

# THE UTTAR PRADESH INDUSTRIAL HOUSING ACT, 1955<sup>1</sup>

[U. P. Act No. XXIII OF 1955]

Amended by

U. P. Act No. I of 1966

U. P. Act No. XXX of 1970

U. P. Act No. XXII of 1972

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 21, 1955 and by the Uttar Pradesh Legislative Council on October 14, 1955.]

Received the assent of the President on December 13, 1955, under Article 201 of 'the Constitution of India' and was published in the Uttar Pradesh Gazette Extraordinary, dated December 21, 1955.]

Whereas houses have been constructed and may hereafter be constructed by the State Government of Uttar Pradesh or local authorities for purposes 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 :--

## CHAPTER I

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| Short title,<br>extent and<br>commencement | 1. (1) This Act may be called the Uttar Pradesh Industrial Housing Act, 1955.<br>(2) It shall extend to the whole of Uttar Pradesh.<br>(3) It shall come into force in such areas and with effect from such date as the State Government may by notification <sup>2</sup> in the official Gazette, declare in this behalf. |
| Definitions                                | 2. In this Act, unless there is anything repugnant In the subject or context-<br>(a) "Advisory Committee" means the Advisory Committee constituted under section 8 ; -   |

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1. For Statement of Object and Reasons see U. P. Gazette Extra, dated April 30, 1954.
  2. Under Notification no. 288 (A)/XXXVI-D-261 (A)-68, dated April 19, 1969 the said Act is in force w.e.f. April 19, 1969 in the following areas:

Town	Area
Kanpur	Ford Mcdonald Fahimuddin-ka-Hata Seva Gram Halwa-Khanda
Lucknow	Tikait Rai-ka-Talab Talkatora Road near Tikait Rai-ka-Talab
Modinagar (Meerut)	Sucheta Puri
Varansi	Nati Imli Sahupuri
Shikohabad	On Station Road, between A.K. College and Sirasa River
Gazoabad	Sector 8 of Dhukra, Sirhani Moza Jatwara Kalan Gaon

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[Section 3]

(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 [\*\*\*]<sup>1</sup> 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 [Labour]<sup>2</sup> Commissioner, for use in such house;

(iii) any fitting affixed to such house for more beneficial enjoyment thereof;

(d) "[Labour]<sup>2</sup> Commissioner", "Deputy [Labour]<sup>2</sup> Commissioner" [Housing]", Assistant [Labour]<sup>2</sup> Commissioner (Housing)<sup>2</sup> mean the officers 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;

[(g) "rent" in relation to any house, means the consideration payable periodically for the authorized 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.]<sup>4</sup>

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

Application  
of  
the Act

3. (1) This Act shall apply to houses constructed by the State Government or any local authority [other than the <sup>6</sup>[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]<sup>6</sup>]<sup>3</sup> 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 Gazette in that behalf.
- (2) The, State Government may by a declaration<sup>5</sup> published in the official Gazette specify, from time, to time such houses with the names of the town 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.

1. Omitted by section 96 (4) (ii) of U. P. Act No. I of 1966.

2. Subs. by section 96 (4) (i) *ibid*.

3. Ins. by section 96 (4) (iii) *ibid*.

4. Subs. by section 22 of U. P. Act No. 30 of 1970.

5. See notification no. 288 (A) (ii) /XXXVI (D)-261 (A)-68, dated April 26 1969.

6. Substituted by section 66 (a) of U.P. Act No. 27 of 1983.

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[Section 4-8]

[(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 [or the Uttar Pradesh Rural Housing Board Act, 1983]<sup>4</sup>, as may be declared by the said Parishad by notification in the official Gazette to be houses subject to this Act.]<sup>2</sup>

[Labour]<sup>1</sup>  
Commissioner

4. (1) The State Government shall by notification in the official Gazette appoint a [Labour]<sup>1</sup> Commissioner.
- (2) The [Labour]<sup>1</sup> Commissioner shall be a Corporation sole by the name of the [Labour]<sup>1</sup> Commissioner, Uttar Pradesh, and shall have perpetual succession and an official seal and may sue and be sued in his corporate name.

Deputy [Labour]<sup>1</sup>  
Commissioner[Housing]<sup>1</sup>  
Assistant [Labour]<sup>1</sup>  
Commissioner  
[Housing]<sup>1</sup>

5. (1) The State Government may appoint one or more Deputy Labour Commissioners [Housing]<sup>1</sup> and Assistant [Labour]<sup>1</sup> Commissioners [Housing]<sup>1</sup> 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 Deputy [Labour]<sup>1</sup> Commissioner [Housing] and an Assistant [Labour]<sup>1</sup> Commissioner [Housing]<sup>1</sup> shall, subject to general control of the State Government and the orders of the [Labour]<sup>1</sup> Commissioner, be competent to discharge any of the duties and to exercise any of the powers of the [Labour]<sup>1</sup> Commissioner, and when discharging such duties or exercising such powers, shall have the same privileges and be subject to the same liabilities as the [Labour]<sup>1</sup> Commissioner.

[Labour]<sup>1</sup> Commissioner  
and other officers and  
servants to be public  
servants under section 21  
I.P.C.

6. The [Labour]<sup>1</sup> 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 21 of the Indian Penal Code.

Duties of the  
[Labour]  
Commissioner

7. Subject to the control of the State Government, the [Labour]<sup>1</sup> Commissioner shall be responsible for allotment of houses, realization of their rent, [securing the]<sup>3</sup> eviction of persons occupying such houses, and all other matters relating to the administration of this Act.

Advisory Committee

8. (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 [Labour]<sup>1</sup> 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.

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1. Subs, by section 96(4)(i) of U. P. Act No.1 of 1966.

2. Added by section 96 (4) (iii) ibid.

3. Subs. by section 19(2)(a) of U. P. Act No. 22 of 1972 for "eviction",

4. Insertion by section 66 (b) of U.P. Act No. 27 of 1983.

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[Section 9-18]

	9.	[* * * ] <sup>2</sup>
Application for allotment	10.	An application for allotment of houses shall be made in such form as may be prescribed.
Allotment of houses	11.	The allotment of houses shall be made by the [Labour] <sup>1</sup> Commissioner in such manner as may be prescribed.
Conditions of occupation	12.	(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 [Labour] <sup>1</sup> Commissioner.  (2) Notwithstanding anything contained in any law for the time being in force, the [Labour] <sup>1</sup> 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 canceling the allotment shall be served upon such person.
Jurisdiction of Courts barred	13.	No order made by the State Government or [Labour] <sup>1</sup> 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.
Execution of agreement	14.	Every occupier of a house shall execute an agreement in such form as may be prescribed.
Rates of rent and dates of payment	15.	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 [Labour] <sup>1</sup> Commissioner.
Mode of payment of rent and other charges	16.	All rents and other charges shall be collected in cash and shall be payable monthly by the 15 <sup>th</sup> day of the following month :  Provided that the [Labour] <sup>1</sup> 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.
Arrears of rent and other charges	17.	Any rent or other charges not paid on the due date, or within such extended period as may be given by the, [Labour] <sup>1</sup> Commissioner, shall be treated as an arrear.
Power to enter into any house	18.	The [Labour] <sup>1</sup> Commissioner, the Deputy [Labour] <sup>1</sup> Commissioner (Housing), the Assistant [Labour] <sup>1</sup> 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.

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1. Subs, by section 96(4)(i) of U. P. Act No.1 of 1966.

2. Omitted by section 19(1)(c) of U. P. Act No. 22 of 1972.

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[Section 19-24C]

19. [\* \* \* ]<sup>2</sup>
- Deduction of rent from salary or wages 20. (1) Without prejudice to the provisions of any other Act) any person may execute an agreement in favour of the [Labour]<sup>1</sup> Commissioner, provided 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 [Labour]<sup>1</sup> 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 [Labour]<sup>1</sup> Commissioner, 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 [Labour]<sup>1</sup> Commissioner 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 to the [Labour]<sup>1</sup> 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.

21. [\* \* \* ]<sup>2</sup>
- Right of appeal 22. (1) Any person aggrieved by an order of the [Labour]<sup>1</sup> Commissioner under sub-section (2) of section 12 [\* \* \*]<sup>3</sup> 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 [Labour]<sup>1</sup> Commissioner, and after making such further enquiries, if any, as 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 preferred under sub-section (1), the State Government may stay the enforcement of the order appeal against for such period and on such conditions as it thinks fit.

- 23- [\*\*\*]<sup>2</sup>
- 24- [\*\*\*]<sup>2</sup>
- 24-A. [\*\*\*]<sup>2</sup>
- 24-B. [\*\*\*]<sup>2</sup>
- 24-C. [\*\*\*]<sup>2</sup>

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1. Substituted by section 96 (4) (i) of U. P. Act. No. 1 of 1966.  
 2. Omitted by section 19 (1) (c) of U. P. Act No. 22 of 1972.  
 3. Omit. by section 19 (2) (b) *ibid*.

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[Section 24D-28]

	24-D.	[***] <sup>3</sup>
	24-E.	[***] <sup>3</sup>
	24-F.	[***] <sup>3</sup>
	25.	[***] <sup>3</sup>
Protection of action taken under this Act	26.	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.	[* * * ] <sup>3</sup>
Power to make rules	28.	<p>(1) The State Government may, subject to the conditions of previous publication, make rule for carrying out the purpose of this Act.</p> <p>(2) Without prejudice to the generality of the foregoing powers, such rules may provide for --</p> <p>(a) the duties and functions of the [Labour]<sup>1</sup> Commissioner;</p> <p>(b) the constitution and membership of the Advisory Committee under section 8 ;</p> <p>(c) the form of application and manner of allotment of accommodation and conditions relating to its occupation;</p> <p>(d) the form and manner in which an appeal under section 22 shall be preferred ;</p> <p>(e) the fees, if any, to be paid in appeals under section 22 ;</p> <p>(f) the form of agreement referred to in sections 14 and 20 ;</p> <p>(g) the mode of service of the order under sub-section (2) of section 12 [***]<sup>4</sup> ;</p> <p>(h ) the mode of payment of rent and other charges ;</p> <p>(i) [ *** ]<sup>5</sup></p> <p>(j) the maintenance and upkeep of the house;</p> <p>(k) the matters which are to be or may be prescribed.</p> <p>[(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 the 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.]<sup>2</sup></p>

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1. Subs. by section 96 (4) (i) of U. P. Act No.1 of 1966.

2. Added by section 26 of U.P. Act No. 30 of 1970.

3. Omitted by section 19 (1) (c) of U.P. Act No. 22 of 1972.

4. Omitted by 19 (2) (c) of U. P. Act No. 22 of 1972.

5. Omit. by ibid.