

Bill No. 61 of 2021

THE VICTIMS OF FLOODS CAUSED BY HEAVY RAINS,
CYCLONES AND OTHER REASONS (REHABILITATION
AND WELFARE) BILL, 2021

By

DR. NISHIKANT DUBEY, M.P.

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BILL

*to provide for the protection and rehabilitation of victims of floods which
may be caused by heavy rains, cloudbursts, cyclones, breached bunds
of dams, reservoirs and other reasons by making various
provisions through a statutory board at national level
which may also suggest measures to be taken by the
Central and the State Governments to control
floods and for matters connected therewith
or incidental thereto.*

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 Victims of Floods caused by Heavy Rains,
Cyclones and Other Reasons (Rehabilitation and Welfare) Act, 2021.

Short title, extent
and commence-
ment.

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(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

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;
- (b) “Board” means the National Board for Rehabilitation and Welfare of Flood Victims established under section 3; and
- (c) “prescribed” means prescribed by rules made under this Act.

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Establishment
of Board

3. (1) The Central Government shall, as soon as may be, but within a period of sixty days from the date of commencement of this Act, by notification in the Official Gazette, establish for the purposes of this Act a Board to be known as the National Board for Rehabilitation and Welfare of Flood Victims for carrying out the purpose of this Act.

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(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

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(3) The headquarters of the Board shall be at Deogarh in the State of Jharkhand and its regional offices shall be located in the capital of each State and Union territory.

(4) The Board shall consist of:—

- (i) a Chairperson, a Deputy Chairperson and six other members to be appointed by the Central Government in such manner as may be prescribed; and
- (ii) not more than one representative from the each State and Union territory to be nominated by the respective State Government and Union territory Administration.

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(5) The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the Board.

(6) The salaries and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson and other members, officers and staff of the Board shall be such as may be prescribed.

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(7) The Board shall comply with such directions as may, from time to time, be given to it by the Central Government.

(8) The Board shall meet at such place and observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed.

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Functions of
the Board.

4. (1) The Board shall discharge such functions as may be necessary for the protection and rehabilitation of victims of floods caused by heavy rains, cloudbursts, cyclones, breached bunds of dams and reservoirs.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Board may also provide for:—

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(a) making a detailed study and analysis of floods caused in the past in the different regions and areas of the country and identify areas in every State and Union territory which are prone to floods;

5 (b) making provision for accelerated water drainage system in the residential areas prone to floods in particular which are near the rivers or the sea, as the case may be;

(c) suggesting policy with regard to construction of houses and commercial establishments near the rivers and beaches;

10 (d) making provision for providing permanent shelters capable of withstanding the severity and intensity of flood waters to the inhabitants of identified floodprone areas;

15 (e) steps to be taken for plantation of trees and shrubs as afforestation measure in and around floodprone areas and in particular near the rivers and hilly areas where landslides are caused by floods or heavy rain to mitigate the gravity of floods and cloudbursts;

(f) installing flood forecasting systems to alert the persons of floodprone areas;

(g) making provision of food, drinking water and other necessities in flood-affected areas during floods in such manner as may be prescribed;

20 (h) making provision for boats and other rescue materials for the rescue of persons in flooded areas;

(i) making recommendations to the Central Government for minimizing the loss of lives and properties in flood affected and flood prone areas;

(j) keeping perpetual surveillance, carrying out inspections and monitoring rescue operations during the floods.

25 **5.** It shall be the duty of the appropriate Government to implement the recommendations of the Board.

Appropriate Government to implement recommendations of the Board.

6. Notwithstanding anything in this Act or any other law for the time being in force, the Central Government shall pay compensation of,—

Compensation in case of death or serious injury during flood.

30 (i) rupees ten lakh to the nearest kin of a person who has lost his life in flood;
(ii) rupee five lakh in case of a serious injury to a person affected by flood.

7. (1) The Board shall prepare, in such form and at such time, as may be prescribed, its annual report, giving a true and full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

Annual Report.

35 (2) The Central Government shall cause the annual report to be laid before each House of Parliament.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf provide to the Board requisite funds every year for the effective implementation of this Act.

Central Government to provide requisite funds.

Act to
supplement
other laws.

9. This Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

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

(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

In several parts of our vast nation floods are a regular phenomenon caused by mother nature's fury every year. Even this year floods have wreaked havoc in various States such as Bihar, Uttar Pradesh, Punjab, Himachal Pradesh, Uttarakhand, Madhya Pradesh, Chhattisgarh, Maharashtra, Assam and Odisha. It has not spared even desert States such as Gujarat and Rajasthan. Bihar, Assam and eastern Uttar Pradesh which face the fury of floods every year caused by rivers emanating from Nepal and China. Apart from the fury of mother nature humans too have contributed immensely in the matter. Polluted environment, unplanned and uncontrolled development in the cities particularly those which are near the rivers and sea, ruthless destruction of jungles, rampant use of plastic, toxic gases, chemicals, etc. lead to disruption in the weather cycle in the country frequently culminating in the fury of floods. The floods devastate quite a large number of villages, cities and damage properties, crops, roads and kill human beings and livestock. The agricultural land also undergoes severe soil erosion. Due to these floods the country suffers huge losses in terms of human lives, livestock, properties, crops, etc. thereby increasing the financial burden of the Governments of the day. At the same time persons become homeless and get displaced and face innumerable problems including safety of their lives.

Though the Central Government and State Governments and their agencies do their level best to provide relief to the victims of floods and their kins by making temporary arrangements of shelter, food etc. for them, it is felt that there still is need to have a permanent statutory body to suggest measures to control floods. As such a National Board needs to be established to exclusively deal with natural calamity of floods in the country.

Hence this Bill.

NEW DELHI;
January 15, 2021

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Board for Rehabilitation and Welfare of Flood Victims. Clause 8 makes it obligatory for the Central Government to provide requisite funds for effective implementation of the provisions of the Bill. 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 one thousand crores rupees may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of five hundred crore rupees may also involve for creating assets.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 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 therefore of a normal character.

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to provide for the protection and rehabilitation of victims of floods which may be caused by heavy rains, cloudbursts, cyclones, breached bunds of dams, reservoirs and other reasons by making various provisions through a statutory board at national level which may also suggest measures to be taken by the Central and the State Governments to control floods and for matters connected therewith or incidental thereto

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