

Bill No. 189 of 2022

THE VICTIMS OF NATURAL CALAMITIES (REHABILITATION AND
FINANCIAL ASSISTANCE) BILL, 2022

By

SHRI D.M. KATHIR ANAND, M.P.

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BILL

*to provide for the rehabilitation and financial assistance to the victims
of natural calamities 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 Victims of Natural Calamities (Rehabilitation and Financial Assistance) Act, 2022.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

(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) “Commissioner” means the Commissioner appointed under section 3;

(b) “natural calamity” includes drought, flood, cyclone, hailstorm, cloud burst, tsunami, landslide or earthquake or such other conditions as may be notified by the appropriate Government from time to time; 5

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

(d) “victim of natural calamity” means a person who suffers physical bodily harm or whose property, including livestock, crop, orchard, field, machine or tools, is lost, destroyed or damaged due to natural calamity and includes, in the case of death of such victim due to natural calamity, his family members. 10

Appointment of Commissioner for providing financial assistance and other benefits to victims of natural calamity.

3. (1) **The Central Government shall, in consultation with the State Governments appoint a Commissioner in such manner as may be prescribed for providing financial assistance and other benefits to the victims of natural calamities.** 15

(2) **The Commissioner appointed under sub-section (1) shall be provided with such staff as may be necessary for efficient discharge of his duties under this Act.**

(3) **It shall be the duty of the Commissioner to ensure provision of food, adequate shelter and financial assistance to the victims of natural calamity in such manner as may be prescribed.** 20

(4) The financial assistance to the victims of natural calamity shall be disbursed as early as possible but not later than three months from the occurrence of the natural calamity. 25

Financial assistance and other benefits to the victims of natural calamity.

4. (1) A claim for receiving financial assistance shall be made in the prescribed form by the victims of natural calamity to the Commissioner, who shall disburse the financial assistance to the victims, after making such inquiry and in such manner, as may be prescribed.

(2) **The victim of natural calamity shall be provided with the following financial assistance and other benefits:—** 30

(a) **in case of loss of life,—**

(i) **financial assistance in the form of a compensation of not less than ten lakh rupees (tax free) shall be given to the next of the kin of the deceased; and** 35

(ii) **suitable employment shall be provided to one of the dependants of the deceased;**

(b) **in case of severe injury,—**

(i) **medical treatment free of cost; and**

(ii) such financial assistance as, in the opinion of the Commissioner, is necessary for his rehabilitation, subject to a minimum amount of rupees two lakh and maximum amount of rupees five lakh;

5 **(c) in case of damage to the dwelling unit, victim shall be provided with such financial assistance as is required for the repair or reconstruction of the damaged dwelling unit;**

(d) in case of irreparable damage to the cultivable land, victim shall be provided with cultivable land of equal area at a reasonable distance from the place of his residence;

10 **(e) in case of damage to the standing crops, victim shall be given compensation in proportion to the losses suffered by him; and**

(f) in case of loss of livestock, victim shall be given adequate financial assistance in proportion to the losses suffered by him.

15 **5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.** Savings.

6. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special 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 the removal of the difficulty: Power to remove difficulties.

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

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

25 **7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.** Power to make rules.

30 (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 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

Our country is prone to various natural calamities such as tsunamis, floods, droughts, storms, hailstorms, cyclones, landslides and earthquakes, which cause extensive damage to life and property. Floods are frequently occurring in the States of Tamil Nadu, Kerala, Andhra Pradesh, Orissa, Assam, West Bengal, Maharashtra and other parts of the country. Droughts are also very common and frequent throughout the country. Tsunami and cyclones cause havoc in the coastal areas whereas storms and hailstorms cause heavy loss of life and property in hilly areas as well as in the nearby plain areas. Now frequent earthquakes have also been causing concern among the people of various regions. The terrible havoc and huge loss of lives, damages to the public and properties caused by the tsunami in the year 2004 in southern States of the country, Tamil Nadu in particular is still in our memory. We have also not forgotten the extensive damage caused by earthquakes in the States of Uttar Pradesh, Maharashtra and Gujarat in the year 1991, 1993 and 2001, respectively. Whenever a natural calamity happens, the nation has to divest its resources towards rescue and rehabilitation processes and on repairs and construction of the roads, bridges, fields, buildings, etc. which put a heavy burden on the exchequer. Fortunately, the entire nation rises to face such calamities but the loss caused thereby can never be recovered by any means.

Of course, the occurrence of natural calamities cannot be stopped but certainly with our combined efforts we can minimise the miseries of the victims of such natural calamities by providing them with timely financial relief and extending the rehabilitation programmes to them. The Central Government has to play the pivotal role in this process, as the State Governments are dependent on Centre to be well equipped to deal with any natural calamities and to provide relief to the victims. Sometimes, delay is caused in rushing relief to the victims due to procedural wrangles. Hence, it is felt that a suitable legislation be enacted to set up a mechanism to help the victims of natural calamities instantly. The Bill seeks to provide for rehabilitation and financial assistance to the victims of natural calamities instantly in case of occurrence of any such calamity in the country.

Hence this Bill.

NEW DELHI;
23 November, 2021.

D.M. KATHIR ANAND

PRESIDENT'S RECOMMENDATIONS UNDER ARTICLES 117(1) AND 117(3) OF THE CONSTITUTION

[Copy of letter No. H-11018/1/2021-DM-I dated 5 August, 2022 from Shri Nityanand Rai, Minister of State in the Ministry of Home Affairs to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Victims of Natural Calamities (Rehabilitation and Financial Assistance) Bill, 2022 Shri D.M. Kathir Anand, Member of Parliament, has recommended the introduction and consideration of the Bill in the House under clauses (1) and (3) of article 117 of the constitution, respectively.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of a commissioner for providing financial assistance and rehabilitation measures to the victims of natural calamities. Clause 4 provides for financial assistance of rupees ten lakhs to the next of kin of a person who dies in any natural calamity and medical treatment for injured persons and other welfare measures for the victims of natural calamities. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact estimate of the actual expenditure to be involved to meet any unpredictable eventuality. However, it is estimated that recurring expenditure of rupees ten thousand crore per annum would be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 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.

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(Shri D.M. Kathir Anand, M.P.)