

# The Orissa Industrial Housing Rules, 1969

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### Rule THE-ORISSA-INDUSTRIAL-HOUSING-RULES-1969 of 1969

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The Orissa Industrial Housing Rules, 1969 Published vide Notification No. 11112-2-H.-21/69-L.E.H., dated 27th August, 1969, Orissa Gazette Part 3/12-9-1969 Notification No. 11112-II-H.-21/69-L. E. H., dated 27th August, 1969. - In exercise of the powers conferred by Sub-section (2) of Section 22 of the Orissa Industrial Housing Act, 1966 (Orissa Act 1 of 1967), the State Government do hereby make the following rules, the same having been previously published as required by Sub-section (1) of the said section thereof, namely :

#### 1. Short title and commencement.

(1) These rules may be called the Orissa Industrial Housing Rules, 1969. (2) They extend to the whole of the State of Orissa. (3) They shall come into force at once.

#### 2. Definitions.

- In these rules unless there is anything repugnant to the subject or context-(a)"Act" means the Orissa Industrial Housing Act, 1966;(b)"agreement" means an agreement in Form 'C' appended to these rules;(c)"Chairman" means the Chairman of the Advisory Committee;(d)"Form" means a form appended to these rules;(e)"member" means a member of the Advisory Committee;(f)all other words and expressions used but not defined herein shall have the meaning as respectively assigned to them in the Act.

#### 3. Term of office of the members of the Advisory Committee.

- The term of office of a non-official member of the Advisory Committee shall be two years commencing from the date of his nomination : Provided that such member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated. (2) A non-official member of the Advisory Committee nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is

nominated.(3)The official member of the Advisory Committee shall hold office during the pleasure of the State Government.

#### **4. Nomination of substitute members.**

- If an official member is unable to attend a meeting of the Advisory Committee, the State Government shall, by notice in writing addressed to the Chairman of the said Committee, nominate a substitute in his place to attend that meeting. Such a substitute member shall have all the rights of a member in respect of that meeting only.

#### **5. Travelling allowance.**

- A non-official member of the Advisory Committee shall be entitled to draw travelling and daily allowances for the journey performed by him in connection with his duty as such member at the rate prescribed in the Finance Department Resolution No. 18937-F., dated the 6th August, 1955 as amended from time to time for non-official members attending committees and conferences appointed by Government.

#### **6. Staff.**

(1)The State Government may appoint a person to be the Secretary of the Advisory Committee and such other staff as it may think necessary and may fix the salaries and allowances payable to them and specify their conditions of service in consultation with the Finance Department.(2)The Secretary shall assist the Chairman in convening meetings, keeping record of the minutes of such meetings and taking necessary measures to carry out the decisions of the Advisory Committee.

#### **7. Resignation of the members of the Committee and filling up casual vacancies.**

(1)A nominated non-official member may resign his office by a letter addressed to the Chairman of the Advisory Committee.(2)The resignation by a non-official member shall take effect from the date of communication of its acceptance or on the expiry of thirty days from the date of tendering resignation, whichever is earlier.

#### **8. Meetings.**

(1)The Chairman may, subject to the provisions of Rule 9 call a meeting of the Advisory Committee at any time he thinks fit and may hold special meetings whenever circumstances so require.(2)The Chairman shall call a special meeting of the Advisory Committee within fifteen days from the receipt of the requisition of not less than three members of the said Committee.(3)At a special meeting only the business for which the meeting was called shall be considered.

## **9. Notice of the meeting.**

(1)The Chairman shall fix the date and place of every meeting and a notice in writing containing the aforesaid particulars alongwith a list of business to be conducted at the meeting shall be sent to each member by registered post at least 15 days before the date fixed for such meeting.(2)No business, which is not on the agenda, shall be considered at a meeting without the permission of the Chairman.

## **10. Quorum and adjournment of proceedings at meetings.**

(1)Every question which the Advisory Committee is required to consider shall be considered at its meeting :Provided that the Chairman may if he thinks fit direct that any matter shall be decided by circulation of necessary papers and receiving written opinions of the members :Provided further that the papers need not be sent to a member who is absent from India.(2)Where a question is referred for opinion under the first proviso to Sub-rule (1) any member may request that it be considered at a meeting of the Advisory Committee and thereupon the Chairman may allow the request, but if such request is made by three or more members, the Chairman shall direct that the question be so considered.(3)The Chairman shall preside at every meeting of the Advisory Committee. In the absence of the Chairman, the members present shall elect one of the members to preside at that meeting. The member so elected to preside at the meeting shall exercise all the powers of the Chairman.(4)No business shall be conducted at a meeting of the Advisory Committee, whether ordinary or special unless at least three members are present :Provided that if at any meeting less than three members are present the Chairman may adjourn the meeting to a date not later than three days from the date of the adjourned meeting. He shall inform the members present and send notices to other members of the date and time of the adjourned meeting. It shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the members present.(5)Every question that may come up before the meeting shall be decided by a majority of votes of the members present and voting on that question, but any member shall have the right of requiring his dissent to be recorded.(6)Every question referred to the members for opinion shall, unless the Chairman, in pursuance of Sub-rule (2) of Rule 12 reserves it for consideration at a meeting, be decided in accordance with the opinion of the majority of members who have submitted their opinion within the time allowed.(7)In case of an equal division of votes or opinion, the Chairman shall have a casting vote or opinion, as the case may be.(8)Minutes of the meeting - (a) The proceedings of each meeting of the Advisory Committee will be circulated to all the members and thereafter the same be recorded in a Minute Book which shall be kept as a permanent record. The record of the proceedings of the meeting shall be signed by the Chairman and kept under his custody.

## **11. Duties and functions of the Housing Commissioner.**

- The Housing Commissioner shall have powers-(a)to receive all payment of money under the Act;(b)to re-enter, retake or resume possession of, any house whenever required, or the removal of an unauthorised occupant of a house;(c)to issue notice to an occupant of a house for and in connection with the recovery of rent, electric charges and other dues; for ejectment, re-entry or

retaking possession of the tenements or for unauthorised additions and alterations thereof and breach of any other terms and conditions of the agreement by an occupant or for any other purpose whatsoever;(d)to issue notice to the employer of an occupant of a house to deduct the rent therefor from the salary or wages payable to such occupant;(e)to order the recovery of arrears of rent and other dues as arrears of land revenue;(f)to execute all documents as may be proper or necessary for the administration of the Act ; and(g)to prescribe forms or registers and rent receipts and other records which he considers necessary for the proper administration of the Act.

## 12. Procedure and conditions of allotment.

(1)Whenever houses are vacant [or are likely to fall vacant] [Inserted vide Orissa Gazette Part-III/10-11-1978.] and the Housing Commissioner is of the opinion that they may be let out, he shall issue a notice in such manner as he thinks necessary specifying the number of houses available for allotment and the rent and other particulars thereof alongwith the terms and conditions of allotment. The said notice shall be affixed on the Notice Board of the Housing Commissioner. As many copies of the notice as there are managements, governed by the Factories Act, 1948, be sent at least 10 clear days in advance of the proposed allotment to the authorities of the said managements.(2)Applications for allotment of houses shall be submitted in Form 'A' appended to these rules.(3)All allotment shall be shown in a register to be maintained for the purpose.(4)The Housing Commissioner shall, after considering the applications, issue the allotment orders in Form 'B' appended to these rules.(5)No house shall be allotted to any worker unless he abides by the following conditions, namely :(a)The allottee shall take possession of the said house from the Housing Commissioner or an officer authorised by him within fifteen days from the receipt of Intimation of the allotment;(b)The allottee shall pay a sum of fifty rupees only to serve as security for the performance of the terms and conditions hereinafter appearing and of the obligations imposed on him by the Act;(c)During the continuance of the allotment the allottee shall pay in cash to the officer authorised by the Housing Commissioner, the monthly rent and other charge [\* \* \*] [Deleted vide Orissa Gazette Part-III/24-9-1972.]. The money so paid shall be deposited in the treasury and a copy of the treasury chalan shall be forwarded to office of the Housing Commissioner;(d)In addition to the rent for the house the allottee shall pay the electricity charges at such rates as may be fixed by the [Electricity Boards] [Substituted vide Orissa Gazette Part-III/27-9-1972.] from time to time. The allottee shall also be liable to pay any other reasonable charges at the rates fixed by the Housing Commissioner;(e)The allottee shall not assign his right of tenancy and shall not sub-let or under-let or part-with possession of the house or any part thereof;(f)The tenancy will be terminable by either party giving to the 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 and all other charges due from him as may be [fixed] [Substituted vide Orissa Gazette Part-III/27-9-1972.] for the notice period in accordance with these rules;(g)Any notice to be served on the allottee will be deemed to be duly and properly given and served if given by an officer, duly authorised by the Housing Commissioner in this behalf and shall be deemed duly served if it is personally delivered to the allottee or sent to him by registered post;(h)The house shall only be used and re-occupied by the allottee of the bona fide member of his family for the purpose of residence;(i)If any damage is caused to the tenement or any part thereof or to any fixtures and fittings therein otherwise than due to wear and tear the allottee shall be liable to compensate the

Government the cost of such damage as may reasonably be fixed by the Government or the Housing Commissioner without prejudice to any other right which may be enforced against the allottee ;(j)The Housing Commissioner may be at liberty to appropriate the amount of security or any part thereof, or any other sum which may be due to the allottee from Government, towards satisfaction or any claim whatsoever which may be due against him and recover the balance, if any, from him or his employer from the wages or salary earned by him and shall make good the amount of the security deposit or any part thereof;(k)The allottee shall keep the house in a clean and sanitary condition;(l)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;(m)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 the provisions, he shall be liable to pay the damages and cost on breach of this clause;(n)The allottee shall not allow or accommodate in the house any person suffering from any contagious or infectious disease;(o)The allottee shall not tamper with or damage any tree [\* \* \*] [Deleted vide Orissa Gazette Part-III/24-4-1972.] growing in the land belonging to Government of which the house is a part;(p)The allottee being an industrial worker within the meaning of Section 2 (e) of the Act the tenancy shall cease forthwith as soon as he 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 services are terminated by his employer, the allotment may, with the previous approval of the Housing Commissioner continue up to 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 of service, a period not exceeding one month ; and(iii)in the case of medical or ordinary leave, for the period of leave.(q)In June and December of every year and also whenever required by or on behalf of the Housing Commissioner, the allottee shall furnish a certificate from his employer to the effect that he continues to be an industrial worker as defined in Section 2 (e) of the Act ;(r)if the house allotted to the allottee is not occupied by him within fifteen days of the receipt of the allotment, it shall be treated as cancelled;The allottee shall abide by all the above conditions. Any change sought to be introduced in accordance with the Act and this agreement shall be enforced against the allottee on the termination of one month's notice;(s)Notwithstanding anything contained in the provisions of Rule 12 an allottee may execute an agreement in favour of the Housing Commissioner in Form 'C' [affixing a pass-port size photograph on the said agreement] [Inserted vide Orissa Gazette Part III/28-12-1978.];(t)The possession of the house shall thereafter be given to the allottee by the Housing Commissioner or any other officer authorised by him in this behalf;(u)Any worker desiring allotment of the premises in his favour shall be required to deposit a sum of fifty rupees only as security in the shape of [Savings Pass Book] [Substituted vide Orissa Gazette Part-III/24-11-1972.] to be pledged in favour of [Governor of Orissa] [Substituted vide Orissa Gazette Part-III/24-11-1972.] before the order of allotment is issued in his favour. This security will be refunded in case no allotment is made to him or on his vacating the house after deducting arrears of rent and other dues, losses and damages, if any, as will be determined by the Housing Commissioner;(v)Allotment may also be made to persons other than eligible industrial workers if the Housing Commissioner is of the opinion that there is no sufficient demand from eligible industrial workers. Such allotment shall, however, be made with prior approval of the State Government and on full [market] [Substituted vide Orissa Gazette Part-III/24-11-1972.] rent as determined for the house of that colony and after charging a sum of Rs. 50 as security. The security deposit and refund will be made in the manner indicated in Clause (u).

### **13. Payment of rent and other dues and the mode of payment.**

- There shall be payable by every allottee of the house or, as the case may be, by his employer the monthly rent and other charges to the officer who shall be duly authorised by the Housing Commissioner on proper receipt. The Officer shall credit the house rent to the Treasury or Sub-Treasury under the head "XXXVII-Public Works Rent-House Rent" within seven days from the date of receipt of such payment. Other charges may be deposited either in cash or under the appropriate head account within seven days from the date of collection.

### **14. Assessment of damages for unauthorised occupation.**

- In assessing damages for unauthorised use and occupation of any [house] [Substituted vide Orissa Gazette Part-III/24-11-1972.] the Housing Commissioner shall take into consideration the following matters : (a) the purpose and the period for which the house were in unauthorised occupation; (b) the nature, size and standard of accommodation available in such house; (c) the rent that would have been realised if the house had been let out on [economic] [Substituted vide Orissa Gazette Part-III/24-11-1972.] rent for the period of unauthorised occupation; (d) any damage done to the house during the period of unauthorised occupation; and (e) any other matter which in the opinion of the Housing Commissioner is relevant for the purpose of assessing the damages.

### **15.**

No order of assessment of damages shall be passed by the Housing Commissioner unless the person proceeded against has been given an opportunity of being heard.

### **16.**

On receipt of an appeal the District Judge shall cause a notice to be served on the opposite party in Form 'F' together with a copy of the appeal petition and such notice shall be signed by the appellate authority or any subordinate officer authorised by him in this behalf. The appellate authority shall also intimate to the opposite party or his authorised agent to appear on the date and time referred to in Form 'F' by serving a copy of such notice on him.

### **17. Form of notices.**

- Notice to vacate under Section 12 or cancel any allotment under which a house is held under Section 8 and notice of assessment of damages under Section 13 on account of the use or occupation of it shall respectively be in Forms 'D' and 'E'.

### **18. Mode of service of notice/order.**

- The order and/or notice referred in Section 8 and the order referred to in Section 12 of the Act shall be served-(i) by post ; or (ii) by affixing a copy of such order or notice on the outer door of the

house ; or(iii)by any person authorised by the Housing Commissioner by delivering or tendering the notice and/or order to the occupier; or(iv)in such other manner as may be deemed fit by the Housing Commissioner. Form 'A'[See Sub-rule (2) of Rule 12]Application for allotment of house

**1. (a) First preference.....**

(b)Second preference.....

**2. Applicant's-**

(a)Full name (in block letters).....(b)Father's name.....(c)Present address.....(d)Permanent address.....

**3. Was the applicant's present accommodation provided by his employer? If so, why the applicant wants to shift from there ?**

**4. Occupation of the applicant (with details and Ticket No. if any.....)**

If permanent, temporary, probationary or casual.....

**5. Initial pay, allowances and their total :**

Pay           Rs.

Allowance Rs.

Total       Rs.

**6. Employer's-**

(a)Full name and address.....(b)Date of employment under the present employer.....

Date..... Signature of Applicant

Certified that the applicant is an industrial worker according to Clause (1) of Section 2 of the Factories Act, 1948 and the statement given by him above is correct.

Signature of the Labour

Signature of the Employer Welfare Officer

Form 'B'[See Sub-rule (4) of Rule 12]Allotment orderHouse No..... of Block No..... at..... is allotted to Shri..... son of Shri..... Ticket No..... an employee of M/s..... on a monthly rent of Rs..... exclusive of electricity and other charges, on the conditions noted below :Housing Commissioner, OrissaCopy forwarded to the Executive Engineer (R. & B.), P. W. D. for information and necessary action.Conditions

- 1. The allottee shall pay the rent and other dues for each month on or before the 15th of the following month, to the person (s) authorised by the Housing Commissioner, Orissa to receive the same.**
- 2. The allottee shall not assign his right of tenancy and shall not sub-let or otherwise transfer or part with possession of the house or any part thereof.**
- 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 only and not otherwise.**
- 4. If any damage is caused to the house or any part thereof or to any fixture, the allottee shall be liable to pay such compensation as may be determined by the Housing Commissioner, Orissa.**
- 5. The allottee shall keep the house in clean and sanitary conditions.**
- 6. The allottee shall not allow water from any tap to run waste.**
- 7. The allottee shall not use the house in a manner so as to cause any inconvenience or nuisance or annoyance to the adjoining houses or neighbours.**
- 8. The allottee shall not make any addition to or alteration in the house or in any part thereof and shall not remove any existing fixtures.**
- 9. The allottee shall abide by all the above conditions and any change in or addition to them of which due notice is given to him.**
- 10. As soon as the allottee ceases to be a worker as defined in the Factories Act, 1948, he shall send intimation of the same in writing to the Housing Commissioner, Orissa.**

Form 'C'[See Clause (b) of Rule 2 and Clause (s) of Sub-rule (5) of Rule 12]An agreement made on the..... day of..... between the Governor of Orissa on the one part and .....son of .....resident of ..... (hereinafter referred to as the allottee) of the other part ;Whereas the Housing Commissioner has, on the application of the allottee under Section..... of the Orissa Industrial Housing Act, 1966, allotted to him a house No..... constructed by the Government of Orissa for occupation by industrial workers under the Industrial Housing Scheme subsidised by the Government of India situated in the town of..... by his allotment order No..... dated



the.....;And whereas the allottee hereby agrees to abide by the conditions, laid down in Rule 12 (5) of the Orissa Industrial Housing Rules, 1969 as forming part of his agreement ;And whereas in pursuance of Section 11 of the said Act, the allottee hereby authorise his employer..... to deduct from his salary or wages Rs..... per month as monthly rent of the house allotted to him and other sum or sums payable to the Housing Commissioner or such other officer as may be authorised by him in satisfaction of the rent and other charges respectively due from the allottee;In witness whereof the parties thereto have signed this agreement on the respective dates shown against their signature.....

Dated..... Signature of Allottee  
(in full)

Witness.....

Address.....

Dated..... Signature of the Housing Commissioner acting inthe premises for and on behalf  
of Governor of Orissa

Witness.....

Designation.....

Form 'D'[See Rule 17]Notice under Section 8/12 of the Orissa Industrial Housing Act, 1966No.....Date.....ToShri/Shrimati/Kumari.....Whereas I, the undersigned, am satisfied-\*(i) that you have not executed an agreement as required under Section 11 and are in arrears of rent and other charges in respect of a period of two months or more lawfully due from you in respect of the house described in the schedule appended hereto; or\*(ii) that you have sub-let the whole or part of the schedule house allotted in your name ; or\*(iii) that you have \*\* .....and thereby have acted in contravention of the terms under which you were authorised to occupy and use the said house; or\*(iv) that you are in unauthorised occupation of the said house;Now, therefore, in exercise of the powers conferred on me under Section 8, read with Clause (b) of Sub-section (1) of Section 12 of the Orissa Industrial Housing Act, 1966 (Orissa Act 1 of 1967), I require you (as well as .....who is/are in occupation of the whole/a part of the said premises) to vacate it within one month of the date of service of this notice.

## Schedule

Date..... Signature of the Housing Commissioner

\*. Any of the alternatives which is relevant to be specified.\*\*. Specific contravention to be mentioned.Form 'E'[See Rule 17]Notice under Section 13 of the Orissa Industrial Housing Act, 1966ToShri/Shrimati/Kumari.....No.....Date.....Whereas you are in unauthorised occupation of the house described in the schedule appended hereto ;And whereas in exercise of the powers conferred upon me by Subsection (1) of Section 13 of the Orissa Industrial Housing Act, 1966 (Orissa Act 1 of 1967) I, have assessed Rs..... as damages payable by you on account of the use and occupation of the said house;You are hereby required to pay the said amount of damages on or before.....

## Schedule 2

Date..... Signature of the Housing Commissioner

Form 'F'[See Rule 16]Form of noticeToWhereas Shri/Shrimati..... has filed an appeal against the orders of the Housing Commissioner, a copy of which is supplied herewith, you are hereby summoned to appear before me in person or by your authorised agent or by a pleader duly instructed and able to answer all material questions relating to the application or who shall be accompanied by some person able to answer such questions on the day of..... 20..... at..... a.m./p. m. to meet the point(s) raised in the application and as the date and time fixed for your appearance for the final disposal of the case, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your case.Take notice that in default of your appearance on the date and time above mentioned, the case shall be heard and decided in your absence.Signature of the District Judge(Appellate Authority)Copy forwarded to Shri/Shrimati..... (name and address of the opposite party) for information. He/She is hereby directed to appear before me in person or by a pleader or his/her authorised agent with all relevant documents and witnesses on the day and time mentioned above.Take notice that in default of his/her absence or the day mentioned above the case shall be heard and decided in his/her absence.Signature of the District Judge(Appellate Authority)N.B. - Should you apprehend that your witnesses will not attend [of] [Inserted vide Orissa Gazette Part-III/24-11-1972.] their own accord you can have a summons from this office to compel the attendance of and the production of any documents that you may require for the purposes of your case on applying to the Housing Commissioner and on depositing necessary expenses for the witnesses and persons producing documents.