

The Chandigarh Small Flats Scheme, 2006

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No. 11/6/106-UTFI(2)-2006/6813.—Over a period of time unauthorized habitations have encroached on public lands. These habitations are unhygienic, lacking in basic amenities and unsafe. Precious attempts to address the problem have had mixed results. Now, therefore to provide living space that is hygienic, has basic amenities, is safe, and to prevent the arbitraging of entitlements for immediate short term gains, the Administrator, Union Territory, Chandigarh is pleased to make the following scheme for allotment of residential one room flats on monthly license basis :—

1. This scheme may be called the "The Chandigarh Small Flats Scheme 2006".

2. The Chandigarh Administration after conducting a bio-metric survey in March, 2006 has identified 18 colonies where unplanned habitations have encroached upon public land. Only those included in the bio-metric survey will be eligible for license fee based accommodation under this scheme.

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 licensing of a flat or dormitory accommodation in favour of any person by Nodal Agency on the terms and conditions mentioned in these rules and such other terms and conditions as the Competent Authority or Nodal Agency may prescribe in this behalf from time to time.
- (b) "Competent Authority" means the Estate Officer, appointed under the Capital of Punjab (Development and Regulations) Act, 1952, or any other officer appointed by the Chandigarh Administration as Competent Authority under this scheme.
- (c) "Family" means a family consisting of a person, his or her spouse, children and parents residing with him and it includes earning sons and daughters. Married and earning son above the age of eighteen, shall be considered as a separate family unit provided that such a person was living in a separate habitation as identified during the Bio Metric Survey.
- (d) "Notified Colonies" means all clusters of houses, jhughies, covered structures in any part of the Union Territory Chandigarh, where there is human habitation in undeveloped and unplanned manner such as jhughies and other structures on any land in Union Territory, Chandigarh and identified as such in Biometric Survey of March, 2006.

- (e) "License Deed" means a license executed between licensee and Nodal Agency in the format prescribed by Nodal Agency.
- (f) "Nodal Agency" means Chandigarh Housing Board or any other Agency prescribed by the Chandigarh Administration as such.
- (g) ["Recognised Resident" means a resident of a notified colony whose name is included both in the Voter list of 2006 as well as in the Bio Metric Survey conducted by the Chandigarh Administration in the year 2006 and is continuously residing in the colony and shall also include a resident of a notified colony whose name does not appear in the voter list as on 1st January, 2006 but appears in the voter list as on 1st January, 2004, 1st January, 2005, 1st January, 2007 and 1st January, 2008:
Provided that in case of demise of the Recognised Resident, one member of his family, as defined above, who fulfils the conditions of the Recognised Resident will be eligible for being a licensee.]
- (h) "Flat" means a Residential unit in a multi-storeyed structure constructed at various locations in the Union Territory, Chandigarh for the purpose of this scheme.

C. Procedure of shifting the unauthorized habitations :

- 4 (a) The Competent Authority may prepare a phased plan for clearing the Notified Colonies according to the availability of alternative flats and may implement such plan in the accordance with the provisions of this Scheme.
 - (b) A general notice of at least 21 days shall be given by the Competent Authority, before the residents of a Notified Colony are required to vacate the colony or part thereof.
 - (c) The notice shall be published in such manner as the Competent Authority may prescribe.
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- 5. (a) Within fifteen days of the publication of the notice under rule 4(b) above, all persons eligible for allotment under the scheme shall submit to the Competent Authority an application in form prescribed by Nodal Agency duly filled in and signed by the applicant.
 - (b) All applications which are complete shall be entered in a Register to be maintained by the Competent Authority.
 - (c) (i) The Competent Authority may fix time and date for the actual shifting of the residents of a Notified Colony and notice thereof shall be published by him in such manner as he may deem fit.
 - (ii) Every resident of the Notified Colony shall be bound to vacate the same during the time and dates specified by the Competent Authority.
 - (iii) All residents of a Notified Colony would have 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 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.

D. Eligibility and Mode of Allotment :

6. (a) With respect to every block of a Notified Colony selected for clearance, allotment of a flat shall be made as under :—

(i) All persons whose names appear in the biometric survey and voter list as on 1st January, 2006 shall be eligible for allotment of a flat on license basis. The name of the person should also appear in the latest voter list of the year in which allotment is to be made.

[Provided that any person whose name appeared in bio-metric survey but does not appear in the voter list as on the 1st January, 2006, shall also be eligible for allotment of flat under the scheme if his name appears in the voter list as on 1st January, 2004, 1st January, 2005, 1st January, 2007 and 1st January, 2008.]

(ii) A person who owns more than one habitation in any of the Notified 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 flat under this Scheme.

(iii) A family unit shall be entitled to one flat, provided it fulfills all the conditions under this scheme.

[(iv) Persons who had applied for allotment of plinth sites under the Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979 and were found eligible but allotments could not be made due to misplacement of files in the Estate Office shall also be eligible for allotment under this Scheme. They can apply within a period of 30 days of the publication of the notice which shall be published in such manner as the competent authority may prescribe.]

(b) All allotments of flats under this scheme will be on monthly license fee basis consisting of One Room flat in a multi-story building.

7. Notwithstanding anything contained in the Scheme, no person shall be eligible for allotment of a flat unless he fulfills the following conditions :—

(a) The applicant must himself be residing in the Notified Colony. Mere ownership, unless accompanied by actual physical habitation of a building or structure or covered site shall not be sufficient to make a person eligible for allotment under this scheme.

(b) The person does not own or have ever been allotted whether on freehold or leasehold basis, a residential site in the Union Territory, Chandigarh, Panchkula or Mohali by the respective Government/ Administration or its Agency either in his own name or in the name of any member of his family dependent on him.

E. Terms and Conditions of Allotment :

8. The allotment of the flats under this scheme shall be on following terms and conditions:-

(a) The house will be allotted on monthly license fee basis with the monthly license fee to be decided by the Nodal Agency and deposited in manner prescribed by Nodal Agency.

(b) The flat will be allotted in the joined names of the couple. However if the allottee is single the allotment will be made in the name of single person.

- (c) Licensee shall submit to the Nodal Agency a Deed of License as prescribed by Nodal Agency.
- (d) Licensee would be provided a Smart Card to be issued by the Nodal Agency which will have database containing a group-photograph of the licensee and all other members of the family, indicating their name, age, occupation and relationship with the licensee and details of all payments made by allottee in respect of the flat.
- (e) Any change in composition of the family shall be intimated to the Competent Authority in such format as prescribed by the Competent Authority 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.

G. Obligations of the Licensee :

9. (a) In addition to the license fee prescribed under the preceding rule, the licensee shall be responsible to pay water and electricity charges to the Authority concerned.

(b) The Competent Authority may revoke any license if any licensee commits default in the payment of water or electricity charges.

10. The licensee shall not make any additions or alteration in the flat allotted under the scheme.

11. The flat shall be used exclusively for residential purposes and for no other purpose.

12. The Licensee shall abide by the provisions of the Capital of Punjab (Development and Regulations) Act, 1952, and the rules made thereunder.

13. The Licensee shall not sublet, assign by way of General Power of Attorney or otherwise part with possession of a flat.

14. Responsibility of maintenance of the allotted flat would lie with the licensee. In case of ill maintenance which may cause damage to the structure the license may be revoked by the Competent Authority.

H. Cancellation of the Dwelling Unit :

15. The allotment of the flat shall stand automatically revoked in the event of contravention of any of the terms and conditions of the scheme.

16. (a) The Competent Authority shall also cancel the allotment of the flat if it is found that :—

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

Provided that no license 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 in spite 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 names of any member of his family dependent on him, whether on free-hold or lease-hold basis in the Union Territory of Chandigarh, Panchkula and Mohali prior to allotment under this scheme.

(b) The licensee is offered a flat and he fails to occupy the same within 30 days of such offer.

I. Appeal

17. (a) Any person feeling aggrieved by any order passed by the Competent Authority under this scheme relating to eligibility or otherwise shall be entitled to file an appeal to the Appellate Authority as appointed by the Administrator, U.T., Chandigarh.

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

(c) The Appellate Authority may, for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under Para (b) above.

(d) The Appellate Authority may confirm, vary or reverse the order appealed against and may pass such orders as he may deem fit.

(e) Order passed in appeal by the Appellate Authority shall be final.

18. 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.

19. [x x x]

20. The Competent Authority shall, as soon as is practicable, prepare a separate scheme, creating the option for those licensees who have been in continuous and lawful occupation of the flats for 20 years to purchase the flats at the prices reflecting the real value or the property.

21. Notwithstanding anything contained in this Scheme, the Administrator, U.T., Chandigarh, may issue instructions or directions for smooth implementation of this scheme.
