

# The Punjab Industrial Housing Rules, 1982

PUNJAB

India

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### Rule THE-PUNJAB-INDUSTRIAL-HOUSING-RULES-1982 of 1982

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The Punjab Industrial Housing Rules, 1982Published vide Notification Government of Punjab Department of Labour and Employment Notification No. G.S.R. 96/P.A. 16/56/Section 24/82, dated the 12th July, 1982.

#### 1. Short title and commencement.

(1)These rules may be called the Punjab Industrial Housing Rules, 1982.(2)They shall come into force at once.

#### 2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context, -(a)"Act" means the Punjab Industrial Housing Act, 1956 (Punjab Act No. 16 of 1956);(b)"agreement" means an agreement in Form 'C' appended to these rules;(c)"allottee" means an industrial worker who has been allotted a house under these rules;(d)"employer" means an occupier of a factory where the industrial worker is employed;(e)"factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act No. 63 of 1948);(f)"Form" means a form appended to these rules; and(g)"occupier" means an occupier as defined in clause (n) of section 2 of the Factories Act, 1948 (Central Act No. 63 of 1948).

#### 3. Duties and functions of the competent authority.

- Subject to the control of the State Government, the competent authority shall be responsible for maintenance and control of houses, the realisation of rent, the eviction of persons occupying such houses, where necessary and for all other matters incidental to the administration of the houses except allotment and shall have the power to -(a)receive all payments of money under the Act;(b)re-enter, retake or resume possession of any house, whenever required, or to order the removal of an unauthorised occupant of a house;(c)issue notice to the occupants of houses for the

recovery of rent, electricity charges and other dues, for ejectment, re-entry or re-taking possession of the tenements or for unauthorised additions and alterations thereof and breach of any other terms and conditions of the agreement by the tenants or for any other purpose whatsoever for which notice may be required to be given by law or under an agreement ;(d)issue notices to the employers of the allottees, to deduct the rent or other sums due in respect of the houses from the salary or wages payable to such allottees;(e)order the recovery of arrears of rent or other dues as arrears of land revenue ;(f)execute all documents as may be proper or necessary for the administration of the Act; and(g)specify forms or registers and rent receipts and other records which he considers necessary for proper administration of the Act.

#### **4. Conditions of eligibility of allotment of houses.**

(1)An industrial worker who -(i)has not been provided with house by his employer [or does not own a house within a distance of fifteen kilometres from the place of his employment;] [Substituted vide Punjab Government Notification No. GSR 13/PA/16/56/S24/89 dated 8-7-1988.] and(ii)does not get wages exceeding [two thousand and five hundred rupees] [Substituted for 'one thousand' vide Punjab Government Gazette LSP III dated 8-7-1994.] per month; and(iii)[has been working in a factory continuously for a period of two years:] [Substituted vide Punjab Government Notification No. GSR 13/PA/16/56/S24/89 dated 8-7-1988.]Provided that an industrial worker whose wages do not exceed three hundred fifty rupees per month shall be considered in the first instance for allotment of a single room house and if there is no such applicant then an industrial worker getting wages more than three hundred and fifty rupees shall be considered for allotment of such a house.(2)Two per cent of the houses available shall be reserved for allotment to the blind or orthopaedically handicapped industrial workers who -(i)are otherwise eligible for allotment under this rule;(ii)apply in the specified form of application alongwith a medical certificate from a Government Hospital/Dispensary stating the nature and extent of blindness or orthopaedic handicap.(3)Every industrial worker eligible for allotment of a house shall make an application to the competent authority in Form 'A'.(4)[ When an allottee dies while in service, the widow or widower as the case may be or son or daughter, living with the allottee at the time of death shall be -(i)allowed to retain the house for a period of three months in case the widow or widower as the case may be, son or daughter, is not eligible for allotment of a house under these rules;(ii)allotted a house of his entitlement out of turn if he has got employment in a factory:Provided that the person by whom the house is retained or to whom the house is allotted, shall give an undertaking to clear all outstanding dues in respect of the house in occupation of the deceased allottee.] [Substituted vide Punjab Government Notification No. GSR 13/PA/16/56/S-24/89 dated 8.7.1988.](5)On the retirement of an allottee from service, his wife or husband son or daughter, shall be allotted a house of his entitlement out of turn, provided -(i)is an industrial worker and is eligible for allotment of a house under sub-rule (1);(ii)has been putting up with the retiree for at least six months immediately preceding the date of his retirement; and(iii)gives as undertaking to clear all outstanding dues in respect of the house in occupation of the retiree.

## 5. Procedure of allotment.

(1) Whenever houses constructed under the Subsidized Industrial Housing Scheme are [vacant] [Substituted for 'available' vide Punjab Government Notification No. GSR 13/PA/16/56/S-24/89 dated 8-7-1988.] for allotment to the industrial workers, the competent authority of the area shall issue an intimation inviting applications from eligible industrial workers for the allotment of houses through advertisement in any one daily news-paper having wide circulation in the locality and also by putting a notice outside his office, fifteen days in advance, indicating the type of houses available, their number and place where situated and the last date fixed for receipt of applications, along with the conditions of allotment and rate of rent to be charged. (2) Before the expiry of the period specified in the intimation under sub-rule (1), the industrial worker interested in the allotment of a house may either give his application personally to the competent authority or send the same to him by registered post. (3) All applications received under sub-rule (2) shall be entered in a register maintained for the purpose by the competent authority. (4) The competent authority shall scrutinise all the applications so entered and shall reject the applications which are -(i) incomplete; (ii) made after the expiry of the date specified in the intimation under sub-rule (1); or (iii) made by an ineligible industrial worker. (5) [ (i) All applications which are found to be in order, shall be entered in a separate register and from the applications so entered, a list of one-and-a-half times more than the number of houses available for allotment at a time to each category of Industrial workers shall be prepared separately on the basis of continuous service of the applicants for holding a draw of lots. (ii) The applicants who are allotted houses in the draw of lots shall be issued allotment letters in Form 'B' and allotment so made be subject to the conditions specified therein. (iii) The allotment to the remaining applicants who are not allotted houses in the first draw of lots shall be made in the subsequent draw of lots to be held on the basis of availability of houses and the process of making allotment through draw of lots shall continue till all the names entered in the register are exhausted : Provided that the Secretary to Government of Punjab, Department of Labour and Employment may for reasons to be recorded in writing, allot to the Industrial workers out of turn five per cent of the houses available for allotment under sub- rule (1). ] [Substituted vide Punjab Government Notification No. GSR 13/PA/16/56/S-24/89 dated 8.7.1988.] (6) All the allotments made [ - ] [Words 'by the Labour Commissione' omitted vide Punjab Government Notification No. GSR 13/PA/16/56/S-24/89 dated 8.7.1988.] under sub-rule (5) shall be entered in a register by the competent authority who shall also deliver the possession of the houses to the industrial workers concerned after obtaining an agreement in Form 'C'. (7) [ (i) On receipt of allotment order by an allottee, a sum of two hundred rupees shall be deposited by him as security in the Local Treasury under the head "0230 - Labour and Employment. 800- other receipts 03 - Rent of Labour Quarter," before the possession of the house is delivered to him by the competent authority under sub-rule (6). (ii) When a house is surrendered or vacated by an allottee, he shall, within a period of sixty days from the date of surrender or vacation, as the case may be, make an application to the competent authority for the refund of security. (iii) If the competent authority is satisfied that there is nothing due from the allottee on account of recovery of rent, electricity charges or any other dues, he shall direct the refund of the security : Provided that if any amount is found recoverable from the allottee, the refund of security shall be made after deducting the amount due from him. ] [Inserted vide Punjab Government Notification No GSR 13/PA/16/56/S-24/89 dated 8.7.1988.]

## **6. Assessment of rent and recovery of damages for un-authorised occupation.**

(1) In assessing damages for unauthorised use and occupation of any house, the competent authority shall take into consideration the following matters :-(a) the purpose and period for which the house was in unauthorised occupation; (b) the nature, size and standard of the accommodation available in such house; (c) the rent that would have been realised if the house had been let out on rent for the period of unauthorised occupation; (d) any damages done to the house during the period of unauthorised occupation; and (e) any other matter, which in the opinion of the competent authority, is relevant for the purposes of assessing the damages. (2) Before assessing damages, the competent authority shall give the person proceeded against an opportunity of being heard.

## **7. Forms of requisition and notices.**

(1) A requisition under sub-section (1) of section 18 of Act shall be in Form 'D'. (2) Notices under sub-section (1) of section 19 and under sub-section (1) of section 21 of the Act shall be in Form 'E' and Form 'F' respectively. (3) An order under sub-section (2) of section 21 of the Act for recovery of the damages, if any, as arrears of land revenue, shall be made in Form 'G'.

## **8. Procedure of appeal.**

- An appeal under section 20 of the Act shall be made in the form of a memorandum in duplicate setting forth precisely the grounds of objection accompanied by a certified copy of the order appealed against and a fee of [five rupees.] [Substituted for 'two rupees and sixty five paise' vide Notification dated 2-7-1988.]

## **9. Service of orders under the Act.**

- An order made under sub-section (2) of section 9 and sub-section (2) of section 19 shall be served upon the allottee through registered post.

## **10. Repeal and saving.**

- The Punjab Industrial Housing Rules, 1958 published vide Punjab Government Notification No. 2361-HG-58/1924 dated the 12th July, 1958 are hereby repealed: Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. Form "A" (See rule 4) Application For Allotment Of A House

## **1. Name of the town \_\_\_\_\_**

**2. Name of locality** \_\_\_\_\_

**3. Type of house** \_\_\_\_\_

(a) Full Name (In Block Letters) \_\_\_\_\_ Father's Name \_\_\_\_\_  
(b) Present Address \_\_\_\_\_ (c) Permanent  
home address Village \_\_\_\_\_ Thana \_\_\_\_\_ Tehsil \_\_\_\_\_  
District \_\_\_\_\_ State \_\_\_\_\_

**4. (a) Is the applicant's present accommodation provided by his employer**  
\_\_\_\_\_

(b) If so, why the applicant wants to shift from there \_\_\_\_\_ (c) Has the applicant his own  
house within fifteen kilometres of the establishment where employed ?  
\_\_\_\_\_

**5. (a) Name and address of factory where employed** \_\_\_\_\_

(b) Nature of job \_\_\_\_\_ (c) Ticket No. and Department \_\_\_\_\_  
(e) Whether permanent, temporary, probationary or casual \_\_\_\_\_  
(e) Date of employment \_\_\_\_\_

**6. Pay, allowances and their total :-**

(a) Basic Pay \_\_\_\_\_ (b) Dearness Allowances Rs. \_\_\_\_\_  
(c) Other allowances, if any \_\_\_\_\_ Total Rs. \_\_\_\_\_  
\_\_\_\_\_

**7. Particulars regarding previous allotment, if any -**

(a) Name of the Management and address \_\_\_\_\_ (b) Nature of job \_\_\_\_\_  
(c) Employed from \_\_\_\_\_ Upto \_\_\_\_\_  
(Give Particulars on reverse if space here is less) I hereby agree that in case the  
house is allotted to me, the Government shall have the right to get rent and other dues deducted  
from my salary or wages, as the case may be, through my employer every month. I declare that the  
above statement is correct and if any of the particulars of the above statement are found to be  
incorrect, I will vacate the house immediately. Dated \_\_\_\_\_ (Signature of  
Applicant) Certified that the applicant is an industrial worker and the above statement given by him  
is correct. I undertake to deduct rent of the house if allotted to him, and deposit the same with the  
competent authority or any other person authorised by him, every month by the 10th of the  
following month. I further undertake to inform the competent authority as and when the worker  
leaves our job before-hand in writing. Name of the Occupier \_\_\_\_\_ Signature of  
Occupier \_\_\_\_\_ Seal \_\_\_\_\_ Dated \_\_\_\_\_ Form "B" [See

sub-rule (5) of rule 5] Allotment Order (To be filled in triplicate of which one copy to be given to the industrial worker and one to be sent to the Competent Authority) House No. \_\_\_\_\_ of Block No. \_\_\_\_\_ at \_\_\_\_\_ is allotted to Mr./Mrs./Miss \_\_\_\_\_ S/o Mr./Mrs. \_\_\_\_\_ on a monthly rent of Rs. \_\_\_\_\_ exclusive of electricity and other charges on the conditions noted below :-

- 1. The allottee shall himself pay the rent and any local taxes if levied by any authority from time to time and other dues for each month on or before the 7th of the following month to the persons(s) authorised by the competent authority to receive the same.**
- 2. The allottee shall not assign his right of tenancy and shall not sublet or otherwise transfer or part with possession of the house or any part thereof to any one else.**
- 3. The house will be used and occupied for the purpose of residence only by the allottee and by the bona fide members of his family and not for any other purpose or by any other person.**
- 4. If any damage is caused to the house or any part thereof or to any fixtures, the allottee shall be liable to pay such compensation or damages as may be determined by the competent authority.**
- 5. The allottee shall keep the house in clean and sanitary condition.**
- 6. The allottee shall not allow water from any tap to run waste.**
- 7. The allottee shall not use the house in a manner as to cause any inconvenience or nuisance or annoyance to the occupants of the house in the neighbourhood.**
- 8. The allottee shall not make addition or alteration in the house or any part thereof and shall not remove any existing fixtures.**
- 9. As soon as the allottee ceases to be an industrial worker, he shall send intimation of the same, in writing, to the competent authority.**

**10. The allottee shall abide by all the conditions given above and also any other conditions given in the Punjab Industrial Housing Act, 1956 and rules made thereunder and also comply with the terms of the agreement of allotment and such other conditions as may be substituted or added thereto from time to time. Every change or addition in the conditions shall be notified to the allottee by means of a notice served personally or by registered post.**

Dated \_\_\_\_\_ Labour Commissioner, Punjab. Signature of the Industrial worker, in token of acceptance. Endorsement No. \_\_\_\_\_ Dated, Chandigarh, the \_\_\_\_\_ A copy is forwarded to the Competent Authority for information and necessary action. Labour Commissioner, Punjab. Form "C" [See Sub-rule (6) of rule 5] An agreement made on the \_\_\_\_\_ day of \_\_\_\_\_ between the Governor of Punjab (hereafter referred to as the Government) of the one part and Mr./Mrs/Miss \_\_\_\_\_, son/wife/daughter of \_\_\_\_\_ resident of \_\_\_\_\_ (hereinafter referred to as the allottee) of the other part :Whereas the Labour Commissioner has on the application of the allottee under section 8 of the Punjab Industrial Housing Act, 1956 and rules made thereunder allotted to him a House No. \_\_\_\_\_ constructed by the Government of Punjab for occupation by industrial workers under the Subsidised Industrial Housing Scheme situated at \_\_\_\_\_ by his allotment order, dated \_\_\_\_\_ on the conditions mentioned in the said allotment order and as hereinafter; And whereas under section 10 of the Industrial Housing Act, 1956, the allottee is required to execute an agreement regarding the said allotment; And whereas the allottee has agreed to execute the agreement in compliance with the said requirement of law; Now, therefore, this agreement witnesseth and parties hereto hereby agree as follows:-(1) The allottee hereby agrees to take vacant possession of the said house No. \_\_\_\_\_ from the competent authority for the \_\_\_\_\_ area within fifteen days of the receipt of intimation of the allotment. (2) The allottee shall pay a sum of Rs. \_\_\_\_\_ to serve as security for the performance of the terms and conditions as hereinafter appearing and the obligations imposed on him by the Act and the rules made thereunder. (3) During the continuance of the allotment the allottee shall pay in cash or by money order or otherwise the sum of Rs. \_\_\_\_\_ by way of rent for each month to the competent authority or to any other person authorised by him in this behalf, in his office, and obtain from him receipt for the rent paid. He shall also pay any local taxes if levied by any authority from time to time. (4) In addition to the rent for the house, the allottee shall pay the electricity and water charges at such rates as may be fixed by the competent authority from time to time. The allottee shall also be liable to pay any other reasonable charges at the rates fixed by the competent authority. (5) The allottee shall also be liable to pay the extra charges fixed by the competent authority for the electric appliances used by him, the report of which shall immediately be given to the competent authority. (6) If the allottee fails to report to the competent authority the details of electric appliances, being used he shall be liable to pay in addition to charges leviable for the same a penalty not exceeding one hundred rupees as may be imposed by the competent authority. (7) The competent authority shall be at the liberty to appropriate the security or any part thereof or any other sum which may be due to the allottee from the Government towards satisfaction of any claim whatsoever which may be due against him or his employer from the wages or salary earned by him and the allottee shall make good the amount of the security deposit or any

part thereof so appropriated whenever required to so. Before doing so the competent authority shall give an opportunity to the allottee to show cause as to why such sum should not be deducted from his security.(8)The allottee shall not assign his right of tenancy and shall not sublet or underlet or part with the possession of the house or any part thereof.(9)The tenancy will be terminable by either party giving to other one month's notice. If the allottee leaves the house without notice, in writing, he shall be liable to pay one month's rent in lieu of such notice, and all other charges due from him as provided herein for the notice period.(10)Any notice to be served on the allottee will be deemed to be duly and properly given and served if given by a person duly authorised by the competent authority in this behalf and shall be deemed duly served if it is personally delivered against signatures or sent under registered post.(11)The house will be used and occupied for the purposes of residence only by the allottee and by the bona fide members of his family only and not for any other purpose.(12)If any damage is caused to the house or any part thereof or to any fixtures and fastenings therein the allottee shall be liable to compensate the Government for the same without prejudice to any other right or remedy which the Government or the competent authority may have against the allottee.(13)The allottee shall not use the house for any illegal or immoral purpose and shall not use it in such manner as to cause any inconvenience, nuisance or annoyance to the occupants of any house in the neighbourhood.(14)The allottee shall keep the house in a clean and sanitary conditions.(15)The allottee shall not allow water from any tap to run waste and shall not throw water or any other thing from out of the house.(16)The allottee shall not make any additions to or alterations in the house or any part thereof and shall not remove any existing fixtures and fastenings and in the event of his contravening in any way this provision he shall be liable to pay the damage and cost thereof.(17)The allottee shall not bring or allow to be brought or to remain in the house any person suffering from any contagious or infectious disease.(18)The allottee shall not tamper with or damage any tree nor shall he take any fruit or flower or vegetables from the trees growing in the land belonging to the Government.(19)The competent authority with such assistance, if any, as he thinks fit, shall be at liberty to enter the house for purpose of administering or carrying out the provisions of the Punjab Industrial Housing Act, 1956 and the rules made thereunder.(20)(1) The tenancy shall cease forthwith as soon as the allottee ceases to be an industrial worker, provided that where a worker dies while in service or goes on transfer, or retires or resigns, or goes on medical leave or where a worker's services terminated by his employer, the allotment may with the previous approval of the Labour Commissioner, continue for the period as detailed below :-(i)In the case of death or transfer a period not exceeding two months;(ii)In the case of retirement, resignation or termination other than the termination under the provisions of the Industrial Disputes Act, 1947 of service for a period not exceeding one month;(iii)In the case of medical or ordinary leave for the period of leave;(iv)In case of termination or dismissal from service or removal, retirement or retrenchment on account of industrial dispute within the meaning of the provisions of the Industrial Disputes Act, 1947 till final determination of the dispute.

**20A. Where an allotment has been cancelled the Labour Commissioner shall send intimation thereof to competent authority, who shall proceed forthwith for securing the eviction of the tenant.**



- 21. In the months of June and December every year and also whenever required by the competent authority, allottee shall furnish a certificate from his employer that he continues to be an industrial worker.**
- 22. If the house allotted to the allottee is not occupied by him within fifteen days of the receipt of the allotment order and offer to him for possession in a vacant condition, the allotment may be cancelled.**
- 23. The allottee shall abide by all the above conditions and any changes in or additions to them which are made in accordance with the provisions of the Punjab Industrial Housing Act, 1956 and the rules made thereunder and this agreement.**
- 24. If the allottee fails to pay any rent or other charges due from him under this agreement by the due date, the employer under whom he is employed shall be competent to deduct from his salary or wages payable to him such amount including damages as may be decided by the competent authority in satisfaction of the rent and other charges due from the allottee in respect of the house and paid to the competent authority.**

In witness whereof the parties have signed this agreement on the respective dates shown against their signatures in the \_\_\_\_\_ year of the Republic of India. Signature of Allottee (in Full) Witnesses : (1) Name ..... Address ..... (2) Name ..... Address ..... Dated ..... Place ..... Signed for and on behalf of the Governor of Punjab. Form "D" [See rule 7] Requisition Under Section 18 Of The Punjab Industrial Housing Act, 1956 To Mr./Mrs./Miss ..... No. .... dated ..... Whereas house No. .... in colony ..... was allotted to Mr./Mrs./Miss ..... on ....., and whereas an agreement dated ..... was executed by the said allottee ..... authorising you to deduct from his/her salary or wages Rs. .... per month as monthly rent of the house allotted to him/her; Now, therefore, as required under sub-section (i) of section 18 of the Punjab Industrial Housing Act, 1956, I call upon you to deduct Rs. .... from the salary or the wages of the said allottee and pay the amount so deducted to ..... by ..... date. In case the said sum is not paid within the specified period, it may please be noted that it would be recovered from you along with all cost of recovery as arrears of revenue. Signature of Competent Authority. Form "E" (See rule 7) Notice Under Section 19(1) Of The Punjab Industrial Housing Act, 1956 Shri ..... No. .... dated ..... Whereas, I, am satisfied that you are an allottee of House No. .... in colony ..... and I am satisfied that you have specified the grounds for vacating the house; Now, therefore, in pursuance of sub-section (1) of section 19 of the Punjab Industrial Housing Act, 1956, I hereby order you and all persons who may be in occupation of the said house or any part thereof to vacate the said premises within one month of the date of service of this notice. In the event of refusal or failure to comply with this order within

the period specified above you and all other persons concerned shall be evicted from the said house, and if need be by the use of such force as may be necessary. Competent Authority. Form "F" (See rule 7) Notice under sub-section (1) of Section 21 of the Punjab Industrial Housing Act, 1956 To Mr./Mrs./Miss ..... No. .... dated ..... Whereas, I am satisfied that you are/were in unauthorised occupation of the house specified in the schedule below :- And, whereas, in exercise of the power conferred on me by sub-section (1) of section 21 of the Punjab Industrial Housing Act, 1956, I have assessed an amount of Rs. .... as damages payable by you on account on the use or occupation of the said house for the period from ..... to .....; Now, therefore, under the provisions of the sub-section (1) of section 21 of the Act, I hereby call upon you to pay the said amount on or before ..... date. In case the said amount is not paid within the said period it may please be noted that it would be recovered from you as arrear of the land revenue. Date Schedule Competent Authority Form "G" (See rule 7) Order under sub-section (2) of section 21 of the Punjab Industrial Housing Act, 1956 Whereas, I am satisfied that Mr./Mrs./Miss ..... is/was in unauthorised occupation of the House No. .... in colony .....; And whereas by a written notice dated ..... the said Mr./Miss/Mrs. .... was called upon to pay on or before the ..... date an amount of Rs. .... as damages on account of the use and occupation of said house; And whereas, the said Mr./Miss/Mrs. has not paid the said amount within the specified period; Now, therefore, in exercise of the powers conferred on me by sub-section (2) of section 21 of the Punjab Industrial Housing Act, 1956, I hereby order that the said amount of Rs. .... be recovered as arrears of land revenue from the said Mr./Miss/Mrs. .... Dated ..... Competent Authority.