

THE PUNJAB INDUSTRIAL HOUSING ACT, 1956

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THE PUNJAB INDUSTRIAL HOUSING ACT, 1956.

PUNJAB ACT NO. 16 OF 1956.

[Received the assent of the President on 21st June, 1956, and was first published in the *Punjab Government Gazette (Extraordinary)* of the 28th June, 1956].

| 1 | 2 | 3 | 4 |
|------|-----|---|---|
| Year | No. | Short title | Whether repealed or otherwise affected by legislation |
| 1956 | XVI | The Punjab Industrial Housing Act, 1956 | <p>Extended to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act No. 18 of 1958¹</p> <p>Amended by the Punjab Reorganisation (Chandigarh) Adaptation of Laws on State and Concurrent Subjects) Order, 1968</p> |

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 for Industrial Workers in the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of India as follows:—

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

Short title, extent and commencement.

¹For Statement of Objects and Reasons, see Punjab Government Gazette, (Extraordinary), 1956, page 444.

²For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1958, pages 546–K. 546 L.

(2) It shall extend to the whole of ¹[Union territory of Chandigarh].

(3) It shall come into force in such areas as may be specified by the ²[Central Government] from time to time by notification in the official Gazette.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context —

- (a) "allotment" means the grant by or on behalf of the ²[Central Government] of a right of 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 subsection (1) of section 3 or any part thereof, and includes —
 - (i) the garden, grounds and out-houses, 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 authorised by the ²[Central 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 ²[Central Government] ;
- (e) "Industrial Worker" means a worker as defined in the Factories Act, 1948 ;

¹Substituted for the words "State of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²Substituted for the words "State Government" by *ibid*

(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

¹[(h) * * * * *]

3. (1) This Act shall apply to houses constructed by the ²[Central Government] for the occupation of industrial workers under the Industrial Housing Scheme subsidized by the Central Government (hereinafter called the Subsidized Industrial Housing Scheme).

Application of Act.

(2) The ²[Central 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 ²[Central Government] for occupation by industrial workers under the Subsidized Industrial Housing Scheme.

4. Subject to the control of the ²[Central Government] the Labour Commissioner shall be responsible for allotment of houses and for such other functions under this Act as may be prescribed.

Duties of the Labour Commissioner.

5. Subject to the control of the ²[Central Government], the competent authority shall be responsible for realisation of rent of the houses, eviction of persons occupying such houses and such other matters relating to the administration of this Act as may be prescribed.

Duties of the Competent Authority

6. The Labour Commissioner, the competent authority and the other officers of the ²[Central 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.

Labour Commissioner and competent authority to be public servants.

¹Clause (h) shall be deemed to have been omitted by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968

²Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968

Persons deemed to
be in unauthorised
occupation.

7. For the purposes of this Act a person shall save as otherwise provided in this Act, be deemed to be in 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 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.

Application for and
allotment houses.

8. (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.

Conditions
occupation. of

9. (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 for occupied by any person. A copy of the order cancelling the allotment shall be served upon such person.

Execution
agreement. of

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

11. 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.

Rates of rent and date of payment

12. All rents 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 :

Mode of payment of rent and other charges.

Provided that the competent authority may, subject to such directions as may be issued by the ¹[Central Government], extend from time to time the period of payment of the rent and other charges.

13. 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 an arrear of rent or other charges.

Arrears of rent and other charges

14. 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 unauthorised occupation of the house concerned.

Recovery of arrears of rent etc.

15. 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.

Powers of entry on houses.

16. The Labour Commissioner or the competent authority may with the previous approval of the ¹[Central Government], delegate all or any of his powers under this Act to any officer of the ¹[Central Government] subject to such conditions, if any, as may be specified by him.

Delegation.

17. No order made by the ¹[Central Government], the Labour Commissioner or the competent authority or

Jurisdiction of courts barred.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

any other officer 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.

Deduction of rent
from salary or
wages.

18. (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 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 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 specified in the requisition from the salary or wages of his employee and pay the amount so deducted to the competent authority 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 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.

Eviction from the
premises.

19. (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 authorised to occupy such premises, or

(b) any person is in unauthorised 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 as any other person who may be 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 authorise 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) or (iii) 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 (1) 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.

Right of appeal.

20. (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 ¹[Central Government]:

Provided that the ¹[Central 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) ¹[Central Government] may, after calling for a report from the competent authority or the Labour 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 ¹[Central Government] shall be final.

(3) Where an appeal is preferred upon sub-section (1), the ¹[Central 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.

Powers to recover damages.

21. (1) Where any person is in unauthorised 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.

realisation of money payable for the Act.

22. All moneys realized or collected under this Act shall be deposited to the credit of the ¹[Central Government] either in the State Treasury or in the State Bank of India, as may be prescribed.

¹Substituted for the words, "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of laws on State and Concurrent Subjects) Order, 1968.

23. 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. Protection of action taken under this Act.

24. (1) The ¹[Central Government] may, subject to the condition of previous publication, make rules² for carrying out the purpose of this Act. Power to make rules.

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

- (i) the duties and functions of the Labour 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 of payment of rent and other charges ;
- (viii) assessment of damage referred to in section 21 ;
- (ix) the maintenance and upkeep of the houses; and
- (x) the matters which are to be or may be prescribed.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of laws on State and Concurrent Subjects) Order, 1968.

²For rules, see Punjab Government Notification No. 6285-S-Lab-57/55267, dated 19th/24th June, 1957.