

Bill No. 142 of 2022

THE REHABILITATION AND RELOCATION OF PERSONS
DISPLACED DUE TO CLIMATE CHANGE BILL, 2022

By

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BILL

*to provide for the rehabilitation of persons displaced due to climate change,
realization of their rights of life, health, food, water, shelter,
property and resettlement and for matters
connected therewith.*

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

1. (1) This Act may be called the Rehabilitation and Relocation of Persons Displaced due to Climate Change Act, 2022.

Short title,
extent and
commencement.

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

Definitions.

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

(a) “appropriate Government” means in the case of a State, the Government of that State, and in all other cases, the Central Government; 5

(b) “climate change” means the long-term shifts in temperatures and weather patterns whether natural or man made;

(c) “climate-induced migration” refers to person who have been forced to migrate and leave their traditional habitat, temporarily or permanently owing to climate change that jeopardized their existence and affect the quality of their life; 10

(d) “compensation” means the amount the money rewarded to the displaced person for loss or damage suffered by them;

(e) “forced displacement” means the involuntary migration for displacement of person away from their habitant home caused due to the “conflicts” including persecution, trafficking, and natural disasters which may trigger floods, drought and landslides; 15

(f) “internally displaced person” means those person who, for reasons of sudden or progressive climate change is obliged to leave his habitual place of residence and is in need of a durable resettlement;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “rehabilitation” means the rehabilitating or restoring back the displaced person to their former State due to climate change; 20

(i) “relocation” means relocating displaced persons to other places within the country; and

(j) “resettlement” means an area where displaced persons are resettled by the appropriate Government. 25

Setting up of the National Committee on Internally Displaced Persons.

3. (1) **The Central Government shall, by notification in the official gazette, set up a National Committee to be known as the National Committee on Internally Displaced Persons to solve the issues related to internally displaced persons due to climate change.**

(2) **The National Committee shall consist of one person only (hereinafter referred to as the Presiding Officer) to be appointed by the Central government in such manner as may be prescribed.** 30

(3) The functions of the National Committee shall be such as may be prescribed.

(4) The Salary and allowances payable to, and other terms and conditions of services of Presiding Officer shall be such as may be prescribed.

State Committee on Internally Displaced Persons.

4. (1) **Every State Government shall, as soon as may be, by notification in the official gazette, set up a State Committee to be known as the State Committee or Internally Displaced Persons.** 35

(2) **Each State Committee shall comprise of one Presiding Officer to be appointed by the State Government concerned in such manner as may be prescribed.**

District Committee on Internally Displaced Persons.

5. (1) **Every State Government shall, in each district under its jurisdiction establish a District Committee to be known as the District Committee on Internally Displaced Persons.** 40

(2) Each District Committee shall:—

(a) **consist of a Presiding Officer having experience of not less than ten years in the area of disaster management including rescuing, rehabilitation** 45

resettlement, and providing funds to work in the context of internally displaced victims of climate change, to be appointed by State Government in such manner as may be prescribed.

5 (b) ensure that its officers and employees are trained for handling and managing the internally displaced victims of climate change.

(c) ensure available resources relating to internally displaced persons owing to climate change are so maintained and readily available for use or use of it during such events to trigger and rescue and protect them from such events;

10 (d) ensure that all the projects under it or within its jurisdiction conform to the standard and specifications laid down for prevention and mitigation of disasters by the National Commission, State Commission or the District Commission, as the case may be;

(e) carry out relief, rehabilitation, and reconstruction activities in the affected area; and

15 (f) take such other measures as may be necessary for disaster management.

6. (1) The presiding officer of the National Committee, State Committee or District Committee shall ensure the rehabilitation, relocation and resettlement of the internally displaced persons.

Rehabilitation, Relocation, and Resettlement Schemes for Internally Displaced persons due to Climate Change.

(2) The rehabilitation of the internally displaced persons shall include:—

20 (a) rescuing the displaced families due to climate change from the affected areas and take them to a safer and better place;

(b) providing adequate shelter and basic resources as a relief until proper resettlement is arranged for the displaced; and

25 (c) setting up temporary medical services, health and sanitation awareness workshops and education camps for children.

(3) The Resettlement and relocation of internally displaced persons shall include,—

(a) resettlement of internally displaced persons in a safe and better area;

(b) allotting the habitation site and house to the displaced persons in a safe and better area with adequate facilities and infrastructure;

30 (c) allocating land to the displaced families;

(d) providing land and payment for construction of cattle sheds and petty shops for the displaced families;

(e) allocating one-time grant to artisans and small traders;

35 (f) providing mandatory employment opportunities to the members of the affected families;

(g) constructing and repairing of tubewells, rainwater-harvesting, and water tanks in each home in order to provide safe and healthy drinking water and for use for other purposes;

40 (h) setting up educational institutions and infrastructures for children of the victims of climate change;

(i) issuance of Identity cards to be specified as climate-induced displaced families, so they may be included in the Government allotted schemes and receive benefits from it;

(j) constructing of hospitals with free medical facilities and proper healthcare provision for women and children;

(k) payment of the rehabilitation and resettlement amount to the displaced family:

Provided that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index. 5

Procedure and Manner of Rehabilitation and Resettlement.

7. (1) Where the appropriate Government is satisfied that there is likely to be involuntary internal displacement of persons due to environmental disasters, then, the State Government and local authority shall, by, notification, appoint in respect of that project, an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector to be the Administrator for rehabilitation and resettlement of the displaced persons under this Act. 10

(2) The Administrator appointed under sub-section (1) shall, with a view to enabling him or her to function and efficiently and to meet the special time frame, be provided with such powers, duties, and responsibilities as may be prescribed by the appropriate Government and provided with office infrastructure and be assisted by such officers and employees who shall be subordinate to him as the appropriate Government may decide. 15

(3) Subject to the superintendence, directions, and control of the appropriate Government and the Commissioner for Rehabilitation and Relocation and Resettlement appointed under section 7, the formulation, execution, and monitoring of the rehabilitation, relocation and resettlement of the displaced person shall vest in the Administrator. 20

Commissioner for Rehabilitation, Relocation and Resettlement.

8. (1) The State Government shall appoint an officer of the rank of the Commissioner or Secretary for the rehabilitation and relocation and resettlement of affected families under this act, to be called the Commissioner for Rehabilitation, Relocation and Resettlement.

(2) The Commissioner shall be responsible for formulation and implementation of rehabilitation and relocation and resettlement schemes or plans under this Act. 25

(3) The Commissioner shall be responsible for the post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas, as the case may be.

National Monitoring Committee for Rehabilitation and Resettlement.

9. (1) **The Central Government may, whenever necessary, for national or inter-State projects, constitute a National Monitoring committee in order to review and monitor the implementation of rehabilitation, relocation, and resettlement for internally displaced persons due to climate change schemes or plans under this Act.** 30

(2) **The National Monitoring Committee may, besides having representation of the concerned Ministries and Departments of the Central and State Governments, associate with it eminent experts from the relevant fields.** 35

(3) **The Central Government shall provide officers and other employees to the Committee necessary for its efficient functioning.**

(4) **The procedures to be followed by the National Monitoring Committee and the allowances payable to the experts and officers and employees shall be such as may be prescribed.** 40

State Monitoring Committee.

10. (1) **The State Government shall constitute a State Monitoring Committee in order to review and monitor the implementation of rehabilitation and relocation and resettlement schemes or plans under this Act.**

(2) **The State Monitoring Committee may, besides having representatives of the concerned Ministries and Departments of the State Government, associate with it eminent experts from the relevant fields.** 45

(3) The procedures to be followed by the State Monitoring Committee and the allowances payable to the experts shall be such as may be prescribed by the State.

5 **11.** The States and Union territories shall provide all the relevant information on the matters covered under this Act, to the National Monitoring Committee in a regular and timely manner, and also as and when required.

Appropriate Government to provide information to National Monitoring Committee.

10 **12.** The Central Government shall, be the authority for coordination with the department of forest and climate change, the department of rehabilitation, the department of disaster management, the department of women and child development, the department of social justice and empowerment, the department of law and justice shall collect and maintain data on displacement caused by climate change, including information from-

Collection and Maintenance of data.

(a) the International Organization for Migration;

(b) the United Nations High Commissioner for Refugees;

(c) United Nations International Children's Emergency Fund; and

15 **(d) other international organizations that are collecting such data.**

13. (1) The Central Government shall formulate a specific scheme for internally displaced persons due to climate change providing them with the benefits under the scheme.

Scheme and Fund for Internally Displaced Persons.

20 **(2) The Central Government shall constitute a Fund for Internally Displaced Persons due to Climate Change for carrying out the purpose of this act.**

(3) The fund should be utilized to compensate the affected families due to the climate change.

25 **14. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf provide requisite funds for the effective implementation of this Act.**

Appropriate Government to provide funds.

(2) Each State Government shall, after due appropriation made by the State Legislature in this behalf, provide requisite funds for the effective implementation of this Act.

30 **15. (1)** The Central Government may issue such guidelines to the appropriate government or, as the case may be, the local authority, as it deems fit for the purposes of implementation of the provisions of this act.

Power of appropriate Government to issue guidelines.

(2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the Internally Displaced Persons due to the Climate Change committee regarding the implementation of the provisions of this Act.

35 **(3)** The local authority may issue guidelines and give such directions, as it deems fit, to the Internally Displaced Persons due to the Climate Change committee regarding the implementation of the provisions of this Act.

40 **16.** No suit or other legal proceeding shall lie against the Central Government, the State Government, the National Committee for Internally Displaced Persons due to Climate Change, the State Committee for Internally Displaced Persons due to Climate Change, the local authority or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made thereunder.

Protection of action taken in good faith.

17. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to make rules.

45 **(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 House 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. 5

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature. 10

(4) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

(a) training for officers who will be rescuing the people who were displaced due to the climate change;

(b) The national committee for internally displaced persons due to climate change, the state committee for internally displaced persons due to climate change, and local authorities should be obliged to carry out all functions as prescribed in the act; 15

(c) The form and manner of issuing identity cards to Internally Displaced Persons due to Climate Change by the Committee concerned. 20

Power to remove difficulties.

18. (1) 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 may appear to it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of rehabilitation and relocation of a person displaced due to the climate change act. 25

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

Nearly five million people in India were internally displaced due to climate change and disasters in 2021, the United Nations has said in a report. Climate change is one of the greatest challenges facing the world today and the individuals and communities displaced from their homes and lands as a result of climate change are the human face of this challenge. In India, every year there are always changing weather patterns and events that result in the catastrophe by causing environmental disruption which leads to people being displaced in their own States or country due to climate change, losing their traditional habitat, and fleeing from their homes due to changing weather patterns and events which disrupts their livelihood by destroying their land, homes, and cattles, etc. caused by the extreme weather events such as extreme rainfall which eventually leads to the problem water-logging triggering into floods, especially in coastal areas, cloud-burst in also hilly areas and hilly areas facing with landslides, drought, extreme food issues and etc.

However, the absence of a uniform policy for internally displaced people also lends itself to the broader ignorance of the movement induced by climate change. This is muddled even further when people migrate to new lands and cross borders, often to nations that are devoid of frameworks for the rehabilitation and protection of climate-displaced people.

Presently, the enormity of internal displacements suggests that climate-driven movement will only worsen as the world grapples with an escalating climate emergency.

We are a democratic country and every citizen is entitled to equal rights. Thus, this bill seeks to address the issues related to climate-induced migration that is triggered due to the extreme weather conditions which eventually forces a family to leave their traditional habitat to be in a safe and better place to be protected from such environmental disaster.

The bill seeks to lay down the rehabilitation, relocation, and resettlement of internally displaced victims of climate change in order to provide them with assistance, protection and better facilities.

The bill is a framework to provide the rehabilitation, relocation and resettling the people affected due to the climate change, provide them with housing infrastructure, food, water and basic amenities, providing them with employment opportunities to gain back their lost livelihood.

Hence this Bill.

NEW DELHI;
5 July, 2022.

HEENA VIJAYKUMAR GAVIT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a National Committee on Internally Displaced Persons. It also provides for appointment of a Presiding Officer for the Committee. Clause 8 provides for the Constitution of a National Monitoring Committee by the Central Government. Clause 11 provides for the collection and maintenance of data on displacement caused by climate change. Clause 12 provides for the constitution of a fund for Internally Displaced Persons due to climate change. Clause 13 provides for the appropriate government to provide funds.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the amount but it is estimated that an amount of fifty crore rupees may involve as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 and 17 of the Bill empowers the Central Government make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of normal character.

LOK SABHA

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