

Allotment of Land to Educational Institutions (Schools), Etc. on Lease-hold Basis in Chandigarh Scheme, 1996

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Rule

ALLOTMENT-OF-LAND-TO-EDUCATIONAL-INSTITUTIONS-SCHOOLS- of 1996

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Allotment of Land to Educational Institutions (Schools), Etc. on Lease-hold Basis in Chandigarh Scheme, 1996Published in Chandigarh Administration Gazette (Extraordinary) dated 31.1.1996 at page 76No. 101-UTFI(5) 96/1349. - Whereas there are a number of Educational Institutions (Schools) managed by Societies or otherwise, scattered at different places in the various Sectors of the Union Territory of Chandigarh;And whereas most for the purpose, in violation of the provisions of the Capital of Punjab (Development and Regulation) Act, 1952, and the rules made thereunder, and thereby affecting the planned character of the City;And whereas there is also need for Educational Institutions (Schools) in the private sector with a view to maintaining the educational standards;And whereas in view of the afore-mentioned purpose, it is necessary, in the public interest, to lay down a scheme to regulate the allotment of sites to the Educational Institutions (Schools);Now, therefore, in exercise of the powers conferred by Section 3 and Section 22 of the Capital of Punjab (Development and Regulations) Act, 1952, and the Rules made thereunder, the Administrator, Union Territory, Chandigarh is pleased to make the following Scheme for the allotment of land to Educational Institutions (Schools) on lease-hold basis in the Union Territory of Chandigarh, namely:-

1.

This scheme may be called "The Allotment of Land to Educational Institutions (Schools), etc, on Lease-hold Basis in Chandigarh Scheme 1996"

2.

It shall come into force from date it is published in the Chandigarh Administration Gazette.

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 Regulation) Act, 1952, and the rules made thereunder:-(i)"Allotment" means allotment of a site on lease-hold basis under this Scheme.(ii)"Category of Site", shall mean site for Pre-Primary, Primary, High/Secondary School, as the case may be.(iii)"Competent Authority" means the Estate Officer appointed under the Capital of Punjab (Development and Regulation) Act, 1952, or any other officer appointed by the Administration under this Scheme.(iv)"Educational Institution (School)" means a Pre-Primary, Primary, High/Secondary School run by a duly constituted registered Society/Trust which would be of non-proprietary character, that is, its constitution be such that it does not vest control in a single individual or members of a family.(v)"Lease" means the transfer by or on behalf of Chandigarh Administration of the rights of use and occupation of any site to any person and the terms of lease shall be construed accordingly.(vi)"Lease-deed" means the deed in the prescribed form under this scheme.(vii)"Managing committee" means the Managing Committee of the Institution (School)/Society/Trust which shall be managing the affairs of the Institution (School).(viii)"Premium" means premium paid or promised to be paid for the transfer of right to use the site.(ix)"Reputed Institution (School)" means an Educational Institution (School) which has made significant contribution in the field of education, has excelled in educational and related activities, and has eminent Personalities interested in education associated with its management and running.(x)"Society" means a Society registered under the Societies Registration Act, 1860.(xi)"Trust" means a Trust registered under the Indian Trusts Act, 1926.

4. Eligibility for allotment. -

Unless otherwise provided under this scheme, an Educational Institution (School)/Society/Trust shall be eligible for allotment of land subject to the following:-(i)The Educational Institution (School)/Society/Trust is having atleast one year of experience in running a recognised/affiliated Educational institution (School) on the date of notice inviting applications.(ii)The Educational Institution/Society/Trust has enough funds at the time of applying to pay atleast 25% of the advertised cost of the land and 25% of the estimated cost of the building to be erected thereupon and shall give sufficient proof for the same.

5. Reservation of Sites. -

There shall be reservation of sites under each category of sites advertised, in the manner detailed below:-(i)In case one site is advertised under a particular category, it will be reserved for eligible applicants already running Educational Institutions (Schools) in premises not meant for the

purpose in the U.T. of Chandigarh.(ii)In case two sites are advertised under a particular category, both will be reserved for eligible applicants mentioned at (i) above.(iii)In case three sites are advertised in a particular category, two sites will be reserved for eligible applicants from U.T. of Chandigarh as mentioned at (i) above and one site will be reserved for Reputed Institutions (Schools) located anywhere in the country.(iv)In case the number of advertised sites in a particular category exceeds three, the reservation would be made in accordance with the principles laid down in causes (i) to (iii).(v)Out of the advertised sites, the specific sites to be put under the reserved categories as in clauses (i) to (iii) above shall be determined through draw of lots.

6. Procedure for allotment : -

(i)After this scheme comes into force, the Estate Officer shall invite applications by publishing a notice in the newspapers. Separate advertisement shall be given for the each category of sites. Applications submitted in response thereof under this Scheme shall only be entertained and considered, provided that the Educational Institutions (Schools)/Societies/Trusts, who have already submitted their applications, shall resubmit their applications in the form prescribed under this Scheme, mentioning the details of their earlier applications so submitted to the Estate Officer.(ii)The applicant shall submit only one application for a particular category in response to the advertisement, to the Estate Officer in the prescribed form (Annexure "A") (iii)No application under clause (ii) above shall be valid unless it is accompanied by the prescribed earnest money in the prescribed mode of payment.(iv)The allotment of site(s) under each category shall be through draw of lots from amongst the list of eligible applicants of that category as recommended by the Screening Committee in the manner detailed in clause 6(v)(b).(v)(a)Applications so received under clause (i) shall be screened by a Screening Committee consisting of the Chief Administrator, Secretary Education, Chief Architect, Estate Officer, Joint Secretary Finance, and Director Public Instructions.(b)(i)The Screening Committee shall interview the Educational Institutions (School)/Societies/Trusts which are running Educational Institutions (Schools) in premises not meant for the purpose, with a view to determining the eligibility of the applicants for a given category of sites by assessing the experience of running the Educational Institutions, its financial viability, etc., and for the purpose it may ask for adequate proof thereof. The Screening Committee shall then recommend the list of eligible applicants for the draw of lots.(b)(ii)The Screening Committee shall also interview the applicants for sites reserved for Reputed Institutions (Schools) and shortlist them for the draw of lots on the basis of the parameters already laid down in Clause 3(ix), 4(i) and 4(ii).(vi)The result of the draw of lots shall be binding on the applicants.(vii)The allotment of sites shall be approved by the Administrator on the basis of the results of the draw of lots.(viii)The Estate Officer thereafter shall, subject to such conditions as may be imposed by the Chief Administrator, allot a site to the applicant intimating, by registered post the number, sector, approximate area, premium and the rent of the site proposed to be allotted.(ix)The applicant shall, unless he refuses to accept the allotment, within 30 days of the date of issue of the allotment order, deposit further 15% of the premium by prescribed mode of payment. The remaining 75% of the premium shall be paid as prescribed in rule 12 of the Chandigarh Lease-hold of Site and Building Rules, 1973.(x)If the applicant refuses to accept the allotment within said period of 30 days he will be entitled to refund of the amount paid by him after deduction of 10% of the amount so deposited. The refusal shall be communicated to the Estate Officer by a registered letter (acknowledgement

due). The refund shall be made by means of cheque payable at the State Bank of India at Chandigarh and the applicant shall bear collection charges of the same.(xi)If the applicant fails to communicate his refusal to accept the allotment within 30 days and also fails to deposit 15% of the premium under sub-clause (ix), the Estate Officer may forfeit the whole or part of the earnest money.

7. Commencement and period of lease. -

The lease shall commence from the date of allotment and shall be for a period of 99 years. After the expiry of the said period of 99 years, the lease may be renewed for such period and on such terms and conditions as the Government may decide.

8. Delivery of possession. -

The actual possession of the site shall be delivered to the lessee on payment of 25 per cent of the premium in accordance with Sub-clause (ix) of Clause 6 above and after the present site, if it is within the U.T. Chandigarh, is vacated. Provided that no ground rent payable and interest on the instalments of premium payable under this scheme shall be paid by the lessee till the actual and physical possession of the site is delivered or offered to be delivered to him, whichever is earlier.

9. Premium. -

The premium of the site shall be such amount as may be determined by the Administrator, Union Territory, Chandigarh, from time to time.

10. Mode of payment of premium and consequences of non-payment or late payment: -

(i)In addition to payment of 25% premium under para 8 of the scheme, the remaining 75% premium may be paid in lump sum within 30 days from the date of the allotment without any interest.(ii)If payment is not made in accordance with sub-clause (i), the balance of 75% premium shall be paid in three annual equated instalments along with interest at the rate of 10% per annum or at such higher rate of interest as may be determined by the Administrator by a notification, in the Official Gazette, before the commencement of the lease. The first instalment shall become payable after one year from the date of allotment.(iii)In case any instalment is not paid by the lessee by the date on which it is payable, a notice may be served on the lessee calling upon him to pay the instalment within a period of three months together with a penalty which may extend upto 10% of the amount due. If the payment is not made within the said period, the Estate Officer may cancel the lease and forfeit the whole or any part of the money if paid in respect thereof which, in no case, shall exceed 10 per cent of the total amount of the consideration money, interest and other dues payable in respect of the lease:Provided that forfeiture will not be made in addition to penalty:Provided further that no order of cancellation or forfeiture shall be made without giving the lessee a reasonable opportunity of being heard. If the order of cancellation is for non-payment of penalty, the lessee may show cause why the penalty should not be levied.(iv)In case any equated instalment or ground rent or part

thereof is not paid by the lessee by the date on which it became payable he shall be liable to pay in respect of that instalment or ground rent or part thereof as the case may, interest calculated at the rate of twenty four per cent per annum from the date on which the instalment or ground rent became payable till such date it is actually paid.(v)Each instalment shall be remitted to the Estate Officer by the prescribed mode of payment. Every such remittance shall be accompanied by a letter showing full particulars of the site to which payment pertains or a statement giving reference to the number and the date of the allotment referred to in para 6(viii). In the absence of these particulars, the amount remitted should be deemed to have been received only on the date when the remitter supplies correct and complete information.

11. Rent and consequences of non-payment. -

In addition to the premium in respect of the site, the lessee shall pay rent as under:(i)Annual rent shall be 2% of the premium for the first 33 years, which may be enhanced to 3¾% of the premium for the next 33 years and to 5% of the premium for the remaining period of lease.(ii)Rent shall be payable annually on the due date without any demand from the Estate Officer:Provided that the Estate Officer may for good and sufficient reasons extend the time for payment of rent upto six months on the whole on further payment of 6% per annum interest from the due date upto the date of actual payment.(iii)If rent not paid by the due date, the lessee shall be liable to pay a penalty not exceeding 100% of the amount due which may be imposed and recovered in the manner laid down in the Section 8 of the Capital of Punjab (Development and Regulation) Act, 1952 as amended by Act No. 17 of 1973.

12. Execution of lease deed: -

(i)After payment of 25% premium the lessee shall execute a lease deed in the prescribed form in such manner as may be directed by the Estate Officer, within six months of the date of allotment or within such further period as the Estate Officer may for good and sufficient reasons allow.(ii)If the lessee fails to execute a lease deed in accordance with sub-clause (i) above, the Estate Officer may cancel the lease and forfeit a sum upto 25% of the premium provided that before taking action as aforesaid, the Estate Officer shall afford reasonable opportunity to the lessee of being heard.

13. Time within which building is to be erected. -

The lessee shall complete the building within three years from the date of allotment in accordance with the rules regulating the erection of buildings. The time limit may be extended by the Estate Officer for good and sufficient reason. The date of completion of building will be the date of receipt of application for permission to occupy the building accompanied by a completion certificate from the Licensed Supervisor/qualified Architect who supervised the construction provided that the building is also certified to have been completed according to the sanctioned plan by the Chief Administrator.

14.

The Institution (School)/Society/Trust running Educational Institution (School) in Chandigarh Administration, in case of allotment of site, shall be required to stop running of the Institution (School) from the existing premises within a period of 30 days from the start of Educational Institution in the new building.

15.

(i)The lessee will not be entitled to transfer the site or the building in any manner nor by way of general power of Attorney.(ii)If at any later stage it is found that the allotment of site has been obtained fraudulently by furnishing false information or suppressing true facts, the allotment shall be liable to be cancelled by the Estate Officer and apart from cancellation of the site the lessee shall be liable to criminal action.

16.

The lessee shall not allow the site allotted under this Scheme to the Educational Institutions (Schools) to be used for any other purposes under any circumstances than for running the school.

17.

Notwithstanding anything to the contrary, the allotment of sites under this Scheme shall be subject to the provisions of the Capital of Punjab (Development and Regulation) Act, 1952 and the Chandigarh Lease-hold of Sites and Building Rules, 197 and further such instructions/orders/amendments made thereunder from time to time.

18. The Educational Societies/Institutions (Schools)/Trusts shall be required :

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To have 25% nominees of the Chandigarh Administration and the total number of members of Management Committee shall not be more than 16.(ii)to reserve 15% or more seats as may be determined by the Chandigarh Administration from time to time, in the schools for students belonging to economically weaker sections of the Society and the fee charged from those students shall be nominal preferably the same as is charged from the students of the Government institutions.(iii)follow instructions/guidelines/directions issued by the Chandigarh Administration from time to time regarding fee structure, reservations and Admission procedure etc.(iv)appoint qualified teaching/other Ministerial staff and pay them the salaries as is required to be paid in an aided school in the Union Territory, Chandigarh.

19. Registration and Stamp Duty. -

Registration of the lease is compulsory. The lessee shall bear and pay expenses in respect of the execution and registration fee payable thereof, in accordance with the law in force at the time of execution and registration.