

L. A. BILL No. XXXVI OF 2023.

A BILL

*further to amend the Maharashtra Slum Areas
(Improvement, Clearance and Redevelopment) Act, 1971.*

5 **(As passed by the Legislative Assembly on the 27th July, 2023.)**

Mah. XXVIII of 1971. WHEREAS it is expedient further to amend the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, and to re-enact the Government Rules and Notification issued thereunder relating to the Apex and other Grievance Redressal Committees, with retrospective effect and to
10 make validating provisions therefor, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment, Re-enactment of Rules and
15 Notification of Apex and other Grievance Redressal Committees and Validation) Act, 2023. Short title.

- Amendment of section 2 of Mah. XXVIII of 1971. 2. In section 2 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (hereinafter referred to as “the principal Act”),— Mah. XXVIII of 1971.
- (i) after clause (a), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 8th March 2017, 5 namely :—
- “(a-1) “Apex Grievance Redressal Committee” means the Apex Grievance Redressal Committee constituted under sub-section (1) of section 34A;”;
- (ii) for clause (c-c), the following clause shall be substituted, 10 namely :—
- “(c-c) “Grievance Redressal Committee” means the Grievance Redressal Committee constituted under sub-section (2) of section 34B;”.
- Amendment of section 3C of Mah. XXVIII of 1971. 3. In section 3C of the principal Act, in sub-section (2), for the words, 15 “Grievance Redressal Committee”, at both the places where they occur, the words “Apex Grievance Redressal Committee” shall be substituted and shall be deemed to have been substituted with effect from the 8th March 2017.
- Amendment of section 3D of Mah. XXVIII of 1971. 4. In section 3D of the principal Act, in clause (b),—
- (i) in sub-clause (ii)(C), in sub-section (4), for the words 20 “Grievance Redressal Committee”, at both the places where they occur, the words “Apex Grievance Redressal Committee” shall be substituted and shall be deemed to have been substituted with effect from the 8th March 2017 ;
- (ii) in sub-clause (ii)(D), in sub-section (5), for the words 25 “Grievance Redressal Committee”, wherever they occur, the words “Apex Grievance Redressal Committee” shall be substituted and shall be deemed to have been substituted with effect from the 8th March 2017 ;
- (iii) in sub-clause (ii)(H), in sub-section (10), in the proviso, for 30 the words “Grievance Redressal Committee”, at both the places where they occur, the words “Apex Grievance Redressal Committee” shall be substituted and shall be deemed to have been substituted with effect from the 8th March 2017 ;
- (iv) in sub-clause (iii), in section 13, in sub-section (3), in the 35 third proviso, for the words “Grievance Redressal Committee”, at both the places where they occur, the words “Apex Grievance Redressal Committee” shall be substituted and shall be deemed to have been substituted with effect from the 8th March 2017.
- Insertion of new sections 34A and 34B in Mah. XXVIII of 1971. 5. After section 34 of the principal Act,— 40
- (1) the following section shall be inserted and shall be deemed to have been inserted with effect from the 8th March 2017, namely :—
- “34A. (1) The State Government shall, by notification in the *Official Gazette*, constitute, the Apex Grievance Redressal Committee consisting of the Chairperson and such number of 45 members as the Government may deem fit, for the purposes of exercising the powers and performing the functions as may be assigned to it under this Act.
- Constitution of Apex Grievance Redressal Committee.

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

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

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

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

15 (2) after section 34A as so inserted, the following section shall be inserted and shall be deemed to have been inserted with effect from the 8th March 2017, namely :—

20 **“34B.** (1) The State Government shall, by notification in the *Official Gazette*, constitute Grievance Redressal Committees consisting of Chairperson and such number of members as the Government may deem fit, for such areas as may be specified in the notification for the purposes of exercising the powers and performing the functions as may be assigned to it under this Act. Constitution of Grievance Redressal Committees.

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

6. In section 35 of the principal Act,—

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

“1A) Any person,—

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

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

45 (2) in sub-section (5), for the words the “Grievance Redressal Committee” the words “Grievance Redressal Committee and the Apex Grievance Redressal Committee” shall be substituted.

7. In section 42 of the principal Act, for the words “Grievance Redressal Committee”, the words “ Apex Grievance Redressal Committee and Grievance Redressal Committee” shall be substituted.

Amendment of section 35 of Mah. XXVIII of 1971.

Amendment of section 42 of Mah. XXVIII of 1971.

<p>Re-enactment of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Grievance Redressal Committee) Rules, 2014 with retrospective effect.</p>	<p>8. Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or any judgement, decree or order of any court, tribunal or authority, the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Grievance Redressal Committee) Rules, 2014 (hereinafter referred to as “the Rules”), relating to the Apex Grievance Redressal Committee and Grievance Redressal Committees, shall be deemed to have been duly and validly re-enacted by the State Government with retrospective effect, from the 23rd February 2017 and shall be deemed to be operative at all material times, as if they have been made in accordance with law by the State Government under the relevant provisions of the said Act, as amended by this Act.</p>	<p>Mah. XXVIII of 1971. 5 10</p>
<p>Re-enactment of Government Notification, dated 8th March 2017 relating to constitution of Apex and other Grievance Redressal Committees with retrospective effect.</p>	<p>9. Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or any judgement, decree or order of any court, tribunal or authority, the Government Notification, Housing Department, No. Zopasu. 1008/C.R. 143(1)/Slum-1, dated the 8th March 2017 (hereinafter referred to as “the Notification”), relating to constitution of the Apex Grievance Redressal Committee and Grievance Redressal Committees, shall be deemed to have been duly and validly re-enacted by the State Government with retrospective effect, from the 8th March 2017 and shall be deemed to be operative at all material times, as if it has been issued in accordance with law by the State Government under the relevant provisions of the said Act, as amended by this Act.</p>	<p>Mah. XXVIII of 1971. 15 20</p>
<p>Abatement of legal proceedings.</p>	<p>10. No orders, decisions, notices, circulars, resolutions, directions made or issued by the Apex Grievance Redressal Committee and Grievance Redressal Committees or any proceedings thereof, in pursuance of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or the Rules or the Notification issued thereunder relating to Apex Grievance Redressal Committee and Grievance Redressal Committees shall be called question or challenged before any court, tribunal or authority on the ground that the constitution of the Apex Grievance Redressal Committee or Grievance Redressal Committees and powers and functions thereof were not provided in the said Act and the said Committees were not having jurisdiction or were not legally competent to do so under the said Act, and all pending proceedings raising such contentions shall abate to that extent.</p>	<p>25 Mah. XXVIII of 1971. 30</p>
<p>Validation and savings.</p>	<p>11. Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or any judgement, decree or order of any court, tribunal or authority to the contrary, all acts, proceedings or things done or taken, including the orders passed by the Apex Grievance Redressal Committee and Grievance Redressal Committees, during the period commencing from 8th March 2017 and ending on the date of commencement of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment, Re-enactment of Rules and Notification of Apex and other Grievance Redressal Committees and Validation) Act, 2023 (hereinafter, in this section, referred to as “the Amendment Act”), under the said Act, the Rules and the Notification, shall</p>	<p>35 Mah. XXVIII of 1971. 40 Mah. ... of 2023. 45</p>

be deemed to be and shall be deemed always to have been, duly and validly taken or done in accordance with the law as if the provisions of the said Act, as amended by the Amendment Act, had been continuously in force at all material times and accordingly, all actions taken or proceedings or things
 5 done by any officer or authority in connection with any Slum Rehabilitation Scheme, in pursuance of the orders passed by the said Committees, shall for all the purposes, be deemed to be and shall be deemed always to have been done or taken in accordance with the provisions of the said Act, as amended by the Amendment Act.

10 **12.** (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion
 arises, by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of the principal Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty : Power to
remove
difficulties.

15 Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

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

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971) is enacted to make better provision for the improvement and clearance of slum areas in the State and their redevelopment and for the protection of occupiers from eviction and distress warrants. Chapter I-A of the said Act contains provisions for preparing Slum Rehabilitation Scheme for relocation and rehabilitation of protected occupiers, by the Slum Rehabilitation Authority with previous sanction of the State Government.

2. Section 35 of the said Act, *inter alia* provides for filing of an appeal against the orders passed by the Chief Executive Officer, Slum Rehabilitation Authority regarding declaration of Slum Rehabilitation Area, clearance order, eviction order, etc., before the Grievance Redressal Committees, constituted by the State Government by Notification.

The Government has issued a Notification dated the 8th March 2017 for constitution of the Apex Grievance Redressal Committee and Grievance Redressal Committees, to exercise the powers of appeals under section 35 of the said Act. The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Grievance Redressal Committee) Rules, 2014 are framed for prescribing procedure for transacting business of the Grievance Redressal Committees including Apex Grievance Redressal Committee. In order to remove any doubts as to the source of power for the notifications and also to clearly provide for appeals and the jurisdiction of the Apex Grievance Redressal Committee and Grievance Redressal Committees, the Government considers it necessary to amend the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, suitably to provide for constitution of the Apex and other Grievance Redressal Committees and its powers and functions with retrospective effect and also to make necessary validating provisions therefor.

3. The Bill seeks to achieve the above objective.

Mumbai,
Dated 26th July, 2023.

ATUL SAVE,
Minister for Housing.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 5.—Under this clause, which seeks to insert new sections 34A and 34B in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, power is taken to the State Government,—

(a) to constitute the Apex Grievance Redressal Committee and Grievance Redressal Committee, by an order published in the *Official Gazettee*; and

(b) to make rules for prescribing qualifications of the Chairperson and the members of the Apex Grievance Redressal Committee and Grievance Redressal Committee, the procedure to be followed for transacting their business and quorum for their meetings.

Clause 12.—Under this clause, power is taken to the State Government to issue an order for removing any difficulty which may arise in giving effect to the provisions of the Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

*ANNEXURE TO THE L.A. BILL No. XXXVI OF 2023 —
THE MAHARASHTRA SLUM AREAS (IMPROVEMENT, CLEARANCE
AND REDEVELOPMENT) (AMENDMENT, RE-ENACTMENT OF RULES
AND NOTIFICATION OF APEX AND OTHER GRIEVANCE
REDRESSAL COMMITTEES AND VALIDATION) BILL, 2023.*

[*Extracts from the Maharashtra Slum Areas (Improvement,
Clearance and Redevelopment) Act, 1971*]

(Mah. XXVIII of 1971)

1.	*	*	*	*	
2.	In this Act, unless the context otherwise requires,—				Definitions.
	(a) and (a-b)	*	*	*	*
	(b)	*	*	*	*
	(1b)	*	*	*	*
	(ba)	*	*	*	*
	(b-1) and (b-2)	*	*	*	*
	(c)	*	*	*	*
	(c-a) and (c-b)	*	*	*	*
	(c-c) "Grievance Redressal Committee" means the Grievance Redressal Committee Constituted under section 35;				
	(d) to (j)	*	*	*	*
3.	(1) and (2)	*	*	*	*
3A.	and 3B.	*	*	*	*
3C.	(1)	*	*	*	*
					Declaration of a slum rehabilitation area.
	“(2) Any person aggrieved by the order of the Chief Executive Officer may, within thirty days of the publication of such slum rehabilitation order, prefer an appeal to the Grievance Redressal Committee. The decision of the Grievance Redressal Committee in such appeal shall be final.”.				
	(3)	*	*	*	*
3D.		*	*	*	*
	(a)	*	*	*	*
	(b) (i)	*	*	*	*
	(ii) (A) and (B)	*	*	*	*
					Application of other Chapters of this Act to Slum Rehabilitation Area with modification.

(C) for sub-section (4) the following sub-section shall be substituted namely :—

“(4) Any person aggrieved by the clearance order may, within thirty days of the publication of the notice of the confirmation of the clearance order prefer an appeal to the Grievance Redressal Committee. The decision of the Grievance Redressal Committee in such appeal shall be final.”

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

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

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

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

(c) the decision of the Grievance Redressal Committee in such appeal regarding such declaration and execution of clearance order shall be final.”;

(E) to (G)	*	*	*	*
(H) (a) and (b)	*	*	*	*
(i)	*	*	*	*

(ii) for sub-section (10), the following sub-section shall be substituted, namely :—

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

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

(iii)	*	*	*	*	
13. (1) and (2)	*	*	*	*	Power of Slum Rehabilitation Authority to develop Slum Rehabilitation Area.

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

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

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

Provided also that, an appeal, if any, against the order of the Chief Executive Officer shall be filed before the Grievance Redressal Committee and order of the Grievance Redressal Committee shall be final and binding on all the parties.”

(c) to (e)	*	*	*	*
3E. to 3Z-7.	*	*	*	*
4. to 34.	*	*	*	*

Appeals. **35. (1)** * * * *

(1A) Any person,—

(a) aggrieved by any notice, order or directions issued or given by the Appellate Authority under sub-section (1), within a period of thirty days from the date of issue of such notice, order or direction;

“(b) for the purpose of resolving any dispute in relation to matters regarding the declaration of Slum Rehabilitation Area under section 3C and order of slum clearance under section 12 or order under section 13 against the owner or developer not undertaking and completing the project as per the permission and approval so also within the stipulated time frame or order regarding eviction of the slum dweller from Slum Rehabilitation Area under section 3D, by the Chief Executive Officer and about eligibility of slum dweller, eligible slum dweller being denied tenement, transit accommodation being unavailable or not provided and likewise;”

may file an appeal before the Grievance Redressal Committee constituted by the State Government, by notification in the *Official Gazette*, for such area and consisting of the Chairperson and such number of members as the Government may deem fit. The qualifications of the Chairperson and the members of the Committee and the procedure to be followed for transacting its business shall be such as may be prescribed.

(2) to (4) * * * *

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

36. to 41. * * * *

Bar of
Jurisdiction **42.** Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Administrator, Competent Authority or Tribunal is empowered by or under this Act, to determine; and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

43. to 47. * * * *

SCHEDULE * * * *

MAHARASHTRA LEGISLATURE
SECRETARIAT

[L. A. BILL No. XXXVI OF 2023.]

**[A Bill further to amend the Maharashtra
Slum Areas (Improvement, Clearance
and Redevelopment) Act, 1971.]**

[SHRI ATUL SAVE,
Minister for Housing.]

[As passed by the Legislative Assembly
on the 27th July, 2023.]

JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.