

Bill No. 64 of 2019

THE WELFARE OF HOMELESS PERSONS LIVING NEAR
RAILWAY TRACKS, RAILWAY YARDS AND
RAILWAY LAND BILL, 2019

By

SHRI AJAY MISRA 'TANI', M.P.

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BILL

to provide for welfare and rehabilitation measures to be undertaken by Central Government for the homeless citizens living near railway tracks, railway yards and railway land in metropolitan cities and other urban areas and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Welfare of Homeless Persons Living Near Railway Tracks, Railway Yards and Railway Land Act, 2019.

Short title,
extent and
commencement.

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

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

Definitions.

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

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "persons living near railway tracks" include persons living near railway tracks or bridges or yards or under over-bridges or at any public place and land of the railway in metros and urban areas;

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

(d) "railway" means the Union Ministry of Railways.

Formulation of National Policy for the welfare of homeless persons living near the railway tracks.

3. (1) The Central Government shall, within one year of the commencement of this Act, in consultation with State Governments and Union territory Administrations, formulate a National Policy for the welfare of homeless persons living near railway tracks, which shall be uniformly implemented across the country.

(2) Without prejudice to the generality of the foregoing provisions, the National Policy may provide for—

(a) **recognition of the right of the persons living near railway tracks to keep living near railway tracks without any hindrance or interference from police or civic authorities till alternative shelter is made available to them;**

(b) **rehabilitation of persons living near railway tracks on the land of railway, wherever possible;**

(c) **humanitarian approach towards homelessness and acute poverty of persons living near railway tracks;**

(d) **construction of sufficient number of night shelters with basic facilities at conspicuous places;**

(e) **provision of necessary healthcare with free checkup including diagnostic services and medicines through mobile dispensaries;**

(f) **provision of potable water;**

(g) **facility of mobile toilets or *Sulabh Shauchalya*, wherever possible, with facility of bathing;**

(h) **provision of medical facilities for pregnant women living near railway tracks;**

(i) **provision of two time meal for persons living in night shelters at minimum cost;**

(j) **free distribution of mosquito nets and provision of ambulance facility to protect them from malaria, dengue and other vector borne diseases;**

(k) **free education to the children of persons living near railway tracks including provision of free books, uniform, stationery, shoes, hostel facility and other educational material and vocational training and career counselling for the development of such children;**

(l) **necessary assistance in cash or in kind and advice and skill development for self-employment of persons living near railway tracks;**

(m) **rehabilitation of persons engaged in begging in a time bound manner; and**

(n) **such other measures as may be necessary for the purposes of this Act.**

(3) It shall be the duty of appropriate Government to implement welfare measures in such manner as may be prescribed.

- 4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.** Central Government to provide requisite Funds.
5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and the appropriate Government shall be guided on questions of policy by such directions and instructions as may be given by the Central Government: Power to remove difficulty.
10. Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.
6. (1) The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.
15. (2) The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.
7. (1) The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act. Power to make rules.
20. (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.
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STATEMENT OF OBJECTS AND REASONS

A large part of our population is living near railway tracks, yards, below the railway bridges and on the land of railways. Whereas railway needs its own land to meet its increasing demand, the persons living near railway tracks and yards are compelled to live there due to poverty and non-availability of dwelling units for homeless persons. Most of the persons living in illegal settlements in these places are struggling with poverty, starvation and unemployment and lack of facilities of water, health and education. As a result, the number of sick persons are increasing due to adverse effect of unhygienic conditions on their health. These persons are being drawn towards crime due to insecurity and unemployment and lack of proper permanent settlement. And this affects the society at large.

Therefore, it is necessary that the Government rehabilitates these homeless persons living on the land of Railways and if it is not possible, rehabilitate them at some other convenient places. It has also to be ensured that they are not removed from their places till any alternate arrangement is made for their rehabilitation. Moreover, health, education, drinking water and employment should also be provided to them.

Hence this Bill.

NEW DELHI;

AJAY MISRA 'TENT'

June 10, 2019.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of national policy for the welfare of homeless persons living near the railway tracks, which shall include, *inter alia*, rehabilitation of persons living near railway tracks on the land of railway, wherever possible, construction of sufficient number of night shelters with basic facilities, provision of necessary healthcare with free checkup including diagnostic services and medicines through mobile dispensaries, facility of mobile toilets, two time meals, distribution of mosquito nets, free educational facilities to the children and financial assistance to these persons. Clause 4 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore will be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees ten thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 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.

LOK SABHA

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