

GUJARAT SLUM AREAS (IMPROVEMENT, CLEARANCE AND REDEVELOPMENT) RULES, 1975

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GUJARAT SLUM AREAS (IMPROVEMENT, CLEARANCE AND REDEVELOPMENT) RULES, 1975

In exercise of the powers conferred by section 58 of the Gujarat Slum Areas (Improvement, Clearance and Redevelopment) Act, 1973 (Guj. 11 of 1973) the Government of Gujarat hereby makes the following rules, namely:

CHAPTER 1

Preliminary

1. Short title :-

The rules may be called the Gujarat Slum Area (Improvement, Clearance and Redevelopment) Rules, 1975 .

2. Definitions :-

(1) In these rules, unless the context otherwise requires,

(a) "Act" the Gujarat Slum-Areas (Improvement, Clearance and Redevelopment) Act, 1973 ;

(b) "Board" means the Gujarat Slum Clearance Board established under Section 21 of the Act;

(c) "Chairman" means the Chairman of the Board;

(d) "Form" means a form appended to these rules;

(e) "section" means a section of the Act.

(2) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

CHAPTER 2

Constitution of Board; Conditions of Service of Chairman and Members of Board etc

3. Constitutions of Board :-

The Board shall consist of Chairman and ¹[fourteen] other members of whom ² [five] shall be official members :

Provided that out of five official members one shall be Secretary,

Gujarat Slum Clearance Board who shall function as the Member Secretary of the Board.

1. Substituted by Amended Noti. No GHV/243 of 1987-SAA-2887-764-D, dt. 4-11-1987-Guj. Govt., Gaz., Exty., Pt. IV-B, dt. 16-11-1987, P. 214.

2. Inserted by Amended Noti. No GHV/243 of 1987-SAA-2887-764-D, dt. 4-11-1987-Guj. Govt., Gaz., Exty., Pt. IV-B, dt. 16-11-1987, P. 214.

4. Conditions of Service of Chairman and Members of the Board :-

(1) Where a non-official member is appointed as Chairman he shall be an honorary officer of the Board and where an officer of the State Government is appointed as Chairman he shall be a full or part time officer of the Board, as may be decided by the State Government.

(2) Where a non-official member is appointed as Chairman he shall be paid an honorarium of Rs. 750 per month and where an officer of the State Government, serving or retired, is appointed as Chairman he shall be paid salary and allowances as may be decided by the State Government:

¹[Provided that where a member of the Gujarat Legislative Assembly is appointed as Chairman, he shall be entitled to such amounts of honorarium Per month which together with the salary which he is entitled to under the Gujarat Legislative Assembly Members (Salaries and Allowances) Act, 1960 would not exceed Rs. 750/- per month.]

(3) The Chairman of the Board shall be entitled to the following allowances and facilities :

(a) Travelling allowance and daily allowance as are admissible to the head of department under the State Government. The Chairman shall be entitled to travel by the highest class on railways, including air-conditioned, and by air. For travel by air-conditioned class the additional fare that he is entitled to draw as travelling allowance shall be reduced by one paise per kilometre.

(b) The use of the Board's motor car free of charge for discharging official duties in connection with the Board's work.

(c) The facility of one telephone at his residence where the head quarters of the Board are located, the charges for which shall be

borne by the Board except for private calls, the charges for which shall be borne by the Chairman.

(d) A monthly house rent allowance not exceeding the house rent allowance admissible to a head of department under the Government or free unfurnished Government accommodation as may be determined by the State Government in each case:

Provided that travelling allowance shall not be admissible to the Chairman in respect of the journey performed in the Board's car but he shall be entitled to draw daily allowance as admissible to a head of a department under the State Government, while on tour in a Government vehicle;

²[Provided further that where a member of the Gujarat Legislative Assembly is appointed as Chairman, he shall exercise the option within a period of one month from the date of the commencement of the Gujarat Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Rules, 1980 or the date on which such member is appointed as Chairman whichever is later, to reside either in the free unfurnished Government accommodation provided under this rule or the accommodation provided to him by virtue of his being such member.]

Explanation. For the purposes of clause (b) of sub-rule (3), a journey between the office of the Board and the residence of the Chairman shall not be deemed to be a journey for discharging official duties in connection with the Board's work. For such journey as well as other private journeys the Chairman shall, if he uses the Board's car be liable to pay hire charges at such rates as, the State Government may by general or special order fix.

(4) A member other than the Chairman shall be entitled to an allowance of Rs. 100 for every day of a meeting of the Board. He shall also be entitled to travelling and daily allowance admissible to Class-I Government Officer.

³ [(4-A) A member of the Board who performs journey by road in his own car for the work of the Board shall be entitled to full road mileage allowance according to the Government orders issued from time to time in that behalf]

(5) The State Government may from time to time grant to the Chairman leave of absence from the duties of the Chairman on such terms and condition as deemed fit in each case.

(6) Whenever there is a temporary vacancy in the office of the Chair man, the State Government may appoint a person to act as Chairman during the period of such vacancy and shall pay to such person such honorarium or salary and allowances as may be fixed by the State Government. The persons so appointed shall be deemed to be the Chairman, for all the purposes of the Act.

1. Inserted by Amended Noti. No GHV/243 of 1987-SAA-2887-764-D, dt. 4-11-1987-Guj. Govt., Gaz., Exty., Pt. IV-B, dt. 16-11-1987, P. 214.

2. Insrted by Amendment Noti. No. GH/P/143/80/SAA-2875/DH, dt. 3-10-1980, Guj. Govt. Gaz., Exty., Pt. IV-B, dt. 3-10-1980, P. 148/1.

3. Insrted by Amendment Noti. No. GH/V/243 of 86/SAA-1082-2064 (DH)D. dt. 30-12-1986 G.G. Gaz., Exty., Pt. IV-B, dt. 31-12-1986, P. 245.

5. Term of office of Chairman and Non-Official Members :-

(1) The Chairman and the non-official members shall hold office for a period not exceeding three years from the date of their appointment as the State Government may, determine.

(2) The Chairman or a non-official member shall be eligible for re-appointment after the expiry of this term.

(3) Any non-official member including the Chairman if he is a non-official, may resign his office by giving a notice in writing to the State Government and the resignation shall become effective from the date on which it is tendered.

6. Removal of the Chairman and other Non-Official Members :-

(1) If at any time it appears to the State Government that the Chairman is found to be unsuitable for his office or has been guilty of any misconduct or neglect which renders his removal expedient the State Government may, by order, remove the Chairman from office.

(2) The State Government may, by order, remove any non-official member from office:

(a) if he has without the permission of the Board remained absent from the meetings of the Board for any period not exceeding three consecutive months; or

(b) if he has remained absent from the meetings of the Board for

period exceeding the period permitted under sub-rule (1) of rule 7;
or

(c) if he being a legal practitioner acts or appears on behalf of any person other than the Board in any civil criminal or other legal proceeding in which the Board is interested, either as a party or otherwise; or

(d) if he, in the opinion of the State Government is un-suitable or has become incapable of acting as a member or has so abused his position as a member as to render his continuance as such member detrimental to the public interest :

Provided that no order of removal of Chairman under sub-rule (1) or of a non-official member under sub-rule (2) shall be passed until he has been given by the State Government a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

7. Filling of vacancies :-

(1) The Board may permit any non-official member to remain absent from its meetings for a period not exceeding all months.

(2) The vacancy so caused in the office of a member may be filled up by the State Government by appointing another person who shall hold office till the member returns from his leave.

8. Members of Board or persons associated with the Board not to take part in the proceedings in which they are personally interested :-

(1) A member or a person associated with the Board who (a) has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest in any contract or employment with, by or behalf of the Board; or (b) has acted professionally, in relation to any matter on behalf of any person having therein any such share or interested as aforesaid, shall not vote or take part in any proceeding of the Board relating to such matter.

(2) If any member or any person associated with the Board has directly or indirectly any beneficial interest in any land situated in an area comprised in any Slum Area, Slum Clearance Area, or housing or improvement scheme framed under the Act or in any area in which it is proposed to acquire land for any of the purposes

of the Act

(i) he shall at a meeting of the Board relating to such area of the Board, inform the person presiding, about the nature of such interest; and

(ii) he shall not take any part in any proceeding relating to such area at a meeting of the Board.

CHAPTER 3

Borrowing Power of Board And Accounts of Board

9. Temporary borrowing by the Board :-

The Board may, for the purpose of meeting any current expenditure properly chargeable to revenue, borrow by way of temporary loan or overdraft from any bank or otherwise such sums as it may require. The amount so borrowed, together with the interest thereon, shall be repaid from the current revenue within a period of 12 months from the date of the borrowing or such extended period as the State Government may allow :

Provided that the aggregate amount for the time being remaining undischarged of moneys borrowed as aforesaid by the Board shall not at any time, without the previous sanction of the State Government, exceed a sums rupees one lakh.

10. Long term borrowings :-

(1) The Board may borrow money and mortgage or charge its undertaking and property (including its revenue) or any part thereof and issue debentures, debentures stock, notes and other securities whether outright or as security for any debt, liability or obligation of the Board or of any third party :

Provided that the aggregate amount for the time being remaining undischarged of money borrowed or secured as aforesaid by the Board exclusive of the temporary loans as aforesaid shall not at any time without the previous sanction of the State Government exceed the sum of Rs. 10,00.000.

(2) Nothing herein contained shall entitled a lender to require the Board to disclose whether the limits herein prescribed have been or are about to exceed.

11. Repayment of loans :-

Every loan taken by the Board shall be repaid by the Board within the period agreed upon by the Board by such of the following

methods as may be approved by the Government, namely:

(a) by paying in lump sum or in instalments of principal or of principal and interest, through out the said period; or

(b) if the Board has before borrowing money or debentures, reserved by public notice, a power to pay off the loan by periodical instalments and to select by lot the particular debentures to be discharged at particular periods then, by paying such instalments at such period; or

(c) for money borrowed for the purpose.

12. Manner of issuing securities :-

Every bond, obligation or other security issue by the Board for raising money for or for securing money borrowed by or due from the Board shall be by a deed under the common of seal of the Board and signed autographically by the Chairman and one other member of the Board.

13. Register of security to be kept :-

A register of bonds, debentures and other securities shall be kept by the Board in which shall be entered the number and date of every such, bond, debenture or other security and the sum secured thereby and names of the parties thereto (if any) with their addressed and all other necessary particulars thereof.

14. Instructions which may be issued for the transfer or removal of securities :-

The Board may from time to time issue instructions for controlling the transfer or renewal of any bond; debenture or other security as it may deem expedient, provided such instructions do not affect the holder or transfer of any bond, debenture or other security unless distinct notice of such instructions shall appear thereon.

15. Assigning or conveying property of Board for certain purpose :-

The Board may for the purpose of securing the payment of any such bonds, debentures or other securities as aforesaid, of the payment with interest of money so borrowed as aforesaid, or payable under any contract or otherwise, make and carry into effect any arrangement with the Board may deem expedient by assigning or conveying property of the Board including its revenue to trustees.

16. Debentures ordinarily payable to bearer :-

Unless otherwise resolved by the Board in a general meeting any debenture which may be issued by the Board may be so framed that the principal money and interest thereby secure shall be payable to the bearer and free from any equities between the Board and the person to whom the same may be issued.

17. Maintenance of accounts :-

(1) The accounts of the Board shall be prepared and maintained in accordance with the Public Works Account Code.

(2) The annual Statement of accounts shall be prepared in the manner specified in Form-E.

(3) The Board shall prepare its annual statement of accounts within four months of the closing of the financial year.

18. 18 :-

(1) Before the first day of December in each year, the Board shall prepare and forward to the State Government a programme containing such particulars of schemes which the Board proposes to execute, whether in part or whole during the next year.

(2) The State Government may sanction the programme forward it with such modifications as it deems fit. The programme so sanctioned shall be laid before the State Legislature as soon as may be after they are sanctioned.

(3) The Board may, at any time during the year, in respect of which a programme has been sanctioned, submit a supplementary programme to the State Government and the provision of sub-rule (2) shall apply to such supplementary programme.

(4) The Board may at any time vary any programme or any part thereof included in the programme sanctioned by the State Government provided that on such programme shall be made without the previous sanction of the State Government.

(5) After the programme has been sanctioned by the State Government the Board shall proceed to execute the schemes included in the Programme.

CHAPTER 4

General Provisions

19. Form of statement and form of Registration under

section 4 :-

(1) The statement under sub-section (1) of Section 4 shall be in Form A . The said statement shall be sent within a period of one month from the date on which any area is declared as Slum-Area.

(2) The register under sub-section (2) of Section 4 shall contain particulars specified in Form-A and form of registration certificate under the said sub-section (2) of Section 4 shall be in Form-B.

20. Form of application under section 5(3) :-

The application under sub-section (3) of Section 5 shall be in Form-C.

21. Manner of publication of notification under sections 3 and 11 :-

A copy of the notification under Section 3 and Rule 11 as the case may be, shall be fixed at prominent and conspicuous places situated in the slum area, or slum clearance area as the case may be, and the notification shall also be published in one daily newspaper having circulation in the local area as well as by beat of drum in the locality in which the slum area or the slum clearance area as the case may be is situated.

22. Period for demolition of building under section 12 :-

The owner of the buildings included in the Slum Clearance area shall demolish the buildings in that area within a period of thirty days after the period specified for vacating the buildings has expired.

23. Form of application under sub-section (2) of section 17 :-

The application under sub-section (2) of Section 17 shall be in Form-D.

23A. Additional factors under clause (c) of section 17 to be taken into account by the prescribed authority :-

The prescribed authority shall while granting or refusing to grant permission under sub-section (3) of Section 17 take into consideration the factors as to whether the interest of the State Government, the Central Government or the local authority would be affected adversely.]

24. Appeal under sub-section (6) of section 5 and sub-section (6) of section 17 :-

An appeal against the order of prescribed authority under sub-section (6) of Section 5 and sub-section (6) of Section 17 shall be preferred within thirty days from the date of the receipt of such orders by the aggrieved person.

25. Period within which declaration under sub-section (1) of section 18 may be filed :-

The declaration to be filed by the tenant under sub-section (1) of Section 18 shall be filed within thirty days from the date of vacation of any building by the tenants or, as the case may be eviction of the tenant.

26. Manner of communicating provisional rent under section 18 (3) :-

The rent provisionally determined under Section 18 shall be communicated by the prescribed authority to the tenant by Registered Post with acknowledgement due.

27. Period within which tenant may communicate intimation under section 18 (4) :-

The intimation under sub-section (4) of Section 18 shall be given by the tenant within thirty days from the date of receipt of the communication.

28. Period for filing appeal under section 47(1) :-

The appeal under sub-section (1) of Section 47 may be filed within thirty days from the date of receipt of the notice order or direction of the prescribed authority.

29. Repeal and Savings :-

The Gujarat Slum Areas (Improvement, Clearance and Redevelopment (Constitution of Board) Rules, 1973 are hereby repealed: Provided that anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules.