

The U.P. Industrial Housing Rules, 1959

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In exercise of the powers conferred by Section 28 of the Industrial Housing Act, 1955 (U. P. Act No. 22 of 1955), the Governor of Uttar Pradesh is pleased to make the following rules :

1. Short title. - These rules may be called the Uttar Pradesh Industrial Housing Rules, 1959.

2. Definitions. - In these rules unless there is anything repugnant in the subject or context,-

- (a) "*Act*" means the U.P. Industrial Housing Act, 1955;
- (b) "*Agreement*" means an agreement in Form "C" appended to these rules;
- (c) "*Chairman*" means the Chairman of the Advisory Committee;
- (d) "*Member*" means a member of the Advisory Committee;
- (e) "*Form*" means a form appended to these rules.

3. Duties and powers of Secretary. - The Secretary of the Advisory Committee shall carry out routine work of the Committee.

4. Procedure relating to meeting-Disposal of business. - (1) Every question which the Advisory Committee is required to consider shall be considered either at its meeting or, if its Chairman directs, by sending copies of the necessary papers to all the members for their opinion, provided that the papers need not be sent to a member who is absent from India.
(2) Where a question is referred for opinion under 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 four or more members, the Chairman shall direct that the question be so considered.

5. Time and place of meeting. - The Advisory Committee shall meet at such place and time as may in each case be fixed by the Chairman.

6. Notice of the meeting. - (1) Notice shall be given to every member of the time and place fixed for each ordinary meeting at least fifteen days before such meeting and each member shall be furnished with a copy of the agenda of the business to be disposed of at that meeting: Provided that when an emergent meeting is called by the Chairman, notice of a shorter period may be given; which would not be less than one week.

(2) No business, which is not on the agenda, shall be considered at a meeting without the permission of the Chairman.

7. Presiding at meeting. - The Chairman shall preside at every meeting of the Committee at which he is present. In the absence of the Chairman the Vice-Chairman shall preside. In the absence of both the Chairman and Vice-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.

8. Quorum. - No business shall be conducted at a meeting of the Advisory Committee, whether ordinary or emergent 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 less than seven days later, informing the members present and sending notice to other members of the date and time of the adjourned meeting. The business postponed for want of the prescribed quorum shall then be transacted on such date notwithstanding any deficiency in the number of members present.

9. Decision by majority. - (1) 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.

(2) Every question referred to the members for opinion shall, unless the Chairman, in pursuance of sub-rule (2) of Rule 4 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.

(3) In the case of an equal division of votes or opinion, the Chairman shall have a casting vote or opinion.

10. Minutes of the meeting. - (1) The proceedings of each meeting of the Advisory Committee will be circulated to all the members of the Committee concerned and thereafter recorded in Minute Book which shall be kept as a permanent record.

(2) The record of the proceedings of the meeting shall be signed by the Chairman.

11. Terms of office of members. - (1) A nominated member shall, unless he resigns his office or dies, hold office for a period of two years from the date of the notification appointing him a member but shall be eligible for renomination:

Provided that the outgoing member shall continue in office until the appointment of his successor is notified.

(2) The official members of the Advisory Committee shall hold office during the pleasure of the State Government.

(3) A member nominated to fill a casual vacancy shall hold office for so long as the member, whose place he fills would have been entitled to hold office if the vacancy had not occurred.

12. Travelling allowance to members. - A non-official member shall be entitled to draw travelling allowance and daily allowance at the ordinary rates as admissible to Government servants of the first class for any journey performed by him for attending each meeting of the Advisory Committee from his ordinary place of residence. The official members will draw travelling and daily allowance as admissible to them under the rules, from their respective departments.

13. Resignation. - A nominated member may resign his office by a letter intimating his intention to do so to the Chairman of the Advisory Committee.

14. A nominated member may be declared by the Chairman of the Advisory Committee to have vacated his office-

- (a) if he becomes insolvent; or
- (b) if he is convicted of any offence involving moral turpitude; or
- (c) if he is absent from three consecutive meetings of the Advisory Committee without leave of absence from the Chairman; or
- (d) if in the opinion of the State Government, it is expedient that he should not continue to be a member of the Advisory Committee; or

(e) if he is declared of unsound mind by a competent authority.

15. Allotment and procedure of allotment. - (1) Whenever houses are vacant and the Housing Commissioner is of the view that they should be let out, he will have a notice issued in such manner as he thinks necessary, specifying the number of houses available for allotment and the rent and other particulars thereof along with the terms and conditions of allotment.

(2) A copy of the notice shall be affixed on the Notice-Board of the Housing Commissioner and copies will also be pasted in the area where such houses are vacant.

(3) Applications for allotment of houses will be made in Form 'A'.

(4) The Housing Commissioner or an officer authorised by him in this behalf will, after considering the application, issue the allotment order in Form 'B'.

(5) Before occupying a house, the allottee shall have to execute an agreement in Form 'C'.

(6) 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. The conditions of occupation will be such as may be specified in the agreement and as may be prescribed by the Housing Commissioner, from time to time.

(7) Any person desiring allotment of the premises shall be required to deposit a security equal to two months' rent before the allotment order is issued in his favour. This security will be refundable 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 determined by the Housing Commissioner.

(8) The Housing Commissioner may make short-term allotment of houses on application of tenants for occasion like marriage and other ceremonies, if vacant houses are available. Allotment for a period not exceeding a month will be made on the terms and conditions which may be prescribed by the Housing Commissioner. The rate of rent and other incidentals to be charged will be at the following rates :

Allotment for a period not exceeding 15 days. - Economic rent for 15 days plus extra charges for excess water consumption and use of electricity.

Allotment for a period exceeding 15 days but not exceeding a month. - Economic rent for one month plus extra charges for excess water and electricity.

Such short-term allotment may also be made to persons other than eligible industrial workers if the Housing Commissioner finds that there is not sufficient demand from eligible industrial

workers. Such allotments will however, be made on full economic rent as determined for the houses of that colony and after charging security equal to two months' rent at the full economic rates.

The provisions of sub-rules (1) to (7) shall mutatis mutandis apply to a short-term allotment under Rule 8 and the Forms A, B, and C shall also, subject to such adaptations by way of modification, addition or omission as the Housing Commissioner may consider to be necessary, be applicable to the case of such short-term allotment.

16. Payment of rent and other dues and the mode of payment. - The rent and other dues for every house will be payable in cash monthly by the 5th day of the following month. The occupier will have to deposit the rent and other dues in the office of the Housing Commissioner at such time as may be fixed, from time to time :

Provided that the persons authorised by the Housing Commissioner may also collect rent and other dues. A receipt for the payment of rents and other dues will be issued in such form as the Housing Commissioner may prescribe.

17. [Omitted]

18. [Omitted]

19. Procedure of appeal. - (1) Any person preferring an appeal to the State Government under Section 22 of the Act, shall address the appeal to the Secretary to Government in the Labour Department in the form of a memorandum in duplicate setting forth concisely the grounds of objection to the order appealed against and accompanied by a typed attested copy of such order.

(2) If the appeal is preferred against the order of the Housing Commissioner under Section 21, Government may, before admitting the appeal, require the appellant to deposit the arrears of rent or the damages assessed by the Housing Commissioner in such case.

20. Registers and records. - The records and registers shall be maintained in such form as the Housing Commissioner may, from time to time, prescribe.

21. Issue of notices. - A copy of the notice issued by the Housing Commissioner specifying the time and date of payment of rent or damages, or change in the terms and conditions of allotment and any other incidental matter, shall be affixed on the notice board of the Housing Commissioner and such affixation shall be deemed to be sufficient publication of the notice.