

AS INTRODUCED IN THE RAJYA SABHA
ON THE 3RD FEBRUARY, 2017

Bill No. LXXII of 2016

THE RIGHT TO ADEQUATE HOUSING BILL, 2016

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BILL

to provide for adequate dwelling house to the families living below poverty line or falling under low income group in the country by providing one free of cost or at such reasonable cost and providing interest free loans to families in low income group for purchase of house and for matter connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India.

1. (1) This Act may be called the Right to Adequate Housing Act, 2016.

(2) It shall extend to the whole of India.

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

Short title,
extent and
commencement.

Definitions	2. In this Act, unless the context otherwise requires,—	
	(a) “Committee” means Monitoring and Grievance Redressal Committee constituted under section 8.	
	(b) “dwelling house” means a house comprising of at least one living room, one bed room, one kitchen and one toilet with electricity, water and sanitation facilities.	5
	(c) “fund” means House Building fund established under section 7.	
	(d) “families living below poverty line” means those families who are declared by the Central Government to be living below poverty line.	
	(e) “prescribed” means prescribed by rules made under this Act.	
Central Government to provide dwelling house to families living below poverty line.	3. (1) The Central Government shall, within period of five years from the commencement of this Act, provide one free of cost, all-weather dwelling house to each family living below poverty line in the country:	10
	Provided that while providing the dwelling house the Central Government shall take into account the number of members in the family.	
	(2) For the purposes of sub-section (1), the Central Government shall, in consultation with the concerned State Government cause to be notified a list of all families living below poverty line in each State and Union Territory in such manner as may be prescribed.	15
	(3) The priority of allotting the dwelling house in a State or Union Territory shall be determined by draw of lot to be conducted in such manner as may be prescribed.	20
Central Government to provide dwelling house at fifty per cent of the cost.	4. (1) The Central Government shall, within a period of seven years from the commencement of this Act, provide dwelling house, at fifty per cent of the cost to each family, having an annual income of less than rupees five lakh:	
	Provided that while providing the dwelling home the Central Government shall take into account the number of members in the family.	25
	(2) For the purpose of sub-section (1), the Central Government shall;	
	(i) in consultation with the State Government cause to be notified a list of all families having an annual income less than rupees five lakh in each State and Union Territory in such manner as may be prescribed.	
	(ii) provide interest free loans to the family to pay the cost of the house in such manner as may be prescribed.	30
	(3) The priority of allotting the dwelling house in a State or Union Territory under this section shall be determined by the draw of lot to be conducted in such manner as may be prescribed.	
Central Government to maintain the dwelling unit.	5. (1) The Central Government shall, after every four years, undertake the maintenance of the dwelling unit given under section 3 of the families living below poverty line and charge such nominal amount for the purpose as may be prescribed.	35
	(2) The Central Government shall, after every four years, undertake the maintenance of the dwelling house given under section 4 of families whose annual income is less than rupees five lakh and charge fifty per cent of the maintenance cost.	40
Succession of dwelling unit.	6. The Central Government shall ensure that on the death of the head of a family living below poverty line or earning less than rupees five lakh annually, the title of the dwelling unit shall pass on to the spouse.	
House Building fund for poor and below poverty line families.	7. (1) The Central Government shall, by notification in the Official Gazette, establish a fund to be known as the House Building Fund for poor and families living below poverty line for the purpose of this Act.	45

(2) There shall be paid into the fund,—

- (a) amounts received from the Central and the State Government as grant-in aid;
- (b) donations received from various sources; and
- (c) such other sums of money as may be prescribed.

5 (3) The Central and the State Governments shall contribute in the fund in such ratio as may be determined in each case.

8. (1) There shall be established a Monitoring and Grievance Redressal Committee to augment and make effective, the process of providing dwelling houses to the poor and families living below poverty line and redressal of their grievances.

Monitoring and Grievance Redressal Committee.

10 (2) The committee shall consist of,—

- (i) a retired judge of Supreme court—Chairperson
- (ii) Secretary of the Ministry of Housing and Urban Poverty Alleviations, Central Government—Member
- (iii) Two eminent persons having experience in working for poor and below poverty line families—Members
- (iv) Four Secretaries of Housing Department, State Governments to be nominated on rotational basis—Members

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(3) The term and conditions of the Chairman and the members of the Committee shall be such as may be prescribed.

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(4) The salary and allowances of the non-governmental members of the Committee shall be such as may be prescribed.

(5) The Ministry of Housing and Urban Poverty Alleviation shall provide secretarial assistance to the Committee.

9. The Committee shall:—

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(i) suggest ways to augment the process of providing housing to poor and families living below the poverty line;

(ii) receive and redress grievances of the people in respect of their right to housing under this Act;

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(iii) suggest from time to time the specification that may be adopted while constructing the houses for poor and families living below the poverty line.

(iv) perform such other functions as may be prescribed.

Functions of the Committee.

35 10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such orders shall be made after expiry of the period of three years from the date of commencement of this Act.

40 11. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, providing homes to families living below poverty line and to families earning less than rupees five lakh per annum.

Act to have effect in addition to other Acts.

12. The Central Government may, by notification in the official Gazette make rules to carry out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Housing forms an indispensable part of ensuring human dignity. Adequate housing encompasses more than just four walls of room and roof over one's head. Housing is essential for normal healthy living. It fulfills deep seated psychological needs for privacy and personal space; physical needs for security and protection from inclement weather. Article 25 of the Universal Declaration of Human Rights recognizes the right to housing as part of right to adequate standard of living. Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) also guarantees the right to housing as part of the right to an adequate standard of living. Besides, the right to adequate housing is also recognized internationally in several other instruments that have focused on the need to protect rights of particular groups such as Convention on the Elimination for all forms of Discrimination Against Women (CEDAW), Convention on the Right of the Child (CRC) and the International Convention on Elimination of Racial Discrimination (CERD). India as party to international covenants has obligation to provide adequate housing to its citizens.

Supreme Court in various judgements such as *Olga Tellis Vs. Bombay Municipal Corporation (1985) 3 SCC 545*; *Shantistar Builders Vs. Narayan Khimalal Totame (1990) 1 SCC 520*; *Chameli Singh Vs. State of Up (1996) 2 SCC 549*; *PG Gupta Vs. State of Gujarat (1995) Supp (2) SCC 182*, *Ahmadabad Municipal Corporation Vs. Nawab Khan Gulab Khan and Others (1997) 11 SCC 121*, has elaborated on the right to adequate housing, shelter and livelihood being part of all encompassing right to life under article 21 of the Constitution. Increasing disparity in income has also led to the homelessness in our country. While some people live in palaces or big houses, some don't even have access to a shelter. The housing with its rising cost has become unaffordable. According to an estimate, there are around fifteen crore homeless people in India. These homeless people face vagaries of weather from chilling cold in winters to heat waves during summer. Many of these homeless people die every year. Most of these homeless persons are poor or live below the poverty line. Adequate housing is also necessary for protection of childhood as homeless child is invariably subjected to child abuse and crime. Still lakhs of persons particularly living below the poverty line or falling within low income group are not having roof over their heads and living in sub-human conditions on pavements, *Bastis*, *Jhuggi-Jhopri* and unauthorised slums. It is the Government's obligation to guarantee that everyone can exercise this right to live in security, peace and dignity. Therefore, it is felt that the Government should provide at least one dwelling house to each family living below poverty line free of cost. Further, the persons falling within low income group should also be given one dwelling house at fifty percent of the cost of construction. Since, poor families cannot afford to pay a lump sum amount to purchase house. It also proposed that they should be given one time interest free loans for the purpose.

Hence, this Bill.

SANJAY SETH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the families living below poverty line shall be provided a dwelling unit free of cost. Clause 4 provides that families earning below rupees five lakh shall be given a dwelling unit at fifty percent of the cost. Clause 5 provides that Central Government shall also undertake the maintenance of these dwelling units. Clause 7 provides that Central Government shall also contribute to the House Building Fund. Clause 8 provides that there shall be a Monitoring and Grievance Redressal Committee. It is difficult to estimate the recurring Consolidated Fund of India expenditure that may be required from as the same will depend on the number of eligible persons for housing and the decision of the Central Government on the number of housing units to be constructed every year. However, a non-recurring cost of rupees one crore will be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of legislative powers is of normal character.

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(Shri Sanjay Seth, M.P.)