

THE U. P. SLUM AREAS (IMPROVEMENT AND CLEARANCE)  
ACT, 1962<sup>1</sup>

[ U. P. Act No. XVIII of 1962 ]

*Amended by*

U. P. Act No. 18 of 1981

U. P. Act No. 23 of 1986

U. P. Act No. 27 of 2021

*[Authoritative English text of the Uttar Pradesh Slum Areas  
(Improvement and Clearance) Act, 1962.]*

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**[As passed by the Uttar Pradesh Legislature, received the assent of the President on November 24, 1962 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette, Extraordinary*, dated December 3, 1962.]**

**AN**

**ACT**

***to provide for the improvement and clearance of slum areas, rehabilitation of their residents and protection from eviction of tenants of such areas.***

It is hereby enacted in the Thirteen Year of the Republic of India as follows :—

**CHAPTER I**

**PRELIMINARY**

**Short title,  
extent and  
commencement.**

**1.** (1) This Act may be called the Uttar Pradesh Slum Areas (Improvement and clearance) Act, 1962.

(2) It extends to the whole of Uttar Pradesh.

(3) This section shall come into force at once and the remaining sections shall come into force on such date as the State Government may, by notification in the official *Gazette*, appoint, and different dates may be appointed for different areas of Uttar Pradesh.

**Definition.**

**2.** In this Act, unless there is anything repugnant in the subject or context—

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1. For Statement of Objects and Reasons see U. P. *Gazette Extraordinary*, dated August 26, 1960.

(a) “arbitrator” means the person appointed as such, by notification in the official Gazette, by the State Government for the purposes of this Act ;

(b) “building” includes any structure or erection or any part thereof, for whatsoever purpose, and of whatsoever material constructed, but does not include plant or machinery comprised in a building ;

(c) “clearance area” means an area which is declared as such under section 1 ;

(d) “Competent Authority” means such officer or authority as the State Government may, by notification in the official Gazette, appoint for such area as may be specified therein for the purposes of this Act ;

(e) “erection” in relation to a building includes extension, alteration or re-erection ;

(f) “occupier” includes the following :

(i) any person for the time being paying or liable to pay rent or any portion thereof to the owner in respect of any land or building for which rent is paid or is payable ;

(ii) an owner who is in occupation of his land or building or uses the same in any other manner ;

(iii) a tenant of any land or building, who is exempted from payment of rent ;

(iv) a licensee who is in occupation of any land or building ; and

(v) any person, who is liable to pay damages to the owner in respect of use and occupation of any land or building ;

(g) “owner” includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or as agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant ;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “slum area” means an area declared as such under section 3;

(j) “slum clearance” means the clearance of any slum area by the total or partial demolition or removal of buildings therefrom and includes the making of works of improvement in the existing buildings or land in that area ;

(k) “State Government” means the Government of Uttar Pradesh ; and

(l) “Work of improvement” in relation to any building or land in a slum area includes the execution of any or more of the following works ; namely —

- (i) necessary repairs ;
- (ii) structural alterations ;
- (iii) arrangements for light, including street lighting, and arrangements for water-supply ;
- (iv) construction of roads, parks and drains, open or covered ;
- (v) providing latrines ;
- (vi) providing additional or improved fixtures or fittings ;
- (vii) opening up or paying of court-yards ;
- (viii) removal of rubbish ; and
- (ix) any other work including the demolition of any building or any part thereof which in the opinion of the Competent Authority is necessary for executing any of the works specified above.

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## CHAPTER II

### SLUM AREAS

#### **Declaration of slum areas**

**3.** (1) Where the Competent Authority upon information received or otherwise in its possession is satisfied as respects any area that a majority of the buildings in that area are —

(a) by reason of dilapidation, over-crowding, faulty arrangement or 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 of the inhabitants in that area ; or

(b) otherwise in any respect unfit for human habitation ; it may, by notification in the official Gazette, declare such area to be a slum area.

(2) In determining whether a building is unfit for human habitation, regard shall be had to the following matters, that is to say—

- (a) extent of necessary repairs ;
- (b) stability ;
- (c) extent of dampness ;
- (d) availability of natural light and air ;
- (e) water-supply ;
- (f) arrangements for privies, drainage and sanitation ;
- (g) facilities for storage, preparation and cooking of food and for the disposal of waste matter and water ;

and the building shall be deemed to be unfit as aforesaid if it is so far defective in one or more of the aforesaid matters that it is not reasonably suitable for occupation in that condition.

### CHAPTER III

#### SLUM IMPROVEMENT

**Power of competent authority to require improvement of buildings unfit for human habitation.**

4. (1) Where the Competent Authority upon information received or otherwise in its possession is satisfied that any building in a slum area is in any respect unfit for human habitation or any land in that area requires any work of improvement, it may, unless in its opinion the building is not capable of being rendered so fit at a reasonable expense, or the required improvements to the land are not capable of being effected at reasonable expense serve upon the owner of the building or the land, as the case may be, a notice requiring him within such reasonable time, not being less than forty-five days, as may be specified in the notice or as may be extended by the Competent Authority from time to time, to render the building fit for human habitation or execute on the land the works of improvement, specified therein. The notice shall also state the things which in the opinion of the Competent Authority will render the building fit for human habitation and the required works of improvement on the land together with the estimated cost of such things and works.

**Explanation I**—In determining whether a building can be rendered fit for human habitation at a reasonable expense, or the required improvement can be effected on the land at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render the building so fit, or of the required improvement on the land to be effected, and the estimated value of the building or the land after the works have been completed or improvement effected.

**Explanation II**—For the purpose of this sub-section “reasonable expense” in relation to rendering a building fit for human habitation means expenses not exceeding fifty per centum of the value of the building.

(2) In addition to serving a notice under this section on the owner, the Competent Authority may also serve a copy thereof on any other person having interest in the building or the land whether as lessee, mortgagee or otherwise.

**Enforcement of notice requiring execution of works of improvement.**

5. (1) If a notice under section 4 is not complied with, the Competent Authority may, after the expiration of the time fixed therein or extended by it from time to time, by itself do, or through such agency as may be authorized by it in this behalf cause to be done, all or any of the things 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 may be prescribed, from the date of demand till the date of payment shall be a first charge on the building or the land, as the case may be, and may be recovered

by the Competent Authority from the owner of the building or of the land, as the case may be is arrears of land revenue in such installments as may be fixed in the prescribed manner ;

Provided that the liability of the owner, on his satisfying the Competent Authority 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 Competent Authority, shall be limited to the total amount of the money in his hands as agent or trustee.

(3) If the owner of the building is different from the person who owns the land on which the building stands and the expenses incurred by the Competent Authority under this section are recoverable from both these persons, then such expenses shall be recovered from them in such proportion as may be determined by the Competent Authority, having regard to their proportionate value and such other factors as may be prescribed.

**Expenses of maintenance of work of improvement, etc. to be recoverable from the occupiers of building.**

**6.** Where works of improvement have been executed in any building in a slum area in pursuance of the provisions of sections 4 and 5, the expenses incurred by the Competent Authority in connection with the maintenance of such works of improvement or the enjoyment of amenities and conveniences rendered possible by such works, may be recovered from the occupier of the building as arrears of land revenue. Where there are more occupiers than one the Competent Authority shall determine the amount recoverable from each having regard to the benefits conferred and the services rendered to each.

<sup>1</sup>[**7.** [(1)] No person shall except with the previous permission of the Competent Authority, to be obtained in the manner prescribed construct a new building or make any extension, or alteration in an existing building on any land in a slum area.

<sup>1</sup>[ (2) Where within the period of 90 days from the making of an application for permission under sub-section (1), no order is communicated, either granting or refusing the permission, the applicant may by written communication call the attention of the Competent Authority to the omission or neglect and if such omission or neglect continues for a further period of 30 days, the Competent Authority shall be deemed to have permitted such construction, extension or alteration, as the case may be. ]

(3) Where a new building has been constructed, or extension in an existing building has been made without the previous permission

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1. [\*Ins. by sec. 2 of U. P. Act no. 23 of 1986.\*](#)

of the Competent Authority, he may notwithstanding anything to the contrary contained in any law for the time being in force, serve upon the owner of the building an order directing him to demolish such building or extension within such time not being less than one month, as may be specified in the order ;

Provided that no such order shall be made unless the owner of the building has been given a reasonable opportunity to show cause why the order should not be made. ]

(4) Any person aggrieved by an order refusing permission, referred to in sub-section (1), or by an order under sub-section (3) may, within one month from the date of the order, prefer an appeal against the same to the State Government, whose decision shall be final.

(5) If the owner of the building fails to comply with an order for demolition made under sub-section (3) or sub-section (4), the Competent Authority may by using such minimum force as may be necessary demolish such building or extension and the costs of demolition may be recovered from the owner as arrears of land revenue.]<sup>1</sup>

**Power of  
Competent  
Authority to  
order  
demolition of  
buildings  
unfit for  
human  
habitation**

**8.** (1) Where the Competent Authority upon information received or otherwise in its possession, is satisfied that any building within a slum area is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, it shall serve upon the owner of the building and upon every other person having, within its knowledge, interest in the building, whether as lessee, mortgagee, or otherwise, a notice to show cause, within such time as may be specified in the notice, to show cause, within such time as may be specified in the notice, as to why an order of demolition of the building be not made.

(2) If the person upon whom a notice under sub-section (1) is served fails within the period specified in the notice to satisfy the Competent Authority, even after having been afforded reasonable opportunity of being heard and producing evidence, if any, that an order of demolition will not be just and proper, the Competent Authority shall, except in cases covered by sub-section (3) or as otherwise provided by or under this Act, pass an order of demolition of the building or any part thereof, as may be considered necessary by it for carrying out the purposes of this Act.

(3) No order for the demolition of any building in pursuance of the notice under sub-section (1) shall, except in provided in sub-section (4), be passed by the Compensation Authority, if any, of the

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1. [Ins. by sec. 2 of U.P. Act no. 23 of 1986.](#)

persons upon whom the said notice has been served, appears before it and either—

(a) satisfies the Competent Authority that an order of demolition will not be just and proper ; or

(b) gives an undertaking to it that he shall—

(i) within a period agreed to by the Competent Authority execute such works of improvement in relation to the building as will in its opinion render it fit for human habitation ; or

(ii) not use the building for human habitation until the Competent Authority on being satisfied that it has been rendered fit for that purpose cancels the undertaking.

(4) The Competent Authority may, where—

(i) no such undertaking as is mentioned in sub-section (3) is given ; or

(ii) any such undertaking has been given but any work of improvement to which the undertaking relates is not carried out to the satisfaction of the Competent Authority within the specified period ; or

(iii) the building is at any time used in contravention of the terms of the undertaking.

make an order for the demolition of the building in respect of which a notice under sub-section (1) has been served, and call upon the occupier thereof to vacate the building within the period to be specified in the order, not being less than forty-five days from the date of the service of the order, and call upon the owner to demolish the building within six weeks after the expiration of the period allowed for its vacation.

**Procedure to  
as followed  
where  
evolution  
order has  
been made**

**9.** (1) Where an order for the demolition of a building under section 8 has been made and it is not vacated or demolished within the time allowed for that purpose, the Competent Authority or any person authorized by it in this behalf, may cause to be vacated and demolished. The Competent Authority may for the purpose of vacation and demolition use such force as may be necessary.

(2) The Competent Authority may sell by public auction the materials of a building demolished under sub-section (1) and the expenses incurred in demolishing the building shall be deemed to have been reimbursed in full from the sale proceeds thereof ;

Provided that if the owner of the building desires to remove the materials or any portion thereof before the auction, he may remove the same after payment to the Competent Authority within the period fixed by it, of the entire expenses incurred in the demolition of the building.

## **CHAPTER IV**

### **Slum Clearance And Redevelopment**

**Power to  
declare any  
slum area to  
be a  
clearance  
area**

**10.** Where the Competent Authority upon information received or otherwise in its possession is satisfied as respects any slum area, or any part thereof, that a majority of the buildings in that area cannot be rendered fit for human habitation or the required works of

improvement on the land in that area cannot be effected otherwise than by demolition of the buildings therein, it may, by order notified in the official *Gazette*, declare the area to be a clearance area.

**Show cause  
notice**

**11.** The Competent Authority shall, before any area is declared as a clearance area under section 10, serve or cause to be served a notice upon every person owning or occupying any building in the area proposed to be notified as a clearance area, indicating that it is proposed to declare the area as a clearance area and calling upon him to show cause within the period mentioned in the notice, not being less than thirty days, why the order proposed be not passed. The notice under this section shall also be published in the official *Gazette*, and two of the local papers.

**Disposal of  
objections**

**12.** (1) Any objection received under section 11 shall, after affording reasonable opportunity of being heard to the objector, be disposed of by the Competent Authority.

(2) Where the Competent Authority decides that it is necessary so to do in the public interest it shall declare the area as a clearance area, and decide which of the buildings in the area be demolished for the purposes of this Act.

(3) The Competent Authority shall forthwith transmit to the State Government a copy of the order under sub-section (2), together with a statement showing ;

(i) the number of persons who on the date of notice issued under section 11 were occupying the buildings in the area proposed to be notified as a clearance area ;

(ii) the names of the owners of the buildings together with necessary particulars of the building, in the area, which are to be demolished ; and

(iii) the buildings and lands which it would be necessary to acquire for redevelopment of the area.

(4) The State Government may either confirm the order into or subject to such variations as may be consideration just and reasonable by it or reject the order.

(5) If the State Government confirms the order, the order shall be published in the official *Gazette* and it shall become operative from the date of its publication.

**Slum  
clearance  
order**

**13.** (1) The Competent Authority shall, as soon as may be, after a slum area has been declared to be a clearance area in accordance with the provisions of sections 10 and 12, and it has become operative under sub-section (5) of section 12, make a slum clearance order in respect of that area ordering vacation, within a period specified therein, not being less than thirty days from the date of service of order, of all such buildings which have to be demolished in pursuance of the



of the decision under section-12 by the owner or occupier in the case may be, of the buildings and directly the owner to demolish the same within six weeks of the date by which vacation is required by the order of before the expiry of such further period as the competent authority may, considering the circumstances of the case, specify in this behalf.

(2) Where the owner or the occupier of a building fails to vacate the same within the period specified in the order under sub-section (1) the Competent Authority shall cause in to be vacated and may use such force for that purpose as may be necessary.

(3) If any building is not demolished before the expiration of the period fixed therefore under sub-section (1), the Competent Authority may enter and demolish the same and sell the materials thereof by public auction and the expenses incurred in the demolishing of the building shall be deemed to have been reimbursed in full from the sale proceeds thereof the balance if any, of the amount of sale process at the materials, after deducting the cost of demolition of the building and the expenses on sale of the materials thereof, shall be paid to the owner of the building in the manner prescribed ;

Provided that if the owner of the building desires to remove the materials or any portion thereof before the auction, he may remove the same after payment to the Competent, Authority within the period fixed by it, of the entire expenses incurred in the demolition of the building, within the time prescribed by it.]

(4) Where any building has been demolished in pursuance of an order under this section the Competent Authority shall as far as may be, offer temporary alternative accommodation to the occupier of the building, in such manner and to such extent as may be prescribed.

**Power to refuse permission to redevelop the land to a clearance area**

**14.** As and from the date a slum clearance order becomes operative in any area, no person shall, except as hereinafter provided, build upon any land, or make any alteration or repairs in any building, in that area, except in accordance with plans approved by the Competent Authority and with his prior approval in writing.

**Redevelopment of land in settlement area**

**15.** (1) The Competent Authority shall, on the application of the owner of any land or building in a clearance area which is not intended to be acquired for the purposes of this Act, permit him, subject to such conditions and regulations as may be prescribed, to make fresh constructions on such land or alterations or repairs in such building.

(2) Where an application under sub-section (1) is not disposed of by the Competent Authority within a period of thirty days from the date of its receipt, the owner of the land or building seeking to make construction on such land or alterations or repairs in such building may, after expiry of fifteen days from the date of service of a further notice intimating the Competent Authority of his intention so to do, make fresh construction on such land or alterations or repairs in such building subject to such conditions and regulations as may otherwise have been imposed under the plan approved by the Competent Authority and any existing law relating to the construction of buildings.

**Power of  
Competent  
Authority to  
redevelop  
clearance area  
or any part  
thereof**

**16.** (1) Where land has been cleared of buildings in accordance with a slum clearance order, the Competent Authority may, at any time after the expiry of thirty days from the date of demolition of all buildings in that area in respect of which decision for demolition has been taken under section 12 determine to redevelop the land in the area, or in part thereof, not being land which on the date of the making of the order has been, or is in the process of being redeveloped by the owner of the land or of the building entitled to do so, in accordance with the provisions of section 15 and in accordance with the plan prepared by it, the owner of the land or building, entitled to do so, has developed or is redeveloping in accordance with the provisions of section 15 and plan approved by it.

(2) Where the Competent Authority has determined to redevelop the land under sub-section (1), it shall be its duty to do so, as far as may be, within a period of two years from the date of determination.

(3) Where the Competent Authority is unable or fails, to redevelop the land within the period of two years it shall report to the State Government the reasons for its inability or failure. The State Government may thereupon require the redevelopment of the land to be completed within such period as it may fix in this behalf.

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**CHAPTER V**

**ACQUISITION OF LAND**

**Power of State  
Government to  
acquire land**

**17.** <sup>1</sup>[(1) (a) Where the Competent Authority, on information received or otherwise in its possession, is satisfied that acquisition of any land or building or both in a slum area or in a clearance area is necessary for the purpose of executing any work of improvement in relation to any building or land or for carrying out order of demolition of building in that area or for the purpose of redevelopment of any clearance area or rehabilitation of residents of slum area, it may, by notification in the official *Gazette*, declare its intention to acquire such land or building or both.

(b) The Competent Authority shall—

(i) publish in two daily newspapers circulating in the locality, of which at least one shall be in the regional language,

(ii) cause to be affixed at convenient places in the locality.

(iii) send by registered post or otherwise, to all owners of, and other persons interested in, the land or building, whose names and addresses are known to, or can reasonably be ascertained by, the Competent Authority, a notice to show cause within such time as may be specified in the notice, why the land or building referred in such

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1. [Subs. by sec. 3 of U. P. Act no. 23 of 1986.](#)

notice may not be acquired for the purposes of this Act. ]

(2) Any objection filed in pursuance of the notice under sub-section (1) shall, after affording reasonable opportunity of being heard to the objector, be disposed of by the Competent Authority in such manner as may be prescribed.

(3) The Competent Authority shall thereupon, submit its recommendations, as to the land or buildings which are proposed to be acquired for the purposes of this Act, to the State Government for decision thereon.

(4) Where, on receipt of the recommendation of the Competent Authority, the State Government decides that the acquisition of such land or building is necessary in public interest, for the purposes of this Act, it shall by publication in the official *Gazette* make a declaration to that effect. The publication of the declaration shall constitute sufficient notice to all persons concerned.

(5) Upon the publication of the notification under sub-section (4) the land or building specified therein shall, with effect from the date of the publication, vest absolutely in the State Government free from all encumbrances.

**Land  
acquired by  
the State  
Government  
to be made  
available to  
the  
Competent  
Authority**

**18.** (1) Where any land or building has been acquired under this Act, the State Government shall make it available to the Competent Authority for the purpose of executing any work of improvement or for carrying out order of demolition or for the purpose of redevelopment or rehabilitation of inhabitants of slum areas or for any other purpose under this Act and thereupon the Competent Authority shall utilize the land or building so made available for the said purpose.

(2) Where any houses have been constructed on the land made available to the Competent Authority under sub-section (1), the same shall, as far as it may be possible so to do, be first offered for allotment to the occupiers of the buildings demolished in that area in such manner and subject to such conditions as may be prescribed.

<sup>1</sup>**[Explanation—** Where a house or part thereof, or vacant land is to be allotted to any person under this Act, the Competent Authority may lease out the same to the allottee for such period and on such rent and other conditions as may be prescribed. ]

**Payment of  
compensa-  
tion**

**19.** (1) Every person whose land or building or any interest therein has been acquired under the provisions of this Act shall be entitled to, and be paid, compensation by the State Government in accordance with the provisions of this Act in the manner prescribed.

(2) The payment of compensation in accordance with the provisions of this Act shall be full discharge of the liability of the State

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1. [Ins. by sec. 2 of U. P. Act no. 18 of 1981.](#)

Government to make such payment to the person as may have rightful claim, but shall not prejudice any right in respect of such compensation which any other person may be entitled to enforce against the person to whom payment is so made.

**Determination  
of compensa-  
tion.**

**20.** (1) The amount payable as compensation in respect of any land or building acquired under this Act shall be an amount equal to one hundred times of the net average monthly income actually derived from such land or building during the period of five consecutive years immediately preceding the date of publication of the declaration under sub-section (4) of section 17.

(2) The net average monthly income referred to in sub-section (1) shall be calculated in the manner and in accordance with the principles set forth in the Schedule.

(3) The Competent Authority shall, after holding inquiry in such manner as may be prescribed, provisionally determine in accordance with the provisions of sub-section (2) the net average monthly income of the land or building and serve or cause to be served upon the owner of the land or building and every person having interest therein, a notice along with a memo of the provisional net monthly average income of the land or building as determined by it, to make objection thereto, if any, by the date specified in the notice

(4) Any objection made in pursuance of the notice under sub-section (3) shall, after affording reasonable opportunity of being heard to the objector, be disposed of by the Competent Authority.

(5) Where no objection is made in pursuance of the notice under sub-section (3) against the provisional determination of the net average monthly income of the land or building within the time fixed therefor, in the notice or where objections have been made, after the same have been disposed of under sub-section (4), the Competent Authority shall, by publication in the official Gazette, declare the net average monthly income of the land or the building as finally determined by it.

(6) Any person feeling aggrieved with the final determination of the net average monthly income by the Competent Authority under sub-section 5 may, within thirty days from the date of publication thereof, prefer an appeal to the Commissioner of the Division or such other authority or court as may be notified in this behalf by the State Government.

(7) The Appellate Authority shall, after affording reasonable opportunity of being heard to the appellant, determine the net average monthly income of the land or building, whose decision in this regard shall be final and be not questioned in any court of law.

**Apportionment  
of  
compensation**

**21.** (1) Where several persons claim to be interested in the amount of compensation determined under section 20, the Competent

Authority shall determine the persons who, in its opinion are entitled to receive compensation and the amount payable to each one of them.

(2) If any dispute arises as to the apportionment of compensation or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Competent Authority may refer the dispute to the Arbitrator.

**Act I of 1894**

(3) The Arbitrator in deciding a dispute referred to under sub-section (2) shall, as far as may be, follow the provisions of Part III of the Land Acquisition Act, 1894.

**Payment of compensation or deposit of the same in court**

**22.** (1) The Competent Authority shall, after final determination of the amount of compensation, tender payment of and pay, the compensation on behalf of the State Government to the persons entitled thereto.

**Act I of 1894**

(2) If the persons entitled to the compensation as determined by the Competent Authority or the Arbitrator, as the case may be, do not accept the same or if there be any dispute as to the apportionment thereof, the Competent Authority shall deposit it in the court of the District Judge and that court shall deal with the amount so deposited in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894.

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## **CHAPTER VI**

### **PROTECTION OF TENANTS IN SLUM AREAS FROM EVICTION**

**Tenant in slum areas not to be evicted without permission of the Competent Authority**

**23.** (1) No decree or order for the eviction of a tenancy from any building or land in a slum area shall, except as hereinafter provided and till such time the declaration under section 3 is in force, be capable of being executed ; anything contained in any other law for the time being in force to the contrary notwithstanding.

(2) A decree or order referred to in sub-section (1) may be put into execution after obtaining the permission of the Competent Authority in accordance with the provisions of sub-section (3).

(3) An application for obtaining the permission of the Competent Authority under sub-section (2) shall be made in such form and contain such particulars as may be prescribed.

(4) On receipt of such application the Competent Authority, after affording reasonable opportunity to the applicant and the tenant of being heard and after making such inquiry into the circumstances of the case as it thinks fit, may, where it is of the opinion that the execution of the decree or order shall defeat or be detrimental to the enforcement of the provisions of this Act, reject the application but in all other cases grant it.

(5) Where the Competent Authority refuses to grant the permission, it shall record in brief its reasons for such refusal and make available a copy thereof to the applicant.

**Right of  
Appeal.**

**24.** Any person aggrieved by an order of the Competent Authority under sub-section (4) of section 23 may, within thirty days of the date of receipt of order, prefer an appeal against it to the Commissioner of the division, or such officer or court as may be notified in this behalf by the State Government whose decision thereon shall be final and be not questioned in any court of law.

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**CHAPTER VII**

**MISCELLANEOUS**

**Power of  
entry and  
inspection**

**25.** (1) Upon the issue of a declaration under section 3 in respect of an area as a slum area or under section 10 in respect of a clearance area, the Competent Authority or any other person authorized by it in this behalf may —

(a) enter into any building or upon any land in such area with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or for the execution of any work which is necessary and is authorized by or under this Act or the rules made thereunder ;

(b) Inspect any drain, urinal, cess-pool, pipe, sewer or channel in or on any building or land in such area, and in his direction cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, latrine, urinal, cess-pool, pipe, sewer or channel, as the case may be ;

(c) examine works under construction in such area, to take levels or to remove, test, examine, replace or read any meter ;

(d) make any entry into any place to open or cause to be opened any door, gate or other barrier—

(i) if he considers the opening thereof necessary for the purpose of entry authorized by or under this Act ; and

(ii) if the owner or occupier is absent or being present, refuses to open such door, gate or barrier ;

(e) enter on any land with or without assistants or workmen within fifty yards of any work in such area, which is authorized by or under this Act, or the rules made thereunder, for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected therewith.

(2) Any person authorized under sub-section (1) so to enter shall, before entering on any land, state the purpose thereof, and shall,

if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(3) No entry authorized by or under this Act shall be made except between the hours of sun-rise and sun-set.

(4) Except as otherwise provided in this Act, no building or land shall ordinarily be entered into without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than twenty-four hours written notice of the intention to make such entry ;

Provided that no such notice shall be necessary if the place to be inspected is a shed for cattle or a latrine, urinal or work under construction.

(5) The person authorized under sub-section (1) shall in exercising any power conferred by this section avoid causing damage as far as may be possible.

(6) Where any damage is caused to any building or land by any person while exercising any power conferred by this section, the damage shall in the first instance be made good by restoring the building or the land, as the case may be, to its condition as it existed prior to its being damaged by the person authorized under this section.

(7) Where the Competent Authority is of the opinion that the building or the land, to which damage has been caused by a person exercising any power conferred by this section, cannot in its opinion be put into the condition, as it existed prior to its being damaged by the person authorized under this section, a reasonable amount of compensation shall be determined therefor by it and paid to the owner or occupier of such building or land or to both ;

Provided that any owner or occupier who does not to the amount of compensation determined by the Commissioner Authority may prefer an appeal to the Commissioner of the division who shall, after affording reasonable opportunity of being heard to the parties concerned, give his decision thereon. The decision of the Commissioner shall be final and conclusive and be not questioned in any court of law.

**Power of  
eviction to  
be exceed  
only by the  
Competent  
Authority**

**26.** Where the Competent Authority is satisfied upon representation by the owner of a building or upon other information in its possession that the occupants of the building have not vacated it in compliance with any notice, order or direction issued or given by it under this Act or the rules made thereunder it may, by order in writing, direct the eviction of the occupation therefrom in such manner and within such time as may be specified in the order and may, for this purpose, use or cause to be used such force, as may be necessary;

Provided that before making any order under this section, the Competent Authority shall afford reasonable opportunity to the occupants of the building to show cause against the order proposed.

**Power to  
remove  
offensive or  
obnoxious  
trades from  
slum areas.**

**27.** (1) Where the State Government is of the opinion the any trade is offensive or obnoxious to the health, morality or safety of the persons residing in a slum area it may, by notification in the official Gazette, make a declaration to that effect.

(2) On publication of the declaration under sub-section (1) the Competent Authority shall, after affording reasonable opportunity of being heard to a person carrying on a trade, specified in the declaration, direct him in writing to remove the same from the slum area within such time as may be specified in the direction.

(3) If any person fails to remove the trade in a slum area within the time specified in the direction under sub-section (2) the Competent Authority shall cause it to be removed and may for this purpose use or cause to be used such force as may be necessary.

**Powers of  
officers and  
authorities in  
hearing and  
disposal of  
objections  
and the  
procedure to  
be followed**

**28.** Any officer or authority holding an enquiry or hearing an objection under this Act, shall, in so far as it may be applicable, have all the powers and privileges of a civil court, and follow such procedure as may be prescribed.

**Appeals.**

**29.** (1) Except as otherwise expressly provided in this Act, any person aggrieved by any order passed or direction issued by the Competent Authority may appeal to the Commissioner of the division, or such other officer or court as may be notified in this behalf by the State Government, within a period of thirty days from the date of receipt of such order or direction.

(2) Every appeal under this Act shall be made by petitions in writing accompanied by a copy of the order or directions appealed against.

(3) Where an appeal is preferred under this Act the appellate Authority may stay enforcement of the order passed or direction issued by the Competent Authority for such time and on such conditions as may be deemed fit.

(4) In hearing and deciding an appeal under this Act, the Appellate court shall have all the powers and the privileges of a civil court and follow the procedure for the hearing and disposal of appeals laid down in the Code of Civil Procedure, 1908.

**Act V of  
1908.**

(5) Where under the provisions of this Act an appeal lies to the District Judge, the District Judge may either hear the appeal himself or transfer it for hearing to any Civil Judge subordinate to him.

**Revisional  
Powers of the  
State  
Government**

(6) The State Government may at any time either on its own motion or on application made to it in this behalf, call for the record of any case disposed of by the Competent Authority or any other person, authority, officer or Court under the Act or the rules made thereunder,



for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it may think fit ;

Provided that the State Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

**Penalties**

**30.** Whoever does any act in contravention of any notice, order or direction issued or given under this Act or the rules made thereunder or commences or causes to be commenced any work, in contravention of any restriction or condition imposed under sections 14 and 15, or of any plan for the redevelopment of a clearance area, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees or with both, and in case of continuing contravention to a further fine not exceeding of continuing contravention to a further fine not exceeding rupees fifty for each day during which the contravention continues.

**Offences by companies**

**31.** (1) If the person committing any offence under this Act is a company, every person who at the time the offence was committed was incharge of, and was responsible to, the company for the conduct of its business, as well as the company shall be deemed to be guilty of the offence and shall be liable to be punished under section 30 ;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director or manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be punished.

**Explanation—**For the purposes of this section—

(a) “company” means anybody corporate and includes a firm or other association of individuals ; and

(b) “director” in relation to a firm means a partner the firm.

**Order of demolition of buildings in certain cases**

**32.** (1) Where the erection of any building has been commenced, or is being carried out or has been completed, in the intreview of any restriction or condition imposed under sections 14 and 15 or a plan for the redevelopment of any clearances or in contravention of any notice, order or direction issued or given under this Act, or the rules made thereunder the Competent Authority may, in addition to such other remedy as may be available to it under this Act or any other law, make an order directing that such erection shall

be demolished by the owner thereof within such time not exceeding two months, a may be specified in the order, and on the failure of the owner to comply with the order, the Competent Authority may, through such agency as may be empowered by it in this behalf, cause the erection to be demolished at the cost of the owner.

(2) The Competent Authority may, in getting the erection demolished under sub-section (1), use or cause to be used such force as may be considered necessary.

(3) No order under sub-section (1) shall be made unless the owner has been afforded reasonable opportunity of being heard.

**Jurisdiction of courts**

**33.** (1) No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act.

**Previous sanction of the Competent Authority or officer authorized by it for prosecution**

(2) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Competent Authority or an officer authorized by it in this behalf.

**Application of certain provisions of the Indian Limitation Act, 1908 (Act IX of 1908)**

**34.** The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall be applicable to all proceedings, including proceedings in appeals, applications and objections under this Act.

**Power to delegate**

**35.** The Competent Authority, may, with the previous approval of the State Government, by notification in the official Gazette, direct that any power exercisable by it under this Act may also be exercised, in such cases and subject to such conditions as may be specified in the notification, by such officer or authority as may be mentioned therein.

**Protection of action taken in good faith**

**36.** No suit, prosecution or other legal proceeding shall be against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

**Competent Authority, etc. to be public servant. Act XLV of 1860**

**37.** The Competent Authority, and any person authorized by it under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**Act to override other basic**

**38.** The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**Power to make rules**

**39.** (1) The State Government may, by notification in the official Gazette, make rules to carry 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 following matters, namely :

(a) the manner of authentication of notices, orders and other instruments of the Competent Authority ;

(b) the preparation of plans for the redevelopment of any slum area, and matters to be included in such plans ;

(c) the principles for determining the proportion in which the expenses incurred by the Competent Authority may be recovered from owners of land and owners of buildings under sub-section (3) of section 5 ;

(d) the procedure and the manner of payment of compensation ;

(e) the form and manner in which applications for permission under sub-section (2) of section 23 shall be made and the fees to be levied in respect of such applications ;

(f) the manner of service of notices, orders or directions issued under this Act ; and

(g) any other matter which has to be, or may be, prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session, for a total period of fourteen days extending in its one session or more than one successive sessions, and shall, unless some later date is appointed, take effect, sessions and shall, unless some later date is appointed, take effect, from the date of their publication in the official *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may agree to make ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

**Control by  
the State  
Government**

<sup>1</sup>[40. The Competent Authority shall carry out such directions as may be issued to it from time to time by the State Government for the efficient administration of this Act.

**Power to  
make  
regulations**

41. The Competent Authority may with the previous approval of the State Government make regulation not in consistent with this Act and the rules made thereunder, for the administration of the affairs of the Competent Authority. ]

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1. [Ins. by sec. 2 of U.P. Act No. 27 of 2021.](#)

## **THE SCHEDULE**

### **(See Section 20)**

#### **Principles for Determination of the net Average Monthly Income**

**1.** The average monthly gross rent of any building or land in a slum or clearance area shall be one-sixtieth of the total gross rent actually accrued to the owner thereof during the period of five consecutive years preceding the due of notification under section 17.

**2.** In determining the average monthly gross rent the Competent Authority or such officer as may be empowered by it in this behalf may, for such determination hold nay local inquiry and obtain, if necessary, certified copies of such extracts from the property tax assessment books of the municipal or other local authority concerned showing the rental value of the land or building and such other information in this regard as may be deemed necessary by it or him.

**3.** The net average monthly income for the purposes of sub-section (1) of section 20 shall be sixty per cent of the average monthly gross rent, determined in the manner laid down in para. 1. The remaining forty per cent of the average monthly income gross rent shall not be taken into consideration in determining the net average but shall be deducted in lieu of the property tax payable to a local authority, income tax, collection charges, bad debts, repairs and maintenance of the building and other incidental charges.

**4.** In case any land or building, or any part thereof, has remained unoccupied or no rent in respect thereof has accrued to the owner during the whole or any part of the said five years, the gross rent of such land or building or part thereof, shall be determined on the basis of the rent actually derived from a similar land or building in the vicinity of the land or building, as the case may be, during the period it remained vacant.

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