

Bill No. XV of 2011

THE RIGHT TO SHELTER BILL, 2011

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BILL

to provide for the right to shelter to the persons living below poverty line or falling under low income group by providing a dwelling unit to each and every such family in the country and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Shelter Act, 2011.

(2) It shall extend to the whole of India.

5 (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the content otherwise requires,—

(a) “family” means a citizen, his spouse and dependent children;

(b) “fund” means the House Building Fund established under section 7;

10 (c) “persons living below poverty line” means those persons who are declared by the Central Government to be living below poverty line;

Short title,
extent and
commence-
ment.

Definitions.

(d) "prescribed" means prescribed by rules made under this Act;

(e) "shelter" means a dwelling unit comprising at least one living room, one bed room, one kitchen and one toilet.

Central Government to provide a dwelling unit to families living below poverty line.

3. (1) The Central Government shall, with in a period of five years from the commencement of this Act, provide free of cost, one all weather shelter to each family living below poverty line in the country: 5

Provided that while providing the shelter the Central Government shall take into account the number of members in the family.

(2) For the purpose of sub-section (1), the Central Government shall in consultation with the concerned State Government, cause to be notified a list of all families living below poverty line in each State and Union Territory in such manner as may be prescribed. 10

(3) The priority of allotting the shelter in a State or Union Territory shall be determined by draw of lot to be conducted in such manners as may be prescribed.

Central Government to provide a dwelling unit at fifty per cent of the cost.

4. (1) The Central Government shall, within a period of seven years from the commencement of this Act, provide a shelter at 50 per cent of the cost to each family, having an annual income of less than rupees five lakh: 15

Provided that while providing the shelter, the Central Government shall take into account the number of members in the family.

(2) For the purpose of sub-section (1), the Central Government shall in consultation with the State Government, cause to be notified a list of all families having an annual income less than rupees five lakh in each State and Union Territory in such manner as may be prescribed. 20

(3) The priority of allotting the shelter in a State or Union territory under this section shall be determined by the draw of lot to be conducted in such manner as may be prescribed.

Central Government to maintain the dwelling unit.

5. (1) The Central Government shall, after every four years, undertake the maintenance of the dwelling unit given under section 3 to the families living below poverty line and charge such nominal amount for the purpose as may be prescribed. 25

(2) The Central Government shall, after every four years, undertake the maintenance of the dwelling unit given under section 4 to families whose annual income is less than rupees five lakh and charge fifty per cent of the maintenance cost. 30

Succession of dwelling unit.

6. The Central Government shall ensure that on the death of the head of a family living below poverty line or earning less than rupees five lakh annually the title of the dwelling unit shall pass on to the wife.

House Building Fund below poverty line.

7. (1) **The Central Government shall, by notification in the Official Gazette, establish a fund to be known as the House Building Fund for the purposes of this Act.** 35

(2) **There shall be paid into the fund,—**

(a) **amounts received from the Central and the State Government as grant-in-aids;**

(b) **donations received from various sources;**

(c) **such other sums of money as may be prescribed.** 40

(3) **The Central and the State Governments shall contribute in the fund in such ratio as may be prescribed in each case.**

Power to remove difficulty.

8. If any difficulty arises in giving effect to be provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: 45

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

5 **9.** The provisions of this Act and any rule made thereunder shall be in addition to, and not in derogation of, any other law, for the time being in force, providing shelter to persons living below poverty line and earning less than rupees five lakh per annum. Act to have effect in addition to other Acts.

10. The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Roof over one's head is a minimal basic requirement of human being. It gives a feeling of security and lays the foundation of sustainable quality of life. Increasing disparity in income has led to the homelessness in our country. While some people living in palaces or big houses, some don't even have access to a shelter. The housing with its rising cost has become unaffordable. According to an estimate there are around 13 crore homeless people in India. Not only that, each of these homeless have atleast 5-6 members dependent on them that makes a huge section of the country which doesn't have roof over their head. These homeless people face vagaries of weather from chilling cold in winters to heat waves during summer. Many of these homeless people die every year. Most of these homeless persons are poor or live below poverty line.

These homeless people are prone to reduce access to health care, limited access to education, increased risk of suffering from violence and abuse, general discrimination from other people, and most importantly drug abuse. They are wrecked from inside and lost their hopes while living their life in aloofness.

Children of homeless families are often missed out on education and medical treatment and are at the high risk of suffering addiction, abuse and illness. These children often fall into wrong hands and at times become criminals. Therefore, it is in the interest of the society and national building that State should provide shelter.

Ours is a welfare state and it is the duty of the State to ensure that every poor citizen should have roof over his head. It will improve their quality of life, instill a sense of security and lead them to be a healthy and better citizen. Therefore, it is proposed that every family living below poverty line should be provided a dwelling unit free of cost and every family earningless than rupees five lakh should be provided a dwelling unit at 50 per cent of the cost. The proposed Bill also provides for maintenance and succession of the dwelling unit given by Central Government.

Hence, This Bill.

N.K. SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the families living below poverty line shall be provided a dwelling unit free of cost. Clause 4 provides that families earning below rupees five lakh shall be given a dwelling unit at 50 per cent of the cost. Clause 5 provides that Central Government shall also undertake the maintenance of these dwelling units. Clause 7 provides that Central Government shall also contribute to the House Building Fund. The Bill if enacted, is likely to involve a recurring expenditure of rupees five hundred crore. Non-recurring expenditure of rupees one thousand crore is also likely to be involved.

MEMORENDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of legislative powers is of the normal character.

RAJYA SABHA

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(Shri N.K. Singh, M.P.)