1971 : Mah. XXVIII] 1

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

[*Text as on 6th February 2026*]

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1. Amended by Mah. 23 of 1973 (26-04-1973)
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3. Amended by Mah. 46 of 1975 (18-09-1975)
4. Amended by Mah. 20 of 1976 (04-05-1976)
5. Amended by Mah. 13 of 1978[1,2]
6. Amended by Mah. 23 of 1981 (18-08-1981)
7. Amended by Mah. 28 of 1984 (29-09-1984)
8. Amended by Mah. 30 of 1986 (23-07-1986)
9. Amended by Mah. 2 of 1987 (05-02-1987)
10. Amended by Mah. 29 of 1987 (07-08-1987)
11. Amended by Mah. 4 of 1996 (24-10-1995)[3]
12. Amended by Mah. 6 of 1997 (24-10-1995)[4]
13. Amended by Mah. 10 of 2002 (18-05-2001)[5]
14. Amended by Mah. 1 of 2004 (23-10-2003)[6]
15. Amended by Mah. 24 of 2005 (19-05-2005)
16. Amended by Mah. 11 of 2012 (19-06-2012)
17. Amended by Mah. 9 of 2014 (02-05-2014)
18. Amended by Mah. 38 of 2018 (26-04-2018)

1 Maharashtra Ordinances No. IV and V of 1978 were repealed by Mah. 13 of 1978, s. 7 and 8, respectively.

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

3 Maharashtra Ordinance No. XIV of 1995 was repealed by Mah. 4 of 1996, s. 4.

4 Section 7 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, 1995 (Mah. IV of 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".

5 Maharashtra Ordinance No. XXVII of 2002 was repealed by Mah. 10 of 2002, s. 5.

6 Maharashtra Ordinance No. X of 2003 was repealed by Mah. 1 of 2004, s. 4.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

19. Amended by Mah. 33 of 2023[1]
20. Amended by Mah. 15 of 2024

1 Sections 8, 9, 10, 11 and 12 reads as under :—

"8. Re-enactment of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Grievance Redressal Committee) Rules, 2014 with retrospective effect.— Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971) or any judgement, decree or order of any court, tribunal or authority, the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Grievance Redressal Committee) Rules, 2014 (hereinafter referred to as "the Rules"), relating to the Apex Grievance Redressal Committee and Grievance Redressal Committees, shall be deemed to have been duly and validity re-enacted by the State Government with retrospective effect, from the 23rd February 2017 and shall be deemed to be operative at all material times, as if they have been made in accordance with law by the State Government under the relevant provisions of the said Act, as amended by this Act.

9. Re-enactment of Government Notification, dated 8th March 2017 relating to constitution of Apex and other Grievance Redressal Committees with retrospective effect.— Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971) or any judgement, decree or

order of any court, tribunal or authority, the Government Notification, Housing Department, No. Zopasu.1008/C.R. 143(*1*)/Slum-1, dated the 8th March 2017 (hereinafter referred to as "the Notification"), relating to constitution of the Apex Grievance Redressal Committee and Grievance Redressal Committees, shall be deemed to have been duly and validly re-enacted by the State Government with retrospective effect, from the 8th March 2017 and shall be deemed to be operative at all material times, as if it has been issued in accordance with law by the State Government under the relevant provisions of the said Act, as amended by this Act.

10. Abatement of legal proceedings.— No orders, decisions, notices, circulars, resolutions, directions made or issued by the Apex Grievance Redressal Committee and Grievance Redressal Committees or any proceedings thereof, in pursuance of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971) or the Rules or the Notification issued thereunder relating to Apex Grievance Redressal Committee and Grievance Redressal Committees shall be called in question or challenged before any court, tribunal or authority on the ground that the constitution of the Apex Grievance Redressal Committee or Grievance Redressal Committees and powers and functions thereof were not provided in the said Act and the said Committees were not having jurisdiction or were not legally competent to do so under the said Act, and all pending proceedings raising such contentions shall abate to that extent.

11. Validation and savings.— Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971) or any judgement, decree or order of any court, tribunal or authority to the contrary, all acts, proceedings or things done or taken, including the orders passed by the Apex Grievance Redressal Committee and Grievance Redressal Committees, during the period commencing from 8th March 2017 and ending on the date of commencement of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment, Re-enactment of Rules and Notification of Apex and other Grievance Redressal Committees and Validation) Act, 2023 (Mah. XXXIII of 2023) (hereinafter, in this section, referred to as "the Amendment Act"), under the said Act, the Rules and the Notification, shall be deemed to be and shall be deemed always to have been, duly and validly taken or done in accordance with the law as if the provisions of the said Act, as amended by the Amendment Act, had been continuously in force at all material times and accordingly, all actions taken or proceedings or things done by any officer or authority in connection with any Slum Rehabilitation Scheme, in pursuance of the orders passed by the said Committees, shall for all the purposes, be deemed to be and shall be deemed always to have been done or taken in accordance with the provisions of the said Act, as amended by the Amendment Act

12. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the Official Gazette, do anything, not inconsistent with the provisions of the principal Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty: Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.".

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

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21. Amended by Mah. 42 of 2025 (29-08-2025)[1]

22. Amended by Mah. 66 of 2025 (31-12-2025)

[1] **7. Validation and savings.—** Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971) or any judgment, decree or order of any court, tribunal or authority to the contrary, all acts, proceedings or things done or taken, including the orders passed by the Apex Grievance Redressal Committee and Grievance Redressal Committees, during the period commencing from the 8th March 2017 and ending on the date of commencement of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment, Re-enactment of Rules and Notification of Apex and other Grievance Redressal Committees and Validation) Act, 2023 (Mah. XXXIII of 2023) (hereinafter, in this section, referred to as "the Amendment Act"), under the said Act, the Rules and the Notification, shall be deemed to be and shall be deemed always to have been, duly and validly taken or done in accordance with the law as if the provisions of the said Act, as amended by the Amendment Act, had been continuously in force at all material times and accordingly, all actions taken or proceedings or things done by any officer or authority in connection with any Slum Rehabilitation Scheme, in pursuance of the orders passed by the said Committees, shall for all the purposes, be deemed to be and shall be deemed always to have been done or taken in accordance with the provisions of the said Act, as amended by the Amendment Act.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

MAHARASHTRA ACT No. XXVIII OF 1971[1]

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

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

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. Short title, extent and commencement.— (*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 [4]areas and on such [5]date as the State Government may by notification in the *Official Gazette* appoint; and different dates may be appointed for different areas.

1 For Statement of Objects and Reasons of the L. A. Bill No. XXV of 1970, *seeMaharashtra Government Gazette* 1970, Part V, Extra., pp. 252-253; for Report of the Joint Committee, *seeMaharashtra 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" by Mah. 13 of 1978, s. 3.

4 (*1*) 3rd day of September 1971 in the areas within the limits of the Municipal Corporation 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. I., U. D., P. H., & H. D., No. SCA, 1571/35325F-III, dated 3rd September 1971).
(*2*) 5th January 1984, in Jalna, Latur, Miraj, Bhusaval, Nandurbar, Gondia, Barshi, Khamgaon and Bhivandi Cities and in the areas of the Municipal Corporation, Kalyan (*vide* G. N., H. & S.A.D., No. SCS. 1076/4528/ C. R.-355-AD. VII, dated the 30th November 1983 published in *M.G.G.*, Part IV-B, 5th January 1984, P. 5).
(*3*) 5th January 1984, in Amalner, Chandrapur, Wardha, Kamtee, Satara and Pandharpur Cities (*vide* G. N., H. & S.A.D., No. SCS. 1076/4528/ C. R.-355-AD. VII, dated the 30th November 1983 published in *M.G.G.*, Part IV-B, 5th January 1984, P. 5).
(*4*) 28th September 1983, in Achalpur Municipal Council areas (*vide* G. N., H & S.A.D. No. SCS. 1076/4528/ C. R.-355-AD. VII, dated the 28th September 1983 published in *M.G.G.*, Part I-A, A-M.D.S., p. 433).
(*5*) 4th March 1996, in Navi Mumbai Corporation Areas and Mirabhayandar, Virar, Nala-Sopara, Parli Vaijnath, Ratnagari, Pusad, Hingoli, Buldhana, Malkapur, Osmanabad, Panvel, Ambejogai Municipal Council area (*vide* G. N., H. & S.A.D., No. SCS. 1093/3209/ SLUM.-1, dated the 4th March 1996 published in *M.G.G.*, Part IV-B, 4th March 1996, P. 504).
(*6*) 18th September 1997, in Kulgaon-Badlapur Municipal Council area (*vide* G. N., H. & S.A.D., No. GAVASU. 1095/3872/SLUM.-1, dated the 30th August 1997 published in *M.G.G.*, Part IV-B, 18th September 1997, P. 1035).
(*7*) 21st October 2004, in Khopoli, Palghar, Navghar-Manikpur, Lonawala, Baramati, Islampur, Phaltan, Kopargaon, Sangamner, Shirpur-Warwade, Chopada, Basmat, Anjangaon-Surji, Shegaon, Karanja, Vani, Bhadravati, Washim and Ambernath cities (*vide* G. N., H. D., No. Gavasu, 2004/C.R. 66/Zopasu-1A, dated the 21st October 2004, published in *M.G.G.*, Part-IV-B, dated 4th November 2004, P. 351).
(*8*) 1st June 2006, in Ichalkaranji Municipal Council area (*vide* G. N., H. & S.A.D., No. ZOPUYO-2006/C. R.-90/Zopasu-1, dated the 18th May 2006 published in *M.G.G.*, Part IV-B, 1st June 2006, P. 246).

5 (*1*) 3rd day of September 1971 in the areas within the limits of the Municipal Corporation 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. I., U. D., P. H., & H. D., No. SCA, 1571/35325F-III, dated 3rd September 1971).
(*2*) 5th January 1984, in Jalna, Latur, Miraj, Bhusaval, Nandurbar, Gondia, Barshi, Khamgaon and Bhivandi Cities and in the areas of the Municipal Corporation, Kalyan (*vide* G. N., H. & S.A.D., No. SCS. 1076/4528/ C. R.-355-AD. VII, dated the 30th November 1983 published in *M.G.G.*, Part IV-B, 5th January 1984, P. 5).
(*3*) 5th January 1984, in Amalner, Chandrapur, Wardha, Kamtee, Satara and Pandharpur Cities (*vide* G. N., H. & S.A.D., No. SCS. 1076/4528/ C. R.-355-AD. VII, dated the 30th November 1983 published in *M.G.G.*, Part IV-B, 5th January 1984, P. 5).

(*4*) 28th September 1983, in Achalpur Municipal Council areas (*vide* G. N., H. & S.A.D., No. SCS. 1076/4528/ C. R.-355-AD. VII, dated the 28th September 1983 published in *M.G.G.*, Part I-A, A-M.D.S., P. 433).
(*5*) 4th March 1996, in Navi Mumbai Corporation Areas and Mirabhayandar, Virar, Nala-Sopara, Parli Vaijnath, Ratnagari, Pusad, Hingoli, Buldhana, Malkapur, Osmanabad, Panvel, Ambejogai Municipal Council area (*vide* G. N., H.

2. Definitions.— 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;

1[(*a-1*) "Apex Grievance Redressal Committee" means the Apex Grievance Redressal Committee constituted under sub-section (*1*) of section 34A;]

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

3[(*a-b*) "Approved valuer" means any agency entrusted with the work of valuation of land and buildings constructed or under construction on it, having valid registration and empanelment with any public authority or agency, either of the Central Government or of the State Government;]

4[(*b*) "building" means includes a house, dwelling structure, out-house, stable, shed, hut and other enclosure or structure, attached to the earth, whether made of masonry, bricks, wood, mud, metal or any other material whatsoever, whether used as human dwelling or otherwise; and includes *verandahs*, fixed platforms, plinths, door-steps, electric meters, walls including compound walls and fencing and the like and also includes structures within community economic activity area adjoining to the building but does not includes plant and machinery, temporary partitions or any other moveable fixtures in a building;]

5[(*1b*) "Censused Slum" means any cluster of dwelling structures which has been censused, surveyed and enumerated and incorporated in the records of land owning authority as having been censused by the Collector or Competent Authority or any other person of a Planning Authority or Special Planning Authority by order of the State Government or any authority empowered by order of the State Government;]

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

7[(*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;]

8[(*b-2*) "community economic activity area" shall means the land within or adjoining to any slum area or any Slum Rehabilitation Area used by the occupant of slum dwellers for traditional occupation (which may include wooden boxes, stalls, washing stones, temporary platform, poles, *rassis* (ropes), nets, drying area) using traditional community skills for livelihood occupation

& S.A.D., No. SCS. 1093/3209/ SLUM.-1, dated the 4th March 1996 published in *M.G.G.*, Part IV-B, 4th March 1996, P. 504).

(*6*) 18th September 1997, in Kulgaon-Badlapur Municipal Council area (*vide* G. N., H. & S.A.D., No. GAVASU. 1095/3872/SLUM.-1, dated the 30th August 1997 published in *M.G.G.*, Part IV-B, 18th September 1997, P. 1035).
(*7*) 21st October 2004, in Khopoli, Palghar, Navghar-Manikpur, Lonawala, Baramati, Islampur, Phaltan, Kopargaon, Sangamner, Shirpur-Warwade, Chopada, Basmat, Anjangaon-Surji, Shegaon, Karanja, Vani, Bhadravati, Washim and Ambernath cities (*vide* G. N., H. D., No. Gavasu, 2004/C.R. 66/Zopasu-1A, dated the 21st October 2004, published in *M.G.G.*, Part-IV-B, dated 4th November 2004, p. 351).
(*8*) 1st June 2006, in Ichalkaranji Municipal Council area (*vide* G. N., H. & S.A.D., No. ZOPUYO-2006/C. R.-90/Zopasu-1, dated the 18th May 2006 published in *M.G.G.*, Part IV-B, 1st June 2006, P. 246).

1 Clause (*a-1*) was inserted by Mah. 33 of 2023, s. 2(*i*) and shall be deemed to have been inserted with effect from the 8th March 2017.
2 Clause (*a-a*) was inserted by Mah. 11 of 2012, s. 2(*1*).
3 Clause (*a-b*) was inserted by Mah. 38 of 2018, s. 2(*1*).
4 Clause (*b*) was substituted for the original by Mah. 38 of 2018, s. 2(*2*).
5 Clause (*1b*) was inserted by Mah. 38 of 2018, s. 2(*3*).
6 Clause (*ba*) was inserted by Mah. 6 of 1997, s. 2.
7 Clause (*b-1*) was inserted by Mah. 28 of 1984, s. 2.
8 Clause (*b-2*) was inserted by Mah. 38 of 2018, s. 2(*4*).

which shall be recognised through license, permits or sanad, *etc*., issued by the State Government or any of its public authority or agency;]

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

1[(*c-a*) "developer" means such agency as may be appointed or registered under section 3B by the Chief Executive Officer of the Slum Rehabilitation Authority to implement the Slum Rehabilitation Scheme;

(*c-b*) "eligible slum dwellers" means the protected occupiers who fulfils such criteria as may be prescribed, by the State Government to be entitled for rehabilitation or relocation;]

2[(*c-c*) "Grievance Redressal Committee" means the Grievance Redressal Committee constituted under sub-section (*2*) of section 34B;]

(*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 mortgagee-in-possession;

3[but does not include, a slumlord;]

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

4[(*ga*) "slum area" means any area declared as such by the Competent Authority under sub-section (*1*) of section 4 5[and includes any area deemed to be a slum area under section 4A];

[6][(*h*) "slum clearance" means the clearance of any slum area or Slum Rehabilitation Area by demolition and removal of existing buildings or dwelling structures and eviction of its occupiers therefrom by order of the Competent Authority or Chief Executive Officer, as the case may be;

(*h-a*) "slumlord" means any person, group of persons, associates or agency or *imlamalik* by whatever name known and notwithstanding any rights claimed by entries in land records, who illegally remains in possession of any land, whether belonging to the State Government, local

1 Clauses (*c-a*) and (*c-b*) were substituted by Mah. 38 of 2018, s. 2(*5*). 2 Clause (*c-c*) was substituted by Mah. 33 of 2023, s. 2(*ii*).

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

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

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

6 Clauses (*h*), (*h-a*) and (*h-b*) were substituted by Mah. 38 of 2018, s. 2(*6*).

authority or public 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 land or, who constructs unauthorised structures thereon for sale or hire or, gives such land to any persons on rental or leave and licence basis for construction, use or occupation of unauthorised structures, or who knowingly gives financial aid to any persons for taking illegal possession of such land, 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;

(*h-b*) "Slum Rehabilitation Area" means a Slum Rehabilitation Area, including community economic activity area, declared as such under sub-section (*1*) of section 3C by the Competent Authority or the Chief Executive Officer, as the case may be, 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;]

[1][(*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;]

[2][(*i*) [3]["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 [4][eight years] or

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

(*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 alterations;

(*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 laterines;

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

(*vii*) opening up or paying of courtyards;

1 Clause (*h-e*) was inserted by Mah. 11 of 2012, s. 2(*3*).

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

3 These words were substituted for the words "Tribunal" means a "Tribunal" by Mah. 4 of 1996, s. 2(*b*). 4 These words were substituted for the words "ten years" by Mah. 24 of 2005, s. 2.

(*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.

3. Appointment of Competent Authorities.— (*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 anybody 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 [1][by such officer of the concerned Competent Authority, as such Authority, by general or special order issued in this behalf appoints.]

[2][* * * * *]

[3][CHAPTER I-A

SLUM REHABILITATION SCHEME

3A. Slum Rehabilitation Authority for implementing Slum Rehabilitation Scheme.— (*1*) Notwithstanding anything contained in the foregoing provision, 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.

[4][(*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 immoveable, and to do all things necessary for the purposes of this Act, and may sue and be sued by its corporate name.]

[5][(*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.

[6][3B. **Slum Rehabilitation Schemes.—** (*1*) The Slum Rehabilitation Authority concerned, with the previous sanction of the State Government, shall prepare or amend the general Slum Rehabilitation Scheme for the areas specified under sub-section (*1*) of section 3A, for rehabilitation or relocation of protected occupiers and other occupiers of the building in such areas.

1 This portion was added by Mah. 10 of 2002, s. 2(*a*).

2 Clauses (*a*), (*b*), (*c*) and (*d*) were deleted by Mah. 10 of 2002, s. 2(*b*). 3 Chapter 1-A was inserted by Mah. 4 of 1996, s. 3.

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

5 Sub-section (*3*) was substituted by Mah. 6 of 1997, s. 3(*b*).

6 Section 3B was substituted for the original by Mah. 38 of 2018, s. 3.

(*2*) The general Slum Rehabilitation Scheme prepared or any amendment to it under sub-section (*1*), shall be published in the *Official Gazette*, by the concerned Slum Rehabilitation Authority, as draft general Slum Rehabilitation Scheme or draft amendment to general Slum Rehabilitation Scheme, for the area specified under sub-section (*1*) of section 3A, for the information of general public, inviting objections and suggestions, giving reasonable period of not less than thirty-days but not more than forth-five days, for submission of objections and suggestions, if any, in respect of the Scheme.

(*3*) The Chief Executive Officer of the concerned Slum Rehabilitation Authority shall, within sixty days consider the objections and suggestions, if any, received within the specified period in respect of the said draft general Slum Rehabilitation Scheme or any draft amendment to the general Slum Rehabilitation Scheme and after considering the same and after carrying out such modification as deemed fit or necessary, finally publish said general Slum Rehabilitation Scheme or such amendment to it, with the approval of the State Government, in the *Official Gazette*.

(*4*) The general Slum Rehabilitation Scheme published under sub-section (*3*) shall be deemed Development Control Regulations under the provisions of Chapter III of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), for the said area and the provisions of the general Slum Rehabilitation Scheme shall prevail over the Development Control Regulations, published under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966).

(*5*) The Slum Rehabilitation Scheme so notified under sub-section (*3*) shall, generally lay down the parameters for declaration of any land as the Slum Rehabilitation Area and indicate the manner in which rehabilitation of the occupants of the area declared as 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 land 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 owners, landholders and occupants of the land declared as the Slum Rehabilitation Area under the approved Slum Rehabilitation Scheme in the implementation of such Scheme;

(*d*) provision relating to transit accommodation or entitlement of compensation in lieu of transit accommodation to the slum dwellers pending development of the Slum Rehabilitation Area;

(*e*) provision relating to allotment of tenements either *in-situ* or otherwise, on development free of cost to the protected occupiers of the building in such Slum Rehabilitation Area;

(*f*) provision relating to allotment of tenements either *in-situ* or otherwise, on ownership or on rent, to the other non-protected occupiers up to the 1st January 2011, subject to the availability of tenements as per the terms and conditions and guidelines so notified in the *Official Gazette*, by the Chief Executive Officer with the prior approval of the State Government;

(*g*) scheme for development of the Slum Rehabilitation Areas under the Slum Rehabilitation Scheme by the landholders 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;

(*h*) 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;

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

(*6*) The Chief Executive Officer of the Slum Rehabilitation Authority, with prior approval of the State Government shall, regulate procedure for appointment and registration of developers for implementation of the Slum Rehabilitation Scheme as per the rules prescribed by the State Government, from time to time. The Chief Executive Officer or the Slum Rehabilitation Authority, as the case may be, may register any person or an association of persons registered under the Partnership

Act, 1932 (9 of 1932) or a company registered under the Companies Act, 2013 (18 of 2013), as a developer in the prescribed manner for the implementation of Slum Rehabilitation Scheme.]

3C. Declaration of a slum rehabilitation area.—[1][(*1*) As soon as may be, after the publication of any Slum Rehabilitation Scheme, the Chief Executive Officer on being satisfied about the circumstances in respect of any land, whether or not previously declared as slum area, justifying its declaration as the Slum Rehabilitation Area which may include community economic activity area, for implementing the Slum Rehabilitation Scheme, shall after giving the land owners, including any public authorities or local bodies under the State Government constituted under any law enacted by the State Legislature, thirty days notice and after giving a reasonable opportunity of being heard, by an order published in the *Official Gazette*, and thereafter within forty-five days, declare such land to be a "Slum Rehabilitation Area". The order declaring the 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 the Chief Executive Officer of the Slum Rehabilitation Authority. Thereafter, notwithstanding anything contained in any law for the time being in force, in such Slum Rehabilitation Area, the permission or the No Objection Certificate of the land owning authority or agency shall not be required:

Provided that, only in respect of any land which is required for Vital Public Project purpose, as per orders of the State Government and where the State Government either directly or through any public authority has undertaken the responsibility of relocation and rehabilitation of the protected and other occupiers of the building, then the Chief Executive Officer shall, exclude the land required for Vital Public Project from the Slum Rehabilitation Area and issue an order to omit such land from the Slum Rehabilitation Area. Where the State Government either directly or through any public authority has undertaken the responsibility of relocation and rehabilitation of the protected and other occupiers of the building, such public authority shall prepare the Scheme of such rehabilitation or relocation and get it approved by the Chief Executive Officer within the period specified in the Scheme which shall not be more than ninety days.

(*2*) Any person aggrieved by the order of the Chief Executive Officer may, within thirty days of the publication of such slum rehabilitation order, prefer an appeal to the [2][Apex Grievance Redressal Committee.] The decision of the [3][Apex Grievance Redressal Committee] in such appeal shall be final.]

[4][(*3*) On the completion of the Slum Rehabilitation Scheme, the Slum Rehabilitation Area shall cease to be such area.]

3D. Application of other Chapters of this Act to Slum Rehabilitation Area with modification.— 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;

(*ii*) in section 12,—

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

"(*1*) As soon as may be, after the Chief Executive Officer has declared any land to be a Slum Rehabilitation Area, and upon approval of the Slum Rehabilitation Scheme, he shall as early as possible proceed to make a clearance order in relation to that land within fifty days, order for the demolition of each

1 Sub-section (*1*) and (*2*) were substituted by Mah. 38 of 2018, s. 4.

2 These words were substituted for the words "Grievance Redressal Committee" and shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 3.

3 These words were substituted for the words "Grievance Redressal Committee" and shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 3.

4 Sub-section (*3*) was added by Mah. 11 of 2012, s. 4.

5 Paragraph (*A*) was substituted by Mah. 38 of 2018, s. 5(*1*)(*a*)(*i*).

buildings specified therein, and require each such building to be vacated by its occupier within such time which shall not be less than thirty days, but in any case not more than sixty days, as may be specified in such clearance order.";]

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

[1][(*C*) for sub-section (*4*), the following sub-section shall be substituted, namely :—

"(*4*) Any person aggrieved by the clearance order may, within thirty days of the publication of the notice of the confirmation of the clearance order prefer an appeal to the [2][Apex Grievance Redressal Committee]. The decision of the [3][Apex Grievance Redressal Committee] in such appeal shall be final.";]

[4][(*D*) for sub-section (*5*), the following sub-section shall be substituted, namely :—

"(*5*) Where any such appeal is duly made,—

(*a*) the [5][Apex Grievance Redressal Committee] may, by interim order, suspend the operation of the clearance order either generally, or in so far as it affects any property, until the final determination of the appeal;

(*b*) the [6][Apex Grievance Redressal Committee] if satisfied upon hearing of the appeal that the clearance order is not within the powers of this Act, or that the interest of the appellant have been substantially prejudiced, by any requirement of this Act not having been compiled with, may quash the clearance order either generally, or in so far as it affects any property of the appellant;

(*c*) the decision of the [7][Apex Grievance Redressal Committee] in such appeal regarding such declaration and execution of clearance order shall be final.";]

[8][(*E*) for sub-section (*6*) and (*7*), the following sub-sections shall be substituted, namely :—

"(*6*) Subject to the provisions of the last preceding sub-section, the clearance order shall become operative at the expiration of time limit specified by the Chief

Executive Officer in the clearance order issued under sub-section (*1*) from the date on which the notice of confirmation of the clearance order is published in accordance with the provisions of this Act.

(*7*) When the clearance order becomes operative, the owners of building to which the clearance order applies shall, demolish the building before the expiration of time limit specified by the Chief Executive Officer in the clearance order, issued under sub-section (*1*) from the date on which the building is required by the clearance order to be vacated, or before the expiration of such longer period as in the circumstances of the case, the Chief Executive Officer may deem reasonable.";]

[1][(*F*) for sub-section (*8*), the following sub-section shall be substituted, namely :—

1 Paragraph (*C*) was substituted by Mah. 38 of 2018, s. 5(*1*)(*a*)(*ii*).

2 These words were substituted for the words "Grievance Redressal Committee" and shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 4(*i*).

3 These words were substituted for the words "Grievance Redressal Committee" and shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 4(*i*).

4 Paragraph (*D*) was substituted by Mah. 38 of 2018, s. 5(*1*)(*a*)(*iii*).

5 These words were substituted for the words "Grievance Redressal Committee" and shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 4(*ii*).

6 These words were substituted for the words "Grievance Redressal Committee" and shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 4(*ii*).

7 These words were substituted for the words "Grievance Redressal Committee" and shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 4(*ii*).

8 Paragraph (*E*) was substituted by Mah. 38 of 2018, s. 5(*1*)(*a*)(*iv*).

"(*8*) If the building is not demolished before the expiration of the period mentioned in sub-section (*7*), the Chief Executive Officer may enter and demolish the building and sell the material thereof.";]

(*G*) in sub-section (*9*), for the words "Competent Authority", wherever they occur, the words "Chief Executive Officer" shall be substituted.

[2][(*H*) in sub-section (*10*), the following sub-section shall be substituted, namely :—

"(*10*) Subject to the provisions of this Act and of any other law for the time being in force, in relation to the town planning and to the regulation of the erection of building, where a clearance order has become operative, the owner of the land to which the clearance order applies, may redevelop the land in accordance with the plans approved by the Slums Rehabilitation Authority and subject to such restrictions and conditions (including a condition with regard to the time specified in the general Slum Rehabilitation Scheme, within which the redevelopment shall be completed), if any, as that Authority may think fit to impose:

Provided that, the owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the Chief Executive officer to cancel or modify any such restriction or condition may, appeal to the [3][Apex Grievance Redressal Committee] and the decision of the [4][Apex Grievance Redressal Committee] regarding restriction and condition imposed shall be final.";]

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

"13. Power of Slum Rehabilitation Authority to develop Slum Rehabilitation Area.— (*1*) Notwithstanding anything contained in sub-section (*10*) of section 12, the Chief Executive Officer shall, after any land has been declared as the Slum Rehabilitation Area, including community economic activity area, if the owners, landholders or occupants of such land do not come forward within a reasonable time, which shall not be more than [6][sixty days], required for relocation and rehabilitation of protected and other occupiers justifying with the Slum Rehabilitation Scheme for redevelopment of such land,

by order, determine to redevelop such land by entrusting into any agency or other developer for the purpose.

(*2*) Where on declaration of any land as Slum Rehabilitation Area, the Chief Executive Officer is satisfied that, the land in the Slum Rehabilitation Area has been or is being developed by the owners, landholders or occupants or developers in contravention of the plans duly approved, or any restrictions or conditions imposed under sub-section (*10*) of section 12, or in contravention of any provision of any Slum Rehabilitation Scheme or any condition specified in the approval or has not been developed within the time, as specified under such conditions of approval, he may, by order, determine to develop the land declared as Slum Rehabilitation Area by entrusting it to any agency or the other developer recognized by him for the purpose.

(*3*) The agency or the other developer so appointed shall within a period of forty-five days of the order of the Chief Executive Officer, be required to deposit an amount of compensation payable to the outgoing landowners or occupants or developers, as the case may be, for expenditure incurred by them on payment made to any public authority, local bodies for receiving approvals for the Slum Rehabilitation

1 Paragraph (*F*) was substituted by Mah. 38 of 2018, s. 5(*1*)(*a*)(*v*).

2 Paragraph (*H*) was substituted by Mah. 38 of 2018, s. 5(*1*)(*a*)(*vi*).

3 These words were substituted for the words "Grievance Redressal Committee" as shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 4(*iii*).

4 These words were substituted for the words "Grievance Redressal Committee" as shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 4(*iii*).

5 Sub-clause (*iii*) was substituted by Mah. 38 of 2018, s. 5(*1*)(*b*).

6 These words were substituted for the words "one hundred and twenty days" by Mah. 42 of 2025, s. 2.

Scheme and construction of rehabilitation tenements as determined by the Chief Executive Officer:

Provided that, such compensation shall not be payable by the agency appointed by the Chief Executive Officer, for any expenditure incurred towards construction to meet conditional obligations made to any third party by the landowners or occupants or previous developers, as the case may be. The Chief Executive Officer before passing such order shall obtain report from approved valuer independently appointed on his behalf and by the concerned parties to the proceeding before the Chief Executive Officer:

Provided further that, before passing such order by the Chief Executive Officer, the concerned landowner or occupant or developer, as the case may be, shall be given a reasonable opportunity of being heard and time which shall not be more than thirty days of showing cause why the order should not be passed:

Provided also that, an appeal, if any, against the order of the Chief Executive Officer shall be filed before the [1][Apex Grievance Redressal Committee] and order of the [2][Apex Grievance Redressal Committee] shall be final and binding on all the parties.";]

(*c*) in Chapter V,—

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

[3][(*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.";

4[(*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

1 These words were substituted for the words "Grievance Redressal Committee" as shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 4(*iv*).

2 These words were substituted for the words "Grievance Redressal Committee" as shall be deemed to have been substituted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 4(*iv*).

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

4 Sub-clause (*ii*) was substituted by Mah. 6 of 1997, s. 5(*b*)(*ii*).

of this Act, transfer by way of lease such land to the Co-operative Housing Societies of such occupants.";]

1[(*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;]

2[(*iv*) in section 18,—

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

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

3[(*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. Allotment of tenements to occupants.— (*1*) Where an occupant of any premises in an area declared as a slum rehabilitation area has vacated or is evicted from, such premises, on the ground that, the premises are required for the purpose 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.

(*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 vacant transit accommodation, if any, given to them and occupy the building so erected within a period specified in the notice.";

(*e*) in Chapter VII,—

[4][* * * *]

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

[1][(*i-a*) for section 33, the following section shall be substituted, namely :—

1 This sub-clause was substituted by Mah. 6 of 1997, s. 5(*b*)(*iii*).

2 This sub-clause was substituted by Mah. 6 of 1997, s. 5(*b*)(*iv*).

3 Sub-clauses (*v*), (*vi*) and (*vii*) were inserted by Mah. 6 of 1997, s. 5(*b*)(*v*). 4 Sub-clause (*i-a*) was deleted by Mah. 11 of 2012, s. 5(*1*).

"33. Power of eviction to be exercised by Chief Executive Officer.— Where the Chief Executive Officer is satisfied either upon a representation from the owner of a building or from the developer or the Co-operative Society of the Slum Rehabilitation Scheme in the Slum Rehabilitation Area or, upon other information in possession that the occupants of the building have not vacated it in pursuance of any slum clearance order under section 12 or direction issued or given by him or the tenements constructed in Slum Rehabilitation Area are occupied without the permission or allotment by him or tenements are occupied without Occupation Certificate, he shall, by order, direct the eviction of the occupants from such building in such manner and within such time which is not more than thirty days 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:

Provided that, the Chief Executive Officer shall exercise his powers under this section only in respect of the Slum Rehabilitation Area on which Slum Rehabilitation Scheme has been approved by him:

Provided further that, before making any order under this section, the Chief Executive Officer shall give a reasonable opportunity of being heard within such time which is not more than thirty days, as may be specified in the order, to the owners or occupants of the buildings, to slow cause why they should not be evicted therefrom.";]

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

[2][* * * * *]

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

[3][(*v*) in section 38, in following section shall be substituted, namely :—

"38. Order of demolition of building in certain areas.— (*1*) Where the erection of any building has been commenced, or is being carried out, or has been completed, in contravention of any restriction or condition imposed under sub-section (*10*) of section 12, or a plan for the redevelopment of any Slum Rehabilitation Area or in contravention of any notice, order or direction issued or given under this Act, the Chief Executive Officer 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 or by the developer or by the occupant, as the case may be, thereof within such time not exceeding thirty days as may be specified in the order, and on the failure of the owner or the developer or the occupant, as the case may be, to comply with the order, the building so erected shall be liable for forfeiture or for summary demolition by an order of the Chief Executive Officer 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 or the occupant, as the case may be, has been given a reasonable opportunity of being heard.

(*2*) The forfeiture under this section be adjudged by the Chief Executive Officer and any property so forfeited shall be disposed of as the Chief Executive Officer may direct; and the cost of removal of the property under this section shall be recoverable as arrears of land revenue.

(*3*) For the purpose of causing any building to be demolished under sub-section (*1*), the Chief Executive Officer use or cause to be used such force as may be necessary:

1 Sub-clause (*i-a*) was inserted by Mah. 38 of 2018, s. 5(*2*)(*a*).

2 Sub-clause (*iii*) was deleted by Mah. 11 of 2012, s. 5(*2*). 3 Sub-clause (*v*) was substituted by Mah. 38 of 2018, s. 5(*2*)(*b*).

Provided that, the Chief Executive Officer shall exercise his powers under sub-section (*1*), (*2*) or (*3*) above only in respect of the Slum Rehabilitation Area on which the Slum Rehabilitation Scheme has been approved by him.";]

(*vi*) in section 41, after the words "Competent Authority" the words "Slum Rehabilitation Authority" shall be inserted;

(*vii*) in section 42,—

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

(*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. Cesser of corresponding laws.— Where [2][any land] 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".

3E. Restrictions on transfer of tenements.—[3][(*1*)] 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 [4][five years] commencing from the date of allotment of the tenement. After the expiry of the said period of [5][five years], the allottee may, with the permission of the Slum Rehabilitation Authority, transfer such tenement in accordance with the prescribed procedure.]

[6][(*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.]

1 Paragraph (*A*) was substituted by Mah. 11 of 2012, s. 5(*3*).

2 These words were substituted for the words "any area" by Mah. 38 of 2018, s. 5(*2*)(*c*).

3 Section 3E was renumbered as sub-section (*1*) thereof and after sub-section (*1*) as so renumbered, sub-section (*2*) was added by Mah. 11 of 2012, s. 6.

4 These words were substituted for the words "ten years" by Mah. 15 of 2024, s. 2.

5 These words were substituted for the words "ten years" by Mah. 15 of 2024, s. 2.

6 Section 3E was renumbered as sub-section (*1*) thereof and after sub-section (*1*) as so renumbered, sub-section (*2*) was added by Mah. 11 of 2012, s. 6.

[1][3F. Disqualification for membership and removal of members.— (*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 declared 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

(*f*) is a Director, Secretary, Manager or other Officer of any company, which has any share or interest in any contract or 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 immoveable 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 of 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 members 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. Meetings of Slum Rehabilitation Authority.— (*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.

(*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:

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

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. Act not to be invalidated by vacancy, informality, etc.— 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,—

(*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.

3I. Officers and servants of Slum Rehabilitation Authority.—[1][(*1*) The State Government or 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.

[2][(*3*) The conditions of appointment and service of officers and servants shall be such as may be laid down from time to time, by service rules or by regulations, as the case may be.]

(*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.

3J. Authentication of orders etc., of the Slum Rehabilitation Authority.— 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.

3K. Power of State Government to issue directions.— (*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.

3L. Application of Slum Rehabilitation Authority's assets, etc.— 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.

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

1 Sub-section (*1*) was substituted by Mah. 38 of 2018, s. 6(*1*). 2 Sub-section (*3*) was substituted by Mah. 38 of 2018, s. 6(*2*).

(*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.

(*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,—

(*i*) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(*ii*) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);

(*iii*) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);

(*iv*) any other bank, being a scheduled bank as defined in clause (*e*) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934), as may be approved by the State Government.

(*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 sum as it thinks fit, for its day to day transactions, subject to such limits and conditions as may be prescribed.

3N. Grants, subventions, loans and advances to Slum Rehabilitation Authority.— 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 performance 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.

3O. Financial Statement and programme of work.— (*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.

(*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. Accounts and Audit.— (*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.

(*2*) The accounts of 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.

3Q. Execution of contracts, etc.— 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.

3R. Default in performance of duty.— (*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.

3S. Delegation of powers of Slum Rehabilitation Authority or Chief Executive Officer.—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.

3T. Protection of action taken in good faith.— 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.

3U. Chairman, Members, Chief Executive Officer and Officers, etc., to be public servant.— 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 of 1860).

3V. Power to make regulations.— 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.

3W. Dissolution of Slum Rehabilitation Authority.— (*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.]

[1][CHAPTER I-B

PROTECTED OCCUPIERS, THEIR RELOCATION AND REHABILITATION

3X. Definitions.— In this Chapter, unless the context otherwise requires,—

[2][(*a*) "dwelling structure" means a structure used as dwelling or otherwise and includes out-house, shed, hut, other enclosure or structure attached to the earth including community economic activity area within or adjoining to it, whether of bricks, masonry, wood, mud, metal or any other material whatsoever;]

(*b*) "photo-pass" means an identity card-*cum*-certificate issued by the Government in the prescribed format under section 3Y, and shall include such other document or documents declared by Government, by order issued in this behalf, to be equivalent of photo-pass for the purposes of this Chapter;

(*c*) "protected occupier" means an occupier of a dwelling structure who holds a photo-pass;

(*d*) "scheme" means any arrangement or plan prepared and declared by the State Government for the protection, relocation and rehabilitation of the protected occupiers.

3Y. Issuance of photo-pass and maintenance of Register.— (*1*) The Government or any officer generally or specially authorised by it in this behalf shall, after verifying certain documents or records, as

may be prescribed, issue a photo-pass for the purposes of this Act, in the prescribed format to the actual occupier of a dwelling structure, in existence on or prior to [3][1st January 2000].

(*2*) If the photo-pass issued under sub-section (*1*) is lost or destroyed or defaced, the holder of the photo-pass shall forthwith intimate the loss, destruction or defacement of the photo-pass to the concerned authority which has granted the photo-pass and shall apply, in writing to the said authority with the prescribed fee for issue of a duplicate.

(*3*) On receipt of an application under sub-section (*2*), the authority shall, after verifying the records and carrying out such inquiry, if any, as deemed fit, issue a duplicate photo-pass to the applicant with a clear marking on such photo-pass as "DUPLICATE".

(*4*) If after the issue of a duplicate photo-pass, the original is found, it shall be incumbent upon the applicant to forthwith surrender the same to the authority by which it was issued.

(*5*) The Government shall maintain in the prescribed form an upto-date Register of the photo-pass issued by it under sub-section (*1*).

3Z. Protection, relocation and rehabilitation of protected occupiers.— (*1*) Notwithstanding anything contained in this Act, on and after the commencement of the [4][Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 2014 (Mah. IX of 2014)], no protected occupier shall, save as provided in sub-section (*2*), be evicted, from his dwelling structure.

(*2*) When, in the opinion of the State Government, it is necessary in the larger public interest, to evict the protected occupiers from the dwelling structures occupied by them, the State Government may, subject to the condition of relocating and rehabilitating them in accordance with the scheme or schemes prepared by the State Government in this behalf, evict them from such dwelling structures:

1 Chapter I-B and sections 3X, 3Y, 3Z, 3Z-1 and 3Z-2 were inserted by Mah. 10 of 2002, s. 3 2 Clause (*a*) was substituted by Mah. 38 of 2018, s. 7.

3 These letters, word and figures were substituted by Mah. 9 of 2014, s. 2.

4 These words and figures were substituted by Mah. 9 of 2014, s. 3.

Provided that, if any of the protected occupiers does not comply with the terms and conditions of the scheme for relocation and rehabilitation, such occupier shall forfeit the claim for such relocation and rehabilitation and shall become liable for eviction without being relocated and rehabilitated.

3Z-1. Powers of Competent Authority to demolish unauthorised or illegal dwelling structures.— (*1*) Where a Competent Authority, upon a complaint from any person or report from its officer or police or any other record or information in its possession, is satisfied that any unauthorised or illegal dwelling structure or part thereof has been constructed or any addition to the existing structure as recorded on photo-pass, has been erected, after the [1][1st January 2000], within the area of its jurisdiction, without obtaining necessary permission required to be obtained in that behalf under the relevant laws, of the concerned statutory authorities, it shall forthwith serve upon the owner of such unauthorised or illegal dwelling structure or any other person claiming an interest therein and also upon the person who is in occupation of such structure, a written notice to show cause, within twenty-four hours as to why an order of demolition of the structure should not be made.

(*2*) If the owner of such unauthorised or illegal dwelling structure or any other person claiming an interest therein or the occupier of such structure is, by any reason whatsoever, not available for serving or receiving the notice, such notice shall be affixed at a conspicuous place on such structure, and it will be deemed to be due service of notice on the concerned person or persons.

(*3*) The person or persons upon whom the notice has been served under sub-section (*1*) or (*2*), as the case may be, shall, within twenty-four hours appear before the Competent Authority and produce or cause to be produced by his agent or representative, the necessary documents to prove that the requisite statutory permission for construction, reconstruction, addition or extension, as the case may be, has been duly obtained by him and that the construction, re-construction, addition or extension is not unauthorised or illegal.

(*4*) The Competent Authority shall, thereupon, on scrutiny of documents, if any, produced by such person, on being satisfied that the dwelling structure, addition to it or extension thereof, is unauthorised or illegal, forthwith make an order, in writing, for demolition of such structure immediately, and in any case not later than twenty-four hours from the time of making of the order, by such person:

Provided that, if the owner or as the case may be, the person claiming an interest in the structure or the occupier of such structure or his agent or representative fails to appear before the Competent Authority, within the time specified in the notice, the structure shall be treated as unauthorised or illegal and the Competent Authority shall pass an order for its demolition.

(*5*) Where an order of demolition of such unauthorised or illegal dwelling structure is made under sub-section (*4*) or the proviso thereto, the owner of the structure or any other person claiming an interest therein or the person in occupation of such structure shall, immediately demolish that structure within twenty-four hours from the passing of the demolition order and if, the concerned person who is ordered to demolish the structure, fails to demolish such structure within that time, the Competent Authority shall forthwith demolish the structure and remove the debris with the help of its staff and the police officer from the area where such structure is situated, and sell the debris of such demolished structure to recover the expenses incurred by the Competent Authority for such demolition and removal of debris. If the expenses incurred are not satisfied out of the proceeds of sale of the debris of such structure, the same shall be recoverable from the owner of the structure or any other person claiming an interest therein or from the person who was in occupation of such structure, as arrears of land revenue.

3Z-2. Demolition of unauthorised or illegal dwelling structures and penal liability.— (*1*) After the commencement of the [2][Maharashtra Slum Areas Improvement, Clearance and Redevelopment) (Amendment) Act, 2014 (Mah. IX of 2014)], where a Competent Authority, upon a complaint from any person or report from its officer or police, or any other record or information in its possession, is satisfied that any unauthorised or illegal dwelling structure or part thereof has been constructed or is being constructed or any addition to the existing structure is erected or being erected, within the area of

1 These letters, word and figures were substituted by Mah. 9 of 2014, s. 4. 2 These words and figures were substituted by Mah. 9 of 2014, s. 5.

its jurisdiction, without obtaining necessary permissions required to be obtained in that behalf under the relevant laws, of the concerned statutory authorities, it shall forthwith serve upon the owner of such unauthorised or illegal dwelling structure or any other person claiming an interest therein and also upon the person who is in occupation of such structure, a written notice to show cause, within twenty-four hours as to why an order of demolition of such structure should not be made.

(*2*) If the owner of such unauthorised or illegal dwelling structure or any other person claiming an interest therein or the occupier of such structure is, by any reason whatsoever, not available for serving or receiving the notice, such notice shall be affixed at the conspicuous place on such structure, and it will be deemed to be due service of notice on the concerned person or persons.

(*3*) The person or persons upon whom the notice has been served under sub-section (*1*) or (*2*), as the case may be, shall within twenty-four hours appear before the Competent Authority and produce or cause to be produced by his agent or representative, the necessary documents to prove that the requisite statutory permission for construction, reconstruction, addition or extension, as the case may be, has been duly obtained by him and that the construction, reconstruction, addition or extension, is not unauthorised or illegal.

(*4*) The Competent Authority shall, thereupon, on scrutiny of documents, if any, produced by such person, on being satisfied that the dwelling structure, addition to it or extension thereof is unauthorised or illegal, it shall forthwith make an order, in writing for demolition of such structure immediately, and in any case not later than twenty-four hours from the time of making of the order, by such person:

Provided that, if the owner or as the case may be, the person claiming an interest in the structure or the occupier of such structure or his agent or representative fails to appear before the Competent

Authority, within the time specified in the notice, the structure shall be treated as unauthorised or illegal and the Competent Authority shall pass an order for its demolition.

(*5*) Where an order of demolition of such unauthorised or illegal dwelling structure is made under sub-section (*4*) or the proviso, thereto, the owner of the structure or any other person claiming an interest therein or the person in occupation of such structure shall, immediately demolish that structure within twenty-four hours from the passing of the demolition order and if, the concerned person who is ordered to demolish the structure, fails to demolish such structure within that time, the Competent Authority shall forthwith demolish the structure and remove the debris with the help of its staff and the police officer from the area where such structure is situated, and sell the debris of such demolished structure to recover the expenses incurred by the Competent Authority for such demolition and removal of debris. If the expenses incurred are not satisfied out of the proceeds of sale of the debris of such structure, the same shall be recoverable from the owner of the structure or any other person claiming an interest therein or from the person who was in occupation of such structure, as arrears of land revenue.

(*6*) Notwithstanding anything contained in this Act, the owner of the unauthorised or illegal dwelling structure referred to in sub-section (*1*) or any other person responsible for construction of such unauthorised structure or who has aided or abeted the construction of such unauthorised or illegal structure or the person who is in the occupation of such structure with the knowledge that such structure is unauthorised or is illegally constructed, shall be guilty of an offence under this section and shall, on conviction, be punished with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than two thousand five hundred rupees but which may extend to five thousand rupees.

(*7*) Notwithstanding anything contained in this Act, the Competent Authority or any of its officer who,—

(*i*) has aided or abeted the construction of illegal or unauthorised structure; or

(*ii*) has failed to demolish such structure as provided in sub-section (*5*) without any sufficient reason,

such act of commission or omission on their part shall constitute an offence under this section and shall, on conviction, be punished with imprisonment for a term which shall not be less than one year but which may extend to two years and with fine which shall not be less than two thousand five hundred rupees but which may extend to five thousand rupees:

Provided that, before initiating any action against the Competent Authority or any of its officer on the ground of aiding or abetting the construction of any unauthorised or illegal dwelling structure, or failure to carry out the duty of demolition of an unauthorised dwelling structure, a reasonable opportunity of being heard shall be given to him by the concerned Disciplinary Authority:

Provided further that, on *prima-facie* case of commission of such offence being established against the Competent Authority or any of its officer, the concerned authority or officer may, pending prosecution, be suspended by the concerned Disciplinary Authority.

(*8*) The offences punishable under sub-section (*6*) shall be cognizable and non-bailable.

(*9*) It shall be binding on the occupant of a dwelling structure to forthwith produce the photo-pass for inspection as and when demanded by the Competent Authority or any officer specially authorised by it in this behalf or by any police officer who is competent to investigate the cognizable cases under the Code of Criminal Procedure, 1973 (2 of 1974), and non-production or failure on the part of such occupant to produce the photo-pass shall be sufficient ground or evidence for the police officer to take cognizance of an offence under this section:

Provided that, no such demand for inspecting of the photo-pass of any occupant shall be made by the Authority or its officer or the police officer, after sunset and before sunrise.]

[1][CHAPTER I-C

SPECIAL PROVISIONS FOR IN SITU REHABILITATION HOUSING SCHEMES FOR PROTECTED OCCUPIERS IN SLUM AREAS

3Z-3. Definitions.— In this Chapter, unless the context otherwise requires,—

(*a*) "Housing Committee" means a Housing Committee constituted under section 3Z-4;

(*b*) "Housing scheme" means a scheme formulated and declared by the State Government or the Government of India, for the construction or reconstruction of dwelling units or structures in the scheme area for providing basic amenities to the slum dwellers who are protected occupiers as defined in clause (*a*) of section 3X and their in *situ* rehabilitation in such scheme area;

(*c*) "Scheme area" means any area declared as the scheme area by the concerned Housing Committee, in the *Official Gazette*, for the purposes of this Chapter and shall include any area declared as the slum area under section 4;

(*d*) words and expressions used herein but not defined, shall have their respective meanings as assigned to them in the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966).

3Z-4. Constitution of Housing Committee.— The State Government shall, for the purpose of this Chapter, by order, constitute the Housing Committee or Committees for each district and the composition, and functions and powers and duties of such Housing Committee or Committees, as the case may be, shall be such as may be prescribed.

3Z-5. Development permission.— (*1*) Under any housing scheme, the protected occupier in the scheme area may, after obtaining the permission of the Planning Authority, in the prescribed manner, construct or re-construct a dwelling structure as per the terms and conditions of the housing scheme.

(*2*) Notwithstanding anything contained in this Act or any other law for the time being in force, the Planning Authority may relax, the provisions of the Development Plan or Regional Plan, including the Development Control Rules or Regulations, wherever found necessary in regard to any development or redevelopment under a housing scheme:

Provided that, no such relaxation shall be made without first obtaining in writing, the concurrence of the Director, Town Planning, Maharashtra State or an officer authorised by him in this behalf.

1 Chapter I-C and section, 3Z-3, 3Z-4, 3Z-5, 3Z-6 and 3Z-7 were inserted by Mah. 1 of 2004, s. 2.

(*3*) The Housing Committee may also carry out such other incidental or connected functions and duties as may be assigned to it by the State Government, from time to time, by special or general orders issued in this behalf, not inconsistent with the provisions of this Act.

(*4*) Notwithstanding anything contained in the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), no development charges or any other fee shall be payable to the Planning Authority under the said Act, for any development undertaken in respect of a housing scheme, as may be notified from time to time, by the State Government under this Act.

3Z-6. Provisions of this Chapter not to apply in certain areas.— Notwithstanding anything contained in this Act, nothing in this Chapter shall apply to the,—

(*a*) Scheduled areas, declared as such by the President of India by an order under paragraph 6 of the Fifth Schedule to the Constitution of India;

(*b*) forest area to which the Forest (Conservation) Act, 1980 (69 of 1980) applies;

(*c*) Coastal Regulation Zone as declared under clause (*v*) of sub-section (*2*) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986);

(*d*) Eco-Sensitive Zones of Ecologically Fragile Areas as declared under sub-section (*1*) and clause (*v*) of sub-section (*2*) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986);

(*e*) Hill Stations as notified by the State Government;

(*f*) Special Tourism Areas, declared as such by the Central or State Government;

(*g*) Lands belonging to the Central Government or any entity thereof unless the same is voluntarily offered for the housing scheme;

(*h*) any slum area which, in the opinion of the State Government or the concerned Housing Committee, is unsuitable for human habitation or to which it would not be in the public interest to apply the provisions of this Chapter.

3Z-7. Control by State Government.— The authority exercising the powers under sub-section (*2*) of section 3Z-5 shall furnish to the State Government such reports, returns and other information as the State Government may, from time to time, require.]

CHAPTER II

SLUM AREAS

4. Declaration of slum areas.—[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

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

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

(*ii*) by reasons of dilapidation, overcrowding, faulty arrangement 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 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.]

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

[1][*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 (Mah. XXVIII of 1977), 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.]

(*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 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.

(*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 (XXI of 1860) or under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXI 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*).]

[4]**[4A. Certain slum improvement areas deemed to be slum areas.—** (*1*) Any declaration made under section 26 of the Maharashtra Slum Improvement Board Act, 1973 (Mah. XXIII 1973), declaring any area to be slum improvement area, and in force immediately before the date of

1 This *Explanation* was added by Mah. 11 of 2012, s. 7.

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

3 These sub-sections were substituted for sub-section (*4*) by Mah. 29 of 1987, s. 3. 4 Section 4A was inserted by Mah. 20 of 1976, s. 3.

commencement of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 1976 (Mah. XX of 1976) (hereinafter 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.

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

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

CHAPTER III

SLUM IMPROVEMENT

[1]**[5. Power of Competent Authority of execution of works of improvement.—** (*1*) Where the Competent Authority is satisfied that any slum area or any part thereof is capable of being improved, at a

reasonable expense, so as not 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 also 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.

5A. Improvement works.— For the [2][purpose of this Act,] the improvement works may consist of all 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.

5B. Power of Competent Authority to require occupiers to vacate premises.— (*1*) Where the Competent Authority undertakes the improvement works in any area and is of opinion that any of the occupiers thereof should vacate their premises, it shall give them notice to vacate by a specified date or dates. It may as far as practicable offer such occupiers alternative sites in any other area. If any

1 Original section 5 was renumbered a section 5C, and before section 5C as so renumbered, sections 5, 5A and 5B were inserted by Mah. 23 of 1973, s. 102, Sch. II.

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

occupier fails to vacate and to shift to the alternative site offered to him within the specified period, the responsibility of the Competent Authority to provide him alternative site shall cease.

(*2*) Notwithstanding anything contained in this Act, where any occupier does not vacate his premises, the Competent Authority may take or cause to be taken such steps and use or cause to be used such force as may be reasonably necessary for the purpose of getting the premises vacated.

(*3*) The Competent Authority may, after giving fifteen clear days' notice to the persons removed under sub-section (*2*) and affixing a copy thereof in some conspicuous place in the area, remove or cause to be removed or dispose of by public auction any property remaining on the premises.

(*4*) Where the property is sold under sub-section (*3*), the sale proceeds shall after deducting the expenses of sale, be paid to such person or persons as may be entitled to the same:

Provided that, where the Competent Authority is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, it shall refer such dispute to a Civil Court of competent jurisdiction and the decision of the Court shall be final.]

[1][**5C. Power of Competent Authority to require improvement of buildings unfit for human habitation and of areas which are source of danger to public health, etc.—** (*1*) Where the Competent Authority, upon report from any of its officers or other information in its possession, is satisfied that any buildings in a slum area are in any respect unfit for human habitation, or any slum area or part thereof is or is likely to be a source of danger to the health, safety or convenience of the public in that area or in its neighbourhood by reason of the area having no basic amenities or having inadequate amenities or being insanitary, squalid, overcrowded or otherwise a source of such danger, the Competent Authority may, unless in its opinion the buildings or the area are not capable at a reasonable expense of being rendered so fit or free from such danger, serve upon the owners of the buildings or lands in the area a notice requiring them, within such time, which shall not be less than thirty days, as may be specified in the notice, to execute such works of improvement, either within or outside the buildings or the area, as may be specified in the notice and stating that in the opinion of the Authority those works will render the buildings or the area fit for human habitation or free from such danger, as the case may be.

(*2*) In addition to serving a notice under this section on the owners, the Competent Authority may serve copy of the notice on every mortgagee of the building or land so far as it is reasonably practicable to ascertain such persons and further a copy of such notice shall also be displayed at some conspicuous place in the slum area for the information of the occupiers thereof. Such display of the notice shall be conclusive proof that the owners, occupiers and other persons concerned have been duly informed of the matter stated in the notice.

(*3*) In determining for the purposes of this Act whether the building can be rendered fit for human habitation or the area can be rendered free from danger aforesaid, at reasonable expense, regard shall be had to the estimated cost of the works necessary for these purposes and the value which it is estimated that the buildings or lands will have when the works are completed.]

6. Enforcement of notice requiring execution of works of improvement.— (*1*) If a notice under [2][section 5C] requiring the owners of the buildings or of the lands [3]* * * as the case may be, to execute works of improvement is not complied with, then, after the expiration of the time specified in the notice, the Competent Authority may itself do the works required to be done by the notice.

(*2*) All expenses incurred by the Competent Authority under this section, together with interest, at such rate as the 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 owners of the buildings or of the lands [4][* * *] as the case may be, as arrears of land revenue:

Provided that, if any owner proves that he,—

1 Section 5C was substituted for the original by Mah. 20 of 1976, s. 5.

2 The word, figure and letter were substituted for the word and figure "section 5" by Mah. 23 of 1973, s. 102, Sch. II. 3 The words "on which the buildings stand" were deleted by Mah. 20 of 1976, s. 6.

4 The words "on which the buildings stand" were deleted by Mah. 20 of 1976, s. 6.

(*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 has in his hands as aforesaid.

[1][**7. Expenses of maintenance of works of improvement to be recoverable from occupier.—** Where works of improvement have been executed in any slum area or in relation to any building or buildings in a slum area, in pursuance of the provisions of sections 5, 5C and 6, any expenses incurred by the Competent Authority or, as the case may be, any local authority, in connection with the maintenance of such works or the enjoyment of amenities and conveniences rendered possible by such works, shall be recoverable from the occupiers of the area or of buildings concerned as service charges; and if the amount

due is not paid within the time specified, it shall be recoverable from the occupier concerned as arrears of land revenue.]

8. Restriction on buildings, etc., in slum areas.— (*1*) The Competent Authority may, by notification in the *Official Gazette* (and also published in such other manner as may be prescribed), direct that no person shall erect any building in slum area except with the previous permission in writing of the Competent Authority.

(*2*) Every notification issued under sub-section (*1*) shall cease to have effect on the expiration of two years from the date thereof, or such extended period or periods not exceeding a further five years as the State Government may, by notification in the *Official Gazette* (and also published in such other manner as may be prescribed) from time to time specify in this behalf, except as respect things done or omitted to be done before such cesser.

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

(*4*) On receipt of such application, the Competent Authority, after making such inquiry as it considers necessary, shall, by order in writing—

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

(*b*) refuse to grant such permission:

Provided that, before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

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

(*a*) any works of improvement required to be executed by a notice under sub-section (*1*) [2][of section 5 or of section 5C] or in pursuance of an undertaking given under sub-section (*2*) of section 9; or

(*b*) the erection of any building in any area in respect of which a slum clearance order has been made under section 12.

9. 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 in 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

1 Section 7 was substituted for the original by Mah. 23 of 1973, s. 102, Sch. II.

2 These words, figures and letter were substituted for the words, figure and letter "of section 5C" by Mah. 20 of 1976, s. 7.

to the building as will in the opinion of the Authority render the building fit for human habitation or that if shall not be used for human habitation until the Authority on being satisfied that it has been rendered fit for that purpose cancels the undertaking, the Authority shall not make any order of demolition of the building.

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

undertaking, the Competent Authority shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days, from the date of the order, and that it shall be demolished within six weeks after the expiration of that period:

Provided that, before any such order is made, the Competent Authority shall as far as practicable secure accommodation in advance for housing the occupiers who may be dishoused as a result of such demolition.

10. Procedure to be followed where demolition order has been made.— (*1*) Where an order for demolition of a building under section 9 has been made, the owner of the building or any other person having an interest therein shall demolish that building within the time specified in that behalf by the order; and if the building is not demolished within that time, the Competent Authority shall enter and demolish the building and sell the materials thereof.

(*2*) Any expenses incurred by the Competent Authority under sub-section (*1*), if not satisfied out of the proceeds of sale of materials of the building, shall be recoverable form the owner of the building or any other person having an interest therein as arrears of land revenue.

[1][**10A. Power of Competent Authority to entrust improvement and other works.—** In any slum area, the Competent Authority may, with the previous approval of the State Government and on such terms and conditions as may be agreed upon, entrust to any agency recognised by it for the purpose,—

(*a*) the execution under its own supervision of any improvement, clearance or redevelopment works;

(*b*) the maintenance or repairs of any such works under its control;

(*c*) the work of collection of service charges recoverable by and due to it.]

CHAPTER IV

SLUM CLEARANCE AND REDEVELOPMENT

11. 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 cause that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health, and then, it shall, by an order notified in the *Official Gazette*, declare the area so defined 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. The order shall also be given wide publicity in such manner as may be prescribed.

(*2*) Before any area is declared to be a clearance area, the Competent Authority shall satisfy itself as to the sufficiency of its resources, and ascertain the number of persons who are likely to be dishoused in such area, and thereafter, to take such measures as are practicable whether by the arrangement of its programme or by securing as far as practicable such accommodation in advance of displacements which will from time to time become necessary as the demolition of buildings in the area, or in different parts thereof proceeds, or in any other manner so as to ensure that as little hardship as possible is inflicted on those dishoused. The State Government may, subject to the provisions of

1 Section 10A was inserted by Mah. 23 of 1973, s. 102, Sch. II.

Chapter V, and subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this sub-section; and without prejudice to the generality of this provision, such rules may provide for ascertaining the number and names of persons who on a date to be specified by the Competent Authority were occupying the buildings comprised in the clearance area, for the location of the accommodation either temporary or permanent and the extent of floor area to be provided to those who are dishoused, for occupying the building after it is re-erected, for rent to be paid for the temporary accommodation provided to those who are dishoused, the circumstances in which persons provided with

temporary accommodation may be evicted, and for purposes connected with the matter aforesaid. The provisions of sub-section (*2*) of section 46 shall apply in relation to rules made under this section as they apply to rules made under that section.

(*3*) The Competent Authority shall forthwith transmit to the Administrator a copy of the declaration under this section, together with a map and statement of the number of persons who, on the date specified by the Competent Authority under sub-section (*2*), were occupying buildings comprised in the clearance area.

12. 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 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 [1][clearance order], and shall submit the [2][clearance order] to the Administrator for confirmation.

(*2*) The Administrator may either confirm the [3][clearance order] in whole or subject to such variations as he considers necessary; or reject the [4][clearance order].

(*3*) As soon as a clearance order is confirmed, the Administrator shall publish a notice in such manner as may be prescribed; stating that the [5][clearance order] has been confirmed and naming a place where a copy of the [6][clearance order] confirmed and of the map referred to therein may be seen at all reasonable hours.

(*4*) Any person aggrieved by the [7][clearance order] of the Administrator may, within six weeks of the publication of the notice of the confirmation of the [8][clearance order], prefer an appeal to the Tribunal; and the decision of the Tribunal shall be final.

(*5*) Where any such appeal [9][is duly made],—

(*i*) [10][the Tribunal or the President may, by interim order,] suspend the operation of the [11][clearance order] either generally, or in so far as it affects any property, until the final determination of the appeal; and

(*ii*) [12][the Tribunal if satisfied] upon hearing of the appeal that the [13][clearance order] is not within the powers of this Act, or that the interest of the appellant have been substantially prejudiced, by any requirement of this Act not having been complied with, may quash the [14][clearance order] either generally, or in so far as it affects any property of the appellant.

1 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
2 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
3 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
4 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
5 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
6 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
7 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
8 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
9 These words were substituted for the words "is duly made, the Tribunal" by Mah. 46 of 1975, s. 2(*2*)(*a*).
10 These words were substituted for the words "may by interim order" by Mah. 46 of 1975, s. 2(*2*)(*b*). 11 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
12 These words were substituted for the words "if satisfied" by Mah. 46 of 1975, s. 2(*2*)(*c*).
13 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).
14 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).

(*6*) Subject to the provisions of the last preceding sub-section, the [1][clearance order] shall become operative at the expiration of six weeks from the date on which the notice of confirmation of the [2][clearance order] is published in accordance with the provisions of this Act.

(*7*) When a clearance order has become operative, the owners of buildings to which the [3][clearance order] applies shall demolish the buildings before the expiration of six weeks from the date on which the buildings are required by the [4][clearance 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.

(*8*) If the buildings are not demolished before the expiration of the period mentioned in sub-section (*7*), the Competent Authority may enter and demolish the buildings and sell the material thereof.

(*9*) Any expenses incurred by the Competent Authority in demolishing any buildings, after giving credit, for any amount realised by the sale materials, may be recovered by the Competent Authority from the owner of the building or any person having interest therein as arrears of land revenue; and any surplus in the hands of the Competent Authority shall be paid by it to the owner of the building, or if there are more than one owner, shall be paid as those owners agree. In default of agreement between the owners, the Competent Authority shall deposit the surplus amount in Greater Bombay, in the Bombay City Civil Court, and elsewhere, in the District Court; and the decision of the Principal Judge, or as the case may be, the District Judge, on the question of distributing the surplus between the owners, shall be final.

(*10*) Subject to the provisions of this Act, and of any other law for the time being in force in relation to town-planning and to the regulation of the erection of buildings, where a clearance order has become operative, the owner of the land to which the [5][clearance order] applies, may redevelop the land in accordance with the plans approved by the Competent Authority, and subject to such restrictions and conditions (including a condition with regard to the time within which the redevelopment shall be completed), if any as that Authority may think fit to impose:

Provided that, an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the Competent Authority to cancel or modify any such restriction or condition may, within such time as may be prescribed, appeal to the Tribunal and its decision shall be final.

(*11*) 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 (*10*).

13. Power of Slum Rehabilitation Authority to develop Slum Rehabilitation Area.— (*1*) Notwithstanding anything contained in sub-section (*1*) of section 12, the Competent Authority may, at any time after the land has been cleared of buildings in accordance with a clearance order, but before the work of redevelopment of that land has been commenced by the owner, by order, determine to redevelop the land at its own cost, if that Authority is satisfied that it is necessary in the public interest to do so.

(*2*) Where land has been cleared of the buildings in accordance with a clearance order, the Competent Authority, if it is satisfied that the land has been, or is being, redeveloped by the owner thereof in contravention of plans duly approved, or any restrictions or conditions imposed under sub-section (*10*) of section 12, or has not been redeveloped within the time, if any, specified under such conditions, may, by order, determine to redevelop the land at its own cost:

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

1 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*). 2 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*). 3 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*). 4 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*). 5 These words were substituted for the word "order" by Mah. 46 of 1975, s. 2(*1*).

CHAPTER V

ACQUISITION OF LAND

14. 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 [1][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] 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:

[2][Provided that, before publishing such notice, the State Government, or as the case may be, the [3][Competent Authority] may call upon by notice the owner of, or any other person who, in its or his opinion may be interested in, such land to show cause in writing why the land should not be acquired with reasons therefor, to the [4][Competent Authority] within the period specified in the notice; and the [5][Competent Authority] shall, with all reasonable despatch, forward any objections so submitted together with his report in respect thereof to the State Government and on considering the report and the objections, if any, the State Government may pass such order as it deems fit.]

[6][(*1A*) The acquisition of land for any purpose mentioned in sub-section (*1*) shall be deemed to be a public purpose.]

(*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.

15.[7][Power of Collector to require person in possession of land to surrender or deliver possession thereof to him etc.].—[8][(*1*) Where any land is vested in the State Government under sub-section (*2*) of section 14, the Collector may, by notice in writing order any person who may be in possession of the land to surrender or deliver possession thereof to him, or to any person duly authorised by him in this behalf, within thirty days of the service of the notice.]

(*2*) If any person fails or refuses to comply with an order under sub-section (*1*), [9][the Collector or such authorised person] may take possession of the land, and may for that purpose use such force as may be reasonably necessary.

[10][(*3*) Where any land is taken possession of as aforesaid, the Collector shall make that land available to the Competent Authority and thereupon the Competent Authority may,—

(*a*) itself carry out any order of demolition or execution of the work of improvement or of redevelopment; or

(*b*) entrust, in accordance with the provisions of section 10A, the work of improvement or other works referred to in that section to any other agency including the Maharashtra Housing and Area Development Authority constituted under the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVII of 1977) or to a Co-operative Housing Society of the occupants of such land or occupants of any other area which has been declared as slum area under section 4.

(*4*) The State Government or the Collector, with the previous approval of the State Government, may subject to such terms and conditions, as the State Government considers expedient for securing

1 These words were substituted 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" by Mah. 11 of 2012, s. 8(*a*). 2 This proviso was substituted by Mah. 28 of 1984, s. 3.

3 These words were substituted for the word "Collector" by Mah. 11 of 2012, s. 8(*b*).

4 These words were substituted for the word "Collector" by Mah. 11 of 2012, s. 8(*b*).

5 These words were substituted for the word "Collector" by Mah. 11 of 2012, s. 8(*b*).

6 Sub-section (*1A*) was deemed always to have been inserted by Mah. 23 of 1973, s. 102, Sch. II.

7 This marginal note was substituted for the original by Mah. 28 of 1984, s. 4(*d*).

8 Sub-section (*1*) was substituted by Mah. 28 of 1984, s. 4(*a*).

9 These words were substituted for the words "the State Government" by Mah. 28 of 1984, s. 4(*b*).

10 These sub-sections were substituted for sub-section (*3*) by Mah. 28 of 1984, s. 4(*c*).

the purposes of this Act, transfer by way of lease such land with or without the improvement and other works carried out thereon, to the Co-operative Housing Societies of such occupants.]

1[15A. Vesting of land under Slum Rehabilitation Scheme.—2[(*1*) Notwithstanding anything contained in this Act or any other law or regulation for the time being in force, relating to transfer of land and property of the State Government or any public authority of State Government, constituted under any law enacted by the State Legislature, on completion of the Slum Rehabilitation Scheme implemented on the plot of land belonging to the State Government or such public authority, as the case may be, duly sanctioned by the Slum Rehabilitation Authority, within thirty days from the completion of 3[rehabilitation

component of] the Slum Rehabilitation Scheme, the State Government or the Chief Executive Officer, with the prior approval of State Government may, declare by notification in the *Official Gazette*, that such land so declared as the Slum Rehabilitation Area shall vest in Slum Rehabilitation Authority:

[4][Provided that, where the Slum Rehabilitation Scheme is implemented by any public authority of State Government, constituted under any law enacted by the State Legislature or urban local body or planning authority or Government Undertaking Agency or any other Government Company, as the case may be, in joint venture with the Slum Rehabilitation Authority, within thirty days from the date of issuance of Letter of Intent (LOI) to such Slum Rehabilitation Scheme, the State Government or the Chief Executive Officer with the prior approval of State Government may, declare by notification in the *Official Gazette*, that such land so declared as the Slum Rehabilitation Area shall vest in Slum Rehabilitation Authority:]

[5][Provided further that], such notification shall be published only after the Slum Rehabilitation Authority has paid compensation to the concerned public authority, urban local body or planning authority, as the case may be, admissible for the land acquisition under section 17.

(*2*) The State Government, or urban local body or planning authority or any public authority of the State Government established under any law enacted by the State Legislature in respect of the Slum Rehabilitation Scheme under sub-section (*1*), shall 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.]

16. 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.

1 Section 15A was inserted by Mah. 11 of 2012, s. 9.

2 Sub-sections (*1*) and (*2*) were substituted by Mah. 38 of 2018, s. 8.

3 These words were inserted by Mah. 42 of 2025, s. 3(*i*).

4 This proviso was added by Mah. 42 of 2025, s. 3(*ii*).

5 These words were substituted for the words "Provided that" by Mah. 42 of 2025, s. 3(*iii*).

17. Basis for determination of compensation.— (*1*) Where any land is acquired and vested in the State Government under this Chapter, the State Government shall pay for such acquisition compensation, the amount of which shall be determined in accordance with the provisions of this section.

(*2*) Where the amount of compensation has been determined by agreement between [1][the State Government or as the case may be, the Collector] and the person to be compensated, it shall be determined in accordance with such agreement.

(*3*) Where no such agreement can be reached, the amount payable as compensation in respect of any land acquired shall be an amount equal to sixty times the net average monthly income actually derived from such land during the period of the five consecutive years immediately preceding the date of publication of the notice referred to in section 14.

(*4*) The net average monthly income referred to in sub-section (*3*) shall be calculated in the manner and, in accordance with the principles set out in the First Schedule.

(*5*) The Competent Authority shall, after holding an inquiry in the prescribed manner, determine in accordance with the provisions of sub-section (*4*) the net average monthly income actually derived from the land, and publish a notice in a conspicuous place on the land and serve it in the manner provided in section 36 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.

(*6*) Any person who does not agree to the amount of the net average monthly income determined by the Competent Authority under sub-section (*5*), and claims a sum in excess of that amount may prefer an appeal to the Tribunal within thirty days from the date specified in the notice referred to in that sub-section.

(*7*) On appeal, the Tribunal 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.

(*8*) 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 the same proportion as the market-price of the land bears to the market-price of the building on the date of the acquisition.

18. Apportionment of compensation.— (*1*) Where several persons claim to be interested in the amount of compensation determined under section 17, the Competent Authority shall determine the person 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 Tribunal; and the Tribunal in deciding any such dispute shall follow the provisions of Part III of the Land Acquisition Act, 1894 (1 of 1894) [2][and the decision of the Tribunal on the dispute shall be final and shall not be called in question in any Court or before any authority.]

19. Payment of compensation or deposit of the same in Court.— (*1*) After the amount of compensation has been determined, the Competent Authority shall, on behalf of the State Government, tender payment of, and pay the compensation to the persons entitled thereto.

1 These words were substituted for the words "the State Government" by Mah. 28 of 1984, s. 5. 2 This portion was added by Mah. 46 of 1975, s. 4.

(*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 Greater Bombay, in the Bombay City Civil Court, and elsewhere 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 (I of 1894).

20. Powers of Competent Authority in relation to determination of compensation, etc.— (*1*) The Competent Authority may, for the purposes of determining the amount of compensation or apportionment thereof, require by order any person to furnish such relevant information in his possession as may be specified in the order.

(*2*) The Competent Authority shall, while holding an inquiry under section 17, have all of the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (V of 1908), 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 affidavit;

(*d*) requisitioning any public record from any court or officer;

(*e*) issuing commissions for examination of witnesses.

21. Payment of interest.— When the amount of compensation is not paid or deposited on or before taking possession of the land the Competent Authority on behalf of the State Government shall pay the amount of compensation determined with interest thereon from the time of so taking possession until the amount shall have been so paid or deposited at such rate (not being less than 4 per cent. per annum) as the State Government may by order fix.

CHAPTER VI

[1][PROTECTION OF OCCUPIERS IN SLUM AREAS FROM EVICTION AND DISTRESS WARRANTS]

22. Proceedings for eviction of occupiers [2][or for issue of distress warrant] not to be taken without permission of Competent Authority.— (*1*) Notwithstanding anything contained in any other law for the time being in force, no person shall except with the previous permission in writing of the Competent Authority,—

(*a*) institute, after commencement of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971), any suit or proceeding for obtaining any decree or order for the eviction of an occupier from any building or land [3][in a slum area or for recovery of any arrears of rent or compensation from any such occupier, or for both; or]

(*b*) when any decree or order is obtained in any suit or proceeding instituted before such commencement for the eviction of an occupier from any building or land in such area [4][or for recovery of any arrears of rent or compensation from such occupier, or for both] execute such decree [5][or order; or]

[6][(*c*) apply to any Judge or the Registrar of the Small Cause Court under Chapter VIII of the Presidency Small Cause Courts Act, 1882 (XV of 1882), in its application to the State of Maharashtra, or to any Court of Small Causes under Chapter IV-A of the Provincial Small Cause Courts Act, 1887 (IX of 1887) in its application to the State of Maharashtra, for a distress warrant for arrears of rent against any occupier of a house or premises in a slum area.]

1 The heading of Chapter VI was substituted for the heading "Protection of Tenants in Slum Areas From Eviction" by Mah. 13 of 1978, s. 5.

2 These words were inserted by Mah. 13 of 1978, s. 6(*5*).

3 These words were substituted for the words "in a slum area; or" by Mah. 2 of 1987, s. 2(*a*)(*i*). 4 These words were inserted by Mah. 2 of 1987, s. 2(*a*)(*ii*).

5 These words were substituted for the words "or order" by Mah. 13 of 1978, s. 6(*i*)(*a*). 6 Clause (*c*) was added by Mah. 13 of 1978, s. 6(*1*)(*b*).

[1][(*1A*) Notwithstanding anything contained in sub-section (*1*) as in force before the commencement of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 1986 (Mah. II of 1887) (hereinafter in this section referred to as "the Amendment Act") or in any other law for the time being in force, no person shall, except with the previous permission in writing of the Competent Authority,—

(*a*) execute any decree or order obtained in any suit or proceeding instituted during the period commencing from the 30th day of September 1985, being the date of the expiry of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980 (Mah. XVI of 1980) and the date of commencement of the Amendment Act, for eviction of an occupier from any building or land in a slum area (which area was earlier purported to be covered by the definition of "vacant land" in clause (*f*) of section 2 of the Maharashtra Vacant Lands (Prohibition of Unauthorised Occupation and Summary Eviction) Act, 1975 (Mah. LXVI of 1975) or for recovery of any arrears of rent or compensation from such occupier, or for both; or

(*b*) apply to any Judge or the Registrar of the Small Cause Court under Chapter VIII of the Presidency Small Cause Courts Act, 1882 (XV of 1882), in its application to the State of Maharashtra, or to any Court of Small Causes under Chapter IV-A of the Provincial Small Cause Courts Act, 1887 (IX of 1887) in its application to the State of Maharashtra, for a distress warrant for arrears of rent against any such occupier of a house or premises in any such slum area.]

(*2*) Every person desiring to obtain the permission referred to in sub-section (*1*) [2][or (*1A*)] shall make an application in writing to the Competent Authority in such form and containing such particulars as may be prescribed.

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

(*4*) In granting or refusing to grant the permission [3][under clause (*a*) or (*b*) of sub-section (*1*)] [4][or clause (*a*) of sub-section (*1A*)] the Competent Authority shall take into account the following factors, namely :—

(*a*) Whether alternative accommodation within the means of the occupier would be available to him, if he were evicted;

(*b*) Whether the eviction is in the interest of improvement and clearance of the slum area;

[5][(*b-1*) whether, having regard to the relevant circumstances of each case, the total amount of arrears of rent or compensation and the period for which it is due and the capacity of the occupier to pay the same, the occupier is ready and willing to pay the whole of the amount of arrears of rent or compensation by reasonable instalments within a stipulated time;]

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

[6][(*4A*) (*a*) In granting or refusing to grant the permission under clause (*c*) of sub-section (*1*) [7][or clause (*b*) of sub-section (*1A*)] the Competent Authority shall take into account the following factors, namely :—

(*i*) what is the amount of rent and for what period it is due;

(*ii*) whether a notice of demand referred to in the proviso to sub-section (*1*) of section 53 of the Presidency Small Cause Courts Act, 1882 (XV of 1882) or in the proviso to

1 Sub-section (*1A*) was inserted by Mah. 2 of 1987, s. 2(*b*).

2 These word, brackets, figure and letter were inserted Mah. 2 of 1987, s. 2(*c*).

3 This portion was substituted for the words, brackets and figure "under sub-section (*3*)" by Mah. 13 of 1978, s. 6(*2*). 4 This portion was inserted by Mah. 2 of 1987, s. 2(*d*)(*i*).

5 Clause (*b-1*) was inserted by Mah. 2 of 1987, s. 2(*d*)(*ii*).

6 Sub-section (*4A*) was inserted by Mah. 13 of 1978, s. 6(*3*).

7 This portion was inserted by Mah. 2 of 1987, s. 2(*e*)(*i*).

sub-section (*1*) of section 27B of the Provincial Small Cause Courts Act, 1887 (IX of 1887), as the case may be, has been duly given to the occupier liable to pay the arrears of rent;

(*iii*) whether the occupier is willing to pay arrears within a stipulated time;

(*iv*) any other factors, if any, as may be prescribed.

(*b*) If, within a period of [1][six months] from the date of receipt of any application for permission under clause (*c*) of sub-section (*1*), [2][or clause (*b*) of sub-section (*1A*)] the Competent Authority does not refuse to grant the permission, it shall be deemed to have been granted at the expiration of such period.]

(*5*) Where the Competent Authority refuses to grant the permission [3][under any of the clauses of sub-section (*1*)] [4][or (*1A*)] it shall record a brief statement of the reasons for such refusal, and furnish a copy thereof to the applicant.

23. Appeal.— Any person aggrieved by an order of the Competent Authority refusing to grant the permission referred to in sub-section (*1*) [5][or sub-section (*1A*) of section 22] may, within thirty days of the date of the order, prefer an appeal to the Tribunal, and the decision of the Tribunal shall be final.

[6]**[23-A. Recovery of rent, etc., by criminal intimidation prohibited.—** (*1*) No person shall—

(*a*) collect or attempt to collect from any occupier, referred to in section 22, any rent, compensation or other charges by threatening or causing any injury to his person, reputation or property or to the person or reputation of anyone in whom the occupier is interested;

(*b*) evict or attempt to evict any such occupier by force without resorting to the lawful procedure; or

(*c*) abet in any manner the doing of any of the abovementioned things.

(*2*) Whoever contravenes the provisions of sub-section (*1*) shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine or with both.]

24. Restoration of possession of premises vacated by tenant.— (*1*) Where a tenant in occupation of any building in a slum area vacates any building, or is evicted therefrom, on the ground that it is required for the purpose of re-erection of the building, the tenant may, within such time as may be prescribed, file a declaration with the Competent Authority that he desires to be replaced in occupation of the building after the re-erection of the building.

(*2*) On receipt of such declaration, the Competent Authority shall by order require the owner of the building to furnish to it, within such time as may be prescribed, the plans of the re-erection of the building and an estimate of the cost thereof, and such other particulars as may be necessary; and shall, on the basis of such plans and estimate and particulars, if any, furnished, and having regard to the provisions of sub-section (*3*) of section 25, and after holding such inquiry as it may think fit, provisionally determine the rent that would be payable by the tenant if he were to be replaced in occupation of the building in pursuance of the declaration made by him under sub-section (*1*).

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

(*4*) If the tenant after the receipt of such communication intimates in writing to the Competent Authority within such time as may be prescribed that when he is replaced in occupation of the building in pursuance of the declaration made by him under sub-section (*1*), he would pay to the owner, until the rent is finally determined under section 25, the rent provisionally determined under sub-section (*2*), the Competent Authority shall direct the owner to place the tenant in occupation of the building after

1 These words were substituted for the words "ninety days" by Mah. 2 of 1987, s. 2(*e*)(*ii*)(*A*).

2 This portion was inserted by Mah. 2 of 1987, s. 2(*e*)(*ii*)(*B*).

3 These words, brackets and figure were inserted by Mah. 13 of 1978, s. 6(*4*).

4 The word, brackets, figure and letter was inserted by Mah. 2 of 1987, s. 2(*f*).

5 These words, brackets, figures and letter were substituted for the words "of the last preceding section" by Mah. 2 of 1987, s. 3.

6 Section 23-A was inserted by Mah. 2 of 1987, s. 4.

the re-erection of the building [and intimation of such re-erection shall be given in the manner provided in sub-section (*5*)], and the owner shall be bound to comply with such direction.

(*5*) As soon as the work of carrying out re-erection of the building is nearing completion or is completed, the Competent Authority shall give notice to the tenants concerned by affixing it in some conspicuous part of the building and by sending it by post to the address which may have been registered with the Competent Authority by any tenant and in such other manner as may be determined by the Competent Authority, that the building is likely to be or is ready for occupation from a specified date, and that they should occupy the building so re-erected within a period of one month from such date. If a tenant fails to occupy the building within a period of one month from the specified date, his tenancy or other right in respect of the said building shall, notwithstanding anything contained in any contract or in any law for the time being in force, be deemed to be terminated, and the owner shall be entitled to possession thereof. If such tenant has accepted the temporary accommodation provided by the Competent Authority, he shall have to vacate the same also forthwith; and if he does not vacate, he shall be liable to be evicted therefrom in the manner provided in section 33.

25. Rent of buildings in slum areas.— (*1*) Where any building in a slum area is let to a tenant after it has been re-erected, the rent of the building shall be determined in accordance with the provisions of this section.

(*2*) Where any such building is let to a tenant (other than a tenant who is placed in possession of the building in pursuance of a direction made under sub-section (*4*) of section 24), the tenant shall be liable to pay to the owner,—

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

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

(*3*) Where any such building is let to a tenant in pursuance of a direction made under sub-section (*4*) of section 24, the tenant shall be liable to pay to the owner an annual rent of a sum equivalent to four per cent. of the aggregate cost of re-erection of the building and the cost of the land on which the building is re-erected, unless the landlord has the standard rent fixed under any law relating to the control of rents, at a higher rate. Where the standard rent per annum is fixed at more than the annual rent aforesaid, the State Government shall pay to the owner such amount of the difference by way of subsidised rent as may be prescribed by rules made in this behalf.

Explanation.— For the purposes of this sub-section, the cost of the land shall be deemed to be a sum equivalent to the compensation payable in respect of the land if it were acquired under section 14, on the date of commencement of the re-erection of the building.

(*4*) The rent payable by a tenant in respect of any building under sub-section (*3*) shall, on an application made by the tenant or the owner, be determined by the authority referred to in sub-section (*5*):

Provided that, an application for determination of such rent by the owner or the tenant shall not, except for sufficient cause, be entertained by such authority after the expiry of ninety days from the re-erection of the building.

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

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

(*b*) if there is no such law in force in that area, such authority as may be specified by rules made in this behalf by the State Government, and such rules may provide the procedure that will

be followed by that authority in determining the rent [1][or appeals against the decision of such authority, and also for the levy of Court-fees in such applications and appeals.]

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

26. Chapter not to apply to eviction of tenants from certain buildings.— Nothing in this Chapter shall apply to, or in relation to, the eviction under any law of a tenant from any building in a slum area belonging to Government, the Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936 (C. P. and Berar XXXVI of 1936), or any local authority.

CHAPTER VII

MISCELLANEOUS

27. Powers of entry.— It shall be lawful for any person authorised by the Competent Authority in this behalf to enter into or upon any building or land for the purposes of this Act 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 notice, rule or order made thereunder.

28. 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, to which the provisions of this Act apply, 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 a 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, damaged or removed for the purpose of such inspection shall be filled in, reinstated or made good, as the case may be, by the Competent Authority at its own cost.

29. Power to enter land adjoining land where work is in progress.— (*1*) Any person authorised by the Competent Authority in this behalf may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or for obtaining access to such work or for any other purposes connected with the carrying on of the same.

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

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

30. Breaking into building.— It shall be lawful for any person authorised in writing 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—

1 These words were substituted for the words "and also for appeals against the decision of such authority" by Mah. 36 of 1973, s. 2.

(*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.

31. Entry to be made in day time.— No entry authorised by or under this Act shall be made except at reasonable hours and between the hours of sun-rise and sun-set.

32. Occupier's or Owner's consent ordinarily to be obtained.— Save as provided in this Act, no building or land shall be entered without the consent of the occupier, or if there be 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.

33. Power of eviction to be exercised by Chief Executive Officer.— 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 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, and for the purpose of such eviction, may use or cause to be used such force as may be necessary:

Provided that, before making any order under this section, the Competent Authority shall give a reasonable opportunity to the occupants of the building to show cause why they should not be evicted therefrom.

1**[33A. Procedure for allotment of tenements to slum dwellers not willing to join Scheme or Project.—** 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 Slum Rehabilitation Authority or the Competent Authority, as the case may be, and who do not join such Scheme or Project willingly, the Chief Executive Officer or 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 minimum 120 square feet would be allotted to them or the amount of rent in lieu of transit accommodation as may be fixed by the Slum Rehabilitation Authority or the Competent Authority;

(*d*) 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 clearance 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 the slum dwellers, who do not join such Scheme or Project willingly and 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 or

the Competent Authority, and be 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

1 Section 33A was substituted by Mah. 42 of 2025, s. 4.

3.5 mtrs. elsewhere, if and when available, and construction thereon shall have to be done by such slum dwellers on their own.]

1**[33B. Recovery of rent due from developers.—** (*1*) The eligible slum dwellers of the Slum Rehabilitation Scheme or Slum Redevelopment Project, may apply to the Chief Executive Officer or the Competent Authority, as the case may be, for recovery of rent in lieu of transit accommodation due from the developer of such Scheme or Project, in such manner and accompanied by such fees, as may be determined by the authority.

(*2*) Where the Chief Executive Officer or the Competent Authority, as the case may be, is satisfied that the developer of any Slum Rehabilitation Scheme or Slum Redevelopment Project has defaulted in paying rent in lieu of transit accommodation to the eligible slum dwellers as agreed, the Chief Executive Officer or the Competent Authority may, after making such enquiry in respect of any amount due, on his own motion or on receipt of the application from the eligible slum dwellers, issue an order for the recovery of such amount within such stipulated time as may be specified in the order.

(*3*) The amount specified in every such order for recovery issued by the Chief Executive Officer or the Competent Authority, as the case may be, if not paid by the developer within the time specified in the order, it shall be recoverable as an arrears of land revenue in accordance with the law for the time being in force:

Provided that, if the person against whom the order for recovery is issued, is a company or a limited liability partnership having no sufficient property to satisfy the amount due under recovery order, then such amount shall be recovered from the personal property of the directors or partners of such company or firm, as the case may be.]

34. Power to remove offensive or dangerous trades from slum areas.— The Competent Authority may, by order in writing, direct any person carrying on any dangerous or offensive trade in a slum area to remove the trade from that area within such time as may be specified in the order:

Provided that, no order under this section shall be made unless the person carrying on the trade has been afforded a reasonable opportunity of showing cause as to why the order should not be made.

2**[34A. Constitution of Apex Grievance Redressal Committee.—**3[(*1*)The State Government shall, by notification in the *Official Gazette*, constitute, the Apex Grievance Redressal Committee or Committees, for such area as may be specified in the notification, consisting of the Chairperson and such number of members and for the purposes of exercising such powers and performing such functions as the Government may deem fit to assign to it under this Act.]

(*2*) The Apex Grievance Redressal Committee shall exercise the powers and perform the functions, as follows, namely :—

(*i*) to hear and dispose off appeals against orders of the Chief Executive Officer or any Officer to whom the powers are delegated by the Chief Executive Officer, as provided under this Act;

(*ii*) any issues or matters referred to it by the State Government.

(*3*) The qualifications of the Chairperson and the members of the Apex Grievance Redressal Committee, the procedure to be followed for transacting its business and quorum for its meetings, shall be such as may be prescribed.]

4**[34B. Constitution of Grievance Redressal Committee.—** (*1*) The State Government shall, by notification in the *Official Gazette*, constitute Grievance Redressal Committees consisting of Chairperson and such number of members as the Government may deem fit, for such areas as may be

1 Section 33B was inserted by Mah. 42 of 2025, s. 5.

2 This section was inserted and shall be deemed to have been inserted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 5(*1*).

3 Sub-section (*1*) was substituted by Mah. 66 of 2025, s. 2.

4 This section was inserted and shall be deemed to have been inserted with effect from the 8th March 2017 by Mah. 33 of 2023, s. 5(*2*).

specified in the notification for the purposes of exercising the powers and performing the functions as may be assigned to it under this Act.

(*2*) The qualifications of the Chairperson and the members of the Grievance Redressal Committee, the procedure to be followed for transacting its business and quorum for its meetings, shall be such as may be prescribed.]

35. Appeals.—1[(*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 Appellate Authority, who shall be a person holding a post not below the rank of Additional Collector, in respect of the areas of Municipal Corporations and "A" Class Municipal Councils, and not below the rank of Deputy Collector, in respect of areas of other Municipal Councils, to be notified by the State Government, within a period of thirty days from the date of issue of such notice, order or direction.];

2[(*1A*) Any person,—

(*a*) aggrieved by any notice, order or direction issued or given by the Appellate Authority under sub-section (*1*), may file an appeal within a period of thirty days from the date of receipt of such notice, order or direction, before the Grievance Redressal Committee;

(*b*) aggrieved by any notice, direction, circular, decision, order, permission or approval issued or given by the Chief Executive Officer of Slum Rehabilitation Authority or any Officer to whom the powers are delegated by the Chief Executive Officer, may file an appeal within thirty days of receipt of such notice, direction, circular, decision, order, permission or approval, before the Apex Grievance Redressal Committee.]

(*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[(*3*) Any appeal shall not operate as a stay order appealed from except so far as the Appellate Authority may grant by reasoned order, nor shall execution of any other be stayed by reason only of an appeal having been preferred from, but the Appellate Authority may for sufficient cause order stay of execution of such order and if the notice, order or direction against which appeal is made and is set aside by Appellate Authority on an appeal disobedience thereto shall not be deemed to be an offence.]

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

(*5*) The decision of the 4[Grievance Redressal Committee and the Apex Grievance Redressal Committee] on appeal shall be final and shall not be questioned in any court.

36. Service of notice, 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 5[or] by sending it by registered 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 member or adult 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 member or adult servant of his family shall be deemed to be the service upon the minor.

1 Sub-section (*1*) was substituted by Mah. 38 of 2018, s. 10(*1*).

2 This sub-section was substituted and shall be deemed to have been substituted with effect from 8th March 2017 by Mah. 33 of 2023, s. 6(*1*).

3 Sub-section (*3*) was substituted by Mah. 38 of 2018, s. 10(*3*).

4 These words were substituted for the words "Grievance Redressal Committee" and shall be deemed to have been substituted with effect from 8th March 2017 by Mah. 33 of 2023, s. 6(*2*).

5 This word was substituted for the word "and" by Mah. 30 of 1986, s. 4.

(*3*) Every notice, order or direction, which by or under this Act is to be served as a public notice, order or direction or as a notice, order or direction which is not required to be served on 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.

37. Penalty.— (*1*) Whoever fails to comply with any notice, order or direction issued or given under this Act shall, on conviction, be punished 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 (*10*) of section 12, or any plan for the redevelopment of a clearance area shall, on conviction, be punished 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 by or under this Act to enter into or upon any building or land or molests such person after such entry or incites or instigates or abets such obstruction or molestation shall, on conviction, be punished with imprisonment which may extend to three months and 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 offence is committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished, accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

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

Explanation.— For the purposes of this section—

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

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

38. Order of demolition of buildings in certain cases.— (*1*) Where the erection of any building has been commenced, or is being carried out, or has been completed, in contravention of the provisions of section 8 or of any restriction or condition imposed under sub-section (*10*) of section 12, or a plan for the redevelopment of any clearance area or in contravention of any notice, order or direction issued or given under this Act, the Competent Authority may, in addition to any other remedy that may be resorted to under this Act or under any other law, make an order directing that such erection shall be demolished by the owner thereof within such time not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the building so erected shall be liable to forfeiture or to

summary demolition by an order of the Competent Authority 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.

(*2*) Forfeiture under this section be adjudged by the Competent Authority, and any property so forfeited shall be disposed of as the Competent Authority may direct; and the cost of removal of the property under this section shall be recoverable as an arrear of land revenue (XLV of 1860).

(*3*) For the purpose of causing any building to be demolished under sub-section (*1*) the Competent Authority may use or cause to be used such force as may be necessary.

39. Jurisdiction of courts.— No court inferior to that of a Magistrate of the First Class, or a Presidency Magistrate shall try an offence punishable under this Act.

40. Previous sanction of Competent Authority for prosecution.— No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Competent Authority:

[1][Provided that, for prosecution for the offence punishable under section 3Z-2, no such previous sanction of the Competent Authority shall be necessary.]

41. Protection of action taken in good faith.— No suit, prosecution, or other legal proceedings shall lie against the Competent Authority or against any person acting under its authority for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

42. Bar of jurisdiction.— Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the [2][Appellate Authority, Competent Authority], [3][Grievance Redressal Committee and Apex Grievance Redressal Committee] or Tribunal is empowered by or under this Act, to determine; and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

43. Competent Authority, etc., to be public servants.— The Competent Authority and any person authorised by it under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

44. Tribunal to determine claims of Competent Authorities before they are recovered as arrears of land revenue.— Where under any of the provisions of this Act, any expenses incurred by a Competent Authority (which is a body corporate) under the provisions of this Act are to be recovered as arrears of land revenue, and the claim of the Competent Authority in respect of such expenses is disputed, the question shall be referred to the Tribunal which shall, after making such inquiry as it may deem fit, and after giving to the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Tribunal shall be final, and shall not be called in question in any court or other authority. Where the Tribunal decides the claim in favour of the Competent Authority, then the expenses which are directed to be paid, may be paid in equal monthly instalments not exceeding twenty.

[4][**44A. Vacancy and temporary absence of President and other members of Tribunal.—** (*1*) If any vacancy occurs by reason of death, resignation or expiry of the appointment, or termination of the appointment, of the President or other members or for any reason whatsoever such vacancy shall be filled by appointment of a duly qualified person.

(*2*) The Tribunal shall not be deemed to be invalidly constituted merely by reason of any vacancy referred to in sub-section (*1*) and no decision of the Tribunal shall be called in question in any Court or before any authority only on the ground that a member of the Tribunal (not being the President) was not present, during the hearing of any proceedings before the Tribunal.]

45. Provisions relating to Tribunal.— (*1*) In exercising the jurisdiction conferred upon it by or under this Act the Tribunal shall have the powers of a civil court for the purpose of taking evidence on oath, affirmation or affidavit, or summoning and enforcing the attendance of witnesses, of compelling discovery and the production of documents and material objects, requisitioning any public record or any

copy thereof from any court or office, issuing commissions for the examination of witnesses or documents, and for such other purpose as may be prescribed [5][including the power to grant stay and any other powers of a Civil Court] which may be vested in Tribunal; and the Tribunal shall be deemed

1 This proviso was added by Mah. 10 of 2002, s. 4.

2 These words were substituted for the words "Administrator, Competent Authority" by Mah. 11 of 2012, s. 12. 3 These words were substituted for the words "Grievance Redressal Committee" by Mah. 33 of 2023, s. 7.

4 Section 44A was inserted by Mah. 46 of 1975, s. 5.

5 These words were substituted for the words "including any other powers of a Civil Court" by Mah. 46 of 1975, s. 6(*1*).

to be a Civil Court for all the purposes of sections 195, 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898)[1] and its proceedings shall be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

[2][(*1A*) The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (36 of 1963), shall apply to the filing of every appeal or application made to the Tribunal, under this Act.]

(*2*) In the case of any affidavit to be filed [3][any officer authorised by the Tribunal or by the President] in this behalf may administer the oath to the deponent.

[4][(*3*) The State Government shall from time to time place at the disposal of the Tribunal, such officers and other staff to assist the Tribunal as the State Government may from time to time determine. The remuneration and other conditions of service of the officers and other staff shall be such as may from time to time be determined by the State Government.

(*3A*) The term of office and other conditions of service of the President and the members of the Tribunal shall be such as may be regulated by rules made under section 46].

(*4*) Subject to the provisions of this Act and to the previous approval of the State Government, the President may make regulations for regulating the practice and procedure of the Tribunal, including the award of costs by the Tribunal, the levy of any process fee, [5][filing fee or copying or translation fees] (including provisions for recovery thereof in the form of court fee stamps) the right of appearance before the Tribunal, the place or places of its sittings, the disposal by the Tribunal of any proceedings before it notwithstanding that in the course thereof there has been a change in the persons sitting as members of the Tribunal and generally for the effective exercise of its powers and discharge of its functions under this Act.

(*6*) All orders passed by the Tribunal shall be executed in the same manner in which similar order if passed by the State Government, could have been executed.

(*7*) Notwithstanding anything contained in the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959) every appeal or application made to the Tribunal shall bear a Court-fee stamp of one rupee if the value of the property is ten thousand rupees or less and of two rupees if such value exceeds ten thousand rupees.

46. Power to make rules.— (*1*) The State Government may, subject to the condition of previous publication by notification in the *Official Gazette*, make rules to carry out the purposes of this Act:

[6][Provided that, when the rules are being made for the purposes of Chapter I-C of this Act for the first time, the same may be made without prepublishing the same.]

(*2*) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty 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, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, 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 or omitted to be done under that rule.

[7][47. Cesser of corresponding laws and powers conferred thereunder temporarily.—] (*1*) Where any area is declared to be slum area under this Act, then as from the date of such declaration, the provisions of any municipal or other law corresponding to the provisions of

1 *See* Now Code of Criminal Procedure, 1973 (II of 1974).

2 Sub-section (*1A*) was deemed always to have been inserted by Mah. 46 of 1975, s. 6(*2*).

3 These words were substituted for the words "any officer appointed by the Tribunal" by Mah. 46 of 1975, s. 6(*3*). 4 Sub-sections (*3*) and (*3A*) were substituted for sub-section (*3*) by Mah. 46 of 1975, s. 6(*4*).

5 These words were inserted by Mah. 46 of 1975, s. 6(*5*).

6 This proviso was added by Mah. 1 of 2004, s. 3.

7 Section 47 was substituted for the original section by Mah. 23 of 1981, s. 2.

this Act for slum improvement in relation to the slum area in force immediately before the said date shall, save as otherwise provided in this Act, cease to be in force in the slum area, but so long only as the said declaration remains in force.

(*2*) Where any area is declared to be a slum area, and any building or buildings are ordered to be demolished, under this Act, then as from the date of such order, the provisions of any municipal or other law corresponding to the provisions of this Act for slum clearance and redevelopment and demolition of buildings in force immediately before the said date shall not, save as otherwise provided in this Act, apply in relation to such building or buildings, but so long as the building or buildings, as the case may be, are redeveloped.

(*3*) Even though any area is declared to be a slum area, as long as the order for demolition of any building or buildings is not made under this Act, nothing contained in this section shall affect the provisions of any municipal or other law for the time being in force for slum clearance and redevelopment and demolition of buildings in the slum area:

Provided that, after any area is declared to be a slum area till the date of the order is made for demolition of any building or buildings under this Act, the powers of demolition of buildings conferred on the Municipal Commissioner or Chief Officer or any other officers or authorities under any such law shall, notwithstanding anything contained in any such law, be exercised by them, subject to the control of the State Government. For this purpose, the State Government may, from time to time, issue any general or special directions to any such officers or authorities, which shall be complied by them.]

48. [*Amendment of certain enactments*.] *Deleted by Mah. 2 of 1987, s. 5.*

FIRST SCHEDULE

(*See* section 17)

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 (*4*) of section 17.

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 local authority concerned showing the rental value of such land.

3. The net average monthly income referred to in sub-section (*4*) of section 17 shall be sixty per cent. 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 1.

4. Forty per cent. of the gross monthly rental referred to above shall not be taken into consideration in determining the net average monthly income but shall be deducted in lieu of the expenditure which the owner of the land would normally incur for payment of any property tax to the 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.

SECOND SCHEDULE

[*Deleted by Mah. 2 of 1987, s. 6.*]