

**Bill No. 219 of 2017**

**THE REMOVAL OF HOMELESSNESS BILL, 2017**

By

DR. UDIT RAJ, M.P.

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**BILL**

*to remove homelessness in the country by providing for framing of a housing scheme aimed at providing dwelling units with all basic facilities at an affordable cost to every homeless family*

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

**1.** (1) This Act may be called the Removal of Homelessness Act, 2017.

Short title,  
extent and  
commencement.

(2) It extends 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.

**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 all other cases, the Central Government;

(b) “family” means an adult citizen, his spouse and dependent children; and

10 (c) “prescribed” means prescribed by rules made under this Act.

Provision of dwelling units with basic facilities by the appropriate Government.

**3. (1) The appropriate Government shall provide a dwelling unit with all basic facilities at an affordable cost to every homeless family.**

**(2) For the purposes of sub-section (1), the Central Government shall, in consultation with the State Governments, frame a time-bound national housing scheme to remove homelessness in the country.**

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**(3) Notwithstanding anything in sub-section (2), the housing scheme shall provide for dwelling unit free of cost or at concessional rate to senior citizens, physically challenged citizens, citizens belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, citizens staying and sleeping on public roads or in parks, shelters and other public places and such other categories of citizens, as the appropriate Government may deem fit.**

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Appropriate Government to implement housing scheme.

**4. The appropriate Government shall implement the national housing scheme with such targets and in such manner, as may be prescribed.**

Central Government to provide requisite funds.

**5. The Central Government shall, after due appropriation made by Parliament by law, in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.**

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Overriding effect of the Act.

**6. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.**

Act not in derogation of any other law in force.

**7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in respect of any of the matters provided under this Act.**

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Power to make rules.

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

**(2) Every rule made under this Act by the Central Government 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 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.**

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## STATEMENT OF OBJECTS AND REASONS

Housing is one of the basic needs of every human being. Everyone wants to own a house for himself and his family, but there is a huge gap between supply and demand of housing and as a result the homelessness is increasing day by day. Lakhs of people are forced to live under the sky and face the vagaries of weather, be it scorching heat of the summer, torrential rains of the monsoon or chilling cold of the winter. In the cities, particularly in big and metropolitan cities, people live on footpaths, parks, bus stand sheds and other open spaces. A large number of people are also living in jhuggis, jhopris, kucha and semi-pucca hutments in inhuman conditions of filth and garbage without any of the basic amenities.

There are Housing Boards and Authorities in every State to address the housing problem of the citizens. But these Boards and Authorities have failed to meet the demand of housing by the citizens.

The right to safe and appropriate housing has been recognised and reaffirmed in all international and regional covenants and our country has ratified such covenants and, therefore, it is the foremost duty of the State to provide adequate housing to the needy and homeless citizens. Our Supreme Court too has recognized this right as an integral part of the right to life enshrined in article 21 of the Constitution. But in the absence of an effective law it is not possible to address the problem of housing and remove homelessness among citizens of the country.

Hence this Bill.

NEW DELHI;  
*November 28, 2017.*

UDIT RAJ

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide a dwelling unit with basic facilities at affordable cost or free of cost, as the case may be, to every homeless family. Clause 4 provides that the appropriate Government shall implement housing scheme. Clause 5 provides that the Central Government shall provide adequate funds to the State Governments for implementing the provisions of this Act. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand five hundred crore per annum will be involved as recurring expenditure.

A non-recurring expenditure to the tune of rupees five hundred crore will also be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only as the delegation of legislative power is, therefore, of a normal character.

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*(Dr. Udit Raj, M.P.)*