

Punjab Industrial Housing Act, 1956

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Application Of Act
4. Duties Of The Labour Commissioner
5. Duties Of The Competent Authority
6. Labour Commissioner And Competent Authority To Be Public Servants
7. Persons Deemed To Be In Unauthorized Occupation
8. Application For And Allotment Of Houses
9. Condition Of Occupation
10. Execution Of Agreement
11. Rates Of Rent And Date Of Appointment
12. Mode Of Payment Of Rent And Other Charges
13. Arrears Of Rent And Other Charges
14. Recovery Of Arrears Of Rent Etc
15. Powers Of Entry On Houses
16. Delegation
17. Jurisdiction Of Courts Barred
18. Deduction Of Rent From Salary Or Wages
19. Eviction From The Premises
20. Right Of Appeal
21. Power To Recover Damages
22. Realisation Of Money Payable Under The Act
23. Protection Of Action Taken Under This Act
24. Power To Make Rules

Punjab Industrial Housing Act, 1956

Received the assent of the President on the 21st. June, 1956, and was first published in the Punjab Government Gazette Extraordinary, dated the 28th. June 1956. PREAMBLE An Act to provide for allotment, recovery of rent, eviction and other ancillary matters in respect of houses constructed under the subsidised Industrial Housing Scheme industrial workers in the State of Punjab/Haryana. Be it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Punjab Industrial Housing Act, 1956.

(2) It shall extend to the whole of the Punjab/Haryana.

(3) It shall come into force in such areas as may be specified by the State Government from time to time by notification in the official Gazette.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context -

(a) "allotment" means the grant by or on behalf of the State Government of a right or use and occupation of any house to any person and the expression allottee shall be construed accordingly.

(b) "house" means a house referred to in sub-section (1) of section 3 or any part thereof, and included--

(i) the garden grounds and outhouses, if any, appertaining to such house; and

(ii) any fittings affixed to such house for more beneficial enjoyment thereof;

(c) "Competent Authority" means any person authorized by the State Government by notification in the official Gazette to perform the functions of the competent authority under this Act for such area as may be specified in the notification.

(d) "Labour Commissioner" means the officer for the time being appointed as such by the State Government;

(e) "Industrial Worker" means prescribed by rules made under this Act;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "rent" means the amount payable by an allottee or any person for use and occupation of a house; and

(h) "State Government" means the Government of State of Punjab.

3. Application Of Act :-

(1) This Act shall apply to houses constructed by the State Government for the occupation of Industrial workers under the Industrial Housing Scheme subsidized by the Central Government (hereinafter called the subsidized Industrial Housing Scheme).

(2) The State Government may by a declaration published in the official Gazette specify from time to time such houses with the name of the town where situate and the declaration shall be conclusive evidence that the houses were constructed by the State Government for occupation by industrial workers under the Subsidized Industrial Housing Scheme.

4. Duties Of The Labour Commissioner :-

Subject to the control of the State Government the Labour Commissioner shall be responsible for allotment of houses and such other functions under this Act as may be prescribed.

5. Duties Of The Competent Authority :-

Subject to the control of the State Government the competent authority shall be responsible for realization of rent of the houses, eviction of persons occupying such houses and other matters relating to the administration of this Act as may be prescribed.

6. Labour Commissioner And Competent Authority To Be Public Servants :-

The Labour Commissioner, the competent authority and the other officers of the State Government to whom powers may be delegated under section 16 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

7. Persons Deemed To Be In Unauthorized Occupation :-

For the purposes of this Act a person shall, save as otherwise provided in this Act, be deemed to be in unauthorized occupation of any house--

(a) where he has entered into possession of a house otherwise than under and in pursuance of any allotment made by the Labour Commissioner;

(b) where being an allottee he has by reason of cancellation of an allotment under sub-section 92) of section 9 ceased to be entitled to occupy the house;

(c) if he has ceased to be an industrial worker under the Act.

Explanation. -- A person shall not be deemed to have entered into possession of the house as an allottee merely for the reason that he has paid some money as rent.

8. Application For And Allotment Of Houses :-

(1) An application for allotment of houses shall be made in such form as may be prescribed.

(2) Allotment of houses shall be made by the Labour Commissioner in such manner as may be prescribed

9. Condition Of Occupation :-

(1) The occupation by any person of a house shall at all times, be subject to such conditions relating to its occupation as may be prescribed, or as may be intimated from time to time by the Labour Commissioner.

(2) Notwithstanding anything contained in any other law for the time being in force, the Labour Commissioner may, after notice to the allottee or occupier and considering his Explanation, if any, for reasons to be recorded cancel any allotment under which a house is held or occupied by any person. A copy of the order canceling the allotment shall be served upon such person.

10. Execution Of Agreement :-

Every allottee of a house shall execute an agreement in such form as may be prescribed.

11. Rates Of Rent And Date Of Appointment :-

There shall be payable by every allottee for the period that the house remains allotted to him, rent and other charges at such rates and on such dates as may be fixed by the competent authority.

12. Mode Of Payment Of Rent And Other Charges :-

All rent and other charges shall be collected in cash by the competent authority or other person to whom such powers are delegated and shall be payable monthly by the fifteenth day of the following month:

Provided that the competent authority may, subject to such directions as may be issued by the State Government, extend from time to time the period of payment of the rent and other charges.

13. Arrears Of Rent And Other Charges :-

Any rent or other charges not paid on due date, or within such extended period as may be given by the competent authority shall be treated as a arrear of rent or other charges.

14. Recovery Of Arrears Of Rent Etc :-

If arrears of rent or other charges are not paid to the competent authority or to such other officer to whom powers are delegated on

the due date or within the extended period, such arrears with all costs of recovery shall be recoverable as arrears of land revenue, and the person liable to pay the same shall be deemed to be in unauthorized occupation of the house concerned.

15. Powers Of Entry On Houses :-

The Labour Commissioner/or the competent authority may with such assistants, if any as he thinks fit enter at all reasonable hours into any house, which he considers necessary to enter for purposes of administering or carrying out the provisions of this Act.

16. Delegation :-

The Labour Commissioner or the competent authority may, with the previous approval of the State Government delegate all or any of his powers under this Act to any officer of the State Government subject to such conditions, if any, as may be specified by him.

17. Jurisdiction Of Courts Barred :-

No order made by the State Government, the Labour Commissioner or the competent authority or any other officer in the exercise of any power conferred by under this Act shall be called in questioning in any court, and no injunction shall be granted by any court or any authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

18. Deduction Of Rent From Salary Or Wages :-

(1) Without prejudice to the provisions of any other act, any person may execute an agreement in favour of the competent authority, providing that the employer under whom he is employed, shall be competent to deduct the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the competent authority in satisfaction of the rent and other charges due to him in respect of the premises allotted.

Upon the execution of such agreement the employer shall notwithstanding anything contained in the Payment of Wages Act, 1936, make if so required by the competent authority in writing, deduction of the amount so deducted to the competent authority or such other official as may be authorized by him, and the employer shall be liable for any amount paid in contravention of this

requisition.

(2) If the employer fails to pay the competent authority the amount deducted under sub-section (1) within 30 days from the date of service of a notice in that behalf, or pays any amount to the employee in contravention of the requisition under the said sub-section, the amount deducted or which he so pays with all costs of recovery shall be recoverable as arrears of land revenue.

19. Eviction From The Premises :-

(1) If the competent authority is satisfied that -

(a) the allottee of any house -

(i) is in arrears of rent or other charges, or

(ii) has sublet the whole or any part of such house, or

(iii) has otherwise acted in contravention of any of the terms express or implied, under which he is authorized to occupy such premises, or

(b) any person is in unauthorized occupation of any premises the competent authority may, notwithstanding anything contained in any law for the time being in force by notice served -

(i) by post, or

(ii) by affixing a copy of it on the outer door or some other conspicuous part of such house, or

(iii) in such other manner as may be prescribed, order such person, as well any other person who may in occupation of the whole or any part of the house, to vacate it within one month of the date of the service of the notice.

(2) If any person refuses, or fails to comply with an order made under sub-section (1) the competent authority may order eviction of that person from and take possession of, the house; and may for that purpose authorize the use of such force as may be necessary. A copy of the order shall also be served upon the person in the manner prescribed.

(3) If a person, who has been ordered to vacate any house under sub-clause (i) of (ii) of clause (a) of sub-section (1) pays, within one month of the date of service of the notice or such longer time as the competent authority may allow to the competent authority the rent or other charges in arrears or carries out or otherwise complies with the terms contravened by him, to the satisfaction of the competent authority, he may, instead of evicting such person cancel his order under sub-section 91) and thereupon such person shall hold the house on the same terms as those on which he held

it immediately before such notice was served and on such other terms and conditions which may be laid down by the competent authority.

20. Right Of Appeal :-

(1) Any person aggrieved by an order of the competent authority under sub-section (2) of section 9 or sub-section (2) of section 19 may, within 15 days of the service of the order under the said sections prefer an appeal to the State Government.

Provided that the State Government may entertain the appeal after the expiry of the said period of 15 days, if it is satisfied the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1) the State Government may, after calling for a report from the competent authority or the Labor Commissioner, and after making such further enquiries, if any, as may be necessary, pass such orders as it thinks fit and order of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order appealed against for such period and on such conditions as it thinks fit or until the decision of the appeal whichever is earlier.

21. Power To Recover Damages :-

(1) Where any person is in unauthorized occupation of any house, the competent authority may, in the prescribed manner, assess such damages not exceeding four times the rent and other charges on account of the use or occupation of the house as he may deem just and proper and may, by notice served by post or otherwise order that person to pay the damages within such time as may be specified in the notice.

(2) If any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

22. Realisation Of Money Payable Under The Act :-

All moneys realized or collected under this Act shall be deposited to the credit of the State Government either in the State Treasury or in the State Bank of India as may be prescribed.

23. Protection Of Action Taken Under This Act :-

No suit, prosecution or other legal proceeding shall lie against any person for anything, which is in good faith done or purported to be done under this Act.

24. Power To Make Rules :-

(1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purpose of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for -

(i) the duties and functions of the Labor Commissioner and the competent authority;

(ii) the form of application and manner of allotment of accommodation and conditions relating to its occupation;

(iii) the form and manner in which an appeal under section 20 shall be preferred;

(iv) the fees, if any, to be paid in appeals under section 20;

(v) the form of agreement referred to in sections 10 and 18;

(vi) the mode of service of the order under sub-section (2) of section 9 or sub-section (2) of section 19;

(vii) the mode or payment of rent and other charges;

(viii) assessment of damage referred to in section 21;

(ix) the maintenance and upkeep of houses; and

(x) the matters, which are to be or may be prescribed.