

AS INTRODUCED IN THE RAJYA SABHA
ON THE 15TH DECEMBER, 2017

Bill No. XXXIV of 2017

THE FLOOD AND DROUGHT CONTROL BILL, 2017

A

BILL

*to provide for the setting up of a National Flood and Drought Control Board
to control flood and drought and for matters connected therewith and
incidental thereto*

WHEREAS entry 56 of List I-Union List of the Seventh Schedule to the Constitution provides for regulation and development of Inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest;

AND WHEREAS a lot of havoc is caused by floods and drought every year in almost all parts of the country;

AND WHEREAS it is expedient in the public interest to take effective measures for flood control and checking drought.

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

1. (1) This Act may be called the Flood and Drought Control Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

Definitions.

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

(a) “Board” means the National Flood and Drought Control Board established under section 3 of this Act; and 5

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

Establishment
of the
National
Flood and
Drought
Control
Board.

3. (1) The Central Government shall establish, by notification in the Official Gazette, a Board to be known as the National Flood and Drought Control Board for performing functions assigned under this Act. 10

(2) The Head Office of the Board shall be at National Capital Territory of Delhi or at such other place, as the Central Government may by notification in the Official Gazette establish.

(3) The Board shall consist of,—

(a) a Chairperson, who shall be an expert dealing with flood and drought control, to be appointed by the Central Government; and 15

(b) a member each from every State Government and Union Territory, who shall be expert on flood control measures and drought management, to be nominated by the Central Government in such manner as may be prescribed.

(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson and other Members of the Board shall be such as may be prescribed. 20

(5) The Central Government shall make available to the Board such officers and staff as may be required for efficient functioning of the Board.

Functions of
Board.

4. The functions of the Board shall be,—

(a) to identify areas which are prone to floods and droughts; 25

(b) to suggest measures for flood and drought control;

(c) to make a time bound plan for inter-linking of rivers which are prone to floods with the ones which are not;

(d) to suggest measures for the development of land in areas which are prone to floods and drought; 30

(e) to install flood forecasting system in such areas which are prone to floods and warn the inhabitants in those areas to move out to safer places in case floods and droughts are forecast in the area;

(f) advise the State Governments on the preventive measures and rescue and rehabilitation during floods; and 35

(g) advise the State Governments for proper storage of rain water and construction of dams.

Ratio of
Expenditure
to be borne by
the Central
and State
Government.

5. The expenditure involved in the flood and drought control measures as suggested by the Board shall be borne by the Central Government and the State Governments in such ratio, as may be determined by the Board. 40

Recommendations
of the Board.

6. (1) The Board shall from time to time make recommendations to the Central Government on the flood and drought control measures.

(2) The Central Government shall implement, as far as practicable, all the recommendations of the Board:

5 Provided that where it is felt that any recommendation of the Board cannot be implemented due to any reason, the Central Government may, for the reasons to be recorded in writing inform the Board, accordingly.

7. The Board shall prepare once in every financial year, in such form as may be prescribed, 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 which shall cause the same to be laid before each House of Parliament.

Annual
Report.

10 **8. (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.

15 (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

India is the land of many great rivers. Floods occur in almost all river basins of the country and at the same time many parts of the country are affected by drought. The water resources of the country are not being fully utilized. Every year there are floods which cause immense loss of life and property and the same can be said about drought. Whereas in some parts of the country there are floods, there is drought in other parts. The national resources, flora and fauna are damaged by floods. The problem, therefore, needs to be addressed urgently to mitigate the effects of floods and droughts. Therefore, it is expedient in public interest to evolve an integrated and scientific approach to the flood control and dealing with droughts and to draw out a national plan fixing priorities for implementation of strategies in the future. The Bill seeks to provide for the setting up of a National Flood and Droughts Control Board to suggest measures to prevent and control floods and to mitigate droughts in the country.

Hence this Bill.

DR. T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a National Flood and Drought Control Board. Clause 5 provides that the expenditure on flood control measures suggested by the Board shall be borne by the Central Government and the State Governments. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of the respective State and the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum. A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of administrative details and procedure and as such the delegation of legislative power is of a normal character.

RAJYA SABHA

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(Dr. T. Subbarami Reddy, M.P.)