

**Bill No. XXXIV of 2015**

THE PREVENTION OF DEATHS DUE TO HEAT AND  
COLD WAVES BILL, 2015

A

BILL

*to provide for the prevention of human deaths caused by heat stroke during summer and chilling cold during winter seasons by declaring heatwave and coldwave as national calamity and for making provisions for advance preparedness to face these natural calamities immediately on predictions of meteorological department making provision for providing woolens, setting up night shelters, community bonfires etc. during winters and for drinking water, ORS packets, Mango panna, cooling space and shades at conspicuous places, free ration and other needs for the poor homeless workers and daily wage earners during summer and for payment of compensation to the kins of those losing lives in heat or cold wave, as the case may be, by the Central and the State Governments and for matters connected therewith and incidental thereto.*

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

1. (1) This Act may be called the Prevention of Deaths Due to Heat and Cold Waves Act, 2015.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

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

Definitions.	<p><b>2.</b> In this Act, unless the context otherwise requires,—</p> <p>(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases the Central Government;</p> <p>(b) “prescribed” means prescribed by rules made under this Act.</p>	
Declaration of heat wave and cold wave as national calamity.	<p><b>3.</b> The natural calamity of severe heat wave or cold wave in which people lose their lives are hereby declared respectively to be National calamity and shall be dealt with by the appropriate Government accordingly.</p>	5
Meteorological Centres to inform the appropriate Government about prediction of heat or cold wave.	<p><b>4.</b> (1) The Central and regional Meteorological centres shall inform the appropriate Government about prediction detailing the likely occurrence of severe heat or cold wave, as the case may be, in their areas natural calamity with such, in such manner as may be prescribed.</p> <p>(2) On receipt of the prediction of the Meteorological Centre under sub-section (1), the appropriate Government shall alert its Ministries or departments dealing with agriculture, drinking water, social justice, food and others as it may deem necessary to be ready with their action plans to face the natural calamity and disaster which may likely be caused by such natural calamity.</p>	10 15
Setting up of night shelters, cooling spaces and shades etc. by appropriate Government.	<p><b>5.</b> (1) The appropriate Government shall set up at conspicuous places within its territorial jurisdiction:—</p> <p>(a) night shelters for the homeless people with such amenities and facilities for the summer, rainy and winter seasons as may be prescribed.</p> <p>(b) cooling spaces, shades in the fields for the agricultural workers, near the site of construction for construction workers, near roads and highways for the workers engaged in construction of roads or highways and at such other places as the appropriate Government may deem necessary for the daily wage earners, rickshaw or cart pullers, porters, roadside mechanics etc. with facility of drinking water, ORS packets, mango <i>panna</i> etc. in such manner as may be prescribed.</p> <p>(2) It shall be the duty of the Department of Health of the appropriate Government to announce and implement guidelines on dealing with cold wave or heat wave patients, as the case may be, in such manner as may be prescribed.</p> <p>(3) Notwithstanding anything contained in any other law for the time being in force agricultural workers, construction workers and workers who work in the open including porters, cart pullers, rickshaw pullers etc. shall be allowed rest between 12 Noon and 3 PM during summer season in such manner as may be prescribed.</p>	20 25 30
Long term plan to prevent deaths due to cold and heat waves.	<p><b>6.</b> (1) The appropriate Government shall prepare within six months of the commencement of this Act, a long term action plan in order to increase preparedness, information sharing and response coordination between various Ministries and Departments of such Government to reduce the health impacts particularly deaths due to extreme heat or cold, as the case may be, on vulnerable population with in its territorial jurisdiction.</p> <p>(2) While implementing the long term action plan prepared under sub-section (1) the appropriate Government shall make use of Short Message service (SMS) e-Mail, Radio, Television, Mobile apps and services of village Panchayats to alert the people about extreme heat and cold conditions, as the case may be.</p>	35 40
Penalty.	<p><b>7.</b> Whoever contravenes the provisions of sub-section (3) of section 5 of this Act shall be punished with imprisonment for one month and also with fine which may extend to two lakh rupees.</p>	
Compensation to the kin of the victims.	<p><b>8.</b> The appropriate Government shall pay to the nearest kin of the victim of heat wave or cold wave, as the case may be, who lose his life, a compensation of minimum of three lakhs rupees in such manner as may be prescribed.</p>	45

9. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act. Central Government to provide funds.
- 5 10. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any other instrument having effect by virtue of any law other than this Act. Act to have overriding effect.
11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act. Act to supplement other laws.
- 10 12. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

Every year our Nation faces extreme weather conditions in the form of heatwave, rains and cold wave in which many people, particularly the poorer ones lose their lives. For instance in the heatwave of this year 2015 death toll crossed the 2000 mark in May itself. This has become the fifth deadliest ever heatwave in the world and the second deadliest in India according to an International database of disasters. The deadliest heatwave on record in India was in 1998 which killed 2541 people. The most lethal heatwave in the globe was the one that crippled Europe in 2003 killing 71,310 people. In the list of top ten deadliest disasters Indian heatwaves figure four times-1998, 2002, 2003 and 2015. Unsurprisingly, six of the top ten heatwaves in terms of deaths have occurred in the 21st Century which has also recorded eight of the ten warmest years ever since records of global temperatures have started being kept. 2014 was tied as the warmest year on record with 1998 whereas the first quarter of 2015 was declared warmest on record. Unfortunately the poor who are poorly fed and have no option but to work in the scorching heat and chilling cold to get two square meals are vulnerable to these extreme weather conditions and lose their lives. The death tolls from heatwaves are very difficult to estimate since excess heat is typically not listed as the primary cause of death in cases where the victim has a pre-existing condition such as heart or lung disease. This means that in most of the cases especially in India the actual death toll will be much higher in all the listed events including the spell of heatwave of 2015.

It is only after Prime Minister's appeal to take precautions against the heatwave that killed nearly 2300 people in the month of May across the Country particularly in Telengana, Andhra Pradesh, Odisha and other parts of the Country that the National Disaster Management Authority (NDMA) has started working on it. There is need to declare heatwave and coldwave as National calamity. Immediate as well as long term action plans to increase preparedness, information sharing through various means, increasing communication on prevention methods, access to potable drinking water and cooling space etc. are required to prevent deaths due to heatwave and availability to *rain baseraas*, woolens, medicines and food for the poorest of the poor may prevent deaths during chilling winters. This is the minimum which has to be done for the poorest of the poor in a welfare State like ours.

Hence this Bill.

RAJ KUMAR DHOOT

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for miscellaneous provisions for setting up of night shelters, cooling spaces and shades etc. by the Government. Clause 8 provides for compensation to the kin of the victims. Clause 9 makes it mandatory for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees twenty five thousand crore may also involve for creating assets throughout the Country.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

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*(Shri Rajkumar Dhoot, M.P.)*