

Bill No. XI of 2023

THE RIGHT TO PUBLIC SPACE BILL, 2023

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BILL

to provide for free access to public space to all citizens and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Right to Public Space Act, 2023.

Short title
and
commence-
ment.

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

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

Definitions.

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

(b) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called and includes such other authority or body having administrative control or empowered by, or under any law for the time being in force to function as a local authority in any city, town or village;

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

(d) "public space" means any real property or structures thereon or any open spaces including libraries or buildings of other voluntary organizations, where entry is completely free and unrestricted to the general public, under the ownership or jurisdiction of the appropriate Government or local authority;

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(e) "citizen" means any citizen of India;

(f) "walking distance" means a distance of three hundred meters.

Right of citizens to free public space.

3. (1) Every citizen shall have the right of access to a public space at a walking distance from his place of residence.

(2) No citizen shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from accessing public space.

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(3) The appropriate Government shall ensure that public space is empowered with adequate provisions for education, entertainment and physical exercise of citizens.

Special provisions for senior citizens and differently-abled citizens.

4. The appropriate Government shall, while ensuring universal access to public space to all citizens, take special measures to ensure that the senior citizens and the differently-abled citizens are provided equal access to such public space.

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Universal access to public space.

5. (1) The appropriate Government shall ensure that,—

(i) the public space designed and designated under this Act are secular in nature; and

(ii) no citizen, on the grounds of religion, faith, caste, community or ethnicity, is discriminated against, in respect of free access to public space.

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Duty of Appropriate Government and local authority to establish public space.

6. For implementing the provisions of this Act, the appropriate Government and local authority shall notify or establish, where it is not so established, within such area or limits of neighbourhood, as may be prescribed, a public space, within a period of two years from the commencement of this Act.

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Central Government to Provide funds.

7. The Central Government shall provide funds to the State Governments, as grants-in-aid of revenues, to enable them to carry out the purposes of this Act.

Duties of appropriate Government or local authority.

8. (1) It shall be the duty of the appropriate Government or local authority, as the case may be, to—

(a) ensure availability of a free and empowered public space within walking distance and its free access to all citizens;

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(b) ensure that no citizen is discriminated against and prevented from accessing public spaces;

(c) provide infrastructure including building, equipments and staff for carrying out the purposes of this Act.

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9. (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act. Power to make rules.

5 (2) Every rule made by the Central Government under this section 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 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
10 modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

STATEMENT OF OBJECTS AND REASONS

Free access to a deliberative public space is a fundamental human right. Access to empowering, educative and transformative public spaces is the right and necessity for every human being. There is a need for establishment of public spaces where people can meet, discuss, debate, deliberate and learn.

There is an urgent requirement to establish, attain and ensure the right of free access to public space to every citizen of the country.

Therefore, the Central and State Governments and local authorities should take necessary measures to ensure that public spaces are established in every single ward of our Local Self Governing bodies. Further, public spending and resources for the establishment, support and promotion of public spaces should also be increased.

Hence, this Bill.

V. SIVADASAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that no citizen shall be liable to pay any kind of charges or expenses which may prevent him or her from accessing the public space.

Clause 4 provides that the appropriate Government shall take special measures to ensure that senior citizens and differently-abled citizens are provided equal access to public space.

Clause 6 provides that the appropriate Government and local authority shall establish public space.

Clause 7 provides that the Central Government shall provide funds to the State Governments, as grants-in-aid of revenues, to enable them to carry out the purposes of this Bill.

Clause 8 provides that the appropriate Government or the local authority, as the case may be, shall provide infrastructure including building, equipments and staff for carrying out the purposes of this Bill.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is, however, not possible at this stage to estimate the expenditure involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government and the State 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.

RAJYA SABHA

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(Dr. V. Sivadasan, M.P.)