

**राज्य सम्पत्ति विभाग के नियंत्रणाधीन भवनों का
आवंटन अधिनियम, 2016**

(उ० प्र० अधिनियम सं० 23, सन् 2016)

**THE ALLOTMENT OF HOUSES UNDER CONTROL OF
THE ESTATE DEPARTMENT ACT, 2016**

(U.P. Act No. 23 of 2016)

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ESTATE DEPARTMENT ACT, 2016

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[As passed by the Uttar Pradesh Legislature and assented to by the Governor on September 14, 2016 and was published in the Uttar Pradesh Gazette, *Extraordinary* dated September 16, 2016.]

Amended by

U. P. Act no. 36 of 2016

U. P. Act no. 02 of 2020

**AN
ACT**

¹“to regulate the allotment of houses under the control of Estate Department of the State Government of Uttar Pradesh to the employees and officers of the State Government, Employees Association , political parties, journalist, officers of All India Service/Judicial Service, Trust and Justices.]”

IT IS HEREBY enacted in the Sixty-seventh Year of the Republic of India as follows:-

Short title

1. This Act may be called the Allotment of Houses under the Control of the Estate Department Act, 2016;

Definitions

2. In this Act, unless the context otherwise requires-

(a) "Allotment" means to authorise a person to occupy a house under the provisions of this Act;

(b) "Estate Officer" means the Officer-in-charge of Estates to the Government of Uttar Pradesh;

(c) "Lucknow" means the area within the jurisdiction of Nagar Nigam Lucknow;

(d) "Residence" means a house and its premises under control of the Estate Department;

(e) "Officer" means an officer or employee of the State Government and includes a member of All-India Service working under the State Government or a member of judicial service working at Lucknow;

(f) "Type" means a type of houses as mentioned in section-3;

(g) "Rent" means the amount payable by a person on account of occupation of a residence allotted to him;

(h) "Trust" means a trust established for social work in the name of renowned person or a trust working for a furtherance of ideals, principles and their social works which is registered under the Indian Trust Act, 1882;

(i) "Society" means a Society registered under the Societies Registration Act, 1860 and are working in the field of social welfare and public interest;

(j) "Political Party" means a party recognized by the Election Commission of India ;

(k) 1[xxxx]

(l) "Employees Association " means an Employees Association which is recognized by the State Government and the head quarter of which is at Lucknow;

(m) "Journalist" means an editor, a sub-editor or a journalist who has been recognized by Information and Public Relations Department from State headquarter level which is serving at whole time worker and the office of the newspaper of which is at Lucknow;

(n) "Unauthorised Occupation" means the unauthorised occupation as defined in the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972 and the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010;

[(o) 'Senior Journalist' means a journalist who has ben related in any manner to any national daily News paper/news, T.V. channel for at least fifteen years and has worked as correspondent or has done the written or editing work as senior level.]²

“³[(p)'Market Rate' means the rate fixed by the rate fixed by the State Government by notification from time to time;

(q) 'Statutory Commission means a Commission constituted by the State Government under any Act.’”]

Type of Houses

3. The type of Houses under control of the Estate Department are as follows:-

Type-i

Type-ii

Type-iii

Type-iv

Type-v

Type-vi

Type-vii

⁴[Provided that the type of houses and their specifications shall be such, as the State Government may by notification specify.]

Eligibility for allotment

4. ⁵[The eligibility for allotment of houses under control of the Estate Department shall be follows:-

Table

Sl. No.	Eligibility of Allotment	Type of Houses
01	Group 'D' employees working under the State Government.	I

1. [Omitt. By Sec. 3 of U.P. Act no. 2 of 2020.](#)

2. [Ins. by s. 2 of U.P. Act No. 36 of 2016.](#)

3. [Ins. by s. 3 \(b\) of U.P. Act No. 2 of 2020](#)

4. [Ins. by s. 4 of U.P. Act No. 2 of 2020](#)

5. [Ins. by s. 5 of U.P. Act No. 2 of 2020.](#)

02	Group 'C' and 'B' Non Gazetted officials working under the State Government.	II
03	(1)Group 'C' Gazetted officers working under the State Government; (2)Gazetted officers of Group 'B' working under the State Government on the post of Review Officer of Uttar Pradesh Civil Secretariat or equivalent thereto.	III
04	(1)Officers of Group 'B' working under the State Government on the post of Section Officer of Uttar Pradesh Civil Secretariat or equivalent thereto. (2)Officers of Group 'B' working under the State Government on the post of Under Secretary or Deputy Secretary or Joint Secretariat or equivalent thereto; (3)Subordinate officers of the Judicial Services; (4)Journalists, Societies and recognized employees associations.	IV
	(5)Non- Government Chairman or Vice-Chairman or members or advisers as may be, nominated/ appointed in various Departments, Corporations , undertakings, Councils, Commissions, Institutions of the State Government subject to availability.	IV (Vidhayak Niwas-3, O.C.R.)
05	(1)Officers of Group 'A' working under the State Government on the post of Special Secretary or Secretary of Uttar Pradesh Civil Secretariat or equivalent thereto; (2)Additional District Judges of higher Judicial Service and the officers of Judicial Service working in the equivalent pay scale; (3)Trusts; (4)Chairman and members of various statutory Commission and Tribunal under the State Government; (5)Senior Journalists.	V
06	(1)Judge of the High Court. (2) Officers of the State Government not below the rank of Principal Secretary; (3) District Judge and the Judicial officers of the equivalent pay-scale; (4) Political Parties; (5)Chairman and Member of Constitutional Commission.]	VI AND VII

Explanation:—For the purposes of this section:—

(a) Group-"B" officers means the Section Officers working in the Secretariat or a gazetted officers of the State Government working in the equivalent pay scale.

(b) Group-"A" officers means a Joint Secretary, Special Secretary or Secretary working in the Secretariat or officers of the State Government working in the equivalent pay scale.

(c) Senior officer means the Principle Secretary or any officer working in the equivalent pay scale or higher pay scale.

Power to allot

5. Type-1 to 4 Houses will be allotted by the Estate Officer and type-5 to 7 houses will be allotted by the Estate Officer with the prior approval of Principle Secretary/Secretary of the Estate Department .

¹[Provided that the allotment of houses to the Non Government Chairman or Vice-Chairman or members or advisers, as may be, nominated/appointed in various Departments, Corporations, undertakings, Councils, Commissions, Institutions of the State Government shall be made by the Estate Officer with the prior approval of the Minister of Estate Department.]

Period of allotment

6. (1) The allotment of Houses to Officers of All India Service, officers of Judicial Service and officers /employees of the State Government shall be allotted for the period of their posting at Lucknow. In the case of transfer/retirement the Allottees shall vacate the residence occupied by them within 30 days from the date of their transfer/retirement.

(2) Allotment to other applicants except trust shall be made for a period of two years and the renewal thereof shall be considered by the State Government for allotment for a period of one year at a time.

²(3) The allotment of houses to a trust will be made for a maximum period of five years and the renewal for a further maximum period of five years may be made by the Estate Department on an application made by the trust.

(4) The allotment of houses to a chairman or member of Statutory Commissions or Tribunals and Non- Government Chairman or Vice- Chairman or member or advisers, as may be, nominated/appointed in various Departments, Corporations, , undertakings, Councils, Commissions, Institutions of the State Government shall be made for the period till the tenure of their posting on the above posts.]

Rent assessment

[7. The rent of the houses allotted under the provisions of this Act shall be charged at market rate in the case of Trust and Society, and in case of other allottees the rent shall be charged at such rate as may be prescribed.]³

Eviction of Houses

[8. The unauthorised occupation by an allottee of this Act shall be evicted under the provisions of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972 and the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010.]⁴

1. [Ins. By sec 6 of UP Act no. 2 of 2020.](#)
2. [Subs. by s. 7 of U.P. Act No. 2 of 2020](#)
3. [Subs. by s. 5 of U.P. Act No. 36 of 2016.](#)
4. [Subs. By s. 6 of U.P. Act No. 36 of 2016.](#)

Power to make rules

9. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Power to remove difficulties

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, for removing such difficulty, by order published in the *Gazette*, direct that the provision of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary and expedient,

(2) No order under the sub-section (1) shall be made after the expiration of a period of two years from the date of commencement of this Act.

(3) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature as soon as may be after it is made.

STATEMENT OF OBJECTS AND REASONS

The allotment of various types of houses under the control of Estate Department are being made to the employees and officers of the State Government, Employees associations, political parties, journalists, officers of All India Service/judicial service, Member of Legislative Council, Member of Legislative Assembly, Trusts, Ministers, Chairman/Deputy Chairman of Legislative Council, Speaker/Deputy Speaker of Legislative Assembly and Justices under the provisions of executive rules and in certain cases under the provisions of statutory rules and Acts by the Estate Department as yet. There is no separate law for this purpose. It has, therefore, been decided to make a law to regulate the allotment of the said houses.

The Allotment of Houses under Control of the Estate Department Bill, 2016 is introduced accordingly.