

Bill No. 153 of 2021

THE PERSONS LIVING ON RIVERINE ISLANDS IN THE STATE
OF ASSAM (WELFARE AND CENSUS) BILL, 2021

By

SHRI ABDUL KHALEQUE, M.P.

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BILL

to provide for welfare and census of persons living on char or riverine islands in the State of Assam and issue of migration certificate to persons displaced from their place of residence in riverine island due to erosion caused by rivers flowing across the State of Assam and for matters connected therewith.

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

1. (1) This Act may be called the Persons Living on Riverine Islands in the State of Assam (Welfare and Census) Act, 2021.

Short title and commencement.

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

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Definitions.	2. In this Act, unless the context otherwise requires:—	
	(a) “dependent” means parents, children and under aged siblings of the person;	
	(b) “District Committee” means the Committee constituted in each district of the State under section 7;	
	(c) “local officer” includes an officer or employee of Gram Panchayat and officers under the administrative control of district administration or local bodies, as the case may be;	5
	(d) “prescribed” means prescribed by rules made under this Act;	
	(e) “riverine island”, means a landmass, within the State of Assam, surrounded by a river and formed often due to changing course of a river, especially if the river meanders; and	10
	(f) “State Committee” means the State Riverine Committee constituted under section 5.	
Prohibition on discrimination on person living on a riverine island.	3. No person who has lived or is living on a riverine island shall be discriminated against and termed as illegal settler from the date of commencement of this Act if he establishes his residence on riverine islands for such period, as may be prescribed.	15
Central Government to map and designate riverine islands, etc.	4. The Central Government, in consultation with the Government of the State of Assam, shall— (a) map and designate the riverine islands and carry annual census of such mapped areas; and (b) ensure setting up of an early warning system to warn the persons living on riverine islands about flood and other natural calamities.	20
Constitution of State Riverine Committee.	5. (1) The State Government of Assam, shall constitute a Committee to be known as the State Riverine Committee for carrying out the provisions of this Act. (2) The State Riverine Committee shall consist of a Chairperson and such other member as may prescribed. (3) The State Committee shall meet at least once in every four months. (4) The State Committee shall regulate its own procedure. (5) The State Committee shall be provided with such number of officers and staff as may be necessary for the efficient performance of the functions of the Committee under this Act. (6) The salary, allowances payable to, and other terms and conditions of services of officers and employees of the State Committee shall be such as may be prescribed.	25
Functions of the State Committee.	6. The State Committee shall, — (a) cause to conduct a detailed census of the people inhabiting the riverine islands; (b) monitor and keep record of persons who have migrated from riverine islands due to erosion, flood or other natural calamities on a regular basis and provide necessary directives for welfare of such persons to the District Committees;	35 40

(c) maintain list of riverine islands, from time to time;

(d) maintain population count of each riverine island on yearly basis;

(e) supervise the functions of the District Committees; and

5 (f) issue necessary directions to the District Committees for issuance of migration certificates to the displaced person and their dependent family members within fifteen days of displacement through local officers of district administration in such manner as may be prescribed.

10 7. (1) The State Government of Assam shall, in consultation with the State Committee, constitute a District Committee to be known as the District Riverine Committee for every district under its jurisdiction for carrying out the purposes of this Act.

Constitution of District Riverine Committee.

(2) The District Committee shall consist of:—

(a) District Magistrate—Chairperson, *ex-officio*;

15 (b) one Additional District Magistrate, nominated by the District Magistrate—Member-Secretary;

(c) all Sub-divisional Magistrates of the district—Members *ex-officio*;

(d) Superintendent of Police of the district—Member *ex-officio*;

(e) Block Development Officers of the areas concerned—Members *ex-officio*;

(f) Chief Medical Officer—Member *ex-officio*; and

20 (g) Circle Officer of Revenue Circle—Member *ex-officio*.

8. (1) The District Committee shall—

(a) carry out the directions given by the State Committee, from time to time;

25 (b) issue migration certificate, in concurrence to the directions of the State Committee under clause (f) of section 6, to the displaced person and their dependent family members within fifteen days of displacement through local officers; and

(c) instruct local officers to maintain vigil in riverine islands.

(2) The District Committees shall meet at least once in every four month.

(3) The District Committee shall regulate its own procedure.

30 (4) The District Committee shall be provided with such number of officers and staff as may be necessary for the efficient performance of the functions of the Committee under this Act.

(5) The salary and allowances payable to and other terms and conditions of services of officers and employees of the District Committee shall be such as may be prescribed.

35 9. No act or proceedings of the State Committee and the District Committee, as the case may be, shall be questioned or invalid on the ground of existence of any vacancy or defect in the constitution of the Committee(s).

Functions of District Riverine Committee.

Vacancies not to be invalidated.

10. If any difficulties arise in giving effect to the provision of this Act, the Central Government may, by notified order, make such provisions not inconsistent

Power to remove difficulty.

with the provision of this Act as appears to it to be necessary or expedient for removing the difficulties:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Act to have
overriding
effect.

11. The provisions of this Act shall have effect notwithstanding anything 5
contained to the contrary in any other law for the time being in force.

Power to make
rules.

12. (1) The Central Government may, in consultation with the State of Assam,
by notification in the Official Gazette, make rules for carrying out the purposes of this
Act.

(2) Every rule made under this Act by the Central Government shall be laid, as 10
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 15
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.

(3) Every rule made by the State of Assam under this Act shall be laid, as soon 20
as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Assam is a land of rivers, including the mighty Brahmaputra with average width of 5.46 Kilometers. The State suffers heavy loss of lives and properties due to flood and erosion. A large number of persons get displaced and migrate to different places of Assam and are often accused of being 'illegal migrant' despite being residents of the State of Assam for generations.

Whenever these people are asked to prove their citizenship before Foreigners Tribunal, voters list and land documents from earlier place of residence are often stated as false with similar names from different villages by the Tribunal and citizenship is striped. Many of these people land up in detention centres. To reduce arbitrary deprivation of nationality, the need is to issue affected people "certificate of migration due to erosion" by the local administration.

Therefore, it is necessary to enact a law to provide relief to the erosion affected people of the riverine islands in the State of Assam.

Hence, this Bill.

NEW DELHI;
November 21, 2021.

ABDUL KHALEQUE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall map and designate the riverine islands across the State of Assam and carry annual census of such mapped areas. It also provides for setting up of an early warning system to warn the persons living on riverine islands about flood and other natural calamities. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten crore will be involved as recurring expenditure per annum.

No non-recurring expenditure is 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 rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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(Shri Abdul Khaleque, M.P.)