



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ७३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English 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) Bill, 2023 (L. A. Bill No. XXXVI of 2023), introduced in the Maharashtra Legislative Assembly on the 27th July 2023, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,

Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXXVI OF 2023.

A BILL

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

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 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 Notification of Apex and other Grievance Redressal Committees and Validation) Act, 2023. Short title.

(१)

- 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”),—
- (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, 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, 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 “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 “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 “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 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 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,—
- (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 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 :—

(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.

(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.”;

(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 :—

“**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.

(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,—

(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 ;

(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.”;

Amendment of section 35 of Mah. XXVIII of 1971.

(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 42 of Mah. XXVIII of 1971.

- Re-enactment of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Grievance Redressal Committee) Rules, 2014 with retrospective effect. **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. Mah. XXVIII of 1971.
- Re-enactment of Government Notification, dated 8th March 2017 relating to constitution of Apex and other Grievance Redressal Committees with retrospective effect. **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. Mah. XXVIII of 1971.
- Abatement of legal proceedings. **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. Mah. XXVIII of 1971.
- Validation and savings. **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 Mah. ... of 2023.

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 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.

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.

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.