

AS INTRODUCED IN LOK SABHA

Bill No. 288 of 2019

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

SHRI JANARDAN SINGH SIGRIWAL, M.P.

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BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2019.

Short title.

Insertion of
new article
21B.

2. After article 21A of the Constitution, the following article shall be inserted,—

“21B. (1) Every citizen shall have the right to shelter in such manner as the State may, by law, determine.

(2) Nothing in clause (1) shall prevent the State from making any provision for fixing criteria for allotment of houses to the citizens. 5

(3) Nothing in this article shall prevent the State from making any special housing schemes for senior citizens, physically challenged persons, persons belonging to the scheduled castes and scheduled tribes, other backward classes, divorced women and other weaker sections of the society.

Explanation.—For the purpose of this article, “shelter” means a dwelling unit with all basic civic amenities.” 10

STATEMENT OF OBJECTS AND REASONS

Even after seven decades of independence, crores of citizens are still homeless. They have to suffer the elements in all its fury—be it winter, summer or rainy season. The problem of homelessness is increasing day-by-day both in rural and urban areas. Population explosion and other social and economic factors are the major reasons for housing shortage in the country. Due to acute shortage of houses in the country, lakhs of poor people are forced to live on the pavements, footpaths, bus shelters, under flyovers and bridges, as they cannot afford houses of their own. Crores of people are living in Jhuggi and Jhopris, kutcha and semi-pucca houses which lack basic facilities like sanitation, electricity, clean water, etc. Shelter is one of the basic human needs. It is necessary that the Government should come forward to ensure adequate housing for homeless citizens not only because it is their right, but, because it is an investment that would guarantee a healthy and satisfied citizens.

The Supreme Court has recognized the right to housing by bringing it within the ambit of right to life. At the same time, housing right has been recognized and reaffirmed in all international and regional covenants, which have been ratified by our country. Hence, the Central and State Governments are under legal obligation to provide adequate housing to the millions of people who are living in absolute homelessness. Therefore, it has become more necessary to incorporate right to shelter as a fundamental right in the Constitution.

The Bill seeks to achieve the above objective.

NEW DELHI;
October 29, 2019.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for incorporation of right to shelter in the Fundamental Rights of the citizens. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact amount of expenditure to be involved. However, it is estimated that an annual recurring expenditure of about rupees ten thousand crore is likely to be involved.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Right to Education.

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LOK SABHA

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further to amend the Constitution of India.

(Shri Janardan Singh 'Sagriwal', M.P.)