

Bill No. XXXIII of 2024

THE PROTECTION OF RIGHTS OF PERSONS AFFECTED BY
NATURAL DISASTER BILL, 2024

A
BILL

to provide for protecting the interests and rights of persons affected by the impact of recurring natural disasters due to climate change and other factors by constitution of a National Commission for Natural Disaster Affected Persons for the said purpose and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Protection of Rights of Persons Affected by Natural Disaster Act, 2024.

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.

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

Definitions.

(a) “Commission” means the National Commission for Natural Disaster Affected Persons constituted under Section 4 of this Act.

(b) “natural disaster” means any calamity, catastrophe, or grave occurrence arising from natural rather than human-driven causes, such as earthquake, cyclone, floods, tsunami, droughts, cloudburst, landslides, lightning strikes, forest fires, epidemics etc. affecting a large area and resulting in substantial loss of human life or damage to and destruction of, private property, or public infrastructure, or damage to, or degradation of the natural environment, and so declared by a notification by the Central Government; 5

(c) “natural disaster affected persons” means the persons residing in regions, particularly coastal belts, mountainous regions and other areas which are particularly vulnerable to natural disaster; and 10

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

Notifying
regions as
disaster prone

3. The Central Government shall, on recommendation of the Commission constituted under Section 4 of this Act, notify the regions which are particularly vulnerable to climate change, as ‘natural disaster-prone areas’ in the Official Gazette; 15

Constitution of
a National
Commission for
Natural Disaster
Affected
Persons.

4. (1) **The Central Government shall, within six months of the commencement of this Act, by notification in the official Gazette, constitute a body to be known as the National Commission for Natural Disaster Affected Persons to exercise the powers conferred upon and to perform such functions as assigned to it, under this Act.** 20

(2) The Commission shall consist of the following: —

- (i) the Union Minister of Environment, Forest and Climate Change – Chairperson, *ex-officio*; 25
- (ii) the Principal Scientific Advisor to the Government of India – Member, *ex-officio*;
- (iii) the Chairperson, National Disaster Management Authority – Member, *ex-officio*;
- (iv) one environmental activist to be nominated by the President of India in such manner as may be prescribed – Member; and 30
- (v) one member to be nominated from each State by the respective State Government in such manner as may be prescribed – Members.

(3) The headquarters of the Commission shall be at New Delhi. 35

(4) The Commission may establish its offices at such other places within the country, as it may deem necessary for carrying out the purposes of this Act.

(5) **The salary and allowances payable to, and other terms and conditions of service of the non-official Members of the Commission shall be such as may be prescribed by the Central Government.** 40

Duty and
functions of the
Commission.

5. (1) The Commission shall perform all or any of the following functions, namely –

(a) lay down a national policy and guidelines for protection of the rights and interests of natural disaster affected persons during all 45

stages of disaster management, including preparedness, response, recovery, and rehabilitation;

5 (b) formulate schemes and plans for management of natural disasters across the country including mechanism for forewarning and damage control measures to be taken in anticipation of such disasters to minimize and mitigate the devastation and destruction resulting therefrom;

(c) management of immediate relief and rehabilitation of natural disaster affected persons;

10 (d) **study and identify regions which are prone to recurring natural disasters and particularly vulnerable to climate change impacts and make recommendations to the Central Government to notify such regions as "natural disaster-prone areas" in the Official Gazette;**

15 (e) recommend to the Central Government to provide special financial assistance to the States or Union Territories in which natural disaster prone areas are located for the purpose of undertaking recovery, mitigation and preventive measures such as provision of adequate compensation based on the Commission's field assessment of the nature and quantum of loss of lives and property or damage thereto;

20 (f) **constantly monitor the increasing impact of climate change and submit policy recommendations to the Central Government, which shall address the concerns of such regions while allocating resources;**

25 (g) receive and examine complaints regarding violation of the rights of natural disaster affected persons including negligence or failure in providing timely relief and rehabilitation or non-compliance of the policy and guidelines issued by it from time to time and recommend appropriate action in the matter; and

30 (h) such other functions, as it may consider necessary, for implementation of the provisions of this Act and any other matters incidental to the above functions.

35 (2) The Commission shall have the power to regulate its own procedure related to the functions enumerated in sub-section (1) and for matters connected therewith.

6. (1) The Commission may appoint such number of officers and staff as it may consider necessary for the efficient discharge of its functions under this Act.

Secretariat of the Commission.

40 (2) **The mode of recruitment, the salary and allowances payable to, and other terms and conditions of service of the officers and staff of the Commission appointed under sub-section (1) shall be such as may be prescribed.**

Central Government to provide adequate funds to the Commission. Accounts and Audit.

7. The Central Government shall, after due appropriation made by Parliament by law on this behalf, grant such sums of money to the Commission, as it may think fit, for carrying out the purposes of this Act.

8. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India. 5
(2) The accounts of the Commission as audited and certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually by the Commission to the Central Government which shall cause the same to be laid, as soon as may be after it is received, before each House of Parliament. 10

Annual Report of the Commission.

9. (1) The Commission shall prepare every year, in such form and within such time as may be prescribed by the Central Government an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government. 15
(2) The Central Government shall cause the annual and special reports of the Commission to be laid before each House of Parliament along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any, within a period of one year from the date of receipt of such report. 20

Act not in derogation of any other law.

10. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force. 25

Act to have an overriding effect.

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

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing such difficulty. 30

Power to make rules.

13. (1) The Central Government may, by notification in the Official Gazette, make rules, for carrying out the provisions of this Act. 35
(2) Every rule made by the Central Government under this section 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 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. 40 45

STATEMENT OF OBJECTS AND REASONS

According to reports from several international agencies, during the period from 1970 to 2019, natural hazards accounted for 50 per cent. of all disasters, 45 per cent. of all reported deaths and 74 per cent. of all reported economic losses.

Globally, there were more than 11,000 reported disasters attributed to these hazards, with over two million deaths and \$3.64 trillion in economic losses. More than 91 per cent. of these deaths occurred in developing countries. Meanwhile, economic losses have increased sevenfold globally, rising from an average of \$49 million in 1970s, to a staggering \$383 million per day in 2010s.

India as a country with a vast land area and high population density has found itself in the cusp of many natural disasters which take away the lives of hundreds of innocent people and result in huge economic losses.

There is a need to ensure that the regions which are particularly vulnerable to climate change-induced disasters are not left alone and are supported by the nation so that an equitable growth and development is made possible for all areas of the country. States which are repeatedly facing recurring natural disasters needs special assistance and attention, so that they do not lag behind in development.

The Bill proposes to constitute a National Commission for Natural Disaster Affected Persons for protecting the interests and rights of persons affected by the impact of natural disasters arising due to climate change and other factors by constant monitoring of the increasing impact of climate change and make policy recommendations to the Central Government to mitigate its adverse effects on the vulnerable population.

Hence, this Bill.

V. SIVADASAN

FINANCIAL MEMORANDUM

Clause 4 provides for the constitution of the National Commission for Natural Disaster Affected Persons and the appointment of a Chairperson and Members therein as well as the salary and allowances payable to, and other terms and conditions of service of the Chairperson and Members of the Commission. Clause 5 lays down the duties and functions of the Commission including the study and identification of regions which are prone to natural disasters and particularly vulnerable to climate change impacts and to constantly monitor the increasing impact of climate change and submit policy recommendations to the Central Government in this regard. Clause 6 provides for the establishment of a Secretariat to support the functioning of the Commission and the salary and allowances payable to and other terms and conditions of service of the officers and staff of the Commission. Clause 7 of the Bill provides that the Central Government shall, after due appropriation made by Parliament by law in this behalf, grant such sums of money to the Commission, as it may think fit, for carrying out the purposes of this Act.

The Bill, therefore, if enacted, would involve both non-recurring and recurring expenditure from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the appropriate 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.

RAJYA SABHA

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(Dr. V. Sivadasan, M.P.)