

The Chandigarh Allotment of Prefab Shelter for the Rehabilitation of Rag Pickers on License Basis Scheme, 2008

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No. 11/7/53-UTFI(2)/3574.—Whereas there are a number of persons engaged in the activity of rag picking in Chandigarh. And whereas these rag pickers are required to be rehabilitated by providing them suitable shelter. Now, therefore, in exercise of his powers under Article 239 of the Constitution and all other powers enabling him in this behalf, the Administrator, Union Territory, Chandigarh, is pleased to make the following scheme to rehabilitate the Rag Pickers by allotment of residential prefab shelters in Sector 56, Chandigarh, on monthly license basis, namely:—

1. The Scheme may be called “**The Chandigarh Allotment of Prefab Shelter for the Rehabilitation of Rag Pickers on License Basis Scheme, 2008**”. It shall come into force from the date of its publication in the Official Gazette.

¹[2. The persons whose name figure in the survey list of rag pickers conducted by the Municipal Corporation, Chandigarh shall be eligible under the scheme.]

3. In this scheme unless the context otherwise requires:—

- (a) all words and expressions used in the scheme but not defined herein shall have the meaning attached thereto in the Capital of Punjab (Development and Regulation) Act, 1952 and the rules made thereunder from time to time.
- (b) “Rag Picker” means a person not below the age of 18 years who is engaged in Rag picking activity as a means of earning livelihood in the Union Territory, Chandigarh.
- (c) “Allotment” means licensing of a tenement or pre-fab shelter.
- (d) “Family” means a family consisting of a person, his or her spouse, minor children, widowed daughter and/or parents solely dependent on him/her and residing with him or her.
- (e) “Competent Authority” means the Chief Executive Officer, Chandigarh Housing Board, Chandigarh.
- (f) “Prefab Shelter” means a residential unit developed for allotment under this scheme.
- (g) “Nodal Agency” means the Chandigarh Housing Board.

1. Substituted by Chandigarh Administration Gaz. (Extra) Notification dated 3-7-2009 at page 1072

- (h) "Licence Fee" means the amount as fixed by the Nodal Agency and payable on a monthly basis for the use and occupation of the shelter allotted under this Scheme.
- [(i) "Recognised Resident" means a *bona fide* resident of Chandigarh whose name figure in the survey list of rag pickers conducted by the Municipal Corporation, Chandigarh.]
- (j) "Licence Deed" means a license executed between the Licensee and the Nodal Agency in the format prescribed by the Nodal Agency.

B. Eligibility:

4. To be eligible for allotment of a Pre-fab shelter under the scheme, a person should satisfy the following criteria:—

- (i) Applicant should not be below the age of 18 years.
- (ii) The persons whose name figure in the survey list of rag pickers conducted by the Municipal Corporation, Chandigarh except those who do not appear for verification of their claim before the competent authority shall be eligible under the scheme.
- (iii) Applicant should be engaged in rag-picking activity as only source of livelihood.
- (iv) The applicant or any of his family member and parents should not be owning or have been allotted any site/house/tenement whether by way of sale, lease or license or likely to be allotted a dwelling unit by the Chandigarh Administration under any of its scheme including Rehabilitation Scheme.
- (v) The monthly income of the applicant and his family from all sources shall not exceed Rs. 3,000.]

C. Procedure of Allotment:

5.

- (a) The Nodal Agency shall prepare and advertise a plan depending upon the number of available prefab shelters and may implement such plan in accordance with the provisions of this Scheme.
- (b) All persons eligible for allotment under this scheme shall be required to submit duly completed and signed application forms to the Nodal Agency by the due date as advertised.
- (c) All applications received by the due date shall be entered in a register to be maintained by the Nodal Agency and copy of the same will be forwarded to the Estate Officer.

D. Terms and Conditions of Allotment:

6.

The allotment of Pre-fab shelters under this scheme shall be on following terms and conditions:—

- (a) The Pre-fab shelter will be allotted on monthly license fee basis with the monthly license fee to be determined by the Nodal Agency and paid in the manner prescribed by Nodal Agency. The monthly license fee shall be enhanced every year to be decided by the Nodal Agency.
- (b) The Pre-fab shelter will be allotted in the joint names of husband and wife. However, if the allottee is single the allotment will be made in the name of single person.

- (c) Nodal Agency shall get a deed of licence executed by the licensee.
 (d) The licensee shall intimate to the nodal agency any change in composition of family in such manner as prescribed by the nodal agency as soon as possible and in any case within thirty days of the occurrence of such a change. 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.

E. Obligation of the Licensee:

7.

- (a) In addition to the license fee prescribed under the preceding rule, the licensee shall be responsible to pay water, electricity charges and all other taxes and levies as made applicable from time to time.
 (b) The competent authority may revoke any license if the licensee commits default in the payment of water or electricity charges etc.

8. The licensee shall not make any additions or alterations in the Pre-fab shelter allotted under this Scheme.

9. The Pre-fab shelter shall be used exclusively for residential purposes and for no other purposes.

10. The Licensee shall abide by the provision of the Capital of Punjab (Development and Regulation) Act, 1952 and the rules made thereunder from time to time.

11. The licensee shall not sublet, assign by way of General Power of Attorney or otherwise part with possession of the shelter.

12. Responsibility of maintenance of the Pre-fab shelter shall lie with the licensee. In case of poor maintenance which may cause damage to the shelter the licence may be revoked by the competent authority.

F. Cancellation of the Pre-fab Shelter:

13. The allotment of the Pre-fab shelter shall stand automatically revoked in the event of contravention of any of the terms and conditions of the scheme.

14. (a) The competent authority shall also cancel the allotment of a Pre-fab shelter if it is found that:—

- (i) The allotment has been obtained by supplying false information or by suppressing the facts:

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

- (ii) The licensee fails to vacate the notified colony by the date and time prescribed under this Scheme;

- (iii) The licensee fails to deposit license fee inspite of the service of notice of demand for a period as determined by the Nodal Agency, whether consecutively or otherwise;

- (iv) The licensee owns any land/building either in his name or in the name of any member of his family dependant upon him, whether on free hold or lease hold basis in the Union Territory of Chandigarh, Panchkula and Mohali prior to allotment under this Scheme or acquires the same at any time after the allotment.
- (b) The licensee is offered a site/Pre-fab shelter and he fails to occupy the same within 30 days of such offer.

G. Appeal:

15. Any person feeling aggrieved by any order passed by the competent authority under this scheme shall be entitled to file an appeal before the Finance Secretary, Chandigarh Administration. The order of the Finance Secretary passed in appeal shall be final.

16. Any order passed by the competent authority under this scheme 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.

17. The Chandigarh Administration may, as soon as is practicable, prepare a separate scheme, creating the option for those licensees who have been in continuance and lawful occupation of the Pre-fab shelters/flat for 5 years to purchase the flats at the prices reflecting the real value of the property.

18. Notwithstanding anything contained in this scheme, the Administrator, Union Territory, Chandigarh, may issue further instructions or directions for effective implementation of this Scheme.

[19. The scheme shall be valid till 31st August, 2009. However, all allotments made under the provisions of this scheme during its validity shall continue to be governed under the provisions of this scheme.]
