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## **Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979**

Published in Administration Gaz. (Extra) dated 24.8.1979 page 333

### **NOTIFICATION**

No. 5917-UTFI (5) 79/12564 - Whereas the Chandigarh Administration have taken up an intensive programme of housing and rehabilitation of economically weaker sections of society living in slum conditions in the Labour Colonies and other parts of Chandigarh, by resettling them in low cost tenements and sites and Services Complexes so as to provide them better civic conditions and hygienic surroundings;

AND, whereas a large number of such families have already been so rehabilitated under the Chandigarh Licensing of Tenements and Transit Sites in Chandigarh Scheme, 1975, and the implementation of the Scheme aforesaid has brought forth some practical aspects of rehabilitation requirements and problems;

AND, whereas alternative residential sites and services as also tenements have been developed and built or are proposed to be developed and built for the purposes aforesaid through the Chandigarh Housing Board or otherwise;

AND, whereas it is in the public interest to lay down a procedure to regulate the allotment and licensing of the tenements and sites mentioned above;

NOW, therefore, with a view to preventing all avoidable hardship and to expedite the work of rehabilitation of slum-dwellers, and in order to improve the dwelling conditions of such persons, the Chief Commissioner, Chandigarh is pleased to make the following Scheme for the allotment of low cost tenements and sites in the Site and Service Complex and transit Sites:-

This scheme may be called the "Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979"

It applies to all persons living in Chandigarh who fulfil the conditions laid hereunder and shall come into force at once.

In this scheme, unless the context otherwise required:-

All, words and expressions used in the scheme but not defined hereunder shall have the meaning attached thereto in the Capital of Punjab (Development and Regulations) Act, 1952, or rules made thereunder.

- (a) "Allotment" means the licensing on behalf of President of India of a tenement or a site as the case may be, in favour of any person on the terms and conditions mentioned in these rules and such other terms and conditions as the competent authority may impose in this behalf from time to time with prior approval of the Government.
- (b) "Competent authority", means the Estate Officer, appointed under the Capital of Punjab (Development and Regulation) Act. 1952, the Deputy Chief Administrator, Union Territory, Chandigarh or any other officer appointed by the Government as competent authority under this scheme.
- (c) "Family Unit" means a family consisting of a person, his spouse, children and other relations dependent upon and residing, with him and it includes earning sons and married daughters residing with him provided they have not attained the age of 21 and 18, respectively. Married or earning sons above the age of twenty-one and married daughters above the age of eighteen, shall be considered as a separate family unit.
- (d) "Income" means the monthly earning of a person or of a family unit, as the case may be from all sources.
- (e) "Labour Colony" means all houses, huts, covered structures and open sites in any part of the Union Territory Chandigarh, where there is human habitation in undeveloped and unplanned manner such as jhuggies and other structures on the land belonging to Government or on the land for which Notification under sections 4 or 6 of the Land Acquisition Act, 1894 have been issued.
- (f) "Licence" means a licence in form "C" appended to this Scheme.

(g) "Recognised Resident" means:-

(i) a bona fide resident of a Labour Colony since 1971 whose income does not exceed Rs. 500/-; or

(ii) a bona fide resident of a Labour Colony since 1974 whose monthly family income is above Rs. 350/- but below Rs. 500/-.

(iii) a bona fide lessee - squatter of erstwhile Bajwara or any part thereof, whose monthly income does not exceed Rs. 500/-

(h) "Site" means a residential or commercial site created for allotment under this Scheme on which the licensee may at his own expense raise an approved structure and it includes a Transit Site allotted under the Licensing of Tenements and Transit Sites in Chandigarh Scheme, 1975.

(i) "Tenement" means a low-cost house built or made available for allotment under this Scheme.

4. (1) The competent authority may prepare a phased plan for clearing the Labour Colonies of all residents according to the anticipated availability of alternative tenements/sites and may implement such plan in accordance with the provisions of this Scheme.

(2) Before implementing the plan mentioned in sub-rule (1), the competent authority shall terminate all subsisting leases in Labour Colonies by serving the lessees with 15 days clear notice ending with the expiry of the month of tenancy.

(3) A general notice of at least 30 days shall be given by the competent authority, before the residents of the Labour Colony are required to vacate the colony or part thereof,

(4) The notice shall be published in such manner as the competent authority may deem fit and also by beat of drum in the area concerned.

5. (1) Within fifteen days of the publication of the notice under rule 4(3) above, all persons eligible for allotment under the scheme shall submit to the competent

authority an application in form "A" duly, filled in and signed by the applicant alongwith an affidavit duly attested by an Oath Commissioner or a Magistrate of the Class affirming all facts showing that the applicant entitled to the grant of a licence of a tenement or a site under this Scheme.

(2) The Competent Authority shall supply on demand application forms in form "A" free of cost.

(3) For good and sufficient reasons, the Competent Authority may entertain an application after the expiry of the period of 15 days. All incomplete applications shall be liable to be rejected summarily.

(4) All applications which are complete shall be entered in a register to be maintained by the Competent Authority.

(5) Subject to the conditions laid down in this Scheme, the competent authority shall allot on licence basis tenements/sites by draw of lots:

Provided that the competent authority may in order to ensure community living of an individual or of a group of persons, allot tenements/sites otherwise than by draw of lots, and the allotments so made shall be deemed to have been made in accordance with this Scheme.

6. (1) The Competent authority may fix time and date for the actual shifting of the residents of a Labour Colony and notice thereof shall be published by him in such manner as he may deem fit.

(2) Every resident of the labour Colony shall be bound to vacate the same during the time and date specified by the Competent Authority whether or not an alternative site has been allotted to him.

(3) All residents of a Labour Colony shall be entitled to remove their belongings and the superstructure at their own expense within the period prescribed for vacating the Colony and any person who fails to vacate the Labour Colony during the time and on the date specified in this behalf, shall be liable to be removed in accordance with the process of law.

7. (1) With respect to every block of a labour colony selected for clearance,

allotment of a tenement or site as the case may be, shall be made as under:-(i) A family unit shall be entitled to one tenement/site as the case may be, provided they fulfil all the conditions under this scheme.

(ii) A family unit of a recognised resident shall be entitled to allotment of a tenement provided he fulfils all the conditions laid down under this scheme.

(iii) A person who owns more than one House in any of the Labour Colonies in his own name or in the name of any dependent member of his family, shall be entitled to the allotment of only one tenement or residential site as the case may be, under this Scheme.

(iv) All persons who are bona fide residents of Labour, colonies and whose names are included in the voter's list of 1991 including the Supplement with 1st January, 1991 as date of eligibility for enrolment as a voter under the relevant provisions of Representation of Peoples Act, 1950 and Registration of Electoral Rules, 1960 shall be eligible for allotment of tenements under the said Scheme.

Provided that a person entitled to allotment of tenement may on request or otherwise be allotted a site:

Provided further that a person who has occupied a residential site in the shape of hut in the labour colony and was also running a shop therein may be allotted a tenement or a residential site:

Provided further that a person who is occupying a residential site in the shape of hut and was also running a shop in the labour colony since 1974 in two separate premises, may be allotted a residential site as also a shop site:-

Provided further that a person who had been running a shop in the labour colony since 1974, will be entitled to the allotment of commercial site under the scheme notwithstanding anything contained in clause 9(a) even if he is not a resident of the labour colony.

8.12% of the commercial sites to be created under this scheme will be reserved for the members of the Scheduled Castes and Scheduled Tribes. The members belonging to Scheduled Castes and Scheduled Tribes will be eligible for allotment of commercial sites if they are not residents of the labour colonies provided that there is a shortfall of the applicants in this category.

9. Notwithstanding anything contained in this scheme, no person shall be eligible for allotment of a tenement/site unless he fulfills the following conditions:-

- (a) The applicant must himself be residing in the colony. Mere ownership, unless accompanied by actual physical possession of a building, hut, structure or covered site shall not be sufficient to make a person eligible for alternative allotment.
- (b) There are no arrears of rent outstanding against such person in respect of the existing licence, if any.
- (c) The lease/licence in his favour has not been terminated except under this scheme.
- (d) His income is not more than Rs. 3,000/- per month.
- (e) The person does not own whether on freehold or lease-hold basis, a residential/commercial site/building in the Union Territory of Chandigarh either in his own name or in the name of any member of his family dependent on him.

10. (1) The licence of the site be initially for a period of five years. → ⑤

(2) The period of licence may be extended for such further period of five years each by the competent authority in accordance with the general or special order of the Chief Commissioner.

(3) the sites developed or to be developed by the Chandigarh Housing Board in the sites and services complex may be allotted to the persons eligible under this scheme on hire purchase basis on a price to be determined by the Chandigarh Housing Board.

10-A. Notwithstanding anything contained in this Scheme, bare sites may be allotted on hire- purchase basis to the persons who have settled in the labour colonies unauthorisedly during the period of six months preceding 31st March, 1980 on a price to be determined by the Chandigarh Administration.

3 11. The competent authority shall execute a licence deed in favour of the allottee

in form "B".

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12. The licensee shall be entitled to vet his interest in the site besides the superstructure in order to secure a loan for the construction of a building on the site front any of the Banks or Financial Institutions.

13. (i) On the allotment of a tenement, the allottee of a site may apply to the competent authority to determine the compensation payable to him for superstructure.

(ii) The competent authority shall determine the compensation after hearing the allottee concerned and after making much inquires as he may deem fit. In doing so, the competent authority shall have regard to the cost of construction and depreciation on account of usual wear and tear.

14. (1) The site together with the superstructure, on vacation by the allottee, shall be allotted to any person eligible for allotment of a site under this scheme.

(2) In addition to other charges, the allottee of such site shall pay the amount of compensation determined by the competent authority, to the previous allottee who is entitled to receive the compensation either in lump sum or in instalments, if any, fix rule 13:

Provided that the balance amount of loan along with interest thereon due to the Bank towards the superstructure raised on the site shall be deducted out of the amount of compensation payable to the previous allottee, and shall be paid to the Bank. In case the amount of compensation falls short of the amount of loans to be paid to the Bank, the difference shall be paid by the previous allottee within a period of three months or such extended period as may be determined by the competent authority.

(3) If the amount of loan is not paid by the previous allottee within such period as mentioned in sub-rule (2), the competent authority may cancell allotment of tenement made in his name.

(4) The amount shall be payable either in lump sum or in instalments. Where the allottee intends to pay this amount in instalments, the same shall be payable in five equated monthly instalments together with interest at the rate of 7% per

annum.

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(5) In default of payment of any two instalments by the due date, the lease shall be liable to be cancelled by the competent authority after notice in writing.

15. An allottee who has raised superstructure on the site from his own resources, may apply to the competent authority that he may be paid the amount of compensation for the superstructure raised in accordance with the scheme. On receipt of such application the competent authority shall process further according to the provisions contained in this scheme, as soon as a tenement is allotted to the applicant.

16. Notwithstanding anything contained in the scheme, the competent authority may with the previous approval of the Chief Commissioner allot any tenement or site to any person not otherwise eligible for allotment on grounds of extreme hardship or on ground of public policy.

17. Every allottee shall submit to the competent authority a deed of licence in form "B" or "C", (as may be applicable) appended to this scheme duly signed by him and on a non judicial stamp paper of Rs. 2.25.

18. (1) Every licensee shall maintain a pass-book- in form "D" to be issued by the competent authority.

(2) The pass-book shall contain a group-photograph of the licensee and all other members of the family unit, indicating the name, age, occupation and relationship with the licensee.

In addition to the registers to be prescribed by the competent authority from time to time, all payments made in respect of the tenement or site as the case may be, shall be duly entered in the pass-book together with the date on which such payment are received and all such payments shall be duly acknowledged under signatures of the official authorised to receive the payment.

(4) In the event of the pass-book being lost or spoiled, the licensee shall be entitled to a duplicate pass book on payment of a fee of Rs. 5/-. The licensee shall be liable to provide the necessary photograph for preparation of a duplicate pass book.

(5) Any change in composition of the family unit shall be intimated to the competent authority in form "E" as soon as possible and in any case within fifteen days of occurrence of such a change.

(6) If a licensee fails to intimate any change in the family unit within the prescribed period, it will be presumed that such additional member is not a member of the family of the licensee for the purpose of these rules.

19. (1) Subject to the provisions of sub-rule (2) of the rule, every licensee of a tenement or a site shall pay every month in advance such licence fee as may be prescribed by the Chief Administrator. The licence fee shall be subject to revision at the time of renewal of the license, provided the total increase in the licence fee shall not be more than 25 per cent of the existing fee.

(2) If the licence fee is paid by the 10<sup>th</sup> day of the month the licensee shall be entitled to a rebate of Rs. 5/-.

20. (1) In addition to the licence fee prescribed under the preceding rule, the licensee, whether of a tenement or of a site, shall pay water and electricity charges at such rates as may from time to time, be determined by the Chief Engineer, Union Territory, Chandigarh.

(2) The Competent Authority may revoke any licence if any licensee commits default in the payment of water or electricity charges for a period of thirty days from the receipt of notice of demand in writing.

(3) Such notices shall be served by delivering the same to the defaulter in person or any adult member of his family. If it is not possible to serve the notice personally, the notice shall be deemed to have been validly served if it is affixed at the outer door or any other conspicuous place or near the tenement or the site as the case may be.

21. The licensee shall not make any additions or alterations in the tenement allotted under the scheme.

22. The tenement shall be used exclusively for residential purposes and for no other purpose.

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23. The licensee shall conform to the provisions of the Capital of Punjab (Development and Regulations) Act, 1952, and the rules made thereunder.

24. The licensee shall not sublet, assign or otherwise part with possession of the tenement or the site as the case may be.

25. (i) The licensees of sites shall be entitled to erect temporary building as defined in rule 2(ii) of the Punjab Capital (Development and Regulations) Building Rules, 1952 at their own expense for a specified period which may be extended from time to time.

(ii) On the expiry of the period referred to in sub-rule (i), the licensee shall be liable to vacate the site and remove the super-structure at his own expenses for which he shall not be entitled to any compensation.

26. The allotment in respect of tenement or site, as the case may be, shall stand automatically revoked in the event of contravention of any of the terms or conditions of allotment.

27. (1) The competent authority shall cancel the allotment of site/tenement if it is found:-

(i) that the allotment has been obtained in respect of a tenement or a site by supplying false information, suppressing true facts;

Provided that no licence shall be cancelled on this ground unless the licensee is given an opportunity of being heard;

(ii) if the licensee fails to vacate the labour colony by the date and time prescribed in this behalf under this scheme;

(iii) if the allottee fails to deposit licence fee in spite of the service of notice of demand for a period of three months, whether consecutively or otherwise;

(iv) if the allottee acquires any land/building either in his name or in the names of any member of his family dependent on him, whether on freehold or lease hold

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basis in the Union Territory of Chandigarh.

(2) Licence in respect of a site may also be cancelled if:-

(a) the licensee is offered a tenement and he fails to occupy the same within 15 days of such offer:

(b)  he contravenes the provisions of Punjab Capital (Development and Regulations) Building Rules, 1952 in putting up a temporary building;

(c) he unauthorisedly occupies in the Union Territory of Chandigarh any land belonging to the Government other than that allotted under this scheme.

28. (1) Any person feeling aggrieved by any order passed by the competent authority under this scheme, shall be entitled to file an appeal to the Chief Administrator.

(2) Appeal shall be filed within 30 days from the date of communication of the impugned order.

(3) The Chief Administrator may for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under sub-rule (2).

(4) The Chief Administrator may confirm, vary or reverse the order appealed against and may pass such orders as he may deem fit.

(5) Order passed in appeal by the Chief Administrator shall be final.

29. Notwithstanding anything contained in rules 4, 5 and 6, the Competent Authority may after spot verification regarding eligibility of any resident of Labour Colony to alternative accommodation, allot tenement or site to residents of Labour Colonies who fulfil the requisite conditions for allotment of tenement or site as the case may be. Reasonable time shall be given to the allottee to shift to the alternative tenement or site and to vacate the area in the Labour Colony.

30. (1) Notwithstanding anything contained in this scheme, the Chief Commissioner may on compassionate grounds in case of extreme hardship, allot a

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tenement or site to any person who is not a recognised resident or a bona fide resident of a labour colony.

(2) The Chief Commissioner, Chandigarh may allot land to any educational, cultural or a religious institution, under this scheme on such licence fee and subject to such terms and conditions as he may determine.

31. The Chief Administrator may with the previous approval of the Administrator, issue such order, instructions or directions as may be necessary for the implementation of the scheme in the best interest of the beneficiaries.

32. Any allotment made or any order passed by the competent authority under the Licensing of Tenements and Transit Sites in Chandigarh Scheme, 1976, shall in so far as it is consistent with the provisions of this scheme, be deemed to be valid and effective as if such allotment or action was done or taken under this Scheme.

33. The Chandigarh Licensing of Tenements and Transit Sites in Chandigarh Scheme, 1975 as amended from time to time, is hereby repealed.

## FORM "A"

[See Rule 5(1)]  
Application for obtaining licence of a tenement site

To

The Competent Authority,  
under the Licensing of Tenements and Sites and  
Services in Chandigarh Scheme 1979,  
Chandigarh Administration, Chandigarh.

Sir,

I, \_\_\_\_\_ son/daughter/wife/widow of \_\_\_\_\_ request that I may be granted a licence of a tenement site in Chandigarh.

2. I agree to pay the licence fee at the rates and in the manner prescribed under the Licensing of Tenement and Sites and Service in Chandigarh Scheme, 1979.

3. I am eligible for the grant of a licence for a tenement/site under the said scheme.

4. Detailed particulars are given hereunder:-

- (i) Name in Block letters.
- (2) Father's/Husband's name.
- (3) Present Address.
- (4) Number of family members and their relationship with the applicant. Their names, age and occupation.
- (5) Particulars of the last lease:-
  - (a) Name.
  - (b) Number of the premises.
  - (c) Monthly rent payable.
  - (d) Whether rent paid is up-to-date ?
- (6) Date from when residing in the Labour Colony. In support of this, give ration card number or/and any other evidence.
- (7) Whether application being made is within time. Yes/No. If not, reasons for delay.

5. Whether the applicant himself actually resides in the labour colony

6. What is the monthly income of the family unit from all sources ?

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Whether the applicant owns more than one, house/structure in the Labour Colonies ?

if so, particulars thereof may be given ?

8. I shall vacate the labour colony during the time and on the date specified in this behalf by the Competent Authority.

9. My licence may be revoked in case of breach of any of the conditions for the grant of the licence.

10. It is certified that I do not own, either on free hold or lease hold basis, a residential/commercial site/building in Chandigarh in my own name or in the name of any member of family dependent on me.

11. I have removed/shall remove building/structure at my own expense before the date fixed by the Competent Authority.

12. It is certified that I have been actually residing in the Labour Colony since.

13. I enclose herewith an affidavit duly attested by a Magistrate Ist Class/Oath Commissioner affirming all facts stated above and also indicating that the applicant is entitled to the grant of a licence in respect of tenement/site as the case may be, under the Scheme.

14. A group photograph of the licensee and all other members of the family is enclosed.

Dated \_\_\_\_\_

Yours faithfully

Signature of the Applicant

(Address for Correspondence)

## FORM "B"

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(See Rule 17)  
(Non-Judicial Stamp of Rs. 2.25.)  
Deed of Licence.

LICENCE is hereby granted by \_\_\_\_\_ to \_\_\_\_\_ to occupy a tenement described and detailed in the schedule annexed hereto situated in Sector \_\_\_\_\_, Chandigarh, on the following terms and conditions:-

1. That the licensee shall pay every month in advance a licence fee of Rs. \_\_\_\_\_ without demand.
2. If licence fee is paid by the 10th day of the month to which it relates, the licensee shall be entitled to a rebate of Rs. 5 in the payment of licence fee.
3. The licensee shall not make any additions and/or alterations in the tenement allotted to him.
4. The tenement shall be used exclusively for residential purpose and for no other purpose.
5. The licensee shall not sublet, assign or otherwise part with possession of the tenement.
6. The licence in respect of the tenement shall stand automatically revoked in the event of contravention of any of the terms and conditions of this licence deed.
- 7(i) The licensee shall be bound by the terms and conditions of the Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979.  
(ii) The licensee shall, in addition, abide by the provisions of the Capital of Punjab (Development and Regulation) Act, 1952, and the rules made thereunder.
8. If it is found that licence has been obtained in respect of a tenement by furnishing false information or suppressing true facts, the licence shall be liable to

be cancelled by the Competent Authority. The licence shall not be cancelled on this ground unless the licensee is given an opportunity of being heard.

9. The allotment of a tenement shall also be liable to be cancelled if the licensee fails to vacate the Labour Colony by the date and time prescribed in this behalf by the Competent Authority.

10. The licensee shall keep the tenement in a clean and sanitary condition and shall pay the cost of making good any damage thereto, or to adjacent tenement caused by negligence or misuse of the premises.

IN WITNESS whereof the licensee, the said \_\_\_\_\_ and the licensor, the said HAVE hereunto signed at \_\_\_\_\_ this the \_\_\_\_\_ day of the \_\_\_\_\_ in the year \_\_\_\_\_

Witnesses:-

1 \_\_\_\_\_ 2 \_\_\_\_\_ Licensee Lessor

### FORM "C"

(See Rule 17)

(Non Judicial Stamp of Rs. 2.25)  
Deed of Licence

LICENCE is hereby granted by \_\_\_\_\_ to \_\_\_\_\_ to \_\_\_\_\_ occupy a site described and detailed in the scheduled annexed hereto, situated in Sector Chandigarh, on the following terms and conditions:-

The licensee shall pay in advance without demand a licence fee of Rs per month by the 10<sup>th</sup> day of every month.

2. The site shall be used exclusively for residential purpose and for no other purpose.

3. The Licensee shall not sublet, assign or otherwise part with possession of the site.

4. The licensee shall be entitled to erect temporary building as defined in rule 2(ii) of the Punjab Capital (Development and Regulation) Building Rules, 1952, at his own expense.

5. The licence shall stand automatically revoked in the event of contravention of any of the terms and conditions of this licence deed.

6. The licensee shall be bound by the terms and conditions of the Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979.

7. The licensee shall in addition abide by the provisions of the Capital of Punjab (Development and Regulation) Act, 1952, and the rules made thereunder.

8. If it is found that licence has been obtained in respect of the site by furnishing false information or suppressing true facts, the licence shall be liable to be cancelled by the Competent Authority. The licence shall not be cancelled on this ground unless the licensee is given an opportunity of being heard.

9. The allotment of a site shall be liable to be cancelled if the licensee fails to vacate the labour colony by the date and time prescribed in this behalf by the Competent Authority.

10. The licensee shall keep the site and the structure built thereon in a clean and sanitary condition and shall pay the cost of making good any damage to the site, or to adjacent site caused by the negligence or misuse of the premises.

IN WITNESS whereof the licensee, the said and the licensor, the said \_\_\_\_\_ have hereunto signed at \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.

Witnesses:-

1 \_\_\_\_\_ Licensee. 2 \_\_\_\_\_ Licensor.

### FORM "D"

(See Rule 18)  
PASS BOOK

No. of pass book \_\_\_\_\_

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1. Group photograph of licensee and the family unit.
2. Number of family members, their names, age, occupation and \_\_\_\_\_ relationship with the licensee.
3. (i) No. and floor of tenement.  
(ii) Date of commencement of licence.  
(iii) Rate of licence fee per month.  
(iv) Name and Particulars of person primarily liable to pay licence fee.

Date	Last balance	Amount paid	Balance due from licence upto 10 <sup>th</sup> day of the next calander month	Name and destination of next official receiving payment
		in figures --- in words		
1	2	3	4	5

4. Signature/Thumb-impression of the licensee. Issuing Authority.

### FORM "E"

[See Rule 18(5)]  
Intimation regarding change in the family unit

The Licensee hereby intimates the following addition/ subtraction in the family unit:-

The addition/ subtraction has occurred due to birth/ marriage/ adoption/ death/