

Bill No. IV of 2011

THE HOMELESS PAVEMENT DWELLERS (WELFARE) BILL, 2011

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BILL

to provide for the welfare measures for the homeless citizens living on the pavements of roads, under the bridges, flyovers, bus stops, railway yards, in parks or under the open sky in any public place in the Metropolitan cities and other urban areas, to be undertaken by the State and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Homeless Pavement Dwellers (Welfare) Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

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

10 (b) "pavement dweller" includes the persons living on the pavement of roads or footpaths, under the bridges, flyovers, bus stops, railway stations or yards, in parks or under the open sky in any public place in the metros and urban areas;

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

National Welfare policy for pavement dwellers.

3. (1) The Central Government shall, in consultation with the Governments of the States and Union Territory Administrations, as soon as may be, but within one year of the commencement of this Act, formulate a national welfare policy for the poor homeless pavement dwellers for being uniformly implemented across the country by the appropriate Governments.

(2) **Without prejudice to the generality of the provisions of sub-section (1) the welfare policy referred to therein may provide for,—** 5

(a) **recognition of right to live on pavements of the dwellers so that they are not chased out by the Police and civic authorities till alternative shelter is made available to them;**

(b) **humanitarian approach towards their homelessness and acute poverty by the authorities of different Government agencies;** 10

(c) **construction of sufficient numbers of night shelters or *Rain Baseras* with basic facilities at conspicuous places;**

(d) **provision of necessary healthcare with free check ups including diagnostic ones and medicines through mobile dispensaries;** 15

(e) **provision of public taps for potable water;**

(f) **facility of mobile toilets or of *Sulabh* toilets wherever possible with bathing facility;**

(g) **facility of bed sheet and *Durry* once a year on per person basis;**

(h) **facility of blanket and woollens for each person during winter season;** 20

(i) **free food for the dwellers twice a day;**

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

(k) **free education to the children of dwellers with provision of free books, stationery and other educational materials dresses, shoes, etc. with hostel facilities in deserving cases and vocational training and career counseling for the growth of such children;** 25

(l) **necessary assistance in cash, kind, advice for self employment of the dwellers;**

(m) **withdrawal from begging and other crimes and reforming them in a time bound manner;** 30

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

(3) It shall be the duty of the appropriate Government to implement the welfare measures prescribed under this Act in letter and spirit and in such manner as may be prescribed.

Central Government to provide requisite funds.

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. 35

Power to remove difficulty.

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 Government of a State shall be guided by such directions and instructions on questions of policy as may be given to it by the Central Government. 40

Act to have overriding effect.

6. The provisions of this Act and of rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matter dealt with in this Act. 45

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Due to population explosion in the Country the problem of homelessness has become quite acute and has become more so in the urban areas. This problem is multiplied when the people from rural areas migrate to urban areas in search of green pastures and pursue their dreams of better life. But having a roof over their heads remains a distant dream for most of them. After the hard work of the day, they chose some pavements to sleep during the night under the open sky. Mumbai is one such Metropolitan city, the financial hub of the nation, which attracts the people from across the country to try their luck in Bollywood or elsewhere and for most of them pavements of Mumbai provide sleeping space. At present millions of people live and subsist on the pavements or footpaths of Mumbai struggling for basic amenities of two square meals and healthcare by various means. Similar is the case of other Metropolitans and other urban areas of the rest of the Country. These poverty stricken pavement dwellers face the vagaries of nature particularly during the rainy and winter seasons. They have no other options but to live in inhuman conditions falling victims of diseases and many a time lose their lives. This winter alone hundreds of such pavement dwellers lost their lives due to severe cold in Delhi and other urban areas of north India.

Ours is a welfare State and it is the duty of the State to protect its citizens who are poor, homeless and end up on the pavements. The State must implement Welfare measures for such citizens of the nation.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the national welfare policy for pavement dwellers which include several amenities for such dwellers. Clause 4 makes it obligatory for the Central Government to provide requisite funds for carrying out the provisions of the Bill. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty thousand crore may involve as recurring expenditure per annum.

A sum of rupees ten thousand crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

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(Shri Rajkumar Dhoot, M.P.)