

AS INTRODUCED IN THE RAJYA SABHA
ON 6TH DECEMBER, 2019

Bill No. XXXVII of 2019

THE RIGHT TO ADEQUATE HOUSING BILL, 2019

A

BILL

*to provide for adequate dwelling units 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
dwelling units 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 Right to Adequate Housing Act, 2019.

(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 unit" 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) "families living below poverty line" means those families which are declared by the Central Government to be living below poverty line;

(d) "fund" means House Building Fund constituted under section 7; and

(e) "prescribed" means prescribed by rules made under this act.

Central Government to provide dwelling unit to families living below poverty line.

3. (1) The Central Government shall, by notification in the Official Gazette, within period of five years from the commencement of this Act, provide free of cost, all-weather dwelling unit to each family living below poverty line in the country. 10

(2) For the purposes of sub-section (1), the Central Government shall, in consultation with the concerned State Government or Union Territory Administration as the case may be, 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 unit in a State or Union territory shall be determined by draw of lot to be conducted in such manner as may be prescribed.

Central Government to provide dwelling unit at fifty per cent of the cost.

4. (1) The Central Government shall, within a period of six years from the commencement of this Act, provide dwelling unit at fifty per cent of the cost to each family having an annual income of not more than rupees six lakh. 20

(2) For the purpose of sub-section (1), the Central Government shall,—

(i) in consultation with the State Government or Union territory Administrative Administration as the case may be, cause to be notified a list of all families having an annual income less than rupees six lakh in each State and Union Territory in such manner as may be prescribed; and 25

(ii) provide interest free loans to the family to pay the cost of the dwelling unit in such manner as may be prescribed.

(3) The priority of allotting the dwelling unit 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. 30

Central Government to maintain dwelling unit.

5. (1) The Central Government shall, after every five years, undertake the maintenance of the dwelling units given under section 3 to families living below poverty line and charge such nominal amount for the purpose as may be prescribed.

(2) The Central Government shall, after every five years, underdake the maintenance of the dwelling units given under section 4 to families whose annual income is not more than rupees six lakh and charge fifty per cent of the maintenance cost. 35

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 of a family earning not more than rupees six lakh annually, the legal title of the dwelling unit shall pass on to the dependant family members. 40

House Building Fund for poor and families living below poverty line.

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.

(2) There shall be credited to the fund,—

(a) amounts received from the Central and the State Government as grant-in-aid; and 45

(b) donations received from private individuals and Organisations.

8. (1) The Central Government shall, by notification in the Official Gazette, establish a Committee to be known as the Monitoring and Grievance Redressal Committee to augment the process of providing dwelling units to the poor and families living below poverty line and redressal of their grievances.

Monitoring and Grievance Redressal Committee.

(2) The Committee shall consist of,—

(i) a retired judge of Supreme Court—Chairpersons;

(ii) Secretary, Ministry of Housing and Urban Affairs, Central Government—member;

10 **(iii) Chairman, National Buildings Construction Corporation (India) Ltd.,—member;**

(iv) two eminent persons having experience in working for poor and families living below poverty line—members;

15 **(v) four Secretaries of Housing Department from the State Governments to be nominated on rotational basis—members,**

to be appointed by the Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to and other terms and conditions of Services of Chairperson and the members of the Committee shall be such as may be prescribed.

20 **(4) The Ministry of Housing and Urban Affairs shall provide secretarial assistance to the Committee.**

9. The Committee shall,—

Functions of the Committee.

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

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

(iii) suggest, from time to time, the specification that may be adopted while constructing the dwelling units for poor people and families living below the poverty line; and

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

30 **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.

35 **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 dwelling units to families living below poverty line and to families earning less than rupees six lakh per annum.**

Act to supplement other laws.

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

Power to make rules.

40 **(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**
45 **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.**

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 focussed 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 a party to international covenants has obligation to provide adequate housing to its citizens.

The Supreme Court in various judgements 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 winter 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 crores 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-Jhonpri* 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 unit to each family living below poverty line free of cost. Further, the persons falling within low income group should also be given one dwelling unit at fifty per cent of the cost of construction. Since, poor families cannot afford to pay a lump sum amount to purchase house, it is also proposed that they should be given one time interest free loans for the purpose.

Hence, this Bill.

DR. T. SUBBARAMI REDDY

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 six lakh shall be given a dwelling unit at fifty per cent 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 for establishment of a Monitoring and Grievance Redressal Committee.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. However, at this stage it is difficult to estimate the recurring Consolidated Fund of India expenditure that may be required 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. A non-recurring expenditure of about rupees two crore is also likely to 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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(Dr. T. Subbarami Reddy, M.P.)