

**THE SLUM AREAS (IMPROVEMENT AND CLEARANCE) (PUDUCHERRY
AMENDMENT) ACT, 1986**

(No. 10 of 1986)

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(24—8—1986)

**AN
Act**

to amend the Slum Areas (Improvement and Clearance) Act, 1956 (Central Act XCVI of 1956).

BE it enacted by the Legislative Assembly of Puducherry in the Thirty-seventh Year of the Republic of India, as follows:-

Short title extent and commencement.

1. (1) This Act may be called the Slum Areas (Improvement and Clearance) (Puducherry Amendment) Act, 1986.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In the Slum Areas (Improvement and Clearance) Act, 1956 (Central Act XCVI of 1956.) (hereinafter referred to as the principal Act), in section 2,-

(i) after clause (a), the following clause shall be inserted, namely:-

“(aa) ‘Board’ means the Puducherry Slum Clearance Board, established under section 21A;”;

(ii) after clause (h), the following clause shall be inserted, namely:-

“(hh) ‘slum area’ means any area declared to be a slum area under sub-section (1) of section 3 ;”;

(iii) for clause (i), the following shall be substituted, namely:-

“(i) ‘slum clearance area’ means any slum area declared to be a slum clearance area under sub-section (1) of section 9 ;”.

Amendment of section 3.

3. In the principal Act, for sub-section (1) of section 3, the following shall be substituted, namely:-

“(1) Where the Administrator is satisfied that-

(a) any area is or may be a source of danger to the health, safety or convenience of the public of that area or its neighbour-hood, by reason of the area being low lying, insanitary, squalid, overcrowded or otherwise; or

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

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

(ii) by 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,

he may, by notification, declare such area to be a slum area.”.

4. In the principal Act, for section 4, the following shall be substituted, namely:-

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

“4. (1) Where the competent 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 this section on the owner, the competent 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 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 a building can be 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 the works are completed.”.

Substitution of new section for section 5.

5. In the principal Act, for section 5, following shall be substituted, namely:-

Enforcement of notice requiring execution of works of improvement.

“5. (1) If a notice under section 4 is not complied with, then, after the expiration of the time specified in the notice, the competent authority may itself do the works required to be done by the notice.

(2) All expenses incurred by the competent authority under this section, together with interest, at such rate as the Central Government may by order fix from the date when a demand for the expenses is made until payment, may be recovered by the competent authority from the owner of the slam 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 ease 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 authority,

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

Substitution of new section for section 6.

6. in the principal Act, for section 6, the following shall be substituted, namely:-

**Expenses of maintenance of works of improvement etc.,
to be recoverable from the occupiers of buildings.**

“6. 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 4 and 5, the expenses incurred by the competent 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 shall be recoverable from the occupier or occupiers of the land or building as arrears of land revenue.”.

Insertion of new Chapter VI-A.

7. In the principal Act, after Chapter VI, the following Chapter and section shall be inserted, namely:-

“CHAPTER VI-A

SLUM CLEARANCE BOARD

Establishment of Slum Clearance Board.

21A. (1) With effect from such date as the Administrator may, by notification, appoint in this behalf, there shall be established a Board by the name of the Puducherry 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.

21B. (1) The Board shall consist of the following members, namely:-

- (a) a Chairman to be appointed by the Administrator;
- (b) the Secretary to Government in-charge of slum clearance;
- (c) the Secretary to Government, Finance Department;
- (d) the District Collector;
- (e) the Director of Public Works Department;
- (f) the Director of Health and Family Welfare Services;
- (g) the Senior Town Planner; and
- (h) three non-official members to be appointed by the Administrator, one of whom shall be an Engineer who possesses experience in slum clearance and who is not in the employment of the Central or State or Union territory Government or of a local authority or of any corporation owned or controlled by

the Central or State or Union territory Government; and one shall be a resident of any one of the outlying areas of Karaikal, Mahe or Yanam.

(2) The appointment of Chairman and non-official members shall be notified in the Official Gazette.

(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.

Condition of service of members.

21C. The terms and conditions of the service of members of the Board shall be such as may be prescribed.

Appointment of officers and servants.

21D. (1) The Secretary to the Board shall be appointed by the Administrator,

(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.

21E. The pay and other conditions of service of the officers and servants of the Board shall be such as may be prescribed.

General disqualification of members, officers and servants.

21F. 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.

Function of the Board.

21G. The functions of the Board shall be-

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

(b) such other functions as may be prescribed.

Finance, accounts and audit.

21H. The provisions of Chapter IX of the Puducherry Housing Board Act, 1973 (Act No. 7 of 1974) relating to finance, accounts and audit shall apply, as far as may be, to the Board as the said provisions apply to the Puducherry Housing Board.

No disqualification in certain cases.

21I. No person shall be disqualified for being chosen as, or for being a member of the Legislative Assembly by reason only of the fact that he is a Chairman or a member of the Board.

Power of Board to make regulations.

21J. The Board may make regulation in regard to the meetings of the Board and the conduct of business.

Board to comply with directions of Administrator.

21K. It shall be the duty of the Board to comply with such directions as the Administrator may, from time to time issue either generally or in regard to any particulars matter.

Power of the Puducherry Housing Board to cease.

21L. With effect from the date of the establishment of the Board, the Puducherry Housing Board shall cease to exercise any function under the Puducherry Housing Board Act, 1973 (Act No. 7 of 1974.) 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 to the Board.

21M. (1) All property, assets, rights and liabilities of the Government or any other authority shall, in so far as such property, assets, rights and liabilities are relatable immediately before the date of establishment of the Board to the improvement of the slum area, the clearance of the slum area and the re-development of the slum clearance area, stand transferred to and vested in the Board.

(2) 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 Government or such other authority is a party, in so far as such contracts, agreements and instruments are relatable to the improvement of the slum area, the clearance of a slum area and the re-development of a slum clearance area shall be of full force and effect against or in favour of the Board and may be enforced or acted upon as fully and effectually as if, instead of the Government or such other authority, the Board had been a party thereto or as if they had been entered into a issued in favour of the Board.

(3) If, on the date of establishment of the Board, any suit, appeal or other legal proceeding of whatever nature by or against the Government or such other authority is pending, then such suit, appeal or other legal proceeding in so far 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 Government or such other authority or of anything done under this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Board.

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

Insertion of new section 39A.

8. In the principal Act, after section 39, the following section shall be inserted, namely:-

Application of the Act to certain pending cases of acquisition.

"39A. The provisions of this Act as amended by the Slum Area (Improvement and Clearance) (Puducherry Amendment) Act, 1986 shall apply to any case or cases in which proceeding 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 section 12 of this Act."

STATEMENT OF OBJECTS AND REASONS ACT NO. 4 OF 1986

In the Union territory of Puducherry, 36 per cent of the total population are slum dwellers. With the rapid urbanisation in this territory, there is proliferation of slum areas. Unless the mushroom growth of slums is arrested, and the slum dwellers rehabilitated, there will be hazards to public health and hygiene. At present, the slum clearance schemes are implemented by the Government and to certain extent by the Puducherry Housing Board. With a view to take concerted efforts to remove congestion and insanitary and unhygienic conditions prevailing in this territory and also to make improvements to slum areas, a unified agency for the purpose is a long felt need in this territory.

The Slum Areas (Improvement and Clearance) Act, 1956 (Central Act XCVI of 1956) is in force in this Union territory on and from the 18th December, 1968. The Act however serves only a limited purpose for making improvement only to buildings and the surrounding areas. The Act also does not provide for creation of an agency with corporate personality to take up steps for clearance and improvement to slum areas. The said Act therefore requires to be amended to widen its scope for the above purposes and also to provide for the constitution of a Slum Clearance Board and matters incidental thereto.

This Bill seeks to achieve the above objects.
