

Bill No. XXII of 2022

THE NATIONAL RIGHT TO LAND AND SHELTER BILL, 2022

A

BILL

to provide for right to land and shelter so as to ensure the realization of constitutionally guaranteed rights of dignity and opportunity to all citizens who are devoid of land and shelter; 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:—

CHAPTER I

PRELIMINARY

- 5 **1.** (1) This Act may be called The National Right to Land and Shelter Act, 2022.
 (2) It extends to the whole of India.
 (3) It shall come into force at once.

Short title,
extent and
commencement.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "adult citizen" means a citizen who has attained the age of eighteen years;</p> <p>(b) "family" includes the adult citizen, his/her spouse, minor children and minor siblings dependent on him/her;</p> <p>Provided that divorcees and widows shall be considered separate families;</p> <p><i>Explanation.</i>—The criteria for selection of the families to be covered under this Act in a State shall be prescribed by the State Commission;</p> <p>(c) "land" means plot of land for dwelling and livelihood purposes of a family that is not shared in common with any person other than a person belonging to the same family;</p> <p>(d) "landless and homeless citizen" means a citizen who does not legally own a house and land including those who legally own less than ten cents (10 cents = 404.6 square meter) of land;</p> <p>(e) "National Commission" means the National Land and Shelter Commission established under section 3 of this Act;</p> <p>(f) "notification" means a notification published in the official Gazette;</p> <p>(g) "prescribed" means prescribed by rules made under this Act;</p> <p>(h) "shelter" means a dwelling unit comprising of at least one living room and bed room each; one kitchen and one toilet; and</p> <p>(i) "State Commission" mean the State Land and Shelter Commission established under section 12 of this Act.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
National right to land and shelter.	<p>3. (1) Every adult citizen shall have the right to hold land of not less than ten cents as provided under this Act.</p> <p>(2) Every family of an adult citizen shall have the right to own a house with carpet area of not less than six hundred square feet, as provided under this Act.</p> <p>(3) The right to land and shelter shall be ensured to the identified eligible citizens by the National Commission or the State Commission within a time period of three years from the commencement of this Act.</p>	<p>25</p>
Ensuring the right to land and shelter.	<p>4. The provisions of section 3 shall be implemented in all the districts of the States and Union Territories within a period of three years.</p>	<p>30</p>
Eligibility.	<p>5. All the landless and homeless citizens shall be eligible to apply and get land and shelter, in such manner as may be prescribed.</p>	
Title.	<p>6. The title to the land and shelter shall be granted in the name of the citizen who is granted land and shelter under this Act.</p>	

CHAPTER II

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NATIONAL RIGHT TO LAND AND SHELTER COMMISSION

Constitution and composition of National Land and Shelter Commission.	<p>7. (1) For the purposes of giving effect to the provisions of section 3, the Central Government shall within four months from the date of commencement of this Act, constitute a National Land and Shelter Commission for providing land and shelter to every landless and homeless citizen of the country, as provided under this Act.</p> <p>(2) The National Commission shall consist of not less than eleven members, as follows:—</p> <p>(i) one retired judge of the Supreme Court—Chairperson;</p> <p>(ii) the Minister in charge of the welfare of Scheduled Castes and Scheduled Tribes in the Central Government—Member <i>ex officio</i>;</p>	<p>40</p> <p>45</p>
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(iii) one reputed lawyer of the Supreme Court or an eminent legal scholar—Member;

(iv) an officer of the rank not less than that of a Secretary of the Central Government—Member;

5 (v) one social scientist of repute and experience—Member;

(vi) five representatives of the State Governments to be nominated in such manner as may be prescribed—Members; and

(vii) one eminent social activist—Member.

10 **(3) The salaries and allowances payable to, and the terms and conditions of service of the Chairperson and Members of the National Commission shall be such as may be prescribed.**

8. (1) The National Commission shall have powers to recommend to the Central Government to acquire land, if needed, for the purposes of this Act.

Power to acquire land.

30 of 2013. 15 (2) The provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to any land which is acquired as specified in sub-section (1).

9. The National Commission shall for the purposes of this Act,—

Responsibilities of National Commission.

(1) recommend to Central Government, the grants due to the State Governments for enforcing the provisions of the Act;

20 (2) recommend regulations, rules and directions for enforcing the Act; and

(3) oversee the implementation of the provisions of this Act in such manner as may be prescribed.

CHAPTER III

STATE RIGHT TO LAND AND SHELTER COMMISSION

25 **10.** (1) For the purposes of giving effect to the provisions of section 3, every State Government shall within four months from the date of commencement of this Act, constitute a State Land and Shelter Commission for providing land and shelter to every landless and homeless citizen in the State.

Constitution and composition of State Land and Shelter Commission.

(2) The State Commission shall consist of not less than seven members as follows:—

30 (i) one retired judge of the High Court of the State—Chairperson;

(ii) the Minister in charge of the welfare of Scheduled Castes and Scheduled Tribes in the State Government—Member *ex officio*;

(iii) one reputed lawyer or an eminent legal scholar—Member;

35 (iv) an officer of the rank not less than that of a Principal Secretary of the State Government—Member;

(v) one social scientist of repute and experience—Member;

(vi) one representative of the Local Self-Government of the State—Member; and

(vii) one eminent social activist—Member.

40 **(3) The salaries and allowances payable to, and the terms and conditions of service of the Chairperson and Members of the State Commission shall be such as may be prescribed.**

11. (1) The State Commission shall identify and prepare an inventory of all the available and suitable Government land such as ceiling surplus land; non-utilized land acquired for industry; land on which the lease has expired and other lands.

Identification and acquiring of land.

45 (2) The land identified under sub-section (1) shall be acquired by the State Government and made available to the State Commission for distribution in such manner as may be prescribed.

(3) The provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to any land which is acquired as specified in sub-section (2). 30 of 2013.

Responsibilities
of State
Commission.

12. (1) The State Commission shall for the purposes of this Act,—

(i) identify the available suitable land for allotment; 5

(ii) formulate the procedure for selection of beneficiaries;

(iii) decide upon the details of social audit to be conducted;

(iv) allot and provide titles and deliver possession of the land and shelter to all eligible families in the State;

(v) establish a grievance redressal mechanism to address grievances arising out of the allotment or implementation of the right to land and shelter, including appeals by citizens who believe they have been wrongly excluded from the list of land and shelter recipients; and 10

(vi) formulate a procedure for wide consultation and co-operation of the Local Self-Governing Bodies, for implementation of the provisions of this Act. 15

(2) The provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to any land which is acquired as specified in sub-section (2). 30 of 2013.

CHAPTER IV

MISCELLANEOUS

Central
Government
to provide
funds.

13. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments, from time to time, for carrying out the purposes of this Act. 20

Power to
make rules.

14. (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 25

(2) The State Governments may by notification in the State Gazette, consistent with this Act and the rules may be the Central Government, make rules for carrying out the purposes of this Act.

(3) 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 modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 30 35

(4) 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. 40

STATEMENT OF OBJECTS AND REASONS

In a society revaged by class and caste inequalities, having a piece of land as one's own often holds the key to self-respect and survival. It is unfortunate that the history of land reforms in many States is a history of betrayal of the oppressed, with the powerful elites retaining their position at the top of the socio-economic hierarchy.

2. As a consequence, landlessness continues to be a defining feature of life in rural and urban India. There are various estimates of landlessness in India as definitions vary. But it is estimated that in terms of the availability of 'land to live' rather than 'land to reside', more than 40% of rural households in India are landless.

3. Without land, a person can never exercise to right to life fully and right to a decent residence has been held a part of right to life by various judicial decisions. Thus providing statutory guarantee to this right will be an essential step to ensure that citizens can fully enjoy their fundamental rights.

4. The National Right to Land and Shelter Act, 2022 will make sure that every landless family in India will have the right to ten cents of land. The Government will constitute such mechanism to ensure that the Act is implemented within three years of the passage of the Act.

Hence, this Bill.

DR. V. SIVADASAN

FINANCIAL MEMORANDUM

Clauses 7 and 10 of the Bill provides for constitution of the National Land and Shelter Commission and State Land and Shelter Commission, respectively to carry out the responsibilities assigned to it. Clause 13 of the Bill provides that the Central Government shall provide funds to the State Governments for carrying out the purposes of the Bill.

2. The expenditure would be met from Consolidated Fund of India which cannot be estimated at present. Recurring expenditure is also likely to be incurred.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government and State Governments to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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to provide for right to land and shelter so as to ensure the realization of constitutionally guaranteed rights of dignity and opportunity to all citizens who are devoid of land and shelter, and for matters connected therewith or incidental thereto.

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