

Bill No. 23 of 2022

THE RIGHT TO ADEQUATE HOUSING
(ONE FAMILY-ONE TOILET) BILL, 2022

By

SHRI GOPAL CHINAYYA SHETTY, M.P.

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BILL

to provide for adequate dwelling house free of cost or at such reasonable cost to every homeless family living below poverty line and in slums in the country and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Right to Adequate Housing (One Family-One Toilet) Act, 2022.

5 (2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,
extent and
commencement.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) “appropriate Government” means in the case of a State, the Government of that State, and in all other cases, the Central Government.</p> <p>(b) “Committee” means the Monitoring and Grievance Redressal Committee constituted under section 8;</p> <p>(c) “dwelling house” means a residence consisting of at least one room, one kitchen and one toilet with electricity, water and sanitation facilities;</p> <p>(d) “families living below poverty line” means those families who are declared by the Central Government to be living below poverty line;</p> <p>(e) “Fund” means the House Building Fund constituted under section 7;</p> <p>(f) “prescribed” means prescribed by rules made under this Act; and</p> <p>(g) “slum” includes an area consisting of unplanned and shabbily built and overcrowded houses in unhygienic atmosphere without electricity, water and sanitation facilities.</p>	5
Central Government to provide dwelling house to families living below poverty line and slums.	<p>3. (1) The Central Government shall, from the date of commencement of this Act and by the year 2022, provide free of cost all- weather dwelling house to each homeless family living below poverty line and in slums in the country:</p> <p>Provided that while providing the dwelling house, the Central Government shall take into account the number of members in such family.</p> <p>(2) For the purposes of sub-section (1), the Central Government shall, in consultation with the concerned State Government or Union territory Administration, as the case may be, notify the list of all the slum dwellers and families living below poverty line in such manner as may be prescribed.</p> <p>(3) The priority of the allotment of dwelling houses shall be determined by way of draw of lots in such manner as may be prescribed.</p>	15
Central Government to provide dwelling house at fifty per cent. of cost.	<p>4. (1) The Central Government shall, from the date of commencement of this Act, provide dwelling house at fifty per cent. cost to each family not covered under section 3 of the act but having an annual income of less than rupees four lakh:</p> <p>Provided that while providing the dwelling house, the Central Government shall take into account the number of members in that family.</p> <p>(2) The Central Government shall, for the purposes of sub-section (1),—</p> <p>(a) in consultation with the State Government or the Union territory Administration, as the case may be, cause to be notified a list of all families not covered under section 3 but having an annual income of less than rupees four lakh in each State and Union territory, in such manner as may be prescribed; and</p> <p>(b) provide interest free loan to the family for payment of cost of dwelling houses, in such manner, as may be prescribed.</p> <p>(3) The priority of allotment of a dwelling house in the State or Union territory, as the case may be, shall be determined by way of draw of lots in such manner as may be prescribed.</p>	20
Central Government to maintain dwelling house.	<p>5. (1) The Central Government shall, after every four years, undertake the maintenance of the dwelling houses provided under section 3 to the families living below poverty line and in slums and charge such nominal amount for the purpose as may be prescribed.</p> <p>(2) The Central Government shall, after every four years, undertake the maintenance of dwelling houses provided under section 4 to the families having annual income less than rupees four lakhs and in slums and charge fifty per cent. of the maintenance cost.</p>	30
Succession of dwelling house.	<p>6. The Central Government shall ensure that in the case of death of head of the family living below poverty line or having an annual income of less than rupees four lakh, the title of that dwelling house is transferred to his spouse.</p>	40
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7. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be called the House Building Fund for the poor and families living below poverty line for carry out the purposes of this Act.

House
Building Fund
for families
living below
poverty line.

(2) The Fund shall be credited,—

- 5 (a) the sums received as grants-in-aid from the Central and State Governments such proportion as may be prescribed;
- (b) donations received from private individual and organisations; and
- (c) such other funds, as may be prescribed.

10 **8. (1) The Central Government shall, by notification in the Official Gazette, establish a Committee to be known as the Monitoring and Grievance Redressal Committee to promote and make effective, the process of providing dwelling houses to the poor and the families living below poverty line and redressal of their grievances.**

Establishment
of Monitoring
and Grievance
Redressal
Committee.

(2) The Committee shall consist of,—

- (i) retired Judge of the Supreme Court – Chairperson;
- (ii) Secretary, Union Ministry of Housing and Urban Affairs — member;
- (iii) two renowned persons having experience in working for the poor and below poverty line families – members;
- (iv) ten Secretaries from the Housing Department of State Governments to be nominated on rotation basis – members, to be appointed by the Central Government in such manner as may be prescribed.

(3) The salary and allowance payable to and other terms and conditions of service of the Chairperson and members of the Committee shall be such as may be prescribed.

(4) The Union Ministry of Housing and Urban Affairs shall provide secretarial assistance to the Committee.

25 **9.** The Committee shall,—

- (a) suggest methods for expeditious construction of dwelling house with one family- one toilet in a multi-storey or single storey structure to homeless families living below poverty line and in slums;
- 30 (b) make provision to give ratings to States to ensure that each family living in slum and family living below poverty line gets a dwelling house with one family- one toilet in a specified time with a view to bring competition among different States;
- (c) recommend to the Central Government to curtail and restrict funds provided to the States which lag behind as provided in clause (b);
- 35 (d) ensure penal action against those who construct the houses in violation of the processes of the Act;
- (e) receive and redress complaints from the people regarding their right to houses under this Act;
- 40 (f) suggest from time to time specifications that may be adopted during the construction of houses for slum and for family living under below poverty line; and
- (g) perform such other functions, as may be prescribed.

Functions of the Committee.

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

Power to
remove
difficulties.

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

50 **11.** (1) The Central Government may, by notification in the Official Gazette make rules to carry out the provisions of this Act.

Power to make
rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 5

STATEMENT OF OBJECTS AND REASONS

Housing is an indispensable for ensuring human dignity. Adequate housing not only means having four walls and a roof over one's head, but it also includes other things. In general, housing is essential for a healthy living. It caters to the psychological need of privacy and personal space and physical needs for protection and safety from inclement weather.

Today, when many people live in luxurious bungalows or big houses, still a large number of people do not even have shelter to live. Housing has become out of reach due to rising costs. A large number of slum dwellers are still homeless in the country. Homeless people face the uncertainties of weather, from shivering cold in winter to heat wave during summer. Many of these homeless people die every year due to these harsh conditions. Most of these homeless people are poor or living below poverty line. Proper housing is also essential for the protection of childhood as homeless children always become victims of child abuse and crime.

Still lakhs of people, especially those living below poverty line or in the low income group, do not have a roof over their heads and they are living in contemptuous conditions in settlements, slums and unauthorized slums on the tracks. Therefore, it is felt that the Government should provide at least one housing unit free of cost to every family living below poverty line. Apart from this, persons under low income group should also be provided a housing unit at fifty per cent. of the construction cost. Since the low income families cannot pay the lump sum amount to buy the house, it is proposed that they may be provided with one time interest free loan for this purpose.

Today, there is a need to envision and expedite the process of construction of "one family, one toilet" in multi-storey or single storey structure so that every slum dwellers and every homeless family can get housing within a given period. There is also a need to give rating to the States so that by competing amongst the States, the construction work of "one family, one toilet" can be expedited. For the States which lag behind in the rating of this process, there is also a need to cut or stop their funds. It is also required to ensure the provision of penal action against those persons who construct houses in violation of the rules.

Article 25 of Universal Declaration of Human Rights recognizes as part of the right to a reasonable standard of living. Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) also guarantees the right to an adequate standard of living as part of the right to housing. In addition, the right to adequate housing has been recognized internationally in many other instruments as well. India being a party to international covenants, has an obligation to provide adequate housing to its citizens.

It is a matter of pride for all of us countrymen that Hon'ble Prime Minister has taken important steps to provide housing to the densely populated settlements and slum dwellers of the country like urbanized Dharavi by the year 2022. It has also been envisaged to provide *pucca* house to all by the year 2022 and work in this direction is also going on smoothly in a phased manner across the country. But still there is a need to accelerate this work further, so that the ambitious plan of Hon'ble Prime Minister to provide house to all poor people of the country by the year 2022 can be achieved.

The corona pandemic in the country had huge impact in urban and densely populated and slum areas. A vivid example of this is Asia's largest slum Dharavi in Mumbai metropolitan city of State of Maharashtra, where corona pandemic took a severe form in this dense settlement.

Hence, this Bill, not only will provide poor people living in slums with permanent housing and necessary basic civic facilities, but also will fulfil the Commitment express by our popular Prime Minister of providing *pucca* houses to all by the year 2022.

Hence this Bill.

NEW DELHI;

December 4, 2021

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the families living below poverty line and in slums shall be provided a dwelling house free of cost. Clause 4 provides that families earning below rupees four lakh shall be given a dwelling unit at fifty percent 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. Clause 8 provides for establishment of a Monitoring and Grievance Redressal Committee. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. However, at this stage it is difficult to estimate the recurring Consolidated Fund of India expenditure that may be required from as the same will depend on the number of eligible persons for housing and the decision of the Central Government on the number of housing units to be constructed every year.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character

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(Shri Gopal Chinayya Shetty, M.P.)