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The Karnataka Slum Areas  
(Improvement and Clearance)  
Rules, 1975

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The Karnataka slum areas  
(improvement and clearance) (Amendment)  
Rules 2004

The Karnataka Slum Areas  
(Improvement and Clearance)

Rules, 1975

Arrangement of Rules

**Rules**

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HEALTH AND MUNICIPAL ADMINISTRATION SECRETARIAT

Notification

Bangalore, dated 29<sup>th</sup> October 1974.

S.O 1875.- In exercise of the powers conferred by sub-section (3) of section I of the Karnataka slum areas (improvement and clearance) Act 1973 (Karnataka Act 33 of 1974), the Government of Karnataka hereby appoints the 1<sup>st</sup> November 1974 as the date on which the said Act shall come into force.

No.HMA 213 MNI 74.

K.G.RAJANNA.

Under secretary to government  
Health and Municipal Administration Department

HEALTH AND MUNICIPAL ADMINISTRATION SECRETARIAT

Notification No.HMA 213 MNI 74.

Bangalore dated 24 the January 75

G.S.R 21- whereas the draft of the Karnataka slum areas (Improvement and Clearance) Rules. 1974 was published as required by sub-section (1) of Section 71 of the Karnataka slum areas (improvement and clearance) Act, 1973 (Karnataka Act 33 of 1974) in notification No.GSR. 314 A dated the 11<sup>th</sup> November 1974 in Part IV section 2-C (i) of the Karnataka Gazette Extra- ordinary dated 15<sup>th</sup> November 1974 inviting objections and suggestions from all persons likely to be affected thereby on or before 30<sup>th</sup> November 1974.

And whereas the said Gazette was made available to the public on 15<sup>th</sup> November 1974.

And whereas no objections or suggestions have been received on the said draft;

Now, therefore, in exercise of the powers conferred by section 71 of the Karnataka slum areas (improvement and clearance) Act, 1973 (Karnataka Act 33 of 1974) the Government of Karnataka hereby makes the following rules, namely:-

1. **Title and commencement.** – (1) These rules may be called the Karnataka Slum Areas (Improvement and Clearance) Rules 1975.  
(2) It shall come into force at once.

**Definitions.** – In these rules, unless the context otherwise requires,-

- (a) “Act” means the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act No 33 of 1974);
- (b) ‘Form’ means the form appended to these rules;
- (c) “section” means a section of the Act.

3. **Form of Statement.** – (1) The Statement referred to in clause (a) of Sub-section (1) of section 4, shall be in Form 1.

(2) The said statement shall be sent to the prescribed authority within thirty days from the date of publication in the Gazette of the notification referred to in sub-section (1) of Section 3.

**4. Register of buildings.** – (1) The Register maintained by the prescribed authority for registration of buildings in a slum area shall contain the following particulars, namely-

- (a) Name of the owner and / or occupier of the building;
- (b) The area of the building;
- (c) Municipal number;
- (d) Address of the owner/occupier.

(2) The Registration Certificate referred to in sub-section (2) of section 4 shall be in Form 2.

**5. Form of application for permission to erect buildings.-** (1) every person desiring to obtain permission under section 5 to erect any building in a slum area, shall make an application to the prescribed authority in Form

(2) The application shall contain the following information, namely.:-

- (a) The need for erection of the proposed building;
- (b) whether sanction of the appropriate authority to the proposed building has been obtained.

**6. Period within which building shall be demolished.-** The period within which a building shall be demolished in pursuance of an order made under sub-section (3) of section 9 shall be 20 (Twenty) days from the date of receipt of the said order:

Provided that the prescribed authority may on an application made in this behalf grant further time not exceeding thirty days for the reasons to be recorded in writing.

**7. Period for clearing land and building in a slum clearance area-** The period for purpose of section 12 shall be 60 (sixty) days from the date of publication in the Gazette of the notification referred to in sub-section (1) of Section 11.

**[7A. Restriction and conditions of allotment of sites etc.-**

- (1) Wherever the Board forms any layout under section 27A it may allot not site in such layout or one dwelling unit of any building constructed in such layout to each family in a slum area.
- (2) Size of the dwelling unit or dimension of the site to be allotted shall be decided by the Government or the Board on the basis of the availability of sites or dwelling units:  
Provided that while so fixing the size or dimension, the Government or the Board shall have regard to maintaining minimum national living standard.
- (3) The site or dwelling unit shall be allotted on a lease-cum-sale basis for a period of fifteen years and the allottee shall be deemed to be a lessee until the lease is determinate or the site or dwelling unit is conveyed in the name of the allottee.
- (4) Where a person to be allotted a site or dwelling unit is married the allotment shall be made in the joint name of the wife and husband, if both of them are alive.
- (5) The allottee shall, within such period from the date of receipt of order of allotment, as may be specified by the Board in such order make payment towards the site or dwelling unit in such manner as the Board may direct from time to time.
- (6) Amount payable for allotment of site or dwelling unit shall be fixed by the Government.
- (7) Civic amenity sites in such layout shall be disposed of by public auction in accordance with such guidelines as may be issued by the Government from time to time.

Provided that if a successful bidder is a registered slum dweller of such layout he shall be allowed a rebate of ten percent of the bid amount.

**Explanation :-** For the purpose of this rule “Civic amenity site” means a site earmarked for the purpose of school, hospital, community hall or any other amenities as may be specified by the Government from time to time.

**(8)** A slum dweller ;

- (i) Whose name is included in the list prepared after a Socio Economic Survey by the Board. Soon after the declaration of the slum area; Provided that where no such list is prepared in respect of any slum area declared prior to the commencement of the Karnataka slum areas (Improvement and Clearance) (Amendment) Rules, 2004 such list shall be prepared as early as possible by conducting a Socio Economic Survey in such slum area.
- (ii) Who possesses identification card or registration certificate issued by the Board.
- (iii) Who has lived in a slum area for more than ten years on the date of coming into force of the Karnataka Slum Areas (Improvement and Clearance) (Amendment) Rules, 2004 and who produces satisfactory proof in respect of his occupation in a slum area; Shall be eligible to be considered for allotment of a site or dwelling unit under this rule;

Provided that where after the commencement of the Karnataka Slum Areas (Improvement and Clearance) (Amendment) Rules, 2004 any area is declared as slum area along with a list of slum dwellers residing in such area prior to such declaration, such slum dwellers may be considered for allotment.

(9) The allottee shall not sell, lease, mortgage or alienate in any manner the site or the building unit allotted to him during the period of lease till an absolute sale deed is executed by the Board.

Provide that the allottee may mortgage the site or dwelling unit to avail loan from Banks or Financial institutions for improvement of the site or dwelling unit.

(10) If the allottee violates any of the terms and condition of allotment or lease-cum-sale agreement or the provisions of these rules, the lease may

be terminated and site or the dwelling unit shall be liable to be forfeited to the Board.

(11) where the allotment has not been cancelled or the lease has not been terminated in accordance with these rules or the terms of the agreement during the period of lease, the Board shall on the expiry of the lease period call upon the allottee to get the sale deed executed within the time specified by it;

Provided that if the allottee makes the full payment before the period of lease, the Board shall execute an absolute sale deed immediately subject to the condition that the allottee shall not sell or alienate in any manner the site or the dwelling house for period of fifteen years from the date of the execution of absolute sale deed.

**(12) The Board may terminate lease if,**

- (a) the allottee fails to pay the monthly installment for a period of more than three months from the date of receipt of demand notice.
- (b) The allottee sells, mortgages, sublets or alienates in any way the site or dwelling unit in whole or in part during the period of lease except for availing loan from Banks, or other Financial Institutions for improvement of the premises with prior permission of the Board.
- (c) The site or dwelling units is not used by the allottee for the purpose for which it is allotted and he is causing nuisance to the neighborhood or the public.
- (d) The allottee makes any material addition or alternation in the premises without the previous permission of the Board.
- (e) The allottee other-wise act in contravention of any of the terms and conditions of lease-cum sale agreement.
- (f) The allottee fails to vacate the premises required by the Board for the purpose of implementing any improvement plan or project and to accept the alternative accommodation offered by the Board.
- (g) The allottee produces any false or incorrect documentary evidence to the Board for the purpose of getting allotment.
- (h) The allottee fails to vacate the premises required by the Board for the purpose of realigning the internal roads in the slums or any other development activities under section 27A.

Provided that the allottee shall be given an opportunity of being heard before terminating the lease.

(13) where the lease-cum-sale agreement executed in favour of an allottee is terminated he is liable to be evicted in accordance with the provisions of the Karnataka Public Eviction of Un-authorised Occupants, Act, 1974.

**[7B.Recovery of the amount due as Arrears of Land Revenue.:-**

Any person who fails to pay any amount due to the Board within a period of t here months from the date of service of t he demand notice issued under sub-section (i) of section 27B, such amount may be recovered as far as may be in accordance with the provisions of Chapter XIV of the Karnataka Land Revenue Act, 1964.

3. Omission of rule 10-Rule 10 in said rules shall be omitted.]

**8. Form of application under Section 28.-** Every person desiring to obtain permission from the prescribed authority under sub-section 91) of Section 28 shall make an application to the prescribed authority in form 4 containing the following particulars :-

- (i) Description of the building or land;
- (ii) Reasons for instituting the suit or proceedings from eviction of the tenant or execution of any decree or order for the eviction of the tenant.

**9. Restoration of possession of premises vacated.-** (1) The declaration referred to in sub-section (1) of section 30 shall be filed be filed by the tenant within 15 (fifteen) days from the date of vacation of building or eviction there form.

(2) The time for purposes of sub-section (2) of the said section shall be 30 (Thirty) days from the date of receipt of the order referred to therein.

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1. inserted by notification No.DOH 102 SBM 2002, dated:18.10.2004.

(3) The order provisionally determining the rent under sub-section (2) of Section 31 shall be communicated to the tenant by personally delivering it to him. If it cannot be so delivered it shall be delivered to some adult male member of his family residing with him and if there is no such adult member a copy of the order shall be affixed on the outer door or on some conspicuous part of the building in which the tenant is known to have last resided.

(4) The time for purposes of sub-section (4) of section 30 shall be ten (10) days from the date of receipt of the communication referred to in the said sub-section.

**10. Number of members of the Board.-** (1) The Karnataka Slum clearance Board shall consist of-

- (a) Five officials; and
- (b) Nine Non-officials.

**11. Conditions of service of the Chairman and other members.—**(1) where an official is appointed as the Chairman, he shall be paid his grade pay plus a special pay of Rs.150 per month. When a non-official is appointed as the Chairman, he shall be paid such remuneration and compensatory allowance as may be fixed by the State Government;

Provided that when the person appointed is Legislator he shall be entitled to-

- (a) A furnished house at a rent not exceeding Rs.700 per month or in lieu thereof house rent allowance limited to the actual rent paid or payable, subject to a maximum of Rs.500 per month;
- (b) A conveyance with a Driver, the Petrol and Oil charges being met by the Chairman and a conveyance allowance of Es.500 per Month;
- (c) Travelling allowance and daily allowance while touring on duty at the following rates:--
  - (i) for journeys by Railway, one-and-a-half times the single first class fare;
  - (ii) for journeys by road, mileage at 75 paise per kilometer.

(iii) Daily allowance of Rs.31 per day for Tours within the State and Rs.50 per day for tours outside the State; and  
(v) for tours outside India, actual expenses for Train, Sea or Air Journeys and daily allowance not exceeding Rs.150 per day limited to actual expenses.

(2) The other members shall be paid only a sitting fee of rupees fifty per day of sitting at the meetings of the Board and no other allowance or remuneration except travelling allowance at the rates and subject to the conditions applicable to officers of Class I of the State Services shall be payable to them.

**12. Period for filing appeal.**-Every appeal under the Act shall be preferred within thirty days from the date of receipt of the notice, order or direction complained of.

**13. Authentication of notices.**-Every notice issued by the prescribed authority under this Act shall be signed by that authority or an officer authorized in this behalf by that authority and a notice shall be deemed to be properly signed if it bears facsimile of the signature of that authority or officer.

**14. Authentication of orders and other instruments.**—All orders and other instruments made by the prescribed authority under the Act shall be authenticated by the signature of the prescribed authority or an officer duly authorized in this behalf by the prescribed authority.

**15. Plans for re-development of slum area or slum clearance area.**—Every plan for redevelopment of any slum area or slum clearance area shall include the following:--

- (a) Description of the property proposed for acquisition;
- (b) Description of properties which may fit in the re-development plan either in their present form or after carrying out certain additions, alteration of improvement to be made;

(c) Roads, open spaces, site or sites, hospitals, shopping centers, maternity home/s, child welfare centres and similar amenities;

(d) Any other matter which is deemed necessary for the proper development of the area.

