

PART I

LEGISLATIVE DEPARTMENT

Notification

The 16th April, 1990

No. Leg. 7/90. - The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 28th March, 1990, and is hereby published for general information:-

Haryana Act No. 7 of 1990

THE PUNJAB SLUM AREAS (IMPROVEMENT AND CLEARANCE)

HARYANA AMENDMENT ACT, 1990

AN

ACT

to amend the Punjab Slum Areas (Improvement and Clearance)

Act, 1961, in its application to the State of Haryana.

BE it enacted by the Legislature of the State of Haryana in the Forty-first Year of the Republic of India as follows:-

1. This Act may be called the Punjab Slum Areas (Improvement and Clearance) Haryana Amendment Act, 1990.

Short title.

2. In the long title of the Punjab Slum Areas (Improvement and Clearance) Act, 1961 (hereinafter called the principal Act), for the words "slum areas in the State of Haryana", the words and signs "slum areas, for the establishment of the Slum Clearance Board for undertaking the dwellers in the State of Haryana" shall be substituted.

Amendment of long title of Punjab Act, 24 of 1961.

3. In section 2 of the principal Act:-

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

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

Amendment of section 2 of Punjab Act, 24 of 1961.

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

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

4. After Chapter II of the principal Act, the following Chapter shall be inserted, namely:-

In section of Chapter II-A in Punjab Act, 24 of 1961.

“CHAPTER II – A

3A. (1) The owner or occupier of every building situate in any slum area shall send to the competent authority a statement in such form and within such period as may be prescribed.

Registration of buildings in slum areas.

(2) On receipt of the statement under sub-section (1) the competent 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 erection of buildings etc. in slum areas.

3B. (1) The competent authority may, by notification, direct that no person shall erect any building in a slum area except with the prior permission in writing of the competent authority.

(2) Every notification issued under sub-section (1) shall cease to have effect on the expiry of two years from the date of issue.

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

(4) On receipt of such application the competent authority, after making such enquiry as it considers necessary, shall by order in writing-

(a) either grant the permission subject to such term 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 4 or in pursuance of an undertaking given under sub-section (2) of section 7: or

(b) the erection of any building in any area in respect of which order has been issued under sub-section (1) of section 9."

Insertion of Chapter VI-A in Punjab Act, 24 of 1961.

5. After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:-

"CHAPTER VI-A

SLUM CLEARANCE BOARD

Establishment of Slum Clearance Board.

21A. (1) With effect from such date as the State Government may, by notification, appoint in this behalf there shall be established for carrying out the purposes of this Act a Board to be known as the Haryana Slum Clearance Board' with headquarters at such place as the State Government may specify.

Constitution of Board

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

21B. (1) The Board shall consist of a Chairman, the Chief Administrator, the Secretary and such other members, not more than fifteen and not less than

six as the State Government may, from time to time, by notification, appoint and they shall hold office during the pleasure of the State Government:

Provided that the total number of non-official members shall not at any time exceed three.

Explanation:- The Chief Administrator shall be the Chief Executive Officer of the Board.

(2) 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.

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

Conditions of service of members.

21D. The Board may appoint such number of officers and other employees including experts for technical and legal works, as may be necessary for the efficient performance of its functions and may determine their designations and grades.

Appointment of officers and employees.

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

Conditions of service and officers and employees.

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 employee of the Board.

General disqualification of members, officers and employees.

21G. The functions of the Board shall be-

Functions of Board.

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

(b) such other functions as may be prescribed.

21H. 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.

No disqualification in certain cases.

21I. The Board may make regulations in regard to the meetings of the Board and the conduct of business.

Power of Board to make regulations.

21J. It shall be the duty of the Board to comply with such directions as the State Government may, from time to time, issue either generally or in regard to any particular matter.

Board to comply with directions of Government.

21K. With effect from the date of the establishment of the Board, the Housing Board or any other Authority in the State of Haryana shall cease to exercise any function under the Punjab Slum Areas (Improvement and Clearance) Act, 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.

Power of Housing Board or any other Authority to cease.

Transfer of
certain assets and
liabilities to
Board.

21L. (1) All property, assets, rights and liabilities of the State Government, Housing Board 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) If any dispute arises in respect of transfer or vesting of any property, assets, rights or liabilities under sub-section (1), the same shall be referred to the State Government whose decision shall be final.

Power to make
contracts.

21M. The Board may enter into and perform or require the performance of all such contracts as it may consider necessary or expedient for carrying out all or any of the purposes of this Act.

Execution of
contracts.

21N. (1) Every contract shall be made in the name of the Board by the Chief Administrator or such other officer of the Board as may be authorized by it.

(2) Every contract for and on behalf of the Board shall, subject to the provisions of this section, be entered into in such form and manner as may be prescribed.

(3) A contract not made or executed as provided in this section and the rules made thereunder shall be void.

Board to enforce
certain contracts
and agreements.

21O. (1) All contracts, agreements and other instruments of whatever nature subsisting if having effect immediately before the date of the establishment of the Board and to which the State Government or such other Authority is a party, in so far as such contracts, agreement 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 State Government or such other Authority, 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 establishment of the Board, any suit, appeal or other legal proceeding of whatever nature by or against the State Government or such other Authority 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 other Authority 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.

21P. (1) The Board shall have a fund to be called the Slum Clearance Board Fund.

(2) The Board may accept grants, subventions, donations and gifts from the Central Government or the State Government or a local authority or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or any other kind of property sold by the Board, all rents and all interests, profits and other moneys accruing to the Board, shall constitute the Slum Clearance Board Fund.

(4) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the State Bank of India or in any Scheduled Bank or a Co-operative Bank or invested in such securities as may be approved by the State Government.

(5) Such accounts shall be operated upon by such officers as may be authorized by the Board.

Explanation.- For the purposes of this section, a Scheduled Bank shall mean a bank included in the Second Schedule to the Reserve Bank of India Act, 1934.

21Q. All property, the Slum Clearance Board Fund, and all other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

21R. (1) Where in the opinion of the Board circumstances of extreme urgency have arisen, it shall be lawful for the Board to make for the purpose of this Act in any year an expenditure of such amount as may be prescribed, notwithstanding the fact that such expenditure has not been included in its annual programme or supplementary programme sanctioned by the State Government.

(2) Where any sum is expended under circumstances of extreme urgency as provided in sub-section (1), a report thereof indicating the source from which it is proposed to meet the expenditure shall be made by the Board as soon as practicable to the State Government.

(3) The Board may, within the budget sanctioned by the State Government, approve appropriation not exceeding such amount as may be prescribed from one head to another and from one minor head to another under the same major head and submit a statement of such re-appropriation to the State Government.

21S. (1) The State Government may from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the State Government may determine.

(2) The State Government may from time to time advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Act as the State Government may determine.

Power of Board to borrow

21T. (1) The Board may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

(2) The rules made by the State Government for the purposes of this section may empower the Board to borrow by the issue of debentures and to make arrangements with bankers.

(3) All debentures issued by the Board shall be in such form as the Board, with the sanction of the State Government, may, from time to time, determine.

(4) Every debenture shall be signed by the Chief Administrator and one other member.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the State Government as to the repayment of principal and the payment of interest at such rate as may be fixed by the State Government.

Accounts and audit.

21U. (1) The Board shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.

(2) The Board shall cause its accounts to be audited annually by such persons as the State Government may direct.

(3) As soon as the accounts of Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at a reasonable price.

(4) The Board shall comply with such directions as the State Government may after perusal of the report of the auditor think fit to issue.

Concurrent and special audit of accounts.

21V. (1) Notwithstanding anything contained in section 21U the State Government may order that there shall be concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

(2) Where an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1), such information as he may require for the purpose of audit.

Transfer of assets and liabilities.

21W. (1) The State Government may transfer to the Board, building land or any other property, movable or immovable, for use and management by the Board on such conditions and limitations as the State Government may deem fit, for the purposes of this Act.

(2) The State Government may transfer to the Board such schemes or works in progress, with all their assets and liabilities as are run or managed by the State Government, subject to such conditions and limitations as the State Government may deem fit to impose for the purposes of this Act.”.

6. In section 31 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:-

Amendment of section 31 of Punjab Act 24 of 1961.

“(4) Notice or order effecting an individual corporation or firm shall 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.”.

7. After section 38 of the principal Act, the following section shall be inserted, namely:-

Insertion of section 38A in Punjab Act 24 of 1961.

“**38 A. Board to exercise powers of competent authority.**- The State Government may, by notification, direct that any power exercisable by the competent 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 competent authority shall not exercise the power in respect of the matters specified in such notification.”

8. After section 39 of the principal Act, the following section shall be inserted, namely:-

Insertion of section 39A in Punjab Act 24 of 1961.

“**39A. Application of the Act to certain pending cases of acquisition.**- The provisions of this Act as amended by the Slum Areas (Improvement and Clearance) Haryana Amendment Act, 1990, shall apply 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 (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 State Government under section 12 of this Act.”.

SURINDER SARUP,
Secretary to Government of Haryana,
Legislative Department.