The Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971

Act 11 of 1971

Keyword(s):
Building, Erection, Land, Occupier, Owner, Person Interested, Slum Area, Slum Clearance Area, State Housing Board, Work of Improvement

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THE TAMIL NADU SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, 1971.

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TAMIL NADU ACT No. 11 of 1971.*

THE TAMIL NADU SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, 1971.

[*Received the assent of the President on the 2nd May* 1971, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the 4th May* 1971 (*Vaisakha* 14, 1893).]

An Act to provide for the improvement and clearance of slums in the State of Tamil Nadu.

WHEREAS the number of slums in certain areas in the State of Tamil Nadu is on the increase and the slums are likely to become a source of danger to public health and sanitation of the said areas ;

AND WHEREAS under the existing law, it has not been possible effectively to arrest the growth of slums, to eliminate congestion and to provide for certain basic needs such as streets, water-supply and drainage in slums and to clear 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 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 or developing slum areas, re-developing slum clearance areas and rehabilitating slum dwellers ;

AND WHEREAS it is a Directive Principle of State Policy embodied in the Constitution that the State should regard the improvement of public health as among its primary duties ;

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* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 29th March 1971, Part IV—Section 3, page 156

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-second Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different areas and for different provisions of this Act :

Provided that any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

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

(*a*) "Board" means the Tamil Nadu Slum Clearance Board, established under section 34 ;

(*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 —

(i) in the City of Madras, the Madras City Civil Court ;

(ii) elsewhere, the Subordinate Judge's Court having jurisdiction and if there is no such Subordinate Judge's Court, the District Court having jurisdiction ;

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

(*e*) "Government" means the State Government ;

(*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 ;

(*g*) "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 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;

(*h*) "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 ;

(*i*) "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;

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

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

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

(*m*) "State Housing Board" means the Tamil Nadu State Housing Board constituted under the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961) ;

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

(i) necessary repairs ;

(ii) structural alterations ;

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

(iv) construction of drains, open or covered ;

(v) provision of latrines, including conversion of dry latrines into water-borne latrines ;

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

(vii) opening up or paving of 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.

Declaration of slum areas.

3. (1) Where the Government are 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 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 respect, 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,

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

CHAPTER III.

PREVENTION OF GROWTH OF SLUMS.

Registration of buildings in slum areas.

4. (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 prescibed 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.

Restriction on building, etc., in slum areas.

5. (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 the prescribed authority.

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(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 respect 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 a reasonable opportunity to show cause why the permission should not be refused.

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

(*a*) any works of improvement required to be executed by a notice under sub-section (1) of section 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.

CHAPTER IV.

IMPROVEMENT OF SLUM AREAS.

Power of prescribed authority to require execution of works of improvement to slum areas.

6. (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 watertaps, 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.

Power to execute works of improvement to slum areas and to recover expenses.

7. (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,

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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 or the prescribed authority,

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

Expenses of maintenance of works of improvements, etc., to be recoverable from the occupiers of the land or building.

8. (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.

Power of prescribed authority to order demolition of building unfit for human habitation.

9. (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 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 prescribed authority and gives an undertaking to that authority that such person shall, within such period as may be specified by the authority, execute such works of improvement in relation to the building, as will in the opinion of the authority, render the building fit for human habitation or that it shall not be used for human habitation until that 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 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.

Procedure to be followed where demolition order has been made.

10. 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 that time, 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.

Power to declare any slum area to be a slum clearance area.

11. (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 are 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 they 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, the Government may pass such orders as they 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 consider it necessary.

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

Obligation to clear area and demolish buildings.

12. 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.

Power to clear slum clearance areas.

13. 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.

Owner may re-develop.

14. (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 a 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 they think proper and their 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).

Power of prescribed authority to re-develop clearance area.

15. (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 that 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, the prescribed authority, if it is satisfied that the land has been, or is being re-developed by the owner thereof in contravention of plans approved by the 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, 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 a reasonable 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.

Rules to provide for transfer to previous occupants.

16. Subject to the provisions of this Act, the Government may, by rules, provide for or regulate the transfer, to persons who, immediately before th

declaration of any slum area to be a slum clearance area were occupying lands or buildings in that area, of lands or buildings in such slum clearence area after its re-development and the conditions of such transfer.

CHAPTER VI.

ACQUISITION OF LAND.

Power to acquire land.

[1][17. (1) Where the Government are 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 or any other land not lying in such area, they may acquire the land by publishing in the *Tamil Nadu Government Gazette*, a notice to the effect that they have decided to acquire the land in pursuance of this section.

(2) Before publishing a notice under sub-section (1), the Collector, or any officer, authorised by the Government in this behalf shall call upon the owner or any other person, who, in the opinion of the Collector or the officer so authorised, may be interested in such land, to show cause why it should not be acquired. The Collector or the officer shall, after considering the cause, if any, shown by the owner or other person interested in the land, make a report to the Government, containing his recommendations on the causes so shown, for the decision of the Government. After considering such report, the Government may pass such orders as they deem fit.]

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[1] This section was substituted for the following original section by section 2 of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973):-

"17. *Power to acquire land.*—Where the Government are 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, they may acquire the land by publishing in the *Tamil Nadu Government Gazette*, a notice to the effect that they have 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 they deem fit."

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Land acquired to vest in Government free from all encumbrances.

18. When a notice under section 17 is published in the *Tamil Nadu Government 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.

Right to receive compensation.

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

Compensation.

20. (1) The compensation payable in respect of any land acquired under this Act shall be the market-value of such land on the date of the publication of the notice referred to in section 17.

(2) The prescribed authority shall, after holding an enquiry in the prescribed manner, determine by order the amount of compensation under sub-section (1) [1][* * * *]. 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 of compensation between the owner of the land and the owner of the building (in the same proportion as the market-value of the land bears to the market-value of the building on the date of the acquisition).

Matters to be neglected in determining compensation.

21. In determining the amount of compensation under section 20—

(1) no solatium shall be payable in consideration of the compulsory nature of the acquisition ;

(2) the following factors shall not be taken into account, namely:—

(*a*) the degree of urgency which has led to the acquisition ;

(*b*) any disinclination of the person interested to part with the land acquired ;

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[1] The words " and publish the said order in the *Tamil Nadu Government Gazette*" were omitted by section 3 of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

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(*c*) any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ;

(*d*) any damage which is likely to be caused to the land acquired, after the date of the publication of the notice under sub-section (1) of section 17, by or in consequence of the use to which it will be put ;

(*e*) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;

(*f*) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put ;

(*g*) any increase to the value of the land by reason of the use thereof in a manner which is detrimental to the health of the occupants of the land or to the public health ;

(*h*) any outlay or improvement on, or disposal of, the land acquired, commenced, made or effected without the sanction of the prescribed authority after the date of the publication of the notice under sub-section (1) of section 17.

Appeal against order of compensation.

22. Any person who does not agree to the amount of compensation 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.

Apportionment of compensation.

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

(2) If any dispute arises as to the apportionment of the compensation 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 I of 1894).

Payment of compensation.

24. (1) After the amount of compensation has been determined, the prescribed authority shall tender payment of the compensation to the persons entitled there to and shall pay it to them.

(2) If the persons entitled to the compensation 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 compensation, or as to the apportionment of it, the prescribed authority shall deposit the amount of compensation 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).

Payment of interest.

25. When the amount of such compensation 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 four 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 of compensation.

Appeal to High Court.

26. Subject to the provisions of the Code of Civil Procedure, 1908 (Central Act V 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 if the amount of compensation as determined by the prescribed authority exceeds rupees twenty-five thousand.

Power of prescribed authority in relation to determination of compensation, etc.

27. (1) The prescribed authority may, for the purpose of carrying out the provisions of sections 20, 21, 23, 24 and 25, 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 V 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.

Use of land acquired.

28. (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 buildings thereon in accordance with such plan as may be approved by them.

(2) (i) For the purpose of undertaking the measures referred to in sub-section (1), the Government may either hold the land under their own control and management and undertake such measures themselves or through the Board on such terms and conditions as may be determined by them, 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 each 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.

CHAPTER VII.

[1][PROTECTION OF OCCUPANTS IN SLUM AREAS FROM EVICTION]

Proceedings for eviction of [2][occupants] not to be taken without permission of the prescribed authority.

29. (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—

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[1] This heading was substituted for the heading "PROTECTION OF TENANTS IN SLUM AREAS FROM EVICTION" by section 4 of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

[2] This word was substituted for the word "tenants" by section 5(i) of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

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(*a*) institute, after the commencement of this Act any suit or proceeding for obtaining any decree or order for the eviction of [1][an occupant] from any building or land in a slum area; or

(*b*) where any decree or order is obtained in any suit or proceeding instituted before such commencement for the eviction of [1][an occupant] 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 [2][the occupant] 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.

[3][*Explanation.*—In this section and in sections 31, 32 and 33, 'occupant' means an occupier, not being an owner in occupation of, or otherwise using, his land or building.]

[1] These words were substituted for the words "a tenant" wherever it occurs in this section by section 5 (ii) of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

[2] These words were substituted for the words "the tenant" by section 5 (iii), *ibid.*

[3] This Explanation was added by section 5 (iv), *ibid.*

Appeal against order refusing permission.

30. 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 29 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 their decision shall be final.

Restoration of possession of premises vacated by [1][an occupant].

31. (1) Where [1][an occupant] 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, [2][the occupant] 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 32 and after holding such enquiry as it may think fit, provisionally determine the rent that would be payable by [2][the occupant] 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 [2][the occupant] and the owner.

(4) If [2][the occupant], 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 32, the rent provisionally

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[1] These words were substituted for the words " a tenant" by section 6 (i) of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

[2] These words were substituted for the words " the tenant" by section 6 (ii), *ibid.*

determined under sub-section (2), the prescribed authority shall direct the owner to place [1][the occupant] 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.

Rent of building in slum areas.

32. (1) Where any building in a slum area is let to [2][an occupant] 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 [2][an occupant] other than [2][an occupant] who is placed in possession of the building in pursuance of a direction issued under sub-section (4) of section 31, [3][the occupant] 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 [3][the occupant].

(3) Where any such building is let to [2][an occupant] in pursuance of a direction issued under sub-section (4) of section 31, [3][the occupant] shall, notwithstanding any law relating to the control of rents in force in the area, be liable to pay to the owner—

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

(i) the annual rent [3][the occupant] was paying immediately before he vacated the building for the purpose of execution of the work of improvement ;

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[1] These words were substituted for the words " the tenant " by section 6 (ii) of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

[2] These words were substituted for the words " a tenant" by section 7 (i), *ibid.*

[3] These words were substituted for the words "the tenant" by section 7 (ii), *ibid.*

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

(iii) six per cent of a sum equivalent to the compensation payable in respect of any land which may have been acquired for the purpose of effecting such improvement as ifsuch land were acquired under section 17 on the date of the commencement of the work of improvement ;

(*b*) if the building has been re-erected, an annual rent of a sum equivalent to four per cent of the aggregate cost of 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 compensation payable in respect of the land if it were acquired under section 17 on the date of commencement of the re-erection of the building.

(4) The rent payable by [1][an occupant] in respect of any building under sub-section (3) shall, on an application made by[2][the occupant] 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 [2][the occupant] 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 applications 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 ;

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[1] These words were substituted for the words "a tenant" by section 7 (i) of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

[2] These words were substituted for the words "the tenant" by section 7(ii), *ibid*.

(*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 [1][the occupant] 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, [1][the occupant] shall pay the deficiency or be entitled to a refund, as the case may be.

Chapter not to apply to [2][occupants] of certain buildings.

33. Nothing in this Chapter shall apply to or in relation to [3][an occupant] of any building situate in a slum area and belonging to the Government or Board or any local authority.

CHAPTER VIII.

SLUM CLEARANCE BOARD.

Establishment of Slum Clearance Board.

34. (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 Tamil Nadu Slum Clearance Board.

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

Constitution of the Board.

35. (1) The Board shall consist of a Chairman and such number of other official and non-official members not exceeding fifteen as may be prescribed:

[4][Provided that one of the whole-time directors of the Madras Metropolitan Water Supply and Sewerage Board constituted under the Madras Metropolitan Water Supply and Sewerage Act, 1978, specified in this behalf by that Board shall be appointed as a member under this section.]

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[1] These words were substituted for the words "the tenant" by section 7(ii) of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

[2] This word was substituted for the word "tenants" by section 8(i) of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

[3] These words were substituted for the words "a tenant" by section 8(ii), *ibid.*

[4] This proviso was added by section 85 of and Part VI (1) of the Schedule to, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).

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(2) The Chairman and other members of the Board shall be appointed by the Government.

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

Conditions of service of members.

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

Appointment of officers and servants.

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

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

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

Conditions of service of officers and servants.

38. (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.

General disqualification of members, officers and servants.

39. 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.

Functions of the Board.

40. The functions of the Board shall be--

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

(*b*) such other functions as may be prescribed.

Finance, accounts and audit.

41. The provisions of Chapter XII of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961), 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.

No disqualification in certain cases.

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

Power of Board to make regulations.

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

Board to comply with directions of Government.

44. 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.

Powers of the State Housing Board to cease.

45. With effect from the date of the establishment of the Board, the State Housing Board shall cease to exercise any function under the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961), in respect of matters dealt with in this Act and in particular, the improvement of the slum area, the clearance of a slum area and the re-development of a slum clearance area.

Transfer of certain assets and liabilities of the State Housing Board to the Board.

46. (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 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 their 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 to the Board to make representations.

Board to enforce certain contracts and agreements.

47. (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 had been a party thereto or as if they had been entered into or issued in favour of the Board.

(2) If, on the date of 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).

Payment of certain amount by the State Housing Board to the Board.

48. 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.

Board to exercise the powers of prescribed authority.

49. 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.

Service of notices and orders.

50. (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 *Tamil Nadu Government 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 *Tamil Nadu Government Gazette*, and where possible, by affixing a copy thereof on some conspicuous part of the land or building to which it relates.

Powers of entry.

51. 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 assistants or 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,

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Powers of inspection.

52. (1) The Government 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 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.

Power to enter land adjoining land where work is in progress.

53. (1) Any person authorised by the Government in this behalf may, with or without assistants or workmen, enter on any land within forty-five metres 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.

Power to enter into buildings.

54. 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.

Entry to be made in the day time.

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

Occupier's consent ordinarily to be obtained.

56. 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.

Powers of eviction.

57. 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 ;

the prescribed authority 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, the prescribed authority may pass such orders as it deems fit.

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Power to remove dangerous or offensive trades from slum areas.

58. 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, the prescribed authority may pass such orders as it deems fit.

Appeal.

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

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

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

Order of demolition of buildings in certain cases.

60. 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 re-development 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 other 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, the prescribed authority may pass such orders as it deems fit.

Disposal of proceeds of sale of materials of demolished building and recovery of expenses.

61. (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 them.

(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.

Penalties.

62. (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 re-development 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 [1][direction issued in pursuance of any of the provisions of this Act or the rules made thereunder],

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.

[1] These words were substituted for the words "direction issued under this Act" by section 9 (i) of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

(2) [1][Any person who obstructs any person authorised under any of the provisions of this Act or the rules made thereunder] to enter into or upon any land or building or molests such person after such entry shall be punishable with fine which may extend to one thousand rupees.

Offences by companies.

63. (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.

Prosecution and trial of offence.

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

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[1] These words were substituted for the words "Any person who obstructs any person authorised under this Act" by section 9 (ii) of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

(2) No court infetior to that of a salaried presidency magistrate or a salaried magistrate of the first class *shall try any offence punishable under this Act.

Bar of jurisdiction of civil courts.

65. Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Government are, 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.

Prescribed authority, etc., to be public servants.

66. The prescribed 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 (Central Act XLV of 1860).

Protection of action taken in good faith.

67. (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 other 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.

Delegation of powers of Government.

68. (1) The Government may, by notification, authorise any authority or officer to exercise any of the powers vested in them by this Act ([1][except the power to acquire

*According to clauses (*a*) and (*c*) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), any reference to a magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate with effect on and from 1st April 1974.

[1] This expression was substituted for the expression "except the power to acquire land under section 17" by section 10 of the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 1973 (Tamil Nadu Act 32 of 1973).

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land under sub-section (1) of section 17] and the power to make rules under section 70) 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.

Applicability and effect of this Act.

[1][69. (1) Notwithstanding anything contained in this Act, the Board or the prescribed authority or any authority referred to in this Act shall have no power, function or responsibility for planning or providing for water supply or sewerage facilities or for any matter connected therewith, or carrying out any work in relation thereto, in the Madras Metropolitan Area within the meaning of the Madras Metropolitan Water Supply and Sewerage Act, 1978, and if any such plan or work is being carried out or executed in relation to that area on the date of coming into force of this section, the Board or any other authority, as the case may be, shall continue and complete such plan or work in accordance with section 27 of the Madras Metropolitan Water Supply and Sewerage Act, 1978.

(2) Save as otherwise provided in this Act, 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 any decree or order of a court or other authority.

Power to make rules.

70. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

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[1] This section was substituted for the following original section by section 85 of, and Part VI (2) of the Schedule to, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978):—

"69. *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.".

(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.

Application of the Act to certain pending cases of acquisition.

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

(i) the notification published under sub-section (1) of section 4 of the said Act, or

(ii) the declaration made under section 6 of the said Act, or

(iii) the notice given under sub-section (1) of section 9 of the said Act,

were a notice to show cause against the acquisition of the land served by the 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 have published a notice in the *Tamil Nadu Government Gazette* to the effect that the said land is required for any of the purposes specified in section 17 of this Act.

Publication of the rules, the date of the commencement of the rules and notifications and placing of rules and notifications on the table of the Legislature.

72. (1) (*a*) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall, come into force on the day on which they are so published.

(*b*) All notifications issued under this Act shall unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

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(2) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Repeal of Tamil Nadu Act XI of 1954.

73. The Tamil Nadu Slum Improvement (Acquisition of Land) Act, 1954 (Tamil Nadu Act XI of 1954), is hereby repealed.

Repeal of Tamil Nadu Ordinance 1 of 1971.

74. (1) The Tamil Nadu Slum Areas (Improvement and Clearance) Ordinance, 1971 (Tamil Nadu Ordinance 1 of 1971), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance including any orders passed, notifications issued, rules, regulations and appointments made shall, in so far as they are not inconsistent with this Act, be deemed to have been done or taken under this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

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The follo wing Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 16th June 1999 and is hereby published for general information :—

ACT No. 22 OF 1999.

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

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fiftieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment and Validation Act, 1999.

(2) Section 2 shall be deemed to have come into force on the 30th day of September 1971.

Amendment of section 70.

Tamil Nadu Act 11 of 1971.

2. In section 70 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 (hereinafter referred to as the principal Act), in sub-section (1), after the words "make rules", the words "whether prospectively or retrospectively" shall be inserted.

Validation.

3. Notwithstanding anything contained in the principal Act, or any judgment, decree or order of any court, tribunal or other authority, all rules made by the State Government and all acts done or orders passed or proceedings taken by the State Government or by any authority or officer under such rules during the period commencing on the 30th day of September 1971 and ending with the date of the publication of this Act in the *Tamil Nadu Government Gazette*, shall, for all purposes, be deemed to be and to have always been, validly made, done, passed or taken in accordance with law, as if the principal Act, as amended by this Act, had been in force at all material times when such rules were made and such acts, orders or proceedings were done, passed or taken under such rules.

(By Order of the Governor.)

K. PARTHASARATHY,
Secretary to Government,
Law Department.

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 22nd April 2022 and is hereby published for general information: —

ACT No. 20 OF 2022.

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

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Slum Areas (Improvement and Clearance) Amendment Act, 2022.

(2) It shall be deemed to have come into force on the 1st day of September 2021.

Amendment of section 2.

Tamil Nadu Act 11 of 1971.

2. In section 2 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely:-

"(a) "Board" means the Tamil Nadu Urban Habitat Development Board established under section 34.".

Substitution of heading of Chapter VIII.

3. In Chapter VIII of the principal Act, for the heading "SLUM CLEARANCE BOARD", the heading "URBAN HABITAT DEVELOPMENT BOARD" shall be substituted.

Amendment of section 34.

4. In section 34 of the principal Act,-

(1) for the marginal heading "Establishment of Slum Clearance Board", the marginal heading "Establishment of Urban Habitat Development Board" shall be substituted;

(2) in sub-section (1), for the expression "Tamil Nadu Slum Clearance Board", the expression "Tamil Nadu Urban Habitat Development Board" shall be substituted.

Substitution of expression.

5. For the expression "Tamil Nadu Slum Clearance Board" occurring in any Rules or notification made under the principal Act, the expression "Tamil Nadu Urban Habitat Development Board" shall be substituted.

(By order of the Governor)

C. GOPI RAVIKUMAR,
Secretary to Government (Legislation),
Law Department.

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