2) Every notification issued under sub-section (1) shall cease to have effect on the expiry of two years from the date of issue. (3) Every person desiring to obtain 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 as may be prescribed. (4) On receipt of such application the competent authority, after making such enquiry 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 work 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 7; or (b) the erection of any building in any area in respect of which order has been issued under sub-section (1) of Section 9.]

## **Chapter III**

### **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.(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 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.

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

(1)If a notice under section 4 requiring the owner of the building 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 State 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 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 hand as aforesaid.(3)If the owner of the building is different from the person who owns the land on which the building stands and the expenses incurred by the competent authority under this section are recoverable from both these persons then such expenses shall be recovered from them in such proportion as may be determined by the competent authority or by an officer empowered by it in this behalf.

#### **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 sections 4 and 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.

## **7. Power of competent authority to order demolition of buildings 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 execute 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 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. But the competent authority before the demolition of the building shall arrange for an alternative accommodation for the occupier or occupiers.

## **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 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 sub-section (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 IV**

### **Slum Clearance and Re-development**

## **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 State Government 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 State Government for confirmation. (2) The State Government may either confirm the order in toto or subject to such variations as it considers necessary or reject the order. (3) If the State Government 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. (7) Where a slum clearance order has become operative, no land to which the order applies shall be re-developed except in accordance with plans approved by the competent authority and except subject to such restrictions and conditions, if any, as the competent 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 at any time appeal to the State Government and the State Government shall make such order in the matter as it thinks proper and its 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).

## **11. Power of competent authority to re-develop clearance area or any part thereof.**

- Where land has been cleared of buildings in accordance with a slum clearance order, the competent authority may, at any time after the expiration of twelve months from the date on which the order became operative by order, determine to re-develop any land which on the date of the making of the order has not been, or is not in the process of being, re-developed by the owner thereof in accordance with plans approved by the authority and any restrictions and conditions imposed under sub-section (7) of section 10.

## **Chapter V**

### **Acquisition of Land**

#### **12. Power of State Government to acquire land.**

(1)Where on any representation from the competent authority it appears to the State 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 re-develop any clearance area, it is necessary that the land within, adjoining or surrounded by any such area should be acquired, the State Government may acquire the land by publishing in the Official Gazette a notice to the effect that the State Government has decided to acquire the land in pursuance of this section :Provided that, before publishing such notice, the State Government may call upon the owner of, or any other person who, in the opinion of the State 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 State 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 State Government free from all encumbrances.

#### **13. Land acquired by State 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 State 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 re-development.

#### **14. Right to receive compensation.**

- Every person having any interest in any land acquired under this Act shall be entitled to receive from the State 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 appended to this Act.(3)The competent authority shall, after holding an enquiry in the prescribed manner, determine in accordance with the provision 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 State Government within thirty days from the date specified in the notice referred to in that sub-section.(5)On appeal the State Government shall, after hearing the appellant, determine the net average monthly income and its 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 in such proportion as he considers reasonable:Provided further that the compensation in respect of the building shall not in any case exceed fifty per cent of the total amount of compensation which has been determined in accordance with the provisions of this Section.

## **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 State Government and the State Government in deciding any such dispute shall follow, as far as may be, the provisions of part III of the Land Acquisition Act, 1894.

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

(1)After the amount of the compensation has been determined, the competent authority shall on behalf of the State 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 33 of the Land Acquisition Act, 1894.



## **18. Power 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 the 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.

## **Chapter VI**

### **Protection of Tenants in Slum Areas from Eviction**

#### **19. Tenants in slum area not to be evicted without permission of the competent authority.**

(1)Notwithstanding anything contained in any other law for the time being in force, no person who has obtained any decree or order for the eviction of a tenant from any building in a slum area shall be entitled to execute such decree or order except with the previous permission in writing of the competent authority.(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 tenant 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 such permission or refuse to grant such permission.(4)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.

#### **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 19 may, within such time as may be prescribed, prefer an appeal to the State Government and the decision of the State Government on such appeal shall be final.

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

- Nothing in this Chapter shall apply to or in relation to the execution of any decree or order under any law or the eviction of a tenant from any building in a slum area belonging to the State Government or any local authority.[Chapter VI-A] [Chapter VI-A inserted by Haryana Act No. 7 of

1990.] Slum Clearance Board

## **21A. [ Establishment of Slum Clearance Board. [Inserted by Haryana Act No. 7 of 1990.]**

(1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be established for carrying out the purposes of this Act a Board to be known as 'the Haryana Slum Clearance Board' with headquarters at such place as the State Government may specify. (2) The Board shall be a body corporation with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may by the said name sue and be sued.

## **21B. Constitution of Board.**

(1) The Board shall consist of a Chairman, the Chief Administrator, the Secretary and such other members, not more than fifteen and not less than six as the State Government may, from time to time, by notification, appoint and they shall hold office during the pleasure of the State Government : Provided that total number of non-official members shall not at any time exceed three. Explanation. - The Chief Administrator shall be the Chief Executive Officer of the Board. (2) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy among its 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 employees.**

- The Board may appoint such number of officers and other employees including experts for technical and legal works, as may be necessary for the efficient performance of its functions and may determine their designations and grades.

## **21E. Conditions of service of officers and employees.**

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

## **21F. General disqualification of members, officers and employees.**

- 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 employee of the Board.

## **21G. Functions of Board.**

- The functions of the Board shall be -(a)to exercise the powers of the competent authority in cases where the State Government have, by notification, directed that the powers of the competent authority shall be exercised by the Board; and(b)such other functions as may be prescribed.

## **21H. 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.

## **21I. Power of Board to make regulations.**

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

## **21J. Board to comply with directions of Government.**

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

## **21K. Power of Housing Board or any other Authority to cease.**

- With effect from the date of the establishment of the Board, the Housing Board or any other Authority in the State of Haryana shall cease to exercise any function under the Punjab Slum Areas (Improvement and Clearance) Act, 1961, 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.

## **21L. Transfer of certain assets and liabilities to Board.**

(1)All property, assets, rights and liabilities of the State Government, Housing Board or any 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)If any dispute arises in respect of transfer or vesting of any property, assets, rights or liabilities under sub-section (1), the same shall be referred to the State Government whose decision shall be final.

## **21M. Power to make contracts.**

- The Board may enter into and perform or require the performance of all such contracts as it may consider necessary or expedient for carrying out all or any of the purposes of this Act.

## **21N. Execution of contracts.**

(1) Every contract shall be made in the name of the Board by the Chief Administrator or such other officer of the Board as may be authorised by it. (2) Every contract for and on behalf of the Board shall, subject to the provisions of this section be entered into in such form and manner as may be prescribed. (3) A contract not made or executed as provided in this section and the rules made thereunder shall be void.

## **21O. Board to enforce certain contracts and agreements.**

(1) 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 State 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 State 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. (2) If, on the date of establishment of the Board, any suit, appeal or other legal proceeding of whatever nature by or against the State 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 way prejudicially affected by reason of the transfer to the Board of the property, assets, rights and liabilities of the State Government or such other Authority or of anything done under this Act, but the suit, appeal or other legal 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.

## **21P. Board's Fund.**

(1) The Board shall have a fund to be called the Slum Clearance Board Fund. (2) The Board may accept grants, subventions, donations and gifts from the Central Government or the State Government or a local authority or any individual or body, whether incorporated or not, for all or any of the purposes of this Act. (3) All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or any other kind of property sold by the Board, all rents and all interests, profits and other moneys accruing to the Board, shall constitute the Slum Clearance Board Fund. (4) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the State Bank of India or in any Scheduled Bank or a Co-operative Bank or invested in such securities as may be approved by the State Government. (5) Such accounts shall be operated upon by such officers as may be authorised by the Board. Explanation. - For the purposes of this section, a Schedule Bank shall mean a bank included in the Second Schedule to the Reserve Bank of India Act, 1934.

## **21Q. Application of Slum Clearance Board Fund.**

- All property, the slum Clearance Board Fund, and all other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

## **21R. Expenditure in case of urgency etc.**

(1)Where in the opinion of the Board circumstances of extreme urgency have arisen, it shall be lawful for the Board to make for the purpose of this Act in any year an expenditure of such amount as may be prescribed, notwithstanding the fact that such expenditure has not been included in its annual programme or supplementary programme sanctioned by the State Government.(2)Where any sum is expended under circumstances of extreme urgency as provided in sub-section (1), a report thereof indicating the source from which it is proposed to meet the expenditure shall be made by the Board as soon as practicable to the State Government.(3)The Board may, within the budget sanctioned by the State Government, approve appropriation not exceeding such amount as may be prescribed from one head to another and from one minor head to another under the same major head and submit a statement of such re-appropriation to the State Government.

## **21S. Subventions and loans to Board.**

(1)The State Government may from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the State Government may determine.(2)The State Government may from time to time advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Act as the State Government may determine.

## **21T. Power of Board to borrow.**

(1)The Board may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.(2)The rules made by the State Government for the purposes of this section may empower the Board to borrow by the issue of debentures and to make arrangements with bankers.(3)All debentures issued by the Board shall be in such form as the Board, with the sanction of the State Government, may, from time to time, determine.(4)Every debenture shall be signed by the Chief Administrator and one other member.(5)Loans borrowed and debentures issued under this section may be guaranteed by the State Government as to the repayment of principal and the payment of interest at such rate as may be fixed by the State Government.

## **21U. Accounts and audit.**

(1)The Board shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.(2)The Board shall cause its accounts to be audited annually by such persons

as the State Government may direct.(3)As soon as the accounts of Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at a reasonable price.(4)The Board shall comply with such directions as the State Government may after perusal of the report of the auditor think fit to issue.

## **21V. Concurrent and special audit of accounts.**

(1)Notwithstanding anything contained in Section 21U, the State Government may order that there shall be concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.(2)Where an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1), such information as he may require for the purpose of audit.

## **21W. Transfer of assets and liabilities.**

(1)The State Government may transfer to the Board, building, land or any other property, movable or immovable, for use and management by the Board on such conditions and limitations as the State Government may deem fit, for the purposes of this Act.(2)The State Government may transfer to the Board such schemes or works in progress, with all their assets and liabilities as are run or managed by the State Government, subject to such conditions and limitations as the State Government may deem fit to impose for the purposes of this Act.]

# **Chapter VII**

## **Miscellaneous**

### **22. Power 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 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, re-instated, or made good, as the case may be, by the competent authority.

## **24. Power to enter land adjoining and 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 the 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. Owner's consent ordinarily to be obtained.**

- No building or land shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may 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.

## **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 in its possession that the occupants of the building have not vacated it in pursuance of any notice, order or 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 :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 :Provided further that if the occupants are unable to find any alternative accommodation, the competent authority shall arrange for the alternative accommodation for the occupants before the eviction.

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

- The competent authority may, by order in writing, direct any person carrying out 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.**

(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 State Government 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 State Government 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 his 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 causing 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 public notice, order or direction or as 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.(4)[ Notice or order effecting an individual corporation or firm shall be served in the manner provided for the service of summons in Rule 2 of Order XXIX or Rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908.] [Inserted by Haryana Act No. 7 of 1990.]

## **32. Penalties.**

(1)Whoever does any act in contravention of 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 re-development 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 purpose 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.

## **33. Order of demolition of buildings in certain cases.**

- 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 re-development 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.

### **34. Jurisdiction of courts.**

- No Court inferior to that of a [Judicial Magistrate] [Substituted for the word 'Magistrate' by Punjab Act No. 25 of 1964.] 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.**

- 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 the local authority as may be mentioned therein.

### **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.

### **38. Competent authority, etc., to be public servants.**

- The competent authority and any person authorised by him under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

### **38A. [ Board to exercise powers of competent authority. [Inserted by Haryana Act No. 7 of 1990.]**

- The State Government may, by notification, direct that any power exercisable by the competent authority under this Act, may be exercised, by the Board in such cases, and subject to such conditions, if any, as may be specified in the notification and on the issue of such notification, the competent authority shall not exercise the power in respect of the matters specified in such

notification.]

### **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.

### **39A. [ Application of the Act to certain pending cases of acquisition. [Inserted by Haryana Act No. 7 of 1990.]**

- The provisions of this Act as amended by the Slum Areas (Improvement and Clearance) Haryana Amendment Act, 1990, shall apply to any case or cases in which proceedings have been started before the commencement of this Act for the acquisition of any land in a slum area under the Land Acquisition Act, 1894 (hereinafter in this section referred to as the said Act), but no award has been made by the Collector under Section 11 of the said Act before such commencement, as if -(i)the notification published under sub-section (1) of Section 4 of the said Act; or(ii)the declaration made under Section 6 of the said Act; or(iii)the notice given under sub-section (1) of Section 9 of the said Act, were a notice to show cause against the acquisition of the land served by the State Government under Section 12 of this Act.]

### **40. Power to make rules.**

(1)The State Government may, by notification in the Official Gazette, make rules 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 preparation of plans for the re-development of any slum area, and matters to be included in such plans;(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 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 Section 20;(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.(3)Every rule under this section shall be laid as soon as may be after it is made before [the House] [Substituted by Haryana Adoption of Laws Order 1968.] the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, [the House] [Substituted by Haryana Adoption of Laws Order 1968.] agrees in making any modification in the rule or [the House] [Substituted by Haryana Adoption of Laws Order 1968.] agrees 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.The Schedule(see Section 15)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 copies 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 centum of the average monthly gross rent which shall be one-sixtieth of the gross rent during the five consecutive years as determined by the competent authority under paragraph I.**
- 4. Forty per centum 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.**