

20– 09 – 2024

News: Disaster Management (Amendment) Bill, 2024

- Recently, the central government introduced the Disaster Management (Amendment) Bill, 2024 in the Lok Sabha, to amend the existing Disaster Management Act, 2005.

Disaster Management (Amendment) Bill, 2024

- Disaster Management (Amendment) Bill, 2024 **seeks to amend the Disaster Management Act of 2005.**

Key Provisions of Disaster Management (Amendment) Bill, 2024

- **Preparation of Disaster Management Plans:** Under the 2005 Act, **the National Executive Committee (NEC) and State Executive Committees (SECs) were responsible for assisting the National Disaster Management Authority (NDMA) and State Disaster Management Authorities (SDMAs) in preparing disaster management plans.**
- **The Bill proposes that NDMA and SDMA directly prepare their respective national and state disaster management plans, bypassing the NEC and SECs.**

- The **NDMA's responsibilities** will be expanded to include periodic assessments of disaster risks.
- **National and State Disaster Database:** The **Bill** mandates the creation of a comprehensive disaster database at both national and State levels.
- This database will cover aspects such as disaster assessment, fund allocation, expenditure, preparedness plans, and risk registers.
- **Appointments to NDMA:** Currently, the central government appoints officers and employees to NDMA.
- The **Bill** allows NDMA to specify its own staffing needs and appoint experts with central government approval.
- **Urban Disaster Management Authority:** The **Bill** introduces Urban Disaster Management Authorities (UDMA) for state capitals and large cities, except for the National Capital Territory of Delhi and Union territory of Chandigarh.
- These authorities will be led by municipal commissioners and district collectors, focusing on urban disaster management planning and implementation.
- **State Disaster Response Force:** The 2005 Act provides for a National Disaster Response Force (NDRF) for specialised disaster response.

- The **Bill** empowers state governments to create State Disaster Response Forces (SDRFs) with defined functions and terms of service, enhancing local response capabilities.
- **Statutory Status to Existing Committees:** The **Bill** grants statutory status to the National Crisis Management Committee (NCMC) and the High-Level Committee (HLC), which will handle major disasters and financial assistance respectively.
- The **NCMC** will be led by the Cabinet Secretary and the **HLC** by the Minister overseeing disaster management.
- **Penalties and Directives:** The **Bill** seeks to insert a new Section 60A to empower the Central and State governments to direct any person to take any action or refrain from taking any action for reducing the impact of a disaster and to impose a penalty not exceeding Rs 10,000.

Concerns Regarding the Disaster Management (Amendment) Bill, 2024

- **Centralisation of Power:** The **Bill** further centralises an already heavily-centralised Disaster Management Act, 2005, creating more authorities and committees at various levels, complicating the chain of action and leading to delayed disaster response, contrary to the Act's intent.

- The **Bill** dilutes the National Disaster Response Fund (NDRF) by removing specific usage guidelines, exacerbating concerns about centralisation in disaster response.
- The centralisation has previously led to delays, as seen with the slow disbursement of funds to Tamil Nadu and Karnataka.
- **Inadequate Local Resources:** The **Bill** does not address the potential lack of resources and funding at the local level for setting up and maintaining UDMA's.
- This gap could undermine the effectiveness of these new entities in disaster management.
- **Ensuring Disaster Relief as a Legal Right:** The **Bill** does not address the need to make disaster relief a justiciable right (can be enforced in court if they are violated), despite the moral obligation of the state to provide relief.
- Relief measures vary significantly across states and even within states for similar disasters.
- **Integrating Climate Change:** The **Bill** lacks provisions to fully integrate climate change impacts into disaster risk management. Despite international agreements like the Sendai Framework and Paris Agreement 2015, the **Bill** falls short in addressing climate-induced risks.
- **Integration Issues:** The transition of responsibilities from the National Executive Committee and State Executive Committees to the NDMA and

SDMAs could face integration issues, particularly in aligning new roles with existing frameworks.

- In the proposed bill there is no clear mechanism for effective collaboration among various stakeholders, including government agencies, Non-governmental Organizations (NGOs), private sectors, and the general public.
- Recent disasters highlight the need for better governance and coordination to handle complex and emerging risks.
- **Restricted Definition of 'Disaster':** The government currently does not plan to classify heatwaves as a notified disaster under the Disaster Management Act, 2005, despite the increasing frequency and impact of heatwaves in India.
- The definition of "disaster" in the Act remains restricted and static, failing to adequately address climate-induced disasters like heatwaves, which display regional variability and gradation.
- **Impact on Federal Dynamics:** The Bill may exacerbate tensions between central and State governments by centralising decision-making and financial management.
- States may become overly dependent on the central government for funds and decision-making, limiting their autonomy in disaster management and response.

Disaster Management Act, 2005

- The Disaster Management Act of 2005 was enacted in the aftermath of the devastating 2004 tsunami the idea for such legislation was in the works at least since the 1998 Odisha super cyclone.
- The Act led to the creation of the NDMA, SDMA's at the state level, a National Disaster Response Force (NDRF), and a National Institute of Disaster Management (NIDM) (an institute meant for disaster-related research, training, awareness, and capacity building).
- The Act was followed by a National Disaster Management Policy in 2009 and a National Disaster Management Plan in 2016.
- This institutional framework has served India in dealing with natural disasters. Over the years, it has saved thousands of lives, and provided relief, rescue and rehabilitation services.
- Growing incidents of natural disasters, exacerbated by climate change, have made agencies such as NDMA more important than ever, requiring the assignment of greater responsibilities and resources.