



The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment)
Act, 1971

Act 28 of 1971

Keyword(s):

Administrator, Building, Land, Occupier, Owner, Slum Clearance, Tribunal,
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**THE MAHARHASTRA SLUM AREAS (IMPROVEMENT,
CLEARANCE AND REDEVELOPMENT) ACT, 1971**

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FIRST SCHEDULE.

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MAHARASHTRA ACT No. XXVIII OF 1971.¹

[THE MAHARASHTRA SLUM AREAS (IMPROVEMENT, CLEARANCE AND REDEVELOPMENT) ACT, 1971]

[This Act received assent of the President on 3rd August 1971 ; assent was first published in the *Maharashtra Government Gazette*, Part IV, on 11th August 1971.]

Amended by Mah. 23 of 1973 (26-4-1973).*
" " " 36 of 1973 (24-9-1973).*
" " " 46 of 1975 (18-9-1975).*
" " " 20 of 1976 (4-5-1976).*
" " " 13 of 1978†§.
" " " 23 of 1981 (18-8-1981).*
" " " 28 of 1984.
" " " 30 of 1986 (23-7-1986).*
" " " 2 of 1987 (30-1-1987).*
" " " 29 of 1987 (7-8-1987)*
" " " 4 of 1996 (24-10-1995)*††
" " " 6 of 1997 (24-10-1995)*§§

An Act to make better provision for the improvement and clearance of slum areas in the State and their redevelopment ²[and for the protection of occupiers from eviction and distress warrants].

WHEREAS, it is expedient to make better provision for the improvement and clearance of slum areas in the State and ³[for their redevelopment and for the protection of occupiers from eviction and distress warrants ;] and for matters connected with the purposes aforesaid ; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force in such areas⁴ and on such date⁴ as the State Government may, by notification in the *Official Gazette*, appoint ; and different dates may be appointed for different areas.

Short title, extent and commencement.

¹ For Statement of Objects and Reasons see *Maharashtra Government Gazette*, 1970, Part V Extra. pp. 252-53 ; for Report of the Joint Committee, see *Maharashtra Government Gazette*, 1971, Part V Extra. p. 429.

² These words were added by Mah. 13 of 1978 s. 2.

³ These words were substituted for the words "and their redevelopment" *ibid.* s. 3.

⁴ 3rd day of September 1971 in the areas within the limits of the Municipal Corporations of Greater Bombay and of the Cities of Pune and Solapur and the Corporation of the City of Nagpur and the Aurangabad Municipal Council (*vide* G.N. U.D., P.H. & H.D. No. SCA. 1571/35325-F-III dated 3rd September 1971).

*This indicates the date of commencement of Act.

†Maharashtra Ordinances No. IV and V of 1978 were repealed by Mah. 13 of 1978, s. 7 and respectively.

§This Act came into force on 6th May 1978, except sections 4 and 8 thereof, which came into force on 19th May 1978.

††The Maharashtra Ordinance No. XIV of 1995 was repealed by Mah. 4 of 1996, s. 4.

§§Section 15 of Mah. 6 of 1997 reads as under :—

"7. *Saving.*—Anything done or any action taken (including any notification or order issued) under the provisions of the principal Act after its amendment by the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 1996, shall be deemed to have been done, taken or issued, as the case may be, under the principal Act as amended by this Ordinance."

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) "Administrator" means,—

(i) in *Greater Bombay* or any part thereof, such person not being a person below the rank of a Divisional Commissioner as the State Government may, by notification in the *Official Gazette*, appoint, and

(ii) elsewhere the Divisional Commissioner ;

(b) "building" includes a house, out-house, stable, shed, hut and other enclosure or structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever, whether used as human dwelling or otherwise ; and also includes *verandahs*, fixed platforms, plinths, door-steps, electric meters, walls including compound walls and fencing and the like ; but does not include plant or machinery comprised in a building ;

¹[(ba) "Chief Executive Officer" means a Chief Executive Officer of the Slum Rehabilitation Authority appointed under sub-section (2) of section 3A ;]

²[(b-1) "Collector" means the Collector of a district and includes an Additional Collector or any officer specially appointed by the State Government to perform the functions of a Collector under this Act ;]

(c) "Competent Authority" means a person or body appointed to be the Competent Authority under section 3 ;

(d) "land" includes building and also benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth ;

(e) "occupier" includes —

(i) 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 ;

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

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

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

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

(f) "owner", when used with reference to any building or land, means the person who receives or is entitled to receive the rent of the building or land, if the building or land were let, and includes —

(i) an agent or trustee who receives such rent on account of the owner ;

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any building or land devoted to religious or charitable purpose ;

(iii) a receiver, sequestrator or manager appointed by a court of competent jurisdiction to have the charge of or to exercise the rights of owner of the said building or land ; and

(iv) a mortgagagee-in-possession ;

³[but does not include, a slumlord ;]

¹ Clause (ba) was inserted by Mah. 6 of 1997 s. 2.

² This clause was inserted by Mah. 28 of 1984 s. 2.

³ These words were added by Mah. 30 of 1986 s. 2(a).

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

¹[(ga) "slum area" means any area declared as such by the Competent Authority under sub-section (I) of section 4 ²[and includes any area deemed to be a slum area under section 4A ;]

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

³[(h-a) "slumlord" means a person ,who illegally takes possession of any lands (whether belonging to Government, local authority or any other person) or enters into or creates illegal tenancies or leave and licence agreements or any other agreements in respect of such lands, or who constructs unauthorised structures thereon for sale or hire, or gives such lands to any persons on rental or leave and licence basis for construction, or use and occupation, of unauthorised structures, or who knowingly gives financial aid to any persons for taking illegal possession of such lands, or for construction of unauthorised structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation or other charges by criminal intimidation, or who evicts or attempts to evict any such occupiers by force without resorting to the lawful procedure or who abets in any manner the doing of any of the abovementioned things ;]

⁴[(h-b) "Slum Rehabilitation Area" means a slum rehabilitation area, declared as such under sub-section (I) of section 3C by the Competent Authority in pursuance of the Slum Rehabilitation scheme notified under section 3B;

(h-c) "Slum Rehabilitation Authority" means the Slum Rehabilitation Authority or Authorities appointed by the State Government under section 3A;

(h-d) "Slum Rehabilitation Scheme" means the Slum Rehabilitation Scheme notified under section 3B;]

⁵[(i) ⁶["Tribunal" or "Special Tribunal" means a Tribunal or Special Tribunal] which the State Government is hereby empowered to constitute consisting of,

(a) the President, being a person who,—

(i) is or has been a District Judge or has practised as a Pleader or Advocate or both for not less than eight years and is holding or has held the post not below the rank of the Joint Secretary in the Law and Judiciary Department; or

(ii) is holding or has held any Judicial office for not less than ten years; or

(iii) is practising or has practised as an Advocate for not less than eight years ; and

¹ Clause (ga) was inserted by Mah. 23 of 1973 s. 102 Sch. II.

² This portion was inserted by Mah. 20 of 1976 s. 2.

³ Clause (h-a) was inserted by Mah. 30 of 1986 s. 2(b).

⁴ Clauses (h-b), (h-b) and (h-d) were inserted by Mah. 4 of 1996 s. 2(a).

⁵ Clause (i) was substituted by Mah. 29 of 1987 s. 2.

⁶ These words were substituted for the words "Tribunal" "means a Tribunal" by Mah. 4 of 1996 s. 2(b).

(b) two members,—

(i) one of whom shall be a person who is holding or has held the post not below the rank of the Deputy Director of Town Planning; and

(ii) the other shall be a person who is holding or has held the post not below the rank of the Superintending Engineer to Government;]

(j) "works 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) repairs which are necessary;

(ii) structural alteration;

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

(iv) construction of drains, open or covered;

(v) provision for latrines, including conversion of dry latrines into flush latrines;

(vi) provision of additional or improved fixtures or fittings;

(vii) opening up or paving of courtyards ;

(viii) construction of passages or roads ;

(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.

Appoint-
ment of
Competent
Authorities. 3. (1) The State Government may, by notification in the *Official Gazette*, appoint any person to be the Competent Authority for the purposes of this Act, for such area as may be specified in the notification.

(2) Where any body corporate (including a local authority) is appointed to be the Competent Authority, then the powers and functions of the Competent Authority under this Act shall, subject to such restrictions and conditions as the Competent Authority may impose in this behalf, be exercised and performed on behalf of such body corporate—

(a) by the Municipal Commissioner or any officer not below the rank of a City Engineer or Deputy Municipal Commissioner as may be specified by the Municipal Commissioner in this behalf, in the case of a Municipal Corporation constituted under any law for the time being in force ;

(b) by the Chief Officer, in the case of a Municipal Council constituted under any law for the time being in force ;

(c) by the Chairman of the Nagpur Improvement Trust (constituted under the Nagpur Improvement Trust Act, 1936,) in the case of such Trust ;

(d) by the Housing Commissioner or any officer not below the rank of Assistant Housing Commissioner specified by the Housing Commissioner in this behalf, in the case of a Housing Board constituted under any law for the time being in force.

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1936.

[CHAPTER I-A]

SLUM REHABILITATION SCHEME

3A. (1) Notwithstanding anything contained in the foregoing provisions, the State Government may, by notification in the *Official Gazette*, appoint an authority to be called the Slum Rehabilitation Authority for such area or areas as may be specified in the notification ; and different authorities may be appointed for different areas.

(2) Every Slum Rehabilitation Authority shall consist of a Chairman, a Chief Executive Officer and fourteen other members, all of whom shall be appointed by the State Government.

²[(2A) Every Slum Rehabilitation Authority appointed under sub-section (1) shall be a body corporate by the name of "The.....Slum Rehabilitation Authority" and shall have perpetual succession and common seal ; with power to contract, acquire, hold and dispose of property, both moveable and immovable, and to do all things necessary for the purposes of this Act, and may sue and be sued by its corporate name.]

³[(3) The powers, duties and functions of the Slum Rehabilitation Authority shall be,—

(a) to survey and review existing position regarding slum areas ;

(b) to formulate schemes for rehabilitation of slum areas ;

(c) to get the Slum Rehabilitation Scheme implemented ;

(d) to do all such other acts and things as may be necessary for achieving the objects of rehabilitation of slums.]

(4) The terms and conditions of appointment of the non-official members of the Slum Rehabilitation Authority shall be such as may be specified by the State Government.

(5) The Slum Rehabilitation Authority may appoint Committees consisting of its members and experts to facilitate its working and speedy implementation of the scheme prepared under section 3B.

3B. (1) The State Government, or the Slum Rehabilitation Authority concerned with the previous sanction of the State Government, shall, prepare a general Slum Rehabilitation Scheme for the areas specified under sub-section (1) of section 3A, for Rehabilitation of slums and hutment colonies in such areas.

(2) The General Slum Rehabilitation Scheme prepared under sub-section (1) shall be published in the *Official Gazette*, by the State Government or the concerned Slum Rehabilitation Authority, as the case may be, as the Provisional Slum Rehabilitation Scheme for the area specified under section 3A(1), for the information of general public, inviting objections and suggestions, giving reasonable period of not less than thirty-days for submission of objections and suggestions, if any, in respect of the said Scheme.

(3) The Chief Executive Officer of the Slum Rehabilitation Authority shall consider the objections and suggestions if any, received within the specified period in respect of the said Provisional Scheme and after considering the same and after carrying out such modifications as deemed fit or necessary, finally publish the said scheme, with the approval of the State Government or, as the case may be, the Slum Rehabilitation Authority in the *Official Gazette*, as the Slum Rehabilitation Scheme

¹ Chapter I-A was inserted by Mah. 4 of 1996 s. 3.

² Sub-section (2A) was inserted by Mah. 6 of 1997 s. 3(a).

³ Sub-section (3) was substituted *ibid.* s. 3(b).

(4) The Slum Rehabilitation Scheme so notified under sub-section (3) shall, generally lay down the parameters for declaration of any area as the slum rehabilitation area and indicate the manner in which rehabilitation of the area declared as the slum rehabilitation area shall be carried out. In particular, it shall provide for all or any of the following matters, that is to say,—

(a) the parameters or guidelines for declaration of an area as the slum rehabilitation area ;

(b) basic and essential parameters of development of slum rehabilitation area under the Slum Rehabilitation Scheme ;

(c) provision for obligatory participation of the landholders and occupants of the area, declared as the slum rehabilitation area under the Slum Rehabilitation Scheme in the implementation of the Scheme ;

(d) provision relating to transit accommodation pending development of the slum rehabilitation area and allotment of tenements on development to the occupants of such area, free of cost.

(e) scheme for development of the slum rehabilitation areas under the Slum Rehabilitation Scheme by the land holders and occupants by themselves or through a developer and the terms and conditions of such development ; and the option available to the Slum Rehabilitation Authority for taking up such development in the event of non-participation of the landholders or occupants ;

(f) provision regarding sanction of Floor Space Index and transfer of development rights, if any, to be made available to the developer for development of the slum rehabilitation area under the Slum Rehabilitation Scheme ;

(g) provision regarding non-refend transferable nature of tenements for a certain period, etc.

Declaration of a slum rehabilitation area. 3C. (1) As soon as may be after the publication of the Slum Rehabilitation Scheme, ¹[the Chief Executive Officer] on being satisfied that circumstances in respect of any area, justifying its declaration as slum rehabilitation area under the said scheme, may by an order published in the *Official Gazette*, declare such area to be a "slum rehabilitation area". The order declaring slum rehabilitation area (hereinafter referred to as "the slum rehabilitation order"), shall also be given wide publicity in such manner as may be specified by ²[the Slum Rehabilitation Authority].

(2) Any person aggrieved by the slum rehabilitation order may, within four weeks of the publication of such order prefer an appeal to the Special Tribunal ; and the decision of the Special Tribunal shall be final.

Application of other Chapters of this Act to Slum Rehabilitation Area with modification. 3D. On publication of the Slum Rehabilitation Scheme under sub-section (1) of section 3B, the provisions of other Chapters of this Act shall apply to any area declared as the slum rehabilitation area, subject to the following modifications, namely :—

(a) Chapters II and III shall be omitted ;

(b) in Chapter IV,—

(i) section 11 shall be omitted ;

¹ These words were substituted for the words "the Competent Authority" by Mah. 6 of 1997 s. 4(a).

² These words were substituted for the words "the State Government" *ibid.* s. 4(b).

(ii) in section 12,—

(A) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) As soon as may be, after the ¹[Chief Executive Officer] has declared any slum area to be a slum rehabilitation area, ²[he] shall make a 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 clearance order.”;

(B) sub-sections (2) and (3) shall be omitted ;

(C) for sub-section (4), the following sub-section shall be substituted ; namely :—

“(4) Any person aggrieved by the clearance order may, within four weeks of the publication of such order prefer an appeal to the Special Tribunal ; and the decision of the Special Tribunal shall be final.” ;

(D) in sub-section (5) for the words “ Tribunal ”, in both the places where it occurs, the words “ Special Tribunal ” shall be substituted ;

³(E) in sub-section (7), for the words “ Competent Authority ” the words “ Chief Executive Officer ” shall be substituted ;

(F) in sub-section (8), for the words “ Competent Authority ” the words “ Chief Executive Officer ” shall be substituted ;

(G) in sub-section (9), for the words “ Competent Authority ”, wherever they occur, the words “ Chief Executive Officer ” shall be substituted ;

(H) in sub-section (10),—

(a) for the words “ Competent Authority ” the words “ Slum Rehabilitation Authority ” shall be substituted ;

(b) in the proviso,—

(i) for the words “ Competent Authority ” the words “ Chief Executive Officer ” shall be substituted ;

(ii) for the words “ Tribunal ” the words “ Special Tribunal ” shall be substituted ;]

⁴[(iii) for section 13, the following section shall be substituted, namely :—

“ 13. (1) Notwithstanding anything contained in sub-section (10) of section 12, the Slum Rehabilitation Authority may, after any area is declared as the Slum Rehabilitation Area, if the landholders or occupants of such area do not come forward within a reasonable time, with a scheme for re-development of such land, by order, determine to re-develop such land by entrusting it to any agency for the purpose. ”

(2) Where on declaration of any area as a Slum Rehabilitation Area the Slum Rehabilitation Authority, is satisfied that the land in the Slum Rehabilitation Area has been or is being developed by the owner in contravention of the plans duly approved, or any restriction or conditions imposed under sub-section (10) of section 12, or has not been developed within the time, if any, specified under such conditions it may, by order, determine to develop the land by entrusting it to any agency for the purpose :

Power of
Slum
Rehabilita-
tion
Authority
to develop
Slum
Rehabilita-
tion Area.

¹ These words were substituted for the words “ Competent Authority ” by Mah. 6 of 1997, s. 5(9)(i)(A)(1).

² This word was substituted for the word “ it ” *ibid.* s. 5(a)(i)(A)(2).

³ These paragraphs were substituted for paragraph (E) *ibid.* s. 5(a)(i)(B).

⁴ Sub-clause (iii) was substituted *ibid.* s. 5(a)(ii).

Provided that, before passing such order, the owner shall be given a reasonable opportunity of showing cause why such order should not be passed.” ;]

(c) in Chapter V,—

(i) in section 14, in sub section (1),—

¹[(A) for the portion beginning with the words “ Where on any representation ” and ending with the words “ clearance area ” the following portion shall be substituted, namely :—

“ Where on any representation from the Chief Executive Officer it appears to the State Government that, in order to enable the Slum Rehabilitation Authority to carry out development under the Slum Rehabilitation Scheme in any Slum Rehabilitation Area ” ;]

(B) after the proviso, the following proviso shall be added, namely :—

“ Provided further that, the State Government may delegate its powers under this sub-section to any officer not below the rank of Commissioner. ” ;

²[(ii) in section 15,—

(A) for sub-section (3), the following sub-section shall be substituted, namely :—

“ (3) Where the land has been acquired for the Slum Rehabilitation Authority, the State Government shall, after it has taken possession, thereof, by notification in the *Official Gazette*, upon such conditions as may be agreed upon between Government and Slum Rehabilitation Authority, transfer the land to the Slum Rehabilitation Authority and thereupon the Slum Rehabilitation Authority may entrust, in accordance with the provisions of section 3B(4), the work of development of such area to any other agency as provided in sub-section (1) of section 13, or to a Co-operative Housing Society of the occupants of such rehabilitation area or occupants of any other area which has been declared as Slum Rehabilitation Area. ” ;

(B) for sub-section (4), the following sub-section shall be substituted, namely :—

“ (4) The Slum Rehabilitation Authority may, subject to such terms, and conditions as the State Government considers expedient for securing the purposes of this Act, transfer by way of lease such land to the Co-operative Housing Societies of such occupants. ” ;]

³[(iii) in section 17,—

(A) for the words “ Competent Authority ”, wherever they occur, the words “ Chief Executive Officer ” shall be substituted ;

(B) for the word “ Tribunal ”, in both the places where it occurs, the words “ Special Tribunal ” shall be substituted ;]

⁴[(iv) in section 18,—

(A) for the words “ Competent Authority “, wherever they occur, the words “ Chief Executive Officer ” shall be substituted ;

¹ Paragraph (A) was substituted by Mah. 6 of 1997, s. 5(b)(i).

² Sub-clause (ii) was substituted *ibid* s. 5(d)(ii).

³ This sub-clause was substituted *ibid* s. 5(b)(ii).

⁴ This sub-clause was substituted *ibid* s. 5(b)(iv).

(B) for the word " Tribunal ", wherever it occurs, the words " Special Tribunal " shall be substituted ;]

[(v) in section 19, for the words " Competent Authority ", at both the places where they occur, the words " Chief Executive Officer " shall be substituted ;

(vi) in section 20, including in the marginal note, for the words " Competent Authority ", wherever they occur, the words " Chief Executive Officer " shall be substituted ;

(vii) in section 21, for the words " Competent Authority " the words " Chief Executive Officer " shall be substituted ;]

(d) in Chapter VI,—

(i) sections 22, 23, 23A and 26 shall *mutatis mutandis* apply to the slum rehabilitation area ;

(ii) for sections 24 and 25, the following section shall be substituted, namely :—

" 24. (1) Where an occupant of any premises in an area declared as a slum rehabilitation area has vacated, or evicted from, such premises, on the ground that, the premises are required for the purposes of development under the Slum Rehabilitation Scheme, such occupant may, within such time as may be prescribed, sign a declaration with the Slum Rehabilitation Authority that he desired to be rehabilitated in that area after its redevelopment under the said Scheme. Allotment of tenements to occupants.

(2) On the receipt of such declaration, the slum Rehabilitation Authority shall register his declaration in the prescribed manner and on completion of the development of the area and reconstruction of the buildings in the said area under the Scheme, give notice to the registered occupants by affixing it in some conspicuous part of the building and sending it by post to the address which may have been registered with the Slum Rehabilitation Authority by such occupants and in such other manner as may be determined by the Slum Rehabilitation Authority, that the building is likely to be or is ready for occupation from a specified date and that they should vacate transit accommodation, if any, given to them and occupy the building so erected within a period specified in the notice. " ;

(e) in Chapter VII,—

²[(i-a) for the words " Competent Authority ", wherever they occur, except in sections 41 and 43, the words " Chief Executive Officer " shall be substituted ;]

(i) in section 28, for the words " slum area " the words " slum rehabilitation area " shall be substituted ;

(ii) in section 34, for the words " slum area ", in both the places where they occur, the words " slum rehabilitation area " shall be substituted ;

(iii) in section 35, for the word " Administrator ", in both the places where it occurs, the words " Slum Rehabilitation Authority " shall be substituted ;

(iv) in section 37, for the words " clearance area " the words " slum rehabilitation area " shall be substituted ;

¹ Sub-clauses (v) (vi) and (vii) were inserted by Mah. 6 of 1997 s. 5(b)(v).

² This sub-clause was inserted *ibid.* s. 5(c).

(v) in section 38, in sub-section (1),—

(i) the words and figure “ of the provisions of section 8 or ” shall be deleted ;

(ii) for the words “ clearance area ” the words “ slum rehabilitation area ” shall be substituted ;

(vi) in section 41, after the words “ Competent Authority ” the words “ Slum Rehabilitation Authority ” shall be inserted,

(vii) in section 42,—

(A) for the word “ Administrator ” the words “ Slum Rehabilitation Authority ” shall be substituted ;

(B) for the word “ Tribunal ” the words “ Special Tribunal ” shall be substituted ;

(viii) in section 43, after the words “ Competent Authority ” the words “ Slum Rehabilitation Authority ” shall be inserted ,

(ix) in section 44, for the word “ Tribunal ” wherever it occurs, the words “ Special Tribunal ” shall be substituted ;

(x) in section 44A,—

(A) in sub-section (2), for the word “ Tribunal ”, wherever it occurs, the words “ Special Tribunal ” shall be substituted ;

(B) in the marginal note, for the word “ Tribunal ” the words “ Special Tribunal ” shall be substituted ;

(xi) throughout section 45, including in the marginal note, for the words “ the Tribunal ”, wherever they occur, the words “ the Special Tribunal ” shall be substituted ;

(xii) for section 47, the following section shall be substituted, namely :—

“ 47. Where any area is declared to be a slum rehabilitation area then as from the date of such declaration, the provisions of any municipal law or other law, corresponding to the provisions of this chapter, for slum development in relation to such slum rehabilitation area, in force immediately before the said date shall, save as otherwise provided in this chapter, cease to be in force in such slum rehabilitation area, but so long only as the said declaration remains in force. ”

Cesser of
corresp onding
laws.

Restrictions
on transfer
of tenements. 3E. The tenements allotted to the persons under the Slum Rehabilitation Scheme shall not be transferred by the allottee thereof by way of sale, gift, exchange, lease or otherwise for a period of first ten years commencing from the date of allotment of the tenement. After the expiry of the said period of ten years, the allottee may, with the permission of the Slum Rehabilitation Authority, transfer such tenement in accordance with the prescribed procedure.]

Disqualifica-
tions for
membership
and removal
of members. 1[3F. (1) A person shall be disqualified for being nominated as a non-official member or continue to be such member, if he,—

(a) is an employee of the Slum Rehabilitation Authority except the Chief Executive Officer ;

(b) is of unsound mind and stands so delared by a competent Court ;

(c) is an undischarged insolvent ;

(d) is convicted for an offence involving moral turpitude ;

(e) has, directly or indirectly by himself or by any partner, employer or employee, any share or interest, whether pecuniary or of any other nature, in any contract or employment with, by or on behalf of, the Slum Rehabilitation Authority ; or

¹ Sections 3F to 3W were inserted with effect from 24-10-1995 by Mah. 6 of 1997 s. 6.

(f) is a Director, Secretary, Manager or other Officer of any company, which has any share or interest in any contractor employment with, by or on behalf of, the Slum Rehabilitation Authority :

Provided that, a person shall not be disqualified under clause (e) or clause (f) by reason only of his or the company of which he is a Director, Secretary, Manager or other Officer, having a share or interest in,—

(i) any sale, purchase, lease or exchange of immovable property or any agreement for the same ;

(ii) any agreement for loan of money or any security for payment of money only ;

(iii) any newspaper in which any advertisement relating to the affairs of the Slum Rehabilitation Authority is published.

(2) The Government may remove from the Slum Rehabilitation Authority any non-official member nominated by the Government, who in its opinion,—

(a) has been disqualified under sub-section (1) ;

(b) refuses to act ;

(c) has so abused his position as a member as to render his continuance on the Slum Rehabilitation Authority detrimental to the interest of the public ; or

(d) is otherwise unsuitable to continue as member.

(3) No order or removal under sub-section (2) shall be made unless the non-official member has been given an opportunity to submit his explanation to the Government, and when such order is passed the office of the member so removed shall be deemed to be vacant.

(4) A member who has been so removed under sub-section (3) shall not be eligible for reappointment as member or in any other capacity on the Slum Rehabilitation Authority.

3G. (1) The Slum Rehabilitation Authority shall meet at such intervals, times and places as the Chairman may decide and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereof) as may be laid down by regulations. Meeting of Slum Rehabilitation Authority.

(2) A member, who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into, by or on behalf of the Slum Rehabilitation Authority shall, at the earliest possible opportunity, disclose the nature of his interest to the Slum Rehabilitation Authority when any such contract, loan, arrangement or proposal is discussed, unless his presence is required by the other members for the purpose of eliciting information, but no members so required to be present shall vote on any such contract, loan, arrangement or proposal :

Provided that, a member shall not be deemed to be concerned or interested as aforesaid by reason only of his being a shareholder of a company concerned in any such contract, loan, arrangement or proposal.

3H. No act done or proceedings taken under this Act by the Slum Rehabilitation Authority, or committee appointed by the Slum Rehabilitation Authority, shall be invalidated merely on the grounds of,— Act not to be invalidated by vacancy, informality, etc.

(a) any vacancy of a member or any defect in the constitution or reconstitution of the Slum Rehabilitation Authority or a committee thereof ; or

(b) any defect or irregularity in the appointment of a person as member of the Slum Rehabilitation Authority or of a committee thereof ; or

(c) any defect or irregularity in such act or proceedings, not affecting the substance.

Officers and servants of Slum Rehabilitation Authority.

3I. (1) The Slum Rehabilitation Authority may appoint such officers and servants subordinate to the Chief Executive Officer as it considers necessary for the efficient performance of its duties and functions.

(2) The conditions of appointment and service of the Chief Executive Officer and his pay scale shall be such as may, by general or special order, be determined by the State Government.

(3) The conditions of appointment and service of officers and servants shall be such as may be laid down, from time to time, by regulations.

(4) Subject to the superintendence of the Slum Rehabilitation Authority, the Chief Executive Officer shall supervise and control all the officers and employees of the Slum Rehabilitation Authority.

Authentication of orders, etc., of the Slum Rehabilitation Authority.

3J. All proceedings of the Slum Rehabilitation Authority shall be authenticated by the Chairman and all orders and instruments of the Slum Rehabilitation Authority shall be authenticated by the Chief Executive Officer or any other officer of the Slum Rehabilitation Authority as may be authorised in this behalf by regulations.

Rehabilitation Authority.

Power of State Government to issue directions.

3K. (1) The State Government may issue to the Slum Rehabilitation Authority such general or special directions as to policy as it may think necessary or expedient for carrying out the purposes of this Act and the Slum Rehabilitation Authority shall be bound to follow and act upon such directions.

(2) (a) Without prejudice to the generality of the foregoing provision, if the State Government is of opinion that the execution of any resolution or order of the Authority is in contravention of, or in excess of, the powers conferred by or under this Act or any other law for the time being in force, or is likely to lead to abuse or misuse of or to cause waste of the Fund of the Authority, the State Government may, in the public interest, by order in writing, suspend the execution of such resolution or order. A copy of such order shall be sent forthwith by the State Government to the Authority and its Chief Executive Officer.

(b) On receipt of the order sent as aforesaid, the Authority shall be bound to follow and act upon such order.

Application of Slum Rehabilitation Authority's assets, etc.

3L. All property, fund and other assets vesting in the Slum Rehabilitation Authority shall be held and applied by it, for the purposes of this Act.

Fund of Slum Rehabilitation Authority.

3M. (1) The Slum Rehabilitation Authority shall have and maintain its own fund, to which shall be credited,—

(a) all moneys received by the Slum Rehabilitation Authority from the State Government by way of grants, subventions, loans raised under this Act ;

(b) all fees, costs and charges received by the Slum Rehabilitation Authority under this Act ;

(c) all moneys received by the Slum Rehabilitation Authority from the disposal of lands, buildings and other properties, moveable and immoveable and other transactions.

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(2) The Slum Rehabilitation Authority may keep current and deposit account with the Bank.

Explanation.—For the purposes of this sub-section, the expression “ Bank ” means,—

- 23 of (i) the State Bank of India constituted under the State Bank of India Act, 1955;
1955. (ii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks)
38 of Act, 1959 ;
1959. (iii) a corresponding new bank constituted under section 3 of the Banking
5 of Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section
1970. 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;
40 of (iv) any other bank, being a scheduled bank as defined in clause (e) of section
1980. 2 of the Reserve Bank of India Act, 1934 as may be approved by the State Govern-
2 of ment.
1934.

(3) Such accounts shall be operated by such officers of the Slum Rehabilitation Authority as may be authorised by it in this behalf.

(4) Notwithstanding anything contained in sub-sections (2) and (3), the Slum Rehabilitation Authority may keep on hand such as it thinks fit, for its day to day transactions, subject to such limits and conditions as may be prescribed.

3N. The State Government may, after due appropriation made by the State Legislature by law in this behalf, make such grants, subventions loans and advances to the Slum Rehabilitation Authority as it may deem necessary for the perpenance of the functions of the Slum Rehabilitation Authority under this Act ; and all grants, subventions, loans and advances made shall be on such terms and conditions as the State Government may determine.

Grants,
subventions,
loans and
advances to
Slum
Rehabilita-
tion
Authority.

30. (1) The Slum Rehabilitation Authority shall, by such date in each financial year as may be prescribed, prepare and submit to the State Government for approval an annual financial statement and the programme of work for the succeeding financial year and the State Government may approve such financial statement and the programme of work of the Slum Rehabilitation Authority as submitted by the Slum Rehabilitation Authority or with such variations as the State Government thinks fit.

Financial
Statement
and
programme
or work.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Slum Rehabilitation Authority shall be competent to make variations in the approved programme of work in the course of the financial year provided that all such variations and reappropriations out of the sanctioned budget are brought to the notice of the State Government by a supplementary financial statement.

(4) A copy each, of the annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before each House of the State Legislature as soon as may be after their receipt by the State Government.

3P. (1) The Slum Rehabilitation Authority shall maintain books of accounts and other books in relation to the business and transaction in such form and in such manner as may be prescribed.

Accounts
and Audit.

(2) The accounts of the Slum Rehabilitation Authority shall be audited by an Auditor appointed by the State Government, in consultation with the Comptroller and Auditor General of India.

(3) Within nine months from the end of the financial year the Slum Rehabilitation Authority shall send a copy of the accounts audited together with a copy of the report of the Auditor thereon to the State Government.

(4) The State Government shall cause the accounts of the Slum Rehabilitation Authority together with the audit report thereon forwarded to it under sub-section (3) to be laid before each House of the State Legislature, as far as possible before the expiry of the year next succeeding the year to which the accounts and the report relate.

Execution of contracts, etc. **3Q.** Every contract or assurance of property on behalf of the Slum Rehabilitation Authority shall be in writing and executed by such authority or officer in such manner as may be provided by regulations.

Default in performance of duty. **3R.** (1) If the State Government is of the opinion that the Slum Rehabilitation Authority has made a default in the performance of any duty or obligation imposed or cast on it by or under this Act, the State Government may fix, a period for the performance of that duty or obligation and give notice to the Slum Rehabilitation Authority accordingly.

(2) If the Slum Rehabilitation Authority fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the State Government to supersede and reconstitute the Slum Rehabilitation Authority as it deems fit.

(3) After the supersession of the Slum Rehabilitation Authority and until it is reconstituted, the powers, duties and functions of the Slum Rehabilitation Authority under this Act shall be carried on by the State Government or by such officer or officers or body of officers as the State Government may appoint for this purpose, from time to time.

(4) All property vested in the Slum Rehabilitation Authority shall, during the period of such supersession, vest in the State Government.

Delegation of powers of Slum Rehabilitation Authority or Chief Executive Officer. **3S.** The Slum Rehabilitation Authority or the Chief Executive Officer may, delegate any of the powers conferred on them by or under this Act, to any of the officers of the Slum Rehabilitation Authority and permit him to redelegate such power to his subordinate, by general or special order in this behalf.

Protection of action taken in good faith. **3T.** No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or rules or regulations made thereunder.

Chairman, Members, Chief Executive Officer and officers, etc., to be Public Servant. **3U.** The Chairman, Members Chief Executive Officer and officers and servants of the Slum Rehabilitation Authority, as the case may be, shall, while acting or purporting to act in pursuance of any of the provisions of this Act or rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV 1860.

Power to make regulations. **3V.** The Slum Rehabilitation Authority may make regulations consistent with this Act and the rules made thereunder for all or any of the matters to be provided under this Act by regulations and generally for all other matters for which provision is, in the opinion of the Slum Rehabilitation Authority, necessary for the exercise of its powers and the discharge of its functions under this Act.

Dissolution of Slum Rehabilitation Authority. **3W.** (1) Where the State Government is satisfied that the continued existence of the Slum Rehabilitation Authority is unnecessary, the Government may, by notification in the *Official Gazette*, declare that the Slum Rehabilitation Authority shall be dissolved with effect from such date as may be specified in the notification and the Slum Rehabilitation Authority shall be deemed to be dissolved accordingly and upon such dissolution the members (including the Chairman and the Chief Executive Officer) shall vacate their respective offices.

(2) From the said date,—

(a) all properties, funds and dues which are vested in, or realisable by, the Slum Rehabilitation Authority shall vest in, or be realisable by, the State Government;

(b) all liabilities which are enforceable against the Slum Rehabilitation Authority shall be enforceable against the State Government.]

CHAPTER II

SLUM AREAS

4. ¹[(1) Where the Competent Authority is satisfied that—

(a) any area is or may be a source of danger to the health, safety or convenience of the public of that area or of its neighbourhood, by reason of the area having inadequate or no basic amenities, or being insanitary, squalid, overcrowded or otherwise ; or

Declaration of slum areas.

(b) the building in any area, used or intended to be used for human habitation are—

(i) in any respect, unfit for human habitation ; or

(ii) by reasons 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 the health, safety or convenience of the public of that area,

the Competent Authority may, by notification in the *Official Gazette*, declare such area to be a slum area. Such declaration shall also be published in such other manner (as will give due publicity to the declaration in the area) as may be prescribed.]

(2) In determining whether buildings are unfit for human habitation for the purposes of this Act, regard shall be had to the condition thereof in respect of the following matters, that is to say,—

(a) repairs ;

(b) stability ;

(c) freedom from damp ;

(d) natural light and air ;

(e) provision for water-supply ;

(f) provision for drainage and sanitary conveniences ;

(g) facilities 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.

(3) Any person aggrieved by a declaration made under sub-section (1) may, within thirty days after the date of such declaration in the *Official Gazette*, appeal to the Tribunal. ²[No such appeal filed after the expiry of thirty days as aforesaid shall be entertained.]

³[(4) When an appeal is presented under sub-section (3), the Tribunal shall, by a public notice published in a newspaper in the Marathi language circulating in the local area in which the slum area is situated and also displayed at some conspicuous place in the slum area, call upon the residents of the slum area to file their objections, if any, to the appeal within a period of fifteen days from the date of publication of such public notice in the newspaper as aforesaid, either by themselves or through any association of residents in the slum area of which they are members.

¹ Sub-section (1) was substituted by Mah. 23 of 1973, S, 102 Sch. II.

² This portion was added by Mah. 30 of 1986, s. 3.

³ Sub-sections (4), (5) and (6) were substituted for sub-section (4) by Mah. 29 of 1987, s. 3.

(5) On expiry of the period of fifteen days as aforesaid the Tribunal shall fix a day for hearing the appeal and inform the appellant about the same by letter under certificate of posting and the residents of the slum area by displaying the notice of hearing at some conspicuous place in the slum area and upon hearing the appellant and the residents or representative of their association in the slum area, if present, or on considering the written objections, if any, made by such residents or association, if absent, the Tribunal may, subject to the provisions of sub-section (6), make an order either confirming, modifying or rescinding the declaration : and the decision of the Tribunal shall be final.

Explanation.—For the purposes of sub-section (4) and this sub-section, the expression “any association of residents in the slum area” means a society, if any, of such residents registered under the Societies Registration Act, 1860 or under the Maharashtra Co-operative Societies Act, 1960. 21 of 1860. Mah. XXIV of 1961.

(6) While deciding the appeal the Tribunal shall ignore the works of improvement executed in such slum area by any agency of the Government or any local authority after the declaration thereof as such slum area by the Competent Authority under sub-section (1).]

Certain Slum Improvement Areas deemed to be Slum areas. [4A. (1) Any declaration made under section 26 of the Maharashtra Slum Improvement Board Act, 1973, declaring any area to be slum improvement area, and in force immediately before the date of commencement of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 1976 (herinafter in this section referred to as “the said date”) shall, on and from the said date, be deemed to be a declaration made under section 4 of this Act declaring the same area to be a slum area for the purposes of this Act. Mah. XXIII of 1973. Mah. XX of 1970.

(2) Any person aggrieved by the provisions of sub-section (1) may, within thirty days from the said date, appeal to the Tribunal function under this Act.

(3) on such appeal, the Tribunal may make an order either confirming, modifying or rescinding the declaration: and the decision of Tribunal shall be final].

CHAPTER III

SLUM IMPROVEMENT

Power of Competent Authority of execution of works of improvement. [5. (1) Where the Competent Authority is satisfied that any slum area of any part thereof is capable of being improved, at a reasonable expense, so as not to be a source of danger to the health, safety or convenience of the public of that area, it may serve upon the owner or owners and every mortgagee of the properties in that area or any part thereof, a notice informing them of its intention to carry out such improvement works as in its opinion are necessary and asking each of them to submit his objections or suggestions, if any, to the Competent Authority, within thirty days from the date of such notice. A copy of such notice shall be displayed at some conspicuous places in the area for the information of the occupiers thereof and for giving them also an opportunity to submit their objections or suggestions if any. On such display of the notice, the owners, occupiers and all other persons concerned shall be deemed to have been duly informed of the matters stated therein.

(2) After considering the objections and suggestions received within the time aforesaid, from the owners, occupiers and other persons concerned, the Competent Authority may decide and proceed to carry out the improvement works with or without modifications or may postpone them for a certain period or cancel the intention to undertake the works.

¹ Section 4A was inserted by Mah. 20 of 1976 s. 3.

² Sections 5, 5A and 5B were inserted by Mah. 23 of 1973 s. 102 Sch. II.

5A. For the ¹[purpose of this Act], the improvement works may consist of all Improvement works or any of the following :—

- (a) laying of water mains, sewers and storm water drains ;
- (b) provision of urinals, latrines, community baths, and water taps ;
- (c) widening, realigning or paving of existing roads, lanes and pathways and constructing new roads, lanes and pathways ;
- (d) providing street lighting ;
- (e) cutting, filling, levelling and landscaping the area ;
- (f) partial development of the area with a view to providing land for unremunerative purposes such as parks, playgrounds, welfare and community centres, schools, dispensaries, hospitals, police stations, fire stations and other amenities run on a non-profit basis ;
- (g) demolition of obstructive or dilapidated buildings or portions of buildings ;
- (h) any other matter for which, in the opinion of the Competent Authority, it is expedient to make provision for preventing the area from being or becoming a source of danger to safety or health or a nuisance.

¹ These words were substituted for the words " purpose of the last preceding section " by Mah. 20 of 1976 s. 4.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक १८]

मंगळवार, जून १९, २०१२/ज्येष्ठ २९, शके १९३४

[पृष्ठे ६, किंमत : रुपये १८.००

असाधारण क्रमांक ३०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 2011 (Mah. Act No. XI of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XI OF 2012.

(First published, after having received the assent of the President, in the "Maharashtra Government Gazette", on the 19th June 2012).

An Act further to amend the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

WHEREAS it is expedient further to amend the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Slum Areas Short title. (Improvement, Clearance and Redevelopment) (Amendment) Act, 2011.

(१)

Amendment
of section 2
of Mah.
XXVIII of
1971.

2. In section 2 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (hereinafter referred to as "the principal Act"),—

Mah.
XXVIII
of
1971.

(1) after clause (a), the following clause shall be inserted, namely :—

"(a-a) "Appellate Authority" means the Appellate Authority appointed by the State Government under section 35 ;";

(2) after clause (c), the following clauses shall be inserted, namely :—

"(c-a) "Developer" means a Developer registered under section 3B ;

"(c-b) "eligible slum dweller" means a slum dweller who fulfills such criteria of eligibility as may be prescribed, from time to time, and is declared so eligible by the Competent Authority ;

"(c-c) "Grievance Redressal Committee" means the Grievance Redressal Committee constituted under section 35 ;";

(3) after clause (h-d), the following clause shall be inserted, namely :—

"(h-e) "Slum Rehabilitation Work" means the work relating to demolition of any structure or any part thereof in slum area or Slum Rehabilitation Area, and construction of a new building thereon ;".

Amendment
of section
3B of Mah.
XXVIII of
1971.

3. In section 3B of the principal Act, after sub-section (4), the following sub-section shall be added, namely :—

"(5) For the purposes of this Chapter, the State Government may register any person or an association of persons, or a partnership firm registered under the Partnership Act, 1932 or a company registered under the Companies Act, 1956, as a Developer in the prescribed manner."

IX of
1932.
1 of
1956.

Amendment
of section
3C of Mah.
XXVIII of
1971.

4. In section 3C of the principal Act, after sub-section (2), the following sub-section shall be added, namely :—

"(3) On the completion of the Slum Rehabilitation Scheme, the Slum Rehabilitation Area shall cease to be such area."

Amendment
of section
3D of Mah.
XXVIII of
1971.

5. In section 3D of the principal Act, in clause (e),—

(1) sub-clause (i-a) shall be deleted ;

(2) sub-clause (iii) shall be deleted ;

(3) in sub-clause (vii), for paragraph (A), the following shall be substituted, namely :—

"(A) after the words "in respect of any matter which" the words "the Slum Rehabilitation Authority," shall be inserted ;".

Amendment
of section
3E of Mah.
XXVIII of
1971.

6. The existing section 3E of the principal Act shall be renumbered as sub-section (1) thereof ; and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :—

"(2) If the tenement is transferred by the allottee in contravention of the provisions of sub-section (1), the Competent Authority shall, by order, direct the eviction of the person in possession of such

tenement in such manner and within such time as may be specified in the order, and for the purpose of eviction, the Competent Authority may use or cause to be used such force as may be necessary :

Provided that, before issuing any order under this sub-section, the Competent Authority shall give a reasonable opportunity to such person to show cause why he should not be evicted therefrom.”

7. In section 4 of the principal Act, to sub-section (1), the following *Explanation* shall be added, namely :—

Amendment
of section 4
of Mah.
XXVIII of
1971.

“*Explanation.*—For the purposes of clause (b), the expression “buildings” shall not include,—

(a) cessed buildings in the island City of Mumbai as defined in clause (7) of section 2 of the Maharashtra Housing and Area Development Act, 1976, or old buildings belonging to the Corporation ;

(b) buildings constructed with permission of the relevant authority at any point of time ;

(c) any building in an area taken up under the Urban Renewal Scheme.”

Mah.
XXVIII
of
1977.

8. In section 14 of the principal Act,—

Amendment
of section
14 of Mah.
XXVIII of
1971.

(a) in sub-section (1), for the words “to execute any work of improvement in relation to any slum area or any building in such area or to redevelop any clearance area, it is necessary that any land” the words “to execute any work of improvement or to redevelop any slum area or any structure in such area, it is necessary that such area, or any land” shall be substituted ;

(b) in the proviso, for the word “Collector”, wherever it occurs, the words “Competent Authority” shall be substituted.

9. After section 15 of the principal Act, the following section shall be inserted, namely :—

Insertion of
section 15A
in Mah.
XXVIII of
1971.

“15A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, on completion of rehabilitation component of the Slum Rehabilitation Scheme implemented on the plot of land belonging to the State Government, the Municipal Corporation, the Municipal Council or the Maharashtra Housing and Area Development Authority, as the case may be, duly sanctioned by the Slum Rehabilitation Authority, the Chief Executive Officer of the Slum Rehabilitation Authority, after consultation with the land owning Authority, shall declare, within thirty days from the completion of the rehabilitation component of the Scheme, by a notification in the *Official Gazette*, that such land shall vest in the Slum Rehabilitation Authority :

Vesting of
land under
Slum
Rehabili-
tation
Scheme.

Provided that, the provisions of this section shall apply to the Slum Rehabilitation Scheme situated within the jurisdiction of the Brihan Mumbai only if, the Slum Rehabilitation Authority has obtained no objection as envisaged under regulation 33(10) and clause 2.8 of the Appendix IV appended to the Development Control Regulations for Brihan Mumbai, 1991.

(2) The State Government, the Municipal Corporation, the Municipal Council or the Maharashtra Housing and Area Development Authority, as the case may be, shall, in respect of the Slum Rehabilitation Scheme under sub-section (1), be entitled to receive from the Slum Rehabilitation Authority a compensation as determined under section 17.

(3) The Slum Rehabilitation Authority shall recover the amount of compensation paid by it under sub-section (2), from the Developer of the Slum Rehabilitation Area or from the person in whose favour it executes the lease of such land.

(4) The Slum Rehabilitation Authority, subject to such terms and conditions as it may consider expedient for securing the purposes of this Act, shall lease that part of the land on which rehabilitation component of the Slum Rehabilitation Scheme has been constructed, to the Co-operative Society of the slum dwellers on thirty years' lease at such annual lease rent as may be prescribed from time to time, and such lease shall be renewable for a further period of thirty years on the same terms and conditions.

(5) The Slum Rehabilitation Authority, subject to such terms and conditions as it may consider expedient for securing the purposes of this Act, shall lease that part of land on which free sale component of the Slum Rehabilitation Scheme shall be constructed, or is being constructed, to the Developer of such Scheme or to the Organisation or Association or Company or Co-operative Society formed by the purchasers of such free sale area on thirty years' lease at such annual lease rent as may be prescribed from time to time, and such lease shall be renewable for a further period of thirty years on the same terms and conditions."

Insertion of section 33A in Mah. XXVIII of 1971.

Procedure for allotment of tenements to slum dwellers not willing to join the Scheme or Project.

10. After section 33 of the principal Act, the following section shall be inserted, namely :—

" 33A. In respect of the slum dwellers, who are in possession or occupation of the building or structure which is part of the Slum Rehabilitation Scheme or Slum Redevelopment Project and who are held eligible for permanent alternate accommodation by the Competent Authority and who do not join such Scheme or Project willingly, the Competent Authority shall,—

(a) ensure that provision for permanent alternate accommodation for all such slum dwellers is made in the buildings to be constructed for rehabilitation component of the Scheme or Project ;

(b) communicate in writing to such slum dwellers that tenement would be given to them by way of allotment by drawing lots on the same basis as communicated by the Developer to those who have joined the Scheme or Project ;

(c) communicate to such slum dwellers that the transit tenement of 120 square feet would be allotted to them on the amount of rent fixed by the Slum Rehabilitation Authority ;

(d) cause the Chief Executive Officer, or any officer designated by him, to direct the eviction of such slum dwellers from the structure under their occupation and effect demolition of such structure or any part thereof in such manner and within such time as may be specified in the order, and for the purpose of such eviction, may use or cause to be used such force as may be necessary ;

(e) communicate in writing to such slum dwellers against whom action under clause (d) is proposed that, after such action they shall not be eligible for transit tenement or for the reconstructed tenement by lots, but, shall be entitled only to what is available after others have chosen their tenements in the Scheme or Project ;

(f) communicate in writing to such slum dwellers that, if they do not join till the building permission to the first building of the Scheme or Project is given, they shall lose the right to any built-up tenement, and their tenements shall be taken over by the Slum Rehabilitation Authority, and used for the purpose of accommodating other slum dwellers who cannot be accommodated in-situ, and they shall be entitled to only pitch of about 3 mtrs. x 3.5 mtrs. elsewhere, if and when available, and construction therein shall have to be done by such slum dwellers on their own."

11. In section 35 of the principal Act,—

Amendment
of section
35 of Mah.
XXVIII of
1971.

(a) in sub-section (1), for the word "Administrator" the words "Appellate Authority who shall be a person holding a post not below the rank of Additional Collector, to be notified by the State Government," shall be substituted ;

(b) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) Any person,—

(a) aggrieved by any notice, order or directions issued or given by the Appellate Authority under sub-section (1), within a period of thirty days from the date of issue of such notice, order or direction ;

(b) for the purpose of resolving dispute in relation to matters about eligibility of slum dweller, eligible slum dweller being

denied tenement, developer not undertaking and completing the project as per the permission and approval so also within the stipulated time frame, transit accommodation being unavailable or not provided and likewise,

may file an appeal before the Grievance Redressal Committee constituted by the State Government, by notification in the *Official Gazette*, for such area and consisting of the Chairperson and such number of members as the Government may deem fit. The qualifications of the Chairperson and the members of the Committee and the procedure to be followed for transacting its business shall be such as may be prescribed.”;

(c) in sub-section (5), for the word “ Administrator ” the words “ the Grievance Redressal Committee ” shall be substituted.

Amendment
of section
42 of Mah.
XXVIII of
1971.

12. In section 42 of the principal Act, for the words “ Administrator, Competent Authority ” the words “ Appellate Authority, Competent Authority, Grievance Redressal Committee ” shall be substituted.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ७]

शुक्रवार, मे २, २०१४/वैशाख १२, शके १९३६

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ३८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 2014 (Mah. Act No. IX of 2014), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. IX OF 2014.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 2nd May 2014).

An Act further to amend the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

Mah. XXVIII of 1971. WHEREAS it is expedient further to amend the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 2014. Short title.

Mah. XXVIII of 1971. 2. In section 3Y of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (hereinafter referred to as "the principal Act"), in sub-section (1), for the figures, letters and word "1st January 1995" the figures, letters and word "1st January 2000" shall be substituted. Amendment of section 3Y of Mah. XXVIII of 1971.

Amendment
of section 3Z
of Mah.
XXVIII of
1971.

3. In section 3Z of the principal Act, in sub-section (1), for the words, brackets and figures "the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Second Amendment) Act, 2001" the words, brackets and figures "the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 2014" shall be substituted.

Mah. X
of
2002.
Mah.
IX of
2014.

Amendment
of section
3Z-1 of Mah.
XXVIII of
1971.

4. In section 3Z-1 of the principal Act, in sub-section (1), for the figures, letters and word "1st January 1995" the figures, letters and word "1st January 2000" shall be substituted.

Amendment
of section
3Z-2 of Mah.
XXVIII of
1971.

5. In section 3Z-2 of the principal Act, in sub-section (1), for the words, brackets and figures "the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Second Amendment) Act, 2001" the words, brackets and figures "the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 2014" shall be substituted.

Mah. X
of
2002.
Mah.
IX of
2014.