

CALCUTTA SLUM CLEARANCE AND REHABILITATION OF SLUM-DWELLERS ACT, 1958

West Bengal Act XX of 1958 THE CALCUTTA SLUM CLEARANCE AND REHABILITATION OF SLUM-DWELLERS ACT, 1958. [Passed by the West Bengal Legislature:] [Assent of the President was first published in the Calcutta gazette, Extraordinary, of the 30th December, 1958.] [30th December, 1958.] An Act to provide for the clearance of slums in Calcutta, and Rehabilitation of Slum-dwellers and for certain other matters _ connected therewith. WHEREAS it is expedient to provide for the clearance of slums in Calcutta and wherever possible for the erection of planned buildings after demolition of existing huts and other structures in such slums in the manner hereinafter appearing with a view to the removal of insanitary and unhygienic conditions prevailing therein, the provision of better accommodation and improved living conditions for the slum-dwellers, and the promotion of public health generally, and for certain other matters connected therewith ; It is hereby enacted in the Ninth year of the Republic of India, by the Legislature of West Bengal, as follows 1. (1) This Act may be called the Calcutta Slum and Rehabilitation of Slum-dwellers Act, 1958. (2) It shall come into force on such date the State Government may by notification appoint. (3) It shall apply to Calcutta or to such portion or portions thereof as the State Government may, from time to time, by notification The State Government may by notification extend it to any other town or local area in West Bengal specified in such notification. Enactment.—In this subsection, "Calcutta" means the area described in Schedule I to the Calcutta Municipal Act, 1951, as Act deemed to have been amended under section 594 of that Act

2. In any area to which this Act applies—(a) sections 393 to 413 (both inclusive) of, and Parts VIII and IX of Schedule X. VI to, the Calcutta Municipal Act, 1951, and sections 335 to 362 (both inclusive) of, and Parts VIII and IX of Schedule XVII to, the Municipal Act, 1923, as extended to the Municipality of Howrah by notification No 260M. , dated the 18th January, 1932, by the Government of Bengal in the Ministry of Local Self-Government and sections 334 to 347 (both inclusive) of, and Sections E, F and G and Form B of Schedule VI to, the Bengal Municipal Act, 1932, as the case may be, shall stand repealed, and Short title, commencement and extent. prohibition of erection or addition or alteration of new hut, etc. 2 Definitions. Declaration of slum area. The Calcutta Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958. [West Ben. Act (Sections 3, 4.) (b) notwithstanding anything contained in any of the aforesaid Acts, no new hut or collection of huts shall be erected or no addition to, or alteration in, any such hut or collection of huts, shall be made in such area except with the permission in writing of the prescribed authority and subject to such restrictions or conditions, if any, as may be prescribed

3. In this Act, unless there is anything repugnant in the subject or context,—(1) "hut" means any structure, no substantial part of which, excluding the walls up to a height of eighteen inches above the floor or floor level, is constructed of masonry, reinforced concrete, ferro-concrete, cemented brick-work, steel, iron or other metal, or any combination of these materials ; (2) "notification" means a notification published in the Official Gazette ; (3) "prescribed" means prescribed by rules made under this Act ; (4) "prescribed authority" means any person appointed by the State Government, by notification, to perform all or any of the functions of the prescribed authority under this Act ; (5) "slum" means any land containing a collection of huts or other structures used or intended to be used for human habitation ; (6) "slum area" means any area, declared as such by the State Government under section 4. 4. (1) If the State Government is satisfied that in any area— (a) the huts or other structures used or intended to be used for human habitation are unfit for such purposes, or (b) the unhealthy or unhygienic condition thereof or of the huts or other structures therein, is dangerous or injurious to public health or to the health of the inhabitants of the area, the State Government may, by notification, and in such other manner as may be prescribed, proclaim its intention to declare such area to be a Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958. XX of 1958.1 (Section 5.) 3 (2) Upon the publication of such a notification and within two months of such publication, the person or persons affected by such notification may make representations in writing to the State Government, stating the grounds of their objection to the intended declaration. (3) Upon consideration of such representations, if any, the State Government may withdraw the notification mentioned in sub-section (1) or may, by notification, declare such area or any portion thereof to be a slum area. 6. (1) The State Government may, within one year after Acquisition an area has been declared a

slum-area, under sub-section (3) of section 4, acquire the land comprised in such area together with all huts and other structures standing thereon by publishing in the Official Gazette and in such other manner as may be prescribed notice to the effect that the State Government has decided to acquire such land together with all huts and other structures standing thereon. (2) When a notice is published as aforesaid, any officer of the State Government, authorised by it in this behalf, may take possession of the land comprised in the slum-area together with all huts and other structures standing thereon, and thereupon such land and huts and other structures shall vest absolutely in the State Government free from all encumbrances: Provided that such officer shall not take possession of any hut or other structure until the expiration of two months from the date of service of a notice to quit such hut or other structure which shall be served in such manner and on such persons as may be prescribed. (3) If such notice is not complied with by the person concerned mentioned in the proviso to sub-section (2) referred to in that sub-section may— (a) if he is a Magistrate, enforce the delivery of possession to himself of the hut or other structure, in respect of which the notice has been served, or (b) if he is not a Magistrate, apply to the Commissioner of Police, Calcutta, or to a Magistrate, as the case may be, and such Commissioner or Magistrate shall enforce the delivery of possession of such hut or other structure to such officer: Provided that the provisions of sub-sections (2) and (3) shall not apply unless the State Government has offered alternative accommodation as near as may be within a radius of one mile from the slum-area to the occupier of such hut or other structure at a rent which the State Government is satisfied is comparable to what was being paid by the occupier or if no rent was being paid 'Utilisation of Slum. Revenue for building and public purpose'. The Calcutta Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958. [West Bengal Act (Section 6.) by the occupier, what was payable for similar accommodation in the locality and the occupier has refused or neglected to occupy such alternative accommodation within the time prescribed. (4) Before taking possession under subsection (2) or subsection (3) of the land and other structures, the officer shall pay such amount to the occupier as may be prescribed on account, of— (a) cost of removal, (b) cost of dismantling and re-erecting any plant, machinery or such other equipment used for any trade or industry, and (c) compensation for any temporary loss of occupation. 6. (1) On the removal of the occupiers from all huts and other structures in pursuance of the provisions of sub-sections (2) and (3) of section 5, the State Government may take all necessary measures to clear the acquired land by the demolition of all huts and structures therein and to erect thereon buildings according to such plan as may be approved by it. (2) The State Government may itself execute or cause to be executed the measures referred to in sub-section (1) or may entrust the execution to such local authority or any other public authority constituted by Government and on such terms and conditions as may be determined by the State Government. (3) The buildings so erected or the huts remodelled under sub-section (6) will be let out to slum-dwellers and to persons of such low income groups as may be prescribed. (4) The terms and conditions for letting out the buildings erected or the huts remodelled under the provisions of sub-section (3) shall be such as may be prescribed. (5) Where the acquired land is unsuitable for the construction of any building as aforesaid on the ground that the area is small, or on any other ground, the State Government may use it for such public purposes as it thinks fit. (6) The State Government may, instead of demolishing huts and other structures and erecting buildings, take measures to remodel the slum in such manner and subject to such conditions as may be prescribed. *Calcutta Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958. XX 1958.1 (Section 7.)* 5 7. (1) Any person having any interest in any land or hut or structure acquired under this Act shall be entitled to receive from the State Government compensation according to the principles enumerated below, namely (a) For the interest of the owner of the land— compensation equal to the sum of— Value of the land determined according to the following table:— Table Amount of purchase price. (i) For the first Rs. 5,000 or less of the amount of purchase price. (2) For the next Rs. 5,000 or less of the amount of purchase price. (3) For the next Rs. 5,000 or less of the amount of purchase price. (4) For the next Rs. 5,000 or less of the amount of purchase price. (5) For the balance of the purchase price. and, Value for purpose of compensation. 100 per centum of the amount. 80 per centum of the amount. 70 per centum of the amount. 60 per centum of the amount. 55 per centum of the amount. (ii) Ten times the net annual derived or derivable by the owner from any huts and structures owned by him. price" means the price which the land fetched or could have fetched in any transaction involving the sale or purchase thereof on the 31st day of December, 1946. (b) For the interest of a lessee or a sub-lessee of the land— compensation equal to the amount derivable by him for the unexpired

period Of the calculated on the basis of his net annual income from the land and from any huts and structures owned by him provided that when the unexpired period of the lease is ten years or more or when the period of the lease is not specified, the amount of compensation shall not exceed the amount indicated in the following table

Table	Amount of the net annual income	For the first Rupees	One hundred or less of the net annual income	For the next Rupees	One hundred and fifty or less of net annual income	For the balance of the net annual income	Amount of compensation
Twenty times	amount	Fifteen times	amount	Ten times	amount		

Explanation.—A lessee or sub-lessee will include a thika tenant as defined in the Calcutta Thika Tenancy Act, 1949, or a tenant who does not hold under an instrument in writing. (c) For the interest of the owner of any hut or other structure— compensation equal to the cost of construction of a similar hut or other structure as on the date of vesting, after deducting therefrom an amount on account of depreciation calculated at such percentage as may be prescribed having regard to the nature of the materials used in the construction. 'Gross income' means the aggregate of the amounts received or during a year by the owner or the lessee or the sub-lessee on account of the rent of the land and of any huts or structures owned by him. (i) "Net income" means the amount arrived at by deducting from the gross income— (a) the annual rents and taxes payable by the owner or the or the sub-lessee for such land, huts and structures ; (b) the cost of repairs and of the huts and structures, if any, calculated at ten per centum of the gross income ; (c) the cost of management and collection calculated at six per centum of the gross income. (ii) "Net annual income" means the average of the net income calculated over period of five consecutive years preceding the date of vesting. If only a portion of the land let out for any period during the Calcutta Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958. XX of 1958.1 (Sections 8—11.) 7 five consecutive years aforesaid, then the gross income for the portion so let out shall be the for determining the gross income of the entire land for such period. (2) Where several persons claim to be entitled to compensation payable for any land or hut or structures under sub-section (1), the prescribed authority shall determine the persons who, in his opinion, are entitled to receive the same and apportion the amount among them. (3) Determination of persons entitled to receive the compensation and the amount payable to each of them by the prescribed authority shall, subject to appeal as hereinafter provided, be final and conclusive

8. The compensation mentioned in section 7 shall be paid and satisfied by issue of bonds by the State Government which shall bear interest at rate of 5 per centum per annum -with effect from the date of vesting referred to in sub-section (2) of section 5. The said bonds shall be redeemed and paid in full at the face value thereof immediately on the expiry of twenty years from the date of their issue but the State Government shall be at liberty to redeem and pay such bonds or any part thereof before the expiry of the said twenty years : Provided, however, that the State Government shall, where the compensation does not exceed Rs. 5,000, pay such compensation in cash and where the amount of the compensation exceeds Rs. 5,000, pay an amount not exceeding Rs. 5,000 in cash and the balance in bonds. 9. (1) Any person aggrieved by order made under section 7 may, within sixty days from the date of such order, prefer an appeal to such authority as may be appointed by the State Government. (2) The authority appointed to hear appeals may entertain an appeal even after the expiry of the period of sixty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time. (3) The State Government shall not appoint any person as the authority to hear appeals unless he is, or has been, or is qualified for appointment as, a Judge of a High Court

10. No suit shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act. (1) The State Government may, previous publication, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which, under any provision of this Act, are required to be prescribed by rules. WBGP.58/9-7743A.5M Determination of compensation and manner of payment thereof. Appeal. Indemnity.. Power to make rules.