

THE MAHARASHTRA WORKMEN'S MINIMUM HOUSE RENT ALLOWANCE ACT, 1983

➤ **General :-**

Housing accommodation is one of the basic needs of every human being. The health & job efficiency of a worker depends upon the state of his housing accommodation.

➤ **Object:-**

The object of this Act is to provide for payment of at least certain minimum amount of House Rent Allowance to the Industrial workers. However, the Act does not come in the way of the workers to strive for better service conditions relating to Housing accommodation or House Rent Allowance.

➤ **Date from which Act apply :-**

The Act had been passed in 1983. It has been brought into force from 1st January, 1991 for all factories & establishments in the whole of the state of Maharashtra.

➤ **Applicability:-**

The factories & establishments employing more than 50 workmen are covered under the Act.

➤ **Exemption:-**

The Act empowers the state Government to exempt any establishment from the application of the Act if it is satisfied that it is proper to do so on the ground that, (a) Public Interest (b) Special reason for favorable condition (c) Financial position & other relevant circumstances of the establishment.

➤ **Which establishments are Exempted?**

As per order dated 26.12.1990 the factories and establishments functioning under the authority of Government of India are exempted from the Act.

Minimum Amount of House Rent Allowance payable :-

The amount of H.R.A. a workmen is entitled to get is five (5%) percent of basic wages and Dearness Allowance payable to him during a month or twenty rupees whichever is higher.

However, workman is provided with residential accommodation by the employer and no deduction is made therefore from his wages, he will not be entitled to get H.R.A. under the Act.

➤ **Maximum Amount of House Rent Allowance payable :-**

The Government cannot do so. The Act does not lay down any upper limit regarding the entitlement of the H.R.A.

➤ **Time-Limit for payment of H.R.A. :-**

H.R.A. payable to a workman for any month must be paid within 10 days of the month next following i.e. April salary paid in May.

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➤ **Manner in which H.R.A. deductions are allowed :-**

When employer provides residential accommodation to the workman & deducting H.R.A. from his salary, he cannot deduct more than 5% of his Basic Salary & dearness allowance.

If the deduction is less than 5% of Basic wages & Dearness Allowance than employer has to pay balance amount to the workman as a H.R.A.

➤ **Procedure to follow by workman to claim unpaid H.R.A. :-**

For unpaid H.R.A. workman has to make application to the controlling authority with in a period of one year from the date the H.R.A. become due. The application made after the expiry date may be entertained by the controlling authority if workman shows sufficient cause for the delay.

The controlling authority or the Appellate authority passed an order to recover H.R.A. as if it were a fine imposed by a judicial magistrate.

➤ **Records to be maintained:-**

Every employer has to maintain -

1. Register of H.R.A. in prescribed form
2. A register of workman.

➤ **Penalties for offences:-**

Any person who contravenes or make default in compliance and payment shall be punished with imprisonment for a term which may be extended to one year or fine up to Rs.2000/- or both.

➤ **Exemption of new factories or Establishments:-**

As per order dt.26.12.1990 the factories or Establishments situated in certain areas (C & D category) of the state are exempted from the application of the Act up to 7 years from the accounting year in which the employer starts or has started commercial production.

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