

1 Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979

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 civil 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 Sites and Service Complexs and Transit Sites : -

1. This scheme may be called the “**Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979**”.

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

3. In this scheme, unless the context otherwise requires : -

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 of²[a tenement in a multi-storeyed flat] 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 Regulations) Act, 1952, the Deputy Chief Administrator, Union Territory, Chandigarh or any other officer appointed by the Government as competent authority under this scheme.

³[(c) “Family Unit” means a family consisting of a person, his spouse, children and other relative dependent upon and residing with him and it includes earning sons and daughters. Married or earning son above

1. Published in Chd. Administration Gaz. (Extra) dated 24-8-1979 at page 333

2. Substituted by Chandigarh Administration Gaz. (Extra) dated 6-1-2000

3. Substituted by Notification No. 18-UTFI(5)-80/2540 dated 21-2-1980 at page 66

- the age of twenty-one, shall be considered as a separate family unit provided that such a person is living in a separate jhuggi.]
- (d) "Income" means the monthly earning of a person or of a family unit, as the case may be, from all sources.
- ¹[(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) "License" means a license 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/-.
- ²[(iii) of abona fide lessee/squalter of erstwhile Bajwara or any part thereof, whose monthly income does not exceed Rs. 500/-]
- ³[(h) Site means a flat in the multi-storeyed flats to be constructed at various identified locations in the Union Territory, Chandigarh under this Scheme.
- (i) Tenements means a low cost flat in the multi-storeyed structure to be constructed at various identified locations in Union Territory, Chandigarh.]

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 pending with the expiry of the month of tenancy.

(3) A general notice of at least ¹[21] 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 th scheme shall submit to the competent authority an application in form "A" duly filled in and signed by the applicant along with an affidavit duly attested by an Oath Commissioner or a Magistrate of the Ist Class affirming all facts showing that the applicant is entitled to the grant of a licence in respect of ³[a tenement in a multi-storeyed flat] under this Scheme.

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

1. Substituted by Notification published in Chd. Administration Gaz. (Extra) dated 9-10-1982

2. Added by Notification No. 3684-UTFI(5)-84/14017 dated 23-8-1984

3. Substituted by Chd. Administration Notification No. 11/6/106-UTFI(2)-99/122 dated 6-1-2000

4. Substituted by Chd. Administration Notification No.4476-UTFI(5)-97/22033 dated 9-12-1997

(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 license 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 super structure 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 ¹[a tenement in a multi-storeyed flat] 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 ²[residential site] as the case may be, under this Scheme.

³[(iv) All persons whose names appear in any of the voters list between 1990 and the date of election of Municipal Corporation i.e. 8th December, 1996 and proved to be continuous bona fide resident from the date of entry in the said electoral list till date, shall be eligible for rehabilitation:]

¹[Provided that migrants whose names do not figure in the Electoral Rolls as on 8th December, 1996, will not be eligible for rehabilitation in the Union Territory, Chandigarh, and unauthorised encroachments/construction made by them shall be removed in accordance with the law.]

COMMENTS

Alternative allotment - A person in unauthorised occupation of suit land cannot claim allotment of alternative site before dispossession - *Suman Devi v. Union Territory Administration, Chandigarh, 2002 HRR 80*
²[8. 12-¹/₂% of the commercial sites to be created under this scheme will be reserved for the members of the Scheduled Castes and Scheduled Tribes. The

1. Substituted by Chd. Administration Notification No. 11/6/106-UTFI(2)-99/122 dated 6-1-2000
2. Substituted by Chd. Administration Notification dated 1-11-1983 at page 58
3. Substituted by Chd. Administration Notification dated 7-11-2000

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 short fall of the applicants in this category.]

¹[9. Notwithstanding anything contained in the Scheme, no person shall be eligible for allotment of a tenement 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, but structure or covered site shall not be sufficient to make a person eligible for alternate allotment.
- (b) There are no arrears of rent outstanding against such person in respect of the existing license, if any.
- (c) The lease/license in his favour has not been terminated except under this scheme.
- (d) Already deleted.
- (e) The person does not own whether on free-hold or lease-hold basis, a residential/commercial site/building in the Union Territory, Chandigarh, either in his own name or in the name of any member of his family dependent on him.]

COMMENTS

Allotment cancellation – As per conditions of allotment original allottee could not sublet or part with the possession of transit site to anybody else – These allottees who sold their properties to other even without paying even a single penny of lease money they have forfeited their right of transit site – Order of cancellation of allotment upheld - *Balwinder Singh v. Union Territory, Chandigarh Administration, Chandigarh, 2012(1) Haryana Law Reporter 209 D.B.*

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

²[Provided that the Licensee shall construct a toilet on the site within 3 months of the allotment. The Competent Authority may grant an extension of one month on payment of a fee of Rs. 100 :

Provided further that superstructure on the site shall be constructed within a period of 9 months from the date of allotment. The Competent Authority may grant an extension of 3 months on payment of fee of Rs. 500 per month.]

(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 orders of the ³[Advisor to the Administrator, Union Territory, Chandigarh].

(3) ⁴[—]

⁵[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 the 31st March, 1980 on a price to be determined by the Chandigarh Administration.]

1. Substituted by Chd. Administration Notification No. 11/6/106-UTFI(2)-99/122 dated 6-1-2000
 2. Added by Chd. Administration Notification No.4476-UTFI(5)-97/22033 dated 9-12-1997
 3. Substituted by Chd. Administration Notification No.4476-UTFI(5)-97/22033 dated 9-12-1997
 4. Deleted by Chd. Administration Notification No.4476-UTFI(5)-97/22033 dated 9-12-1997
 5. Added by Chd. Administration Gaz. (Extra) dated 23rd/25th August 1980 page 290

11. The competent authority shall execute a licence deed in favour of the allottee in form "B".

[12. The licensee shall be entitled to vest his interest in the multi-storeyed flat in order to secure a loan from any of the Banks or Financial Institutions.]

[13.

14.

15.

16.]

17. Every allottee shall submit to the competent authority a deed of license 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.

(3) In addition to the registers to be prescribed by the competent authority from time to time, all payments made in respect of²[a tenement in a multi-storeyed flat] as the case may be, shall be duly entered in the pass-book together with the date on which such payments are received and all such payments 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 the 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 purposes of these rules.

19. (1) Subject to the provisions of sub-rule (2) of the rule, every licensee of¹[a tenement in a multi-storeyed flat] shall pay every month in advance such license 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 license fee shall not be more than 25 per cent of the existing fee.

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

20. (1) In addition to the license fee prescribed under the preceding rule, the licensee, whether of²[a tenement in a multi-storeyed flat], shall pay water and electricity charges at such rates as may from time to time, be determined by the Chief Engineer, Union Territory, Chandigarh.

1. Substituted by Chd. Administration Notification No. 11/6/106-UTFI(2)-99/122 dated 6-1-2000
2. Deleted by Chd. Administration Notification No. 11/6/106-UTFI(2)-99/122 dated 6-1-2000

(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 on or near ¹[a tenement in a multi-storeyed flat], 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.

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 ¹[a tenement in a multi-storeyed flat] as the case may be.

25. ²[—]

26. The allotment in respect of ¹[a tenement in a multi-storeyed flat], 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 ¹[a tenement in a multi-storeyed flat] by supplying false information by 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 free-hold or lease-hold basis in the Union Territory of Chandigarh.

³[(v) that the allottee has failed to comply with the provisions of provisos to sub-para (1) of para 10, regarding construction of toilet or superstructure.]

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

 1. Substituted by Chd. Administration Notification No. 11/6/106-UTFI(2)-99/122 dated 6-1-2000
 2. Deleted by Chd. Administration Notification No. 11/6/106-UTFI(2)-99/122 dated 6-1-2000
 3. Added by Chd. Administration Gaz. Notification No. 4476-UTFI(5)-97/22033 dated 9-12-1997

- (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. [—]

30. (1) Notwithstanding anything contained in this scheme, the ²[Advisor to the Administrator, Union Territory, Chandigarh], may on compassionate grounds in case of extreme hardship, allot ³[a tenement in a multi-storeyed flat] to any person who is not a recognised resident or a bona fide resident of a labour colony.

(2) The ²[Advisor to the Administrator, Union Territory, Chandigarh], may allot land to any educational, cultural or a religious institution, under this scheme on such license 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 orders, 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.

1. Deleted by Chd. Administration Notification No. 11/6/106-UTFI(2)-99/122 dated 6-1-2000
2. Substituted by Chd. Administration Notification No.4476-UTFI(5)-97/22033 dated 9-12-1997
3. Substituted by Chd. Administration Notification No. 11/6/106-UTFI(2)-99/122 dated 6-1-2000

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 Services 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 :-

(1) 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 ?

7. 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 1st 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"
(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 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 _____ in the year _____

Witnesses :—

1. _____
2. _____

Licensee

Licensor

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 schedule annexed hereto, situated in Sector....., Chandigarh, on the following terms and conditions :-

1. The licensee shall pay in advance without demand a licence fee of Rs.....per month by the 10th 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 (li) of the Punjab Capital (Development and Regulation) Building Rules, 1952, in 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 and 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 : - Licensee.
 1. _____
 2. _____ Licensor

FORM "D"
 (See Rule 18)
PASS BOOK

GROUP PHOTOGRAPH

No. of pass book _____

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 license.
 (iii) Rate of licence fee per month.
 (iv) Name and Particulars of person primarily liable to pay license fee.

Date	Last balance due	Amount paid		Balance due from licensee upto 10th day of the next calander month	Name and designation of official receiving payment
		in figures	in words		
1	2	3	4	5	6

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/separation.

The following proof is enclosed :

Dated :

(Licensee)
