

Uttar Pradesh Industrial Housing Act, 1955

23 of 1955

[13 December 1955]

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Uttar Pradesh Industrial Housing Act, 1955

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Whereas houses have been constructed and may hereafter be constructed by the State Government of Uttar Pradesh or local authorities for purpose of housing industrial workers; And whereas it is expedient to provide and set up an authority to administer and manage such houses : It is hereby enacted as follows : 1. Received the assent of the President on 13th December, 1955, published in the U. P. Gazette, dated 21st December, 1955.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Uttar Pradesh Industrial Housing Act, 1955.
- (2) It shall extend to the whole of Uttar Pradesh.
- (3) It shall come into force in such areas and with effect from such date as the State Government may, by notification in the Official Gazette, declare in this behalf.

2. Definitions :-

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

- (a) "Advisory Committee" means the Advisory Committee constituted under Section 8;
- (b) "allotment" means the grant by or on behalf of the State Government or a local authority of a right of use and occupation of any house to any person but does not include a grant by way of a lease;
- (c) "house" means a house referred to in 1[* * *] Section 3 and includes any part thereof, and--
 - (i) any garden, grounds and out houses appertaining to such house;
 - (ii) any furniture supplied by the State Government, the local authority or the 2[Labour Commissioner] for use in such house;
 - (iii) any fitting affixed to such house for more beneficial enjoyment thereof;
- (d) 2["Labour Commissioner"], 2["Deputy Labour Commissioner (Housing)"], 2["Assistant Labour Commissioner (Housing)"] mean the officer appointed as such by the State Government;

(e) "industrial worker" means a worker as defined in the Factories Act, 1948;

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

3[(g) "rent" in relation to any house, means the consideration payable periodically for the authorised occupation of the house and includes--

(i) any charge for electricity, water or any other services in connection with the occupation of the house;

(ii) any tax, by whatever name called, payable in respect of the house,

Where such charge or tax is payable by the State Government or the local authority, as the case may be;]

(h) "State Government" means the Government of Uttar Pradesh.

1. The words and figure "sub-section (1) of omitted by U. P. Act No. 1 of 1966, Section 9 (4) (ii).

2. Substituted by U. P. Act No. 1 of 1966, Section 96 (4) (i).

3. Substituted by U. P. Act No. 30 of 1970, Section 22.

3. Application Of The Act :-

(1) This Act shall apply to houses constructed by the State Government or any local authority 1[other than the Uttar Pradesh Avas Evam Vikas Parishad]2[established under the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 or Uttar Pradesh Rural Housing Board established under the Uttar Pradesh Rural Housing Board Act, 1983] for the occupation of Industrial workers under the Industrial Housing Scheme subsidized by the Central Government (hereinafter called the Subsidized Industrial Housing Scheme) or under any other scheme of the State or Central Government, to be notified in the Official Gazette, in that behalf.

(2) The State Government may, by a declaration published in the Official Gazette, specify, from time to time, such houses with the names of the towns where situate and the declaration shall be conclusive evidence that the houses were constructed by the State Government or local authority, as the case may be, for occupation by industrial workers under the Subsidized Industrial Housing Scheme.

3[(3) This Act shall also apply to such houses constructed in execution of any scheme under the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 4[or the Uttar Pradesh Rural Housing Board Act, 1983], as may be declared by the said Parishad by notification in the Official Gazette, to be houses subject to this Act.]

1. Inserted by U. P. Act No. 1 of 1966, Section 96 (4) (iii) (a).
2. Inserted by U. P. Act No. 27 of 1983, Section 66 (a).
3. Inserted by U. P. Act No. 1 of 1966, Section 96 (4) (iii) (b).
4. Inserted by U. P. Act No. 27 of 1983, Section 66 (b).

4. Housing Commissioner :-

(1) The State Government shall, by notification in the Official Gazette, appoint a 1[Labour Commissioner].

(2) The 1[Labour Commissioner] shall be a Corporation sole by the name of the 1[Labour Commissioner], Uttar Pradesh, and shall have perpetual succession and an official seal and may sue and be sued in his corporate name.

1. Substituted by U. P. Act No. 1 of 1966, Section 96 (4) (i).

5. Deputy Labour Commissioner (Housing) And Assistant Labour Commissioner (Housing) :-

1[(1) The State Government may appoint one or more 1[Deputy Labour Commissioner (Housing)] and 1[Assistant Labour Commissioners (Housing)] and other officers and staff as it may consider necessary to administer, supervise and carry out the work connected with the administration of this Act.

(2) A 1[Deputy Labour Commissioner (Housing)] and an Assistant 1[Labour Commissioner (Housing)] shall, subject to general control of the State Government and the orders of the 1[Labour Commissioner] be competent to discharge any of the duties and to exercise any of the powers of the 1[Labour Commissioner], and when discharging such duties or exercising such powers, shall have the same privileges and be subject to the same liabilities as the 1[Labour Commissioner].

1. Substituted by U. P. Act No. 1 of 1966, Section 96 (4) (i).

6. Labour Commissioner And Other Officers And Servants To Be Public Servants Under Section 121, Indian Penal Code :-

1[The 1[Labour Commissioner] and any other officer or servant appointed under sub-section (1) of Section 5 shall be deemed to be public servants within the meaning of Section 121 of the Indian Penal Code.

1. Substituted by U. P. Act No. 1 of 1966, Section 96 (4) (i).

7. Duties Of The Labour Commissioner :-

1[Subject to the control of the State Government, the 1[Labour Commissioner] shall be responsible for allotment of houses, realization of their rent, 2[securing the eviction] of person occupying such houses, and all other matters relating to the administration of this Act.

1. Substituted by U. P. Act No. 1 of 1966, Section 96 (4) (i).

2. Substituted by U. P. Act No. 22 of 1972, Section 19 (2) (a), for the word "eviction" (w.e.f. 28-4-1972).

8. Advisory Committee :-

(1) the State Government may, by notification in the Official Gazette, constitute an Advisory Committee to advise on matters relating to the administration of this Act which the State Government or the 1[Labour Commissioner] may refer to it for advice.

(2) The members of the Advisory Committee shall be appointed by the State Government. Their number including the Chairman shall be nine :

Provided that the Advisory Committee shall include at least one member representing industrial workers and one representing employers of such industrial workers.

(3) The Chairman of the Advisory Committee shall be appointed by the State Government.

1. Substituted by U. P. Act No. 1 of 1966, Section 96 (4) (i).

9. Person Deemed To Be In Unauthorised Occupation :-

1[* * * * *]

1. Repealed by U. P. Act No. 22 of 1972, Section 19 (c) (w.e.f. 28-4-1972). Before repeal Section 9 was stood as under:

"9. Person deemed to be in unauthorised occupation.--For the purposes of this Act a person shall, save as otherwise provided in this Act, be deemed to be unauthorised 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 (2) of Section 12 ceased to be entitled to occupy the house;

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

Explanation.--A person shall not merely by reason of the fact that he has paid any amount as rent be deemed to have entered into

possession of the house as an allottee."

10. Application For Allotment :-

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

11. Allotment Of Houses :-

The allotment of house shall be made by the 1[Labour Commissioner] in such manner as may be prescribed.

1. Substituted by U.P. Act No. 1 of 1966, Section 96 (4) (i).

12. Conditions Of Occupation :-

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

(2) Notwithstanding anything contained in any law for the time being in force, the 1[Labour Commissioner] may, after notice to the 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 cancelling the allotment shall be served upon such person.

1. Substituted by U.P. Act No. 1 of 1966, Section 96 (4) (i).

13. Jurisdiction Of Court Barred :-

No order made by the State Government or 1[Labour Commissioner] in the exercise of any power conferred by or under this Act shall be called in question 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.

1. Substituted by U.P. Act No. 1 of 1966, Section 96 (4) (i).

14. Execution Of Agreement :-

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

15. Rates Of Rent And Dates Of Payment :-

There shall be payable by every person in whose favour an

allotment is made, rent and other charges at such rates and on such dates as may be fixed by the 1[Labour Commissioner].

1. Substituted by U.P. Act No. 1 of 1966, Section 96 (4) (i).

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

All rents and other charges shall be collected in cash and shall be payable monthly by the 15th day of the following month :

Provided that the 1[Labour Commissioner] 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 the other charges.

1. Substituted by U.P. Act No. 1 of 1966, Section 96 (4) (i).

17. Arrears Of Rent And Other Charges :-

Any rent or other charges not paid on the due date, or within such extended period as may be given by the 1[Labour Commissioner], shall be treated as an arrear.

1. Substituted by U. P. Act No 1 of 1966, Section 96 (4) (i).

18. Power To Enter Into Any House :-

The 1[Labour Commissioner] the 1[Deputy Labour Commissioner (Housing)], the 1[Assistant Labour Commissioner (Housing)], or any other officer appointed under this Act may with such assistants, if any, as he thinks fit, enter at all reasonable hours into any house which he considers it necessary to enter for the purpose of administering or carrying out the provisions of this Act.

1. Substituted by U. P. Act No 1 of 1966, Section 96 (4) (i).

19. Recovery Of Arrears Of Rent, Etc. :-

1[* * * * *]

1. Repealed by U. P. Act No. 22 of 1972, Section 19 (c) (w.e.f. 28-4-1972). Before repeal Section 19 was stood as under :

"19. Recovery of arrears of rent, etc.--If arrears of rent or other charges for which notice of demand has been served are not paid to the Labour Commissioner, or to such other officer authorised by him, within 30 days from the date of service or such extended period as he may allow, 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 unauthorised occupation of the house concerned."

20. 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 1[Labour Commissioner] providing that the employer under whom he is employed, shall be competent to deduct from 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 1[Labour Commissioner] 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 1[Labour Commission] in writing, deduction of the amount, specified in the requisition from the salary or wages of the employee and pay the amount so deducted to the 1[Labour Commissioner] or such other official as may be authorised by him, and the employer shall be liable for any amount paid in contravention of this requisition.

(2) If the employer fails to pay to the 1[Labour Commissioner] 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.

1. Substituted by U. P. Act No 1 of 1966, Section 96 (4) (i).

21. Eviction From The Premises :-

1[* * * * *]

1. Repealed by U. P. Act No. 22 of 1972, Section 19(c) (w.e.f. 28-4-1972). Before repeal Section 21 was stood as under :

"21. Eviction from the premises.--(1) If the Labour Commissioner is of the opinion that--

(a) the person authorised to occupy any house--

(i) is in arrears of rent in respect of such house for a period of not less than three months, after making allowance for any extension granted by the Labour Commissioner under Section 16; or

(ii) has sub-let 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 authorised to occupy such house; or

(iv) has ceased to be an industrial worker; or

(b) any person is in unauthorized occupation of any house, the Labour Commissioner 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, call upon all persons concerned, that is to say, all persons who are, or may be in occupation of, or claim interest in the house, to show cause within fifteen days from the service of the notice, why an order of eviction therefrom should not be made.

(2) If after considering the cause, if any shown by any person in pursuance of the notice and any evidence he may produce in support of the same and after giving him reasonable opportunity of being heard, the Labour Commissioner is satisfied that any of the circumstances mentioned in the notice existed on the date of the issue of the notice, he may make an order of eviction, for reasons to be recorded therein, directing that the house shall be vacated by all persons who may be in occupation thereof, or any part thereof and shall cause a copy of the order to be affixed on the outer door or some other conspicuous part of the house.

(3) If any person refuses or fails to comply with an order of eviction within thirty days of the date of its affixation under sub-section (2) the Labour Commissioner or any other Officer duly authorised by him in that behalf may evict him from and take possession of the house, and may for that purpose use or cause to be used such force as may be necessary.

(4) If a person who has been ordered to vacate any house under sub-clause (i) or (iii) of clause (a) of sub-section (1) pays, within the period referred to in sub-section (3), or such longer time as the Labour Commissioner may allow, to the Labour Commissioner the rent in arrears or, as the case may be, remedies to the satisfaction of the Labour Commissioner the breach of the terms contravened by him, the Labour Commissioner may, instead of evicting such person cancel his order under sub-section (1), and thereon such person shall continue to hold the house on the same terms on which he held it immediately before such order was made or on such modified terms and conditions as may be laid down by the Labour Commissioner."

22. Right Of Appeal :-

(1) Any person aggrieved by an order of the 1[Labour Commissioner] under sub-section (2) of Section 12 2[* * * *], 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 that 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 1[Labour Commissioner] and after making such further enquiries, if any, may be necessary, pass such orders as it thinks fit and the order of the State Government shall be final.

(3) Where an appeal is referred 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.

1. Substituted by U. P. Act No. 1 of 1966, Section 96 (4) (i).

2. The words, brackets and figures "or sub-section (2) of Section 21" omitted by U. P. Act No. 22 of 1972, Section 19 (2) (b) (w.e.f. 28-4-1972)

23. Powers To Recover Damages :-

1[* * * * *]

1. Sections 23, 24, 24-A, 24-B, 24-C, 24-D, 24-E, 24-F and 25 has been repealed by U. P. Act No. 22 of 1972, Section 19 (c) (w.e.f. 28-4-1972) Before repeal Sections 23, 24, 24-A, 24-B, 24-C, 24-D, 24-E, 24-F and 25 were stood as under :

"23. Powers to recover damages.--

(1) Where any person is in unauthorized occupation of any house, the Labour Commissioner may, in the prescribed manner, assess such damage 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.

(3) Nothing in sub-section (1) or (2) shall be construed to debar the person ordered to pay damages from contesting his liabilities by a suit in the Court having jurisdiction :

Provided that before any such suit is instituted, he shall deposit

with the Labour Commissioner the amount specified in the notice under sub-section (1), if the amount has not already been realized under sub-section (2), and it shall be kept subject to the orders of the Court.

24. Realization Of Money Payable Under The Act :-

(1) All moneys payable under this Act may be realized as arrears of land revenue.

(2) All moneys realized under this Act shall be deposited to the credit of the State Government either in the State Treasury or in the Imperial Bank, as may be prescribed.

24A. Bar Of Suit Etc. For Certain Reliefs :-

No suit or other proceeding for any of the following reliefs, namely--

(a) recovery of arrears of rent for occupation of any house;

(b) eviction from any house;

(c) assessment or recovery of damages for use or occupation of any house, where he like relief is available under this Act, shall lie in any Civil Court.

24B. Liability Of Heirs And Legal Representatives :-

(1) Where any person against whom any proceeding for the recovery of arrears of rent or for the assessment or recovery of damages or for his eviction is to be or has been taken, dies before the commencement or during the pendency of the proceeding, the proceeding may be taken or continued against the heirs or legal representatives of that person.

(2) Any amount due from any person on account of arrears of rent or damages or costs shall, after the death of the person, be payable by his heirs or the legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

24C. Power In Respect Of Inquiries Under The Act :-

The Labour Commissioner shall for the purpose of holding any inquiry under this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

24D. Power To Obtain Information :-

(1) If the Labour Commissioner has reason to believe that any person are in unauthorised occupation of any house he may require those person or any other person to furnish information relating to the names and other particulars of the person in occupation of the house, and every person so required shall be bound to furnish the information in his possession.

(2) If any person wilfully fails to furnish any information required by any order made under sub-section (1), he shall be punishable with fine which may extend to five hundred rupees.

24E. Finality Of Orders :-

Save as otherwise expressly provided in this Act, every order made by the Labour Commissioner or the State Government under this Act shall be final and shall not be called in question in any Court, and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

24F. Disposal Of Property Left On House By Unauthorised Occupants :-

(1) Where any person has been evicted from any house under Section 21, the Labour Commissioner may, after service or publication of a notice in that behalf on such persons and in such manner as may be prescribed remove or cause to be removed or dispose of in such manner as may be prescribed, any property remaining on such house.

(2) Where any such property is disposed of by sale, the sale proceeds shall, after deducting the expenses of the sale and the amount of arrears of rent or damages, be paid to such person or persons as may appear to the Labour Commissioner to be entitled to the same or where the Labour Commissioner is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, be kept in deposit pending decision of a competent Court.

25. Cognizance Of Offences :-

Unless otherwise expressly provided, no Court shall take cognizance of any offence punishable under this Act except on the complaint, or information, received from the Labour Commissioner or such official as may be authorized by him in this behalf."

26. 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.

27. Punishment :-

1[* * * * *]

1. Repealed by U. P. Act No. 22 of 1972, Section 19(c) (w.e.f. 28-4-1972). Before repeal Section 27 was stood as under :

"27. Punishment.--

(1) If any person who has been evicted from any house under this Act again occupies the same without authority for such occupation,

he shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both.

(1-A) Any Court convicting a person under sub-section (1) may make an order for evicting that person summarily from the house in respect of which the offence has been committed, and thereupon he shall be liable to such eviction without prejudice to any action that may be taken against him under this Act.

(1-B) Any Court of appeal or revision may direct any order under sub-section (1) passed by a Court subordinate thereto be stayed on such terms, if any, as it thinks fit and may modify, alter or annul such order.

(2) Any person who obstructs the lawful exercise of any power conferred by or under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in its one session or in two or more successive sessions and shall, unless some later date is appointed take effect from the date of their publication in the Gazette, subject to such modifications or amendments as the two Houses of Legislature may during the said period agree to make, so, however, that any such modification or amendment shall be without prejudice to the validity of anything previously done thereunder."

28. Power To Make Rules :-

(1) The State Government may, subject to the conditions of previously publication, make rules for carrying out the purposes 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 1[Labour Commissioner];

(ii) the constitution and membership of the Advisory Committee under Section 8;

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

(iv) the form and manner in which an appeal under Section 22 shall be preferred;

(v) the fees, if any, to be paid in appeals under Section 22;

- (vi) the form of agreement referred to in Sections 14 and 20;
- (vii) the mode of service of the order under sub-section (2) of Section 12 2[* * * * *];
- (viii) the mode of payment of rent and other charges;
- (ix) assessment of damages referred to in Section 23;
- (x) the maintenances and upkeep of the houses; and
- (xi) the matters which are to be or may be prescribed.

1. Substituted by U. P. Act No. 1 of 1966, Section 96 (4) (i).

2. The words and figures "or sub-section (2) of Section 21" omitted by U. P. Act No. 22 of 1972, Section 19(2)(c) (w.e.f. 28-4-1972).