



The Karnataka Slum Areas (Improvement and Clearance) Act, 1973

Act 33 of 1974

Keyword(s):

Board, Building, Court, Erection, Hut, Land, Licensing Authority, Notification, Occupier, Owner, Person Interested, Prescribed Authority, Slum Area, Slum Clearance Area, State Housing Board, Work of Improvement

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**THE KARNATAKA SLUM AREAS (IMPROVEMENT AND CLEARANCE)
ACT, 1973.**

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STATEMENTS OF OBJECTS AND REASONS

I

Act 33 of 1974.- The Mysore Slum Areas (Improvement and Clearance) Act, 1958 (Mysore Act 8 of 1959) which was enacted for the improvement and clearance of slum areas in the State was struck down by the High Court and the appeal preferred by the State Government against the decision is pending before the Supreme Court.

Though local bodies have been effecting improvements to slums and have also cleared a few of them, the progress made so far has been very meagre and it is found that without adequate powers it has not been possible effectively to check the increase in the growth of slums and also clear the slums which are unfit for human habitation. A number of schemes for the improvement and clearance of slums are to be quickly implemented with financial assistance given by the Government of India. It has therefore become necessary to enact a law immediately to provide for the improvement and clearance of slums in the State.

Hence this Bill.

(Published in the Karnataka Gazette Part IV - 2A (Extraordinary) No. 213 dated 28-2-1973.)

II

Amending Act 21 of 1978.- The name of the State was changed from Mysore to Karnataka with effect from 1-11-1973. By the Karnataka Adaptation of Laws Order, 1973, the word "Mysore" occurring in various enactments, rules and notifications, then in force was substituted wherever necessary by the word "Karnataka". In the Acts specified in Schedule I introduced in the Legislature earlier to 1st November, 1973 but published thereafter the word "Mysore" continue to exist. Therefore it is proposed to make the necessary consequential amendments to the said Acts also.

Hence this Bill.

(Published in the Karnataka Gazette Part IV - 2A (Extraordinary) No.1050 dated 14-7-1978 at page 5.)

III

Amending Act 19 of 1981.- New slums are coming up in the cities and it is necessary to curb the tendency to put up new slums. This object is sought to be achieved by prohibition of unauthorised construction of buildings, demolition of buildings unlawfully commenced and by taking action against the middlemen who encourage unlawful constructions.

It is also intended to ban trades, like trading in arrack or toddy or other intoxicants, pawn broking and money lending near the slums.

Hence this Bill.

(Published in the Karnataka Gazette Part IV - 2A (Extraordinary) No. 94 dated 3-2-1981 at page 6.)

IV

Amending Act 34 of 1984.-The problem of encroachments on lands belonging to Municipalities, Bangalore Development Authority, Improvement Boards and other Local Bodies has assumed serious proportions. It is necessary to provide deterrent punishment for such encroachments.

2. Hence it is proposed to introduce a provision to make encroachment on lands belonging to the City Improvement, Trust Board, Mysore, Village Panchayats, Taluk Boards, Municipal Councils, Municipal Corporations, Improvement Boards and the Bangalore Development Authority an offence punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees. Further, it is also proposed that any person who had unauthorisedly occupied land belonging to any of the said bodies and who fails to vacate such land in pursuance of an order under Section 5(1) of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act 1974, shall on conviction be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees, and with a further fine which may extend to Rs. 50 per acre of land or part thereof for every day on which the occupation continues after the date of first conviction. A person who intentionally aids or abets the commission of these offences shall also be liable to receive the same punishment. It is proposed to introduce this provision in the following statutes:

- (1) The City of Mysore Improvement Act, 1903.
- (2) Karnataka Village Panchayats and Local Boards Act, 1959
- (3) Karnataka Municipalities Act, 1964.
- (4) Karnataka Municipal Corporations Act, 1976.
- (5) Karnataka Improvement Boards Act, 1976
- (6) Bangalore Development Authority Act, 1976.

3. It is also proposed to extend the application of Chapter III A of the Karnataka Slum Areas (Improvement and Clearance) Act, 1974 to the whole State and to make the Tahsildar of the Taluk the licensing authority, where there is already no licensing authority.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV - 2A No. 104 dated 6-2-1984 at page 8.)

V

Amending Act 26 of 1986.- The State Government is experiencing a lot of difficulty in getting the vacant lands in Urban Areas of the State for the implementation of Environmental Improvement of Urban Slums under the provisions

of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974). One of the main reasons for this is the low rate of compensation fixed (i.e., 100 times of property tax) in the present provision of section 20 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973. Hence, it is proposed to amend section 20 of the said Act to enhance the rate of compensation from the present 100 times to 300 times the Property Tax.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV - 2A No. 60 dated 29-1-1986 at page 3.)

VI

Amending Act 7 of 1988.- The Government have power to acquire land under Section 17 of Karnataka Slum Areas (Improvement and Clearance) Act, 1973 for the purpose of redeveloping the Slum Clearance area or for rehabilitation of the slum dwellers. The Karnataka Slum Clearance Board has no powers to acquire land by agreement. The Board may expedite rehabilitation of slum dwellers if the land is acquired by agreement. Hence it is proposed to introduce a new section 26A giving the Karnataka Slum Clearance Board powers to acquire any land by agreement.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV - 2A No. 75 dated 5-2-1988 at page 3.)

VII

Amending Act 21 of 2002.- It is considered necessary to amend the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974),-

(a) to provide for transfer of lands belonging to the Government or a Local Authority to the Board free of cost for the purpose of carrying out improvement, development, clearance or development of the land or erection of building thereon;

(b) to empower the Board to carryout development on the land transferred to or rested in the Board and to form layout;

(c) to empower the Board to lease, allot, sell or otherwise transfer the sites formed in the layout to the slum dwellers;

(d) to provide for recovery of sums due to the Board;

(e) to change the composition of the Board;

(f) to change the nomenclature of "Chief Executive Officer" as Commissioner and to specify his powers and duties.

(obtained from LC Bill No. 1 of 2002 vide file No. DAPL 17 LGN 2001)

¹[KARNATAKA]¹ ACT NO. 33 of 1974

(First published in the ¹[Karnataka]¹ Gazette Extraordinary on the Seventh day of October, 1974)

THE ¹[KARNATAKA]¹ SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, 1973

(Received the assent of the President on the First day of October, 1974)

(As amended by Karnataka Acts 21 of 1978, 19 of 1981, 34 of 1984, 26 of 1986, 7 of 1988 and 21 of 2002.)

An Act to provide for the improvement and clearance of slums in the State of ¹[Karnataka]¹.

WHEREAS the number of slums in certain areas in the State of ¹[Karnataka]¹ is increasing and is a source of danger to public health and sanitation of the said areas;

1. Adapted by the Karnataka Adaptations of Laws order 1973 w.e.f. 1.11.1923

And whereas under the existing law it has not been possible effectively to check the increase, to eliminate congestion and to provide for basic needs such as streets, water-supply and drainage and to clear the slums which are unfit for human habitation;

And whereas to obviate this difficulty it is expedient to provide for the removal of un-hygienic and insanitary conditions prevailing in the slums, for better accommodation and improved living conditions for slum dwellers, for the promotion of public health generally and for the acquisition of land for the purpose of improving, developing or redeveloping slum areas, clearance of slums and rehabilitation of slum dwellers;

And whereas the Constitution of India enjoins, as a Directive Principle of State Policy that the State should improve public health;

Be it enacted by the ¹[Karnataka]¹ State Legislature in the Twenty-Fourth Year of the Republic of India as follows:-

1. Adapted by the Karnataka Adaptations of Laws order 1973 w.e.f. 1.11.1923

CHAPTER I**PRELIMINARY**

1. Short title, extent and commencement.- (1) This Act may be called the ¹[Karnataka]¹ Slum Areas (Improvement and Clearance) Act, 1973.

(2) It extends to the whole of the State of ¹[Karnataka]¹.

1. Substituted by Act 21 of 1978 w.e.f. 1.11.1974

(3) It shall come into force on such ¹[date]¹ as the State Government may, by notification, appoint.

1. Act came into force on 1.11.1974 by notificatin, Text of the notification is at the end of the Act.

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

(a) "Board" means the ¹[Karnataka]¹ Slum Clearance Board, established under section 33;

1. Substituted by Act 21 of 1978 w.e.f. 1.11.1974

(b) "building" includes a house, out-house, stable, latrine, shed, hut, wall and any other such structure, whether of masonry, bricks, wood, mud, metal or any other materials whatsoever, but does not include plant or machinery comprised in a building;

- (c) "court" means the District Court having jurisdiction;
- (d) "erection" in relation to a building includes extension, alteration or re-erection;
- (e) "Government" means the State Government;

¹(ee) "hut" means any building, which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made;]¹

1. Inserted by Act 19 of 1981 w.e.f. 30.12.1980

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

¹[(ff) "licensing authority" means the authority competent under any law for the time being in force to grant permission for the execution of work relating to construction or re-construction of any building]¹ ²[and where there is no such authority, such authority as the State Government may by notification specify and until, such notification is made, the Tahsildar of the Taluk concerned.]²

1. Inserted by Act 19 of 1981 w.e.f. 30.12.1980

2. Inserted by Act 34 of 1984 w.e.f. 26.6.1984

(g) "notification" means a notification published in the official Gazette;

(h) "occupier" includes,-

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

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

(j) "person interested" in relation to any land or building, includes any person claiming, or entitled to claim an interest in the compensation payable on account of the acquisition of that land or building under this Act:

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

(l) "prescribed authority" means any authority or person authorised by the Government in this regard by notification;

(m) "slum area" means any area declared to be slum area under sub-section (1) of section 3;

(n) "slum clearance area" means any slum area declared to be slum clearance area under sub-section (1) of section 11;

(o) "State Housing Board" means the ¹[Karnataka]¹ Housing Board established under the ¹[Karnataka]¹ Housing Board Act, 1962 (¹[Karnataka]¹ Act 10 of 1963);

1. Substituted by Act 21 of 1978 w.e.f. 1.11.1974

(p) "work of improvement" in relation to any building in a slum area include the execution of any one or more of the following works, namely:-

- (i) necessary repair;
- (ii) structural alteration;
- (iii) provision of light points, water-taps and bathing places;
- (iv) construction of drains, open or covered;
- (v) provision of latrines, including conversion of dry latrines into water-borne latrines;
- (vi) provision of additional or improved fixtures or fittings;
- (vii) opening up or paving of court yards;
- (viii) removal of rubbish; and
- (ix) any other work including the demolition of any building or any part thereof which in the opinion of the prescribed authority is necessary for executing any of the works specified above.

CHAPTER II

DECLARATION OF SLUM AREAS

3. Declaration of slum areas.- (1) Where the Government is satisfied, that,-

- (a) any area is or is likely to be a source of danger to health, safety or convenience of the public of that area or of its neighborhood, by reason of the area being low-lying, insanitary, squalid, over-crowded or otherwise; or
- (b) the buildings in any area, used or intended to be used for human habitation are,-
 - (i) in any respects, unfit for human habitation; or
 - (ii) by reason of dilapidation, over crowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, detrimental to safety, health or morals, it may, by notification, declare such area to be a slum area.

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

- (i) repair,
- (ii) stability,
- (iii) freedom from damp,
- (iv) natural light and air,
- (v) water-supply,
- (vi) drainage and sanitary conveniences,
- (vii) facilities for storage, preparation and cooking of food and for the disposal of waste water,

and the building shall be deemed to be unfit as aforesaid, if it is so defective in one or more of the said matters that it is not reasonably suitable for occupation.

CHAPTER III

PREVENTION OF GROWTH OF SLUMS

4. Registration of building in slum areas.-(1) (a) Within the period specified in clause (b), the owner or occupier of every building situated in any slum area shall send to the prescribed authority a statement in such form as may be prescribed.

(b) The statement under clause (a) shall be sent within such period as may be prescribed.

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

5. Restriction on building, etc., in slum areas.- (1) The prescribed authority may, by notification direct that no person shall erect any building in a slum area except with the previous permission in writing of such authority.

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

(3) Every person desiring to obtain permission referred to in sub-section (1) shall make an application in writing to the prescribed 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 prescribed authority, after making such enquiry as it considers necessary shall, by order in writing,-

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

(b) refuse to grant such permission:

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

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

(a) any works of improvement required to be executed by a notice under sub-section (1) of section 6 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 notification has been issued under sub-section (1) of section 11.

¹[CHAPTER III A

PROHIBITION OF UN-AUTHORISED CONSTRUCTIONS

¹[5A. Application.-This Chapter shall extend to the whole of the State of Karnataka]¹.

1. substituted by Act 34 of 1984 w.e.f. 26.6.1984

5B. Prohibition of construction of building without previous permission.-(1)

(a) After the coming into force of this chapter ¹[x x x]¹, no construction or reconstruction of a building shall ¹[x x x]¹ be begun by any person unless and until permission for the execution of the work relating to such construction or reconstruction is granted to such person ¹[x x x]¹ by the licensing authority.

1. Omitted by Act 34 of 1984 w.e.f. 26.6.1984

(b) No person shall collect any rent or other charges, by whatever name called, from the occupant of any building constructed or reconstructed in contravention of clause (a).

(2) Any person who contravenes the provisions of sub-section (1) or who abets such contravention shall, on conviction, be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

Provided that,-

(i) in the case of a first offence the term of imprisonment shall not be less than six months and the amount of fine shall not be less than five hundred rupees; and

(ii) in the case of a second or subsequent offence the term of imprisonment shall not be less than one year and the amount of fine shall not be less than one thousand rupees.

5C. Demolition of buildings unlawfully commenced, carried on or completed.- (1) If the Board is satisfied that the construction or reconstruction of any building has been commenced or is being carried on or has been completed without obtaining the permission of the licensing authority, under the relevant law, the Board may make a provisional order requiring the owner or the builder or the occupier of the building to demolish the work done and may also direct that the owner or the builder shall refrain from proceeding with the work of construction or reconstruction of the building.

(2) The Board shall serve a copy of the provisional order made under sub-section (1) on the owner or builder or the occupier of the building together with a notice requiring him to show cause within a reasonable time to be specified in such notice why the order should not be confirmed.

(3) If the owner or the builder or the occupier fails to show cause to the satisfaction of the Board, it may confirm the order, with such modifications as it may think fit, and such order shall then be binding on the owner, the builder and the occupier and the Board may take any measure or do anything which may, in its opinion be necessary, for giving due effect to the order and expenses incurred for the purpose shall be recovered from the owner, the builder and the occupier, as arrears of land revenue. The Board may seize the materials and tools used for the construction or reconstruction of the building and may sell them and apply the sale proceeds towards the expenses incurred.

(4) If the work of construction or reconstruction of any building is commenced in contravention of the provisions of sub-section (1) of section 5B and the Board is of the opinion that immediate action should be taken, then, notwithstanding anything contained in this Chapter a notice to be given under sub-section (2) shall not be of less duration than twenty four hours and shall be deemed to be duly served if it is affixed in some conspicuous part of the building to which the notice relates and published by proclamation at or near such building and accompanied by beat of drum, and upon such affixation and publication, all persons concerned shall be deemed to have been duly informed of the matters stated therein.

(5) The Government may call for and examine the records of any proceedings of the Board under this section and after such enquiry as it thinks fit, if the Government is satisfied that the order of the Board is contrary to law, pass such orders thereon as the Government deems fit:

Provided that no order shall be made to the prejudice of any party unless he has had an opportunity of being heard.

5D. The Karnataka Municipal Corporation Act, 1976 and other laws not affected.- Nothing in this Chapter shall be deemed to affect the operation of the Karnataka Municipal Corporations Act, 1976 or the Karnataka Municipalities Act, 1964 or any other law or the rules made thereunder and the provisions of this Chapter shall be in addition to and not in derogation of the provisions of said Acts, laws and the rules.]¹

1. Inserted by Act 19 of 1981 w.e.f. 30.12.1980

CHAPTER IV
IMPROVEMENT OF SLUM AREAS

6. Power of prescribed authority to require execution of works of improvement in slum areas.- (1) Where the prescribed authority is satisfied that at a reasonable expense,-

- (a) any slum area or any part thereof is capable of being improved so as not to be a source of danger to the health, safety or convenience of the public of that area; or
- (b) any building being unfit for human habitation in a slum area can be rendered fit for human habitation,

it may serve upon the owner of the slum area or part thereof or of the building, as the case may be, a notice requiring him within such time not being less than sixty days, as may be specified in the notice, to execute the works of improvement specified therein:

Provided that where the owner of the building is different from the owner of the land on which the building stands and the works of improvement required to be executed relate to provision of water-taps, bathing places, construction of drains, open or covered, as the case may be, provision of water-borne latrines or removal of rubbish and such works are to be executed outside the building, the notice shall be served upon the owner of the land.

(2) In addition to serving a notice under sub-section (1) on the owner concerned, the prescribed authority may serve a copy of the notice on any other person having an interest in the slum area or part thereof or the building or the land on which the building stands, whether as a lessee, mortgagee or otherwise.

(3) In determining for the purposes of this Act whether at a reasonable expense the slum area or part thereof can be improved or the building rendered fit for human habitation, regard shall be had to the estimated cost of the works of improvement of the slum area or part thereof or of the works necessary to render the building fit for human habitation and the estimated value that the slum area or part thereof or the building will have when such works are completed.

7. Power to execute works of improvement to slum areas and to recover expenses.- (1) If a notice under sub-section (1) of section 6 is not complied with, then, after the expiration of the time specified in the notice, the prescribed authority may itself execute the works required to be executed by the notice.

(2) All expenses incurred by the prescribed authority under this section together with interest, at such rate as the Government may, by order, fix from the date when a demand for the expenses is made until payment, may be recovered by the prescribed authority from the owner of the slum area or part thereof or of the building or of the land, on which the building stands, as the case may be, as arrears of land revenue and all such expenses and interest shall constitute a charge upon the slum area or part thereof or the building or the land on which the building stands, as the case may be:

Provided that if the owner proves that he,-

- (a) is receiving the rent merely as agent or trustee for some other person; and
- (b) has not in his hands on behalf of that other person sufficient money to satisfy the whole demand of the prescribed authority,

his liability shall be limited to the total amount of the money which he has in his hands as aforesaid.

8. Expenses of maintenance of works of improvement, etc., to be recoverable from the occupiers of the land or building.- (1) Where works of improvement have been executed in relation to any land or building in a slum area in pursuance of the provisions of sections 6 and 7 the expenses incurred by the prescribed authority, or as the case may be, by any local authority, in connection with the maintenance of such works of improvement or the enjoyment of amenities and conveniences rendered possible by such works, may be recovered from the occupier or occupiers of the land or building as arrears of land revenue.

(2) The amount of expenses referred to in sub-section (1) shall be determined by order by the prescribed authority and in the case of expenses incurred by the local authority, the prescribed authority shall consult the local authority before passing an order determining the amount of expenses incurred by the local authority.

9. Power of prescribed authority to order demolition of building unfit for human habitation.- (1) Where the prescribed authority on a report from the local authority concerned or the State Housing Board or the Board or an officer authorised by the Government for this purpose is satisfied that any building being unfit for human habitation in a slum area is not capable at 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 such 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 prescribed authority and gives an undertaking to that authority that such person shall, within such period as may be specified by the said authority, execute such works of improvement in relation to the building, as will in the opinion of the said authority, render the building fit for human habitation or that it shall not be used for human habitation until such authority on being satisfied that it has been rendered fit for that purpose cancels the undertaking, the prescribed 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 prescribed authority shall forthwith make an order of demolition of the building requiring that the building shall be demolished within such period as may be prescribed.

10. Procedure to be followed where demolition order has been made.- Where an order of demolition of 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 period mentioned in sub-section (3) of section 9, and if the building is not demolished within the said period, the prescribed authority shall enter and demolish the building and subject to the provisions of section 61, sell the materials thereof.

CHAPTER V

SLUM CLEARANCE AND RE-DEVELOPMENT

11. Power to declare any slum area to be slum clearance area.- (1) Where the Government, on a report from the Board or the prescribed authority or the local

authority concerned or the State Housing Board or an officer authorised by the Government for this purpose is satisfied as respects any slum area that the most satisfactory method of dealing with the conditions in the area is the clearance of such area and the demolition of all the buildings in the area, it may, by notification, declare the area to be a slum clearance area, that is to say, an area to be cleared of all buildings in accordance with the provisions of this Act:

Provided that before issuing such notification the Government shall call upon the owners of the lands and buildings in such slum area to show cause why such declaration should not be made and after considering the cause if any, shown by such owners, it may pass such orders as it may deem fit.

(2) Any part of the slum area or any building in the slum area which is not unfit for human habitation or dangerous or injurious to safety, health or morals may be excluded from the notification under sub-section (1) if the Government considers it necessary.

(3) The notification under sub-section (1) shall specify each of the buildings to be demolished and the area to be cleared.

12. Obligation to clear area and demolish buildings.- When a slum area has been declared to be a slum clearance area under sub-section (1) of section 11, the owners of the lands and the buildings in that area shall clear the area and demolish the buildings before the expiration of such period as may be prescribed.

13. Power to clear slum clearance areas.- If any slum clearance area is not cleared or the buildings demolished before the expiration of the period mentioned in section 12 the prescribed authority shall enter and clear the area and demolish the buildings and subject to the provisions of section 61, sell the materials thereof.

14. Owner may re-develop.- (1) Subject to the provisions of this Act, where a notification under sub-section (1) of section 11 has been issued, the owner of the land to which the notification applies may re-develop the land in accordance with plans approved by the prescribed authority and subject to such restrictions and conditions (including condition with regard to the time within which the re-development 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 prescribed authority to cancel or modify any such restriction or condition, may, within such time as may be prescribed, appeal to the Government and the Government shall make such order in the matter as it thinks proper and its decision shall be final.

(2) 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 (1).

15. Power of prescribed authority to re-develop clearance area.- (1) Notwithstanding anything contained in sub-section (1) of section 14, the prescribed authority may, at any time, after the land has been cleared and the buildings have been demolished in accordance with the foregoing provisions of this Chapter but before the work of re-development of that land has been commenced by the owner, by order, determine to re-develop the land if such authority is satisfied that it is necessary in the public interest to do so.

(2) Where land has been cleared and the buildings have been demolished in accordance with the foregoing provisions of this Chapter, and the prescribed authority is satisfied that the land has been, or is being re-developed by the owner

thereof in contravention of plans approved by such authority or any restrictions or conditions imposed under sub-section (1) of section 14, or has not been re-developed within the time, if any, specified under such conditions, it may, by order determine to re-develop the land:

Provided that before passing an order under sub-section (1) or sub-section (2), the owner shall be given an opportunity to show cause why the order should not be passed.

(3) All expenses incurred by the prescribed authority under this section, together with interest at such rate as the Government may, by order, fix from the date when a demand for the expenses is made until payment, may be recovered by the prescribed authority from the owner of the land as arrears of land revenue and all such expenses and interest shall constitute a charge upon the land and the building.

(4) The amount of expenses referred to in sub-section (3) shall be determined by order by the prescribed authority.

16. Rules to provide for transfer to previous occupants.- Subject to the provisions of this Act, the Government may, by rules, provide for or regulate the transfer, and the conditions of such transfer to persons who, immediately before the declaration of any slum area to be a slum clearance area, were occupying lands or buildings in that area or lands or buildings in such slum clearance area after its re-development.

CHAPTER VI

ACQUISITION OF LAND

17. Power to acquire land.- Where the Government is satisfied that, for the purpose of executing any work of improvement in relation to any slum area or any building in such area or for the purpose of re-developing any slum clearance area, or for the purpose of rehabilitating slum dwellers, it is necessary to acquire any land within, adjoining or surrounded, by any such area, it may acquire the land by publishing in the official Gazette, a notice to the effect that it has been decided to acquire the land in pursuance of this section:

Provided that before publishing such notice, the Government shall call upon the owner or any other person who, in the opinion of the Government, may be interested in such land, to show cause why it should not be acquired; and after considering the cause, if any, shown by the owner or any other person interested in the land, the Government may pass such orders as it deems fit.

18. Land acquired to vest in Government free from all encumbrances.- When a notice under section 17 is published in the official Gazette, the land to which the said notice relates shall, on and from the date on which the notice is so published, vest absolutely in the Government free from all encumbrances.

19. Right to receive amount.- Every person having any interest in any land acquired under this Act shall be entitled to receive and be paid amount as hereinafter provided.

20. Amount payable.- (1) The amount payable in respect of any land acquired under this Act, shall be 'three hundred]' times the property tax payable in respect of such land on the date of publication of the notice referred to in section 17, under the municipal law applicable to such area and where no such property tax is payable in respect of such land, the property tax payable in respect of similar land adjacent thereto.

(2) The prescribed authority shall, after holding an enquiry in the prescribed manner, determine by order the amount payable under sub-section (1) and publish the said order in the official Gazette. A copy of the said order shall be communicated to the owner of the land and every person interested therein.

(3) Where the owner of the land and the owner of the building on such land are different, the prescribed authority shall apportion the amount between the owner of the land and the owner of the building (in the same proportion as the value of the land bears to the value of the building on the date of the acquisition).

21. Appeal against order fixing the amount.- Any person who does not agree to the amount determined by the prescribed authority under sub-section (2) of section 20 may prefer an appeal to the court within such period as may be prescribed.

22. Apportionment of amount.-(1) Where several persons claim to be interested in the amount determined, the prescribed authority shall determine the persons who in its opinion are entitled to receive the amount and the sum payable to each of them.

(2) If any dispute arises as to the apportionment of the amount or any part thereof, or as to the persons to whom the same or any part thereof is payable, the prescribed authority may refer such dispute to the decision of the court and the court shall in deciding any such dispute follow, as far as may be, the provisions of Part III of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

23. Payment of amount.-(1) After the amount has been determined, the prescribed authority shall tender payment of the amount to the persons entitled thereto and shall pay it to them.

(2) If the persons entitled to the amount do not consent to receive it or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the amount or as to the apportionment of it, the prescribed authority shall deposit the amount in the court, and the court shall deal with the amount so deposited in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894 (Central Act I of 1894).

24. Payment of interest.- When the amount is not paid or deposited on or before taking possession of the land, the prescribed authority shall pay the amount with interest thereon at the rate of five per cent per annum from the time of so taking possession until it shall have been so paid or deposited and such interest shall be paid or deposited by the prescribed authority in the same manner as provided for the amount.

25. Appeal to High Court.- Subject to the provisions of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, a second appeal shall only lie to the High Court from any decision of the court under this Act.

26. Power of prescribed authority in relation to determination of amount.- (1) The prescribed authority may, for the purpose of carrying out the provisions of sections 20, 22, 23 and 24 by order require any person to furnish such information in his possession relating to any land which is acquired under this Act as may be specified in such order.

(2) The prescribed authority shall, while holding an enquiry under this Act, have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commission for examination of witnesses.

¹[26A. The Board to have power to acquire land by agreement.- (1) Notwithstanding anything contained in sections 17 and 20, the Board may, with the previous approval of the Government, enter into an agreement with any person for the acquisition, from him, by purchase, lease or exchange of any land within, adjoining or surrounded by any slum area or slum clearance area, or any interest in such land which is needed for the purpose of executing any work of improvement in relation to any slum area or any building in such area or for the purpose of redeveloping any slum clearance area, or for the purpose of rehabilitating slum dwellers.

(2) Where any land is acquired under-section (1), the Board may undertake the measures referred to in sub-section (1) of section 27 in accordance with such plans as may be approved by the Government and subject to such directions as may from time to time, be given by the Government.]¹

1. Inserted by Act 7 of 1988 w.e.f. 25.4.1988

27. Use of land acquired ¹[or land transferred by the Government or the local authority]¹ .- (1) Where any land has been acquired under this Act, the Government may undertake or cause to be undertaken such measures as may be necessary for the improvement, development, clearance or re-development of the land, or the erection of any building or buildings thereon, in accordance with such plan as may be approved by it.

1. Inserted by Act 21 of 2002 w.e.f. 17.11.2001.

(2) (i) For the purpose of undertaking the measures referred to in sub-section (1), the Government may either hold the land under its own control and management and undertake such measures itself or through the Board on such terms and conditions as may be determined by it, or transfer the land to the local authority concerned or the Board for the purpose of undertaking those measures.

(ii) Where the land is transferred as provided in clause (i), such land shall vest in the local authority concerned or the Board, as the case may be, and the local authority or the Board shall,-

(a) pay to the Government the cost of acquisition of the land or such portion thereof as the Government may determine in such case; and

(b) undertake the measures referred to in sub-section (1) in accordance with such plans as may be approved by the Government, and subject to such directions as may, from time to time, be given by the Government.

¹ [3. Where any slum area is located on the land belonging to the Government or any local authority the Government or the local authority may subject to such restrictions and conditions as it may impose, transfer to, and vest in, the Board such land free of cost for the purpose of undertaking such measures as may be necessary for improvement, development, clearance or redevelopment of the land or erection of building or buildings thereon.]¹

1. Inserted by Act 21 of 2002 w.e.f. 17.11.2001.

¹ **[27A. Carrying out the development and allotment of sites etc.-** (1) Subject to section 27, the Board shall form layout on the lands transferred to and vested in it under sub-section (2) or (3) of section 27 by realigning internal roads for easy and convenient movement of the slum dwellers and for improving the hygienic conditions. The Board may undertake all measures necessary for improvement clearance development or redevelopment of such land and erection of building thereon.

(2) The Board may, for the purpose of forming layout under sub-section (1) demolish any structure or building in a slum area in accordance with section 10 and the persons affected by such demolition shall, as far as, may be accommodated within the same slum area and if it is not possible they shall be accommodated in the area available in the adjacent slum area or any other area meant for rehabilitation of slum dwellers.

(3) Subject to such restrictions, conditions and limitations as may be prescribed, the Board, shall have power to lease, allot, sell or otherwise transfer the sites formed in the layout under sub-section(1) or dwelling unit of any building constructed in such layout.

27B. Recovery of sums due to the Board.- (1) All cost damages, penalties, charges, rent contribution or any other sum which under this Act or any rule made thereunder are due by any person to the Board be demanded by the prescribed authority by issuing a notice of demand to such person and indicating therein the liability incurred in default of payment, and may be recovered in the prescribed manner if within one month from the date of service of notice, such person does not make payment to the Board;

(2) Any person disputing the demand made in the notice issued under sub-section(1) may prefer an appeal under section 59, within thirty days from the date of service of the notice and the provisions of that section shall mutatis mutandis apply;]¹

1. Inserted by Act 21 of 2002 w.e.f. 17.11.2001.

CHAPTER VII

PROTECTION OF TENANTS IN SLUM AREAS FROM EVICTION

28. Proceedings for eviction of tenants not to be taken without permission of the prescribed 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 prescribed authority,-

(a) institute, after the commencement of this Act, any suit or proceedings for obtaining any decree or order for the eviction of a tenant from any building or land in a slum area; and

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

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

(3) On receipt of such application, the prescribed authority after giving an opportunity to the parties of being heard and after making such summary enquiry 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 permission under sub-section (3), the prescribed authority shall take into account the following factors, namely:-

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

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

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

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

29. Appeal against order refusing permission.- Any person aggrieved by an order of the prescribed authority refusing to grant the permission under sub-section (4) of section 5 or under sub-section (3) of section 28 may, within such time as may be prescribed, prefer an appeal to the Government and the Government may, after hearing the appellant, decide such appeal and its decision shall be final.

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

(2) On receipt of such declaration, the prescribed authority shall, by order, require the owner of the building to furnish to it, within such time as may be prescribed, the plans of the work of improvement or re-erection of the building and estimates of the cost thereof and such other particulars as may be necessary and shall, on the basis of such plans and estimates and particulars, if any, furnished and having regard to the provisions of sub-section (3) of section 31 and after holding such enquiry 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 prescribed 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 31, the rent provisionally determined under sub-section (2), the prescribed authority shall direct the owner to place the tenant in occupation of the building after the completion of the work of improvement or re-erection of the building, as the case may be, and the owner shall be bound to comply with such direction.

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

(2) Where any such building is let to a tenant other than a tenant who is placed in possession of the building in pursuance of a direction issued under sub-section (4) of section 30, 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 or the agreed rent whichever is less;

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

(3) Where any such building is let to a tenant in pursuance of a direction issued under sub-section (4) of section 30, the tenant shall, notwithstanding any law relating to the control of rents in force in the area, be liable to pay to the owners,-

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

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

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

(iii) six per cent of a sum equivalent to the amount payable in respect of any land which may have been acquired for the purpose of effecting such improvement;

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

Explanation.- For the purpose of this clause, the cost of the land shall be deemed to be a sum equivalent to the amount payable in respect of the land as if it were acquired under this Act.

(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 date of completion of the work of improvement or re-erection of the building, as the case may be.

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

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

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

(6) Where the rent is finally determined under this section, then the amount of rent paid by the tenant shall be adjusted against the rent so finally determined and if

the amount so paid falls short of, or is in excess of, the rent finally determined, the tenant shall pay the deficiency or be entitled to a refund, as the case may be.

32. Chapter not to apply to tenants of certain buildings.- Nothing in this Chapter shall apply to or in relation to a tenant of any building situate in a slum area and belonging to the Government or the Board or any local authority.

CHAPTER VIII

THE ¹[KARNATAKA]¹ SLUM CLEARANCE BOARD

33. Establishment of the ¹[Karnataka]¹ Slum Clearance Board.-(1) With effect from such date as the Government may, by notification, appoint in this behalf, there shall be established a Board by the name of the ¹[Karnataka]¹ Slum Clearance Board.

1. Substituted by Act 21 of 1978 w.e.f. 1.11.1994.

(2) The Board shall be a body corporate by the name as aforesaid having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

34. Constitution of the Board.- ¹[(1) The Board shall consist of a Chairman and other official and non-official members as specified in sub-section (2) ;

(2) The Board shall consist of,-

- (a) A Chairman who shall be appointed by the Government;
- (b) Commissioner, Karnataka Housing Board;
- (c) the Commissioner of the Board shall be the Member Secretary;
- (d) A representative of the Finance Department, Government of Karnataka, not below the rank of a Deputy Secretary to Government;
- (e) A representative of the Housing Department, Government of Karnataka, not below the rank of Deputy Secretary to Government;
- (f) The Director of Town Planning, Government of Karnataka;
- (g) A representative of Health and Family Welfare Services Department, Government of Karnataka, not below the rank of a Joint Director;
- (h) A representative of the Bangalore Mahanagara Palike not below the rank of a Deputy Commissioner;
- (i) A representative of the Directorate of Social Welfare, Government of Karnataka, not below the rank of a Joint Director;
- (j) the regional Chief of the Housing and Urban Development Corporation or his nominee;
- (k) five non-official members nominated by the Government, and out of whom one shall be a woman and one shall be a person belonging to the Scheduled Caste or Scheduled Tribe.]¹

1. Substituted by Act 21 of 2002 w.e.f. 17.11.2001.

(3) Subject to the provisions of sub-section (2) the term of office of the Chairman and other members shall be for a period of three years.

(4) Notwithstanding anything contained in this section the Chairman and other members of the Board shall continue in office after the expiry of their term till their successors are appointed under this section.

35. Vacancy not to invalidate proceedings.- No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in the office of the

Chairman or among the other members of the Board or any defect in their appointment.

36. Conditions of service of Chairman and other members.- The conditions of service of the Chairman and other members shall be such as may be prescribed.

37. Appointment of officers and servants.- ¹[(1) The Government shall appoint an officer not below the rank of a Deputy Secretary to Government to be the Commissioner of the Board.]¹

1. Substituted by Act 21 of 2002 w.e.f. 17.11.2001.

(2) The ¹ [Commissioner]¹ shall be the Chief Executive Officer of the Board.

1. Substituted by Act 21 of 2002 w.e.f. 17.11.2001.

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

¹[37A. Powers and duties of the Commissioner.- The Commissioner of the Board shall in addition to performing such functions as may be conferred on him by or under this Act or under any other law for the time being in force,-

(a) carryout the resolutions of the Board:

Provided that, if in the opinion of the Commissioner any resolution of the Board contravenes any provisions of this Act or of any other law or any rule, notification, regulations or bye law made or issued under this Act, or any other law or any order passed by the Government, or is prejudicial or detrimental to the interest of the Board he shall, within fifteen days of passing of such resolution refer the matter to the Government and inform the Board at its next meeting, of the action taken by him and until the orders of the Government on such reference are received, the Commissioner shall not be bound to give effect to such resolution.

(b) keep and conduct the Board's correspondence;

(c) carry out and execute such scheme and works as the Government may direct and incur necessary expenditure thereon;

(d) be responsible for implementing the scheme of the Board;

(e) operate the accounts of the Board and be responsible for the maintenance of the accounts of the Board;

(f) exercise supervision and control over the accounts and proceedings of the Board and over the officers and servants of the Board in the matters of executive administration;

(g) furnish to the Government a copy of the minutes of the proceedings of the Board and any other information which the Government may, from time to time, call for; and

(h) authenticate by his signature all permissions, orders, decisions; notices and other documents of the Board and the orders of the Board]¹

1. Substituted by Act 21 of 2002 w.e.f. 17.11.2001.

38. Conditions of service of officers and servants.-(1) The pay and other conditions of service of the officers and servants of the Board shall be such as may be prescribed.

(2) Where any officer or servant of the State Housing Board is appointed in the Board, his conditions of service (including conditions as to pay, provident fund, pension and gratuity) shall be subject to such rules as may be made in this behalf by the Government.

39. General disqualification of members, officers and servants.- No person who has directly or indirectly by himself, or his partner or agent, any share or interest

in any contract by or on behalf of the Board, shall become or remain a member or officer or servant of the Board.

40. Functions of the Board.- The functions of the Board shall be,-

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

(b) such other functions as may be prescribed.

41. Finance, accounts and audit.- The provisions of Chapter VII of the ¹[Karnataka]¹ Housing Board Act, 1962 (¹[Karnataka]¹ Act 10 of 1963), relating to finance, accounts and audit shall apply, as far as may be, to the Board as the said provisions apply to the State Housing Board.

1. Inserted by Act 21 of 2002 w.e.f. 17.11.2001.

42. No disqualification in certain cases.- No person shall be disqualified for being chosen as, or for being a member of the ¹[Karnataka]¹ Legislative Assembly or of the ¹[Karnataka]¹ Legislative Council by reason only of the fact that he is the Chairman or a member of the Board.

1. Inserted by Act 21 of 2002 w.e.f. 17.11.2001.

43. Power of Board to make regulations.- The Board may make regulations in regard to the meeting of the Board and the conduct of business, ¹ [including quorum in the meeting]¹.

1. Substituted by Act 21 of 2002 w.e.f. 17.11.2001.

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

45. Powers of the State Housing Board to cease.- With effect from the date of the establishment of the Board, the State Housing Board shall cease to exercise any function under the ¹[Karnataka]¹ Housing Board Act, 1962 (¹[Karnataka]¹ Act 10 of 1963), in respect of matters dealt with in this Act.

1. Inserted by Act 21 of 2002 w.e.f. 17.11.2001.

46. Transfer of certain assets and liabilities of the State Housing Board to the Board.- (1) All property, assets, rights and liabilities of the State Housing Board shall, in so far as such property, assets, rights and liabilities are relatable immediately before the date of the establishment of the Board to the improvement of the slum area, the clearance of the slum area and the re-development of the slum clearance area, stand transferred to and be vested in the Board.

(2) (a) If any dispute arises whether any property assets, rights and liabilities stand transferred to and vested in the Board under sub-section (1), the dispute shall be referred to the decision of the Government and its decision shall be final.

(b) Before giving any decision on any such dispute the Government shall give an opportunity to the State Housing Board and the Board to make representations.

47. Board to enforce certain contracts and agreements.- (1) All contracts, agreements and other instruments of whatever nature subsisting or having effect immediately before the date of the establishment of the Board and to which the State Housing Board is a party, in so far as such contracts, agreements and instruments are relatable to the improvement of a slum area, the clearance of a slum area and the re-development of the slum clearance area shall be of as full force and effect

against or in favour of the Board and may be enforced or acted upon as fully and effectually as if, instead of the State Housing Board, the Board has been a party thereto or as if they had been entered into or issued in favour of the Board.

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

Explanation.- For the purpose of this sub-section, 'legal proceeding' includes any proceeding under the Land Acquisition Act, 1894 (Central Act I of 1894).

48. Payment of certain amount by the State Housing Board to the Board.- Subject to the provisions of section 46 the State Housing Board shall, out of its funds as on the date of the establishment of the Board, pay to the Board, such amount as the Government may, in consultation with the State Housing Board specify.

CHAPTER IX MISCELLANEOUS

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

50. Service of notices and orders.- (1) Save as otherwise provided in this Act and subject to the provisions of this section and of any rules made in this behalf, every notice issued or order made under this Act shall,-

(a) in the case of any notice or order of a general nature or affecting a class of persons, be published in the official Gazette;

(b) in the case of any notice or order affecting an individual, corporation or firm be served in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908); and

(c) in the case of any notice or order affecting an individual person (not being a corporation or firm), be served on such person,-

(i) by delivering or tendering it to that person; or

(ii) if it cannot be so delivered or tendered by delivering or tendering it to the head of the office in which such person is employed, or to any adult male servant of such person, or to any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or

(iii) failing service by any of the means aforesaid, by post or by affixing a copy of the said notice or order on some conspicuous part of the land or building to which it relates.

(2) Where the notice or order cannot be served without undue delay, due to any dispute in the ownership of the land or building or due to the person to whom the notice or order is intended being not readily traceable, the notice, or order may be served by publishing it in the official Gazette, and where possible by affixing a copy thereof on some conspicuous part of the land or building to which it relates.

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

52. Power of inspection.- (1) The Government may, by general or special order, authorise any person,-

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

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

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

53. Power to enter land adjoining land where work is in progress.-(1) Any person authorised by the Government in this behalf may, with or without assistants or workmen, enter on any land within forty-five meters 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 purpose 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 Government to the owner or occupier of such land or to both for any such damage whether permanent or temporary in accordance with such rules as may be made.

54. Power to enter into building.- It shall be lawful for any person authorised by the prescribed authority in this behalf to enter into any place or to open or cause to be opened any door, gate or other barrier,-

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

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

55. Entry to be made in the day time.- No entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

56. Occupier's consent ordinarily to be obtained.- Save as provided in this Act, no land or building 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.

57. Powers of eviction.- Notwithstanding anything contained in this Act, where the prescribed 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,-

- (i) any notice, order or direction issued by the prescribed authority; or
- (ii) any notice or direction issued by the owner,

it shall, if satisfied that such eviction is necessary to carry out the purposes of the Act, 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 may for that purpose use or cause to be used such force as may be necessary:

Provided that, before making any order under this section, the prescribed authority shall call upon the occupants of the building to show cause why they should not be evicted therefrom and after considering the cause, if any, shown by such occupants, it may pass such orders as it deems fit.

58. Power to remove dangerous or offensive trades from slum areas.- The prescribed 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 before making any order under this section the prescribed authority shall call upon the person carrying on the trade to show cause why the order should not be made and after considering the cause, if any, shown by such person, it may pass such orders as it deems fit.

¹**[Explanation.-** For the purposes of this section "dangerous or offensive trade" includes,-

- (a) trading in arrack or toddy or other intoxicants; and
- (b) pawn broking or money lending except by a co-operative society or a banking company.]¹

1. Inserted by Act 19 of 1981 w.e.f. 30.12.1980.

59. Appeal.- (1) Except as otherwise expressly provided in this Act, any person aggrieved by any notice, order or direction issued by the prescribed authority may, within such time as may be prescribed, appeal to the Government.

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

(3) On the admission of an appeal, the Government may, for sufficient cause, order the stay of all proceedings relating to the enforcement of the notice, order or direction appealed against.

(4) No appeal shall be decided under this section unless the appellant has been heard or has had an opportunity of being heard.

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

60. Order of demolition of buildings in certain cases.- Where the erection of any building has been commenced, or is being carried out, or has been completed, in contravention of any restriction or condition imposed under section 14 or of a plan for the redevelopment of any slum clearance area or in contravention of any notice, order or direction issued under this Act, the prescribed authority may, in addition to any other remedy that may be resorted to under this Act, or under any law, make an order directing that such building shall be demolished by the owner thereof, within such time not exceeding sixty days, as may be specified in the order, and on the failure of the owner to comply with the order within the time specified, the prescribed authority, may itself cause the building to be demolished and subject to the provisions of section 61, sell the materials thereof :

Provided that, before making any order under this section, the prescribed authority shall call upon the owner to show cause why the order should not be made and after considering the cause, if any, shown by such owner, it may pass such orders as it deems fit.

61. Disposal of proceeds of sale of materials of demolished building and recovery of expenses.- (1) Where the materials of any building demolished by the prescribed authority, under section 10, section 13 or section 60 are sold, the prescribed authority shall apply the proceeds of such sale in or towards payment of the expenses incurred by that authority under that section and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made, such surplus shall be deposited with the Government or authority specified by it.

(2) Any expenses referred to in sub-section (1) if not satisfied out of the sale proceeds of the materials of any building referred to in that sub-section, may be recovered by the prescribed authority from the owner of the building or any other person having an interest therein as arrears of land revenue.

62. Penalties.-(1) Any person who,-

(a) commences or causes to be commenced any work in contravention of any restriction or condition imposed under section 14 or of any plan for the redevelopment of a slum clearance area; or

(b) contravenes or fails to comply with any other provision of this Act or of any rule made thereunder or of any notice, order or direction issued under this Act,

shall be punishable for the first offence with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both and for a second or any subsequent offence with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

(2) Any person who obstructs any person authorised under this Act to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

63. Offences by companies.- (1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of

the company as well as the company shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), 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, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

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

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

64. Prosecution and trial of offences.- (1) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the prescribed authority.

(2) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.

65. Composition of offences.- (1) The prescribed authority may by general or special order either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(2) When an offence has been compounded the offender if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

66. Bar of jurisdiction of civil courts.- Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Government or the prescribed authority 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.

67. Prescribed authority, etc., to be public servants.- The prescribed authority and any person authorised by it under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

68. Protection of action taken in good faith.- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

(2) No suit or legal proceeding shall lie against the Government or the prescribed authority or any authority or officer subordinate to the Government or the prescribed authority for any damage caused or likely to be caused by anything which is, in good faith, done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

69. Delegation of powers of Government.- (1) The Government may, by notification, authorise any authority or officer to exercise any of the powers vested in it by this Act (except the power to acquire land under section 17 and the power to make rules under section 71); and may in like manner withdraw such authority.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the Government or by such officer as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any officer so empowered.

70. Act to override other laws.- The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage, or contract or decree or order of a court or other authority.

71. Power to make rules.- (1) The Government may, by notification and after previous publication make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate,-

- (a) all matters expressly required or allowed by this Act to be prescribed;
- (b) the fees payable in respect of any application or statement under this Act;
- (c) the manner of authentication of notices, orders and other instruments of the prescribed authority; and
- (d) the preparation of plans for the development of any slum area or slum clearance area and matters to be included in such plans.

¹[(e) restrictions, if any, on the exercise of powers by the Board under section 5C.]¹

1. Inserted by Act 19 of 1981 w.e.f. 30.12.1980.

72. Application of the Act to certain pending cases of acquisition.-(1) The provisions of this Act shall apply also to any case or cases in which the proceedings have been started before the commencement of this Act for the acquisition of any land in a slum area under the Land Acquisition Act, 1894 (Central Act I of 1894) (hereinafter in this section referred to as the said Act), but no award has been made by the Deputy Commissioner under section 11 of the said Act before such commencement, as if,-

- (i) the notification published under sub-section (1) of section 4 of the said Act, or
- (ii) the declaration made under section 6 of the said Act, or
- (iii) the notice given under sub-section (1) of section 9 of the said Act,

were a notice to show cause against the acquisition of the land served by the Government under the proviso to section 17 of this Act.

(2) Nothing contained in sub-section (1) shall apply in relation to any land unless and until after the Government has published a notice in the official Gazette to the effect that the said land is required for any of the purposes specified in section 17 of this Act.

73. Laying of rules and notifications.- Every rule made or notification issued under section 69 of this Act shall be laid as soon as may be, after it is made or issued, 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 or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall from the date on which the modification or annulment is notified by the Government in the official Gazette have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule or notification.

* * * *

The Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (33 of 1974) has been amended by the following Acts, namely:-

Amendments (Chronological)

Sl.No.	No.and year of the Act	Sections Amended	Remarks
1.	33 of 1974	-	w.e.f 1.11.1974 Notification No.HMA 213 MNI 74 dt.29.10.74-
2.	21 of 1978	Preamble, 1,2,2(o) 33, Chapter VIII, 33(1), 41,42,45,	w.e.f 1.11.1974
3.	19 of 1981	2(ee),2(ff),Chapter-III A, 5C, 5D 58,71(2),(e),5A, 5B, 5C, 5D	w.e.f 30.12.1980
4.	34 of 1984	2(ff),5A,5B,	w.e.f 26.6.1984
5.	26 of 1986	20,	w.e.f 28.5.1986
6.	7 of 1988	26A	w.e.f 25.4.1988
7.	21 of 2002	27,27(3),27A,27B,34(1) (2), 37(1) &(2),37A,43,	w.e.f 17.11.2001

Amendments (section wise)

Sections	Act No. and year	Remarks
Preamble	21 of 1978	w.e.f. 1.11.1974
1	21 of 1978	w.e.f. 1.11.1974
2	a) 21 of 1978 b) 19 of 1981 c) 34 of 1984	w.e.f. 1.11.1974 w.e.f. 30.12.1980 w.e.f. 26.6.1984
Chapter IIIA	34 of 1984	w.e.f. 26.6.1984
5A	a) 19 of 1981 b) 34 of 1984	w.e.f. 30.12.1980 w.e.f. 26.6.1984
5B	b) 19 of 1981 b) 34 of 1984	w.e.f. 30.12.1980 w.e.f. 26.6.1984
5C	c) 19 of 1981 b) 34 of 1984	w.e.f. 30.12.1980 w.e.f. 26.6.1984

5D	d) 19 of 1981 b) 34 of 1984	w.e.f. 30.12.1980 w.e.f. 26.6.1984
20	26 of 1986	w.e.f. 28.5.1986
26A	7 of 1988	w.e.f. 25.4.1988
27	21 of 2002	w.e.f. 17.11.2001
27A	21 of 2002	w.e.f. 17.11.2001
27B	21 of 2002	w.e.f. 17.11.2001
33	21 of 1978	w.e.f. 1.11.1974
34	21 of 2002	w.e.f. 17.11.2001
37	21 of 2002	w.e.f. 17.11.2001
37A	21 of 2002	w.e.f. 17.11.2001
41	21 of 1978	w.e.f. 1.11.1974
42	21 of 1978	w.e.f. 1.11.1974
43	21 of 2002	w.e.f. 17.11.2001
45	21 of 1978	w.e.f. 1.11.1974
58	19 of 1981	w.e.f. 30.12.1980
71	19 of 1981	w.e.f. 30.12.1980

NOTIFICATION

Bangalore, dated 29th October 1974.[No. HMA 213 MNI 74].

S.O. 1875.- In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974), the Government of Karnataka hereby appoints the 1st November 1974 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka.

K.G. RAJANNA.

Under Secretary to Government,
Health and Municipal Admn. Department.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2C (ii) as No. 3405 dated 29-10-1974.)

* * * * *

KARNATAKA ACT NO. 02 OF 2014
THE KARNATAKA SLUM AREAS (IMPROVEMENT AND CLEARANCE)
(AMENDMENT) ACT, 2013
Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of Title
3. Amendment of section 1
4. Amendment of section 2
5. Amendment of section 33

STATEMENT OF OBJECTS AND REASONS

Amending Act 02 of 2014.- The main objective of the Board is to provide basic amenities to the slum dwellers and to take up developmental works in the slum areas and improve the standard of living of slum dwellers by providing basic facilities. The nomenclature of the Karnataka Slum Clearance Board denotes demolition/wiping out of Slum Areas. The objective is not to demolish or wipe out slums. But, to take steps towards all round Development of Slum Areas. The Ministry of Housing and Urban Poverty Alleviation and Tourism, Government of India have also suggested to change the nomenclature from "Slum Clearance Board" to "Slum Development Board". Therefore it is considered necessary to amend the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974) accordingly.

Hence, the Bill.

[L.A. Bill No.16 of 2013, File No. Samvyashae 43 Shasana 2013]

[Entry 32 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO. 02 OF 2014

(First Published in the Karnataka Gazette Extra-ordinary on the Second day of January, 2014)

THE KARNATAKA SLUM AREAS (IMPROVEMENT AND CLEARANCE) (AMENDMENT) ACT, 2013

(Received the assent of the Governor on the Twenty eighth day of December, 2013)

An Act further to amend the Karnataka Slum Areas (Improvement and Clearance) Act, 1973.

Whereas it is expedient further to amend the Karnataka Slum Areas(Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty fourth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Slum Areas(Improvement and Clearance) (Amendment) Act, 2013.

(2) It shall come into force at once.

2. Amendment of Title.-In the Karnataka Slum Areas(Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974) (hereinafter referred to as the principal Act), in the title and in the long title for the words "Improvement and clearance" the words " development " shall respectively be substituted.

3. Amendment of section 1.- In sub-section(1) of section 1 of the principal Act, for the words " Improvement and clearance" the words "development" shall be substituted.

4. Amendment of section 2.- In the principal Act, in section 2, in clause(a), for the words " Karnataka Slum Clearance Board" the words "Karnataka Slum Development Board" shall be substituted.

5. Amendment of section 33.- In section 33 of the Principal Act,-

(a) in the heading, for the words "Karnataka Slum Clearance Board", the words "Karnataka Slum Development Board" shall be substituted.

(b) in sub-section(1), for the words, "Karnataka Slum Clearance Board", the words "Karnataka Slum Development Board" shall be substituted.

By Order and in the name of the Governor of Karnataka

K.B. CHANGAPPA

Secretary to Government (I/c)

Department of Parliamentary Affairs and Legislation