

Bill No. 214 of 2015

THE DISASTER MANAGEMENT (AMENDMENT) BILL, 2015

By

SHRI FEROZE VARUN GANDHI, M.P.

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BILL

to amend the Disaster Management Act, 2005

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 Disaster Management (Amendment) Act, 2015.

Short title and
commencement.

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

5 2. In Section 4 of the Disaster Management Act, 2005 (hereinafter referred to as the principal Act), in sub-section (1), for the words "as and when necessary" the words "at least once every quarter or more often, as it deems necessary," shall be substituted.

Amendment
of section 4.

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| Amendment of section 8. | <p>3. In section 8 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—</p> <p style="padding-left: 40px;">"(2A) The National Executive Committee shall meet at least once every quarter or more often, as it deems necessary."</p> | |
| Amendment of section 15. | <p>4. In section 15 of the principal Act, in sub-section (1), for the words "as and when necessary" the words "at least once every quarter or more often, as it deems necessary," shall be substituted.</p> | 5 |
| Substitution of new section for section 27. | <p>5. For section 27 of the principal Act, the following section shall be substituted, namely:—</p> <p style="padding-left: 40px;">"27. The District Authority shall meet at least once every quarter or more often, as it deems necessary."</p> | 10 |
| Substitution of new section for section 43. | <p>6. For section 43 of the principal Act, the following section shall be inserted, namely:—</p> <p style="padding-left: 40px;">"43. (1) Subject to approval of the Central Government, the National Institute of Disaster Management may specify the number, nature and category of officers and employees required by it for carrying out its functions.</p> <p style="padding-left: 40px;">(2) The salary and allowances payable to, alongwith the terms and conditions of service of, officers and employees shall be such as may be specified with the approval of the Central Government.</p> <p style="padding-left: 40px;">(3) The National Institute of Disaster Management may, if deems necessary, appoint consultants on such terms and conditions, as it may deem fit."</p> | 15 |
| Officers and other employees of the National Institute. | | 15 |
| Amendment of section 46. | <p>7. In section 46 of the principal Act, after sub-section (1), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 40px;">"(IA). The Finance Commission shall, once in every five years, determine the corpus of the National Disaster Response Fund."</p> | 20 |
| Amendment of section 47. | <p>8. In section 47 of the principal Act, after sub-section (2), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 40px;">"(3) The guidelines for identification of projects and utilisation of National Disaster Mitigation Fund shall be prepared by the National Authority in consultation with the National Institute for Transforming India Aayog."</p> | 25 |
| Amendment of section 48. | <p>9. In section 48 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—</p> <p style="padding-left: 40px;">"(IA) The Finance Commission shall, once in every five years, determine the corpus of the State Disaster Response Fund constituted under clause (a) of sub-section (1).</p> <p style="padding-left: 40px;">(IB) The guidelines for identification of projects and utilisation of State Disaster Mitigation Fund, constituted under clause (c) of sub-section (1), shall be prepared by the State Authority in consultation with the National Institute for Transforming India Aayog and be subject to review and monitoring once every five years."</p> | 30 |
| Insertion of new sections 60A and 60B. | <p>10. In the principal Act, in Chapter XI, under the heading 'Miscellaneous', before section 61, the following sections shall be inserted, namely:—</p> <p style="padding-left: 40px;">"60A. A community group, youth organisation or a voluntary agency may—</p> <p style="padding-left: 80px;">(a) assist the State Authority in all disaster management activities;</p> | 40 |
| Duties of community groups, youth organisations and voluntary agencies. | | 35 |

(b) participate in capacity-building vulnerability reduction programmes and training activities;

(c) assist in relief operations under the supervision of the State Authority;

5 (d) assist in conducting damage assessment and in carrying out reconstruction and rehabilitation activities in accordance with the guidelines framed by the State Authority; and

(e) provide such assistance to the State Authority and take such other steps as may be necessary for disaster management.

10 60B. It shall be the duty of every citizen to assist the State Authority or a person entrusted with or engaged in disaster management, whenever his assistance is demanded for the purpose of disaster management particularly, but not limited to, for the purposes of prevention, response, warning, emergency operation, evacuation and recovery."

Duties of
Citizens.

STATEMENT OF OBJECTS AND REASONS

Disasters and Disaster Management generally get discussed in their aftermath followed by renewed interest in mitigation planning and disaster response in a responsible and effective manner. India is a disaster prone country plagued by various kinds of natural disasters, such as floods, drought, earthquakes, cyclones and landslides every year. Millions of people are affected every year and the economic losses caused by natural disasters amount to a major share of the Gross National Product (GNP). Every year, huge amount of resources are mobilized for rescue, relief and rehabilitation works following occurrence of natural disaster.

India has put in place a Disaster Management Act, 2005 in order to mitigate occurrence and impact of disaster alongside providing disaster response in a timely and effective manner. From an organization perspective, the Act envisages governing bodies at national, state and district levels and provides for such bodies to convene on "as needed" basis. This has resulted in the National Executive Council, a body consisting of Secretaries of various Ministries of the Government of India and responsible for formulating the National Plan, not meeting even once from May, 2008 to December, 2012, although the country had faced many natural disasters during the period. This was also mentioned in the Comptroller and Auditor General (CAG) report on Disaster Preparedness. The present Bill seeks to correct this anomaly by calling for a minimum number of meetings every quarter to ensure that action plans are formulated and implemented effectively.

The CAG report also comments adversely on the project management capability of the National Disaster Management Authority (NDMA), as no major project undertaken by NDMA has seen the light of the day due to deficient planning and lack of coordination with nodal ministries. It is, therefore, proposed in the Bill that the projects be taken up in consultation with NITI Aayog with the corpus of funds being determined by the Finance Commission and reviewed on a periodic basis. This step will ensure better planning and focus, reduce duplication of work being undertaken by nodal ministries and improve financial management.

The Bill also seeks to define the roles and responsibilities of various community groups, voluntary agencies, youth organizations and more so, citizens of the country, which is similar to existing provisions being followed in Gujarat, as these bodies/individuals play a major role in disaster response in the current context. Lastly, the Bill also provides for strengthening the National Institute of Disaster Management, a premier institute for training, capacity building and management of natural disasters, on pan-India basis.

The proposed amendments would make a positive contribution to the way we view, mitigate and respond to disasters, especially at a time when the country is reeling under the impact of frequent and unforeseen disasters.

NEW DELHI;
July 2, 2015.

FEROZE VARUN GANDHI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that subject to approval of the Central Government, the National Institute of Disaster Management may specify the number, nature and category of officers and employees required by it for carrying out its functions. It further provides that the National Institute of Disaster Management may, if deems necessary, appoint consultants on such terms and conditions, as it may deem fit.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore would be incurred per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be incurred.

ANNEXURE

EXTRACT FROM THE DISASTER MANAGEMENT ACT, 2005.

(ACT 53 OF 2005)

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Meetings of National Authority. **4.** (1) The National Authority shall meet as and when necessary and at such time and place as the Chairperson of the National Authority may think fit.

Constitution of National Executive Committee. **8.** (2) The National Executive Committee shall consist of the following members, namely:—

(a) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the disaster management, who shall be Chairperson, *ex officio*;

(b) The Secretaries to the Government of India in the Ministries or Departments having administrative control of the agriculture, atomic energy, defence, drinking water supply, environment and forests, finance (expenditure health, power, rural development, science and technology space, telecommunication, urban development, water resources and the Chief of the Integrated Defence Staff of the Chiefs of Staff Committee, *ex officio*.

Meetings. **27.** The District Authority shall meet as and when necessary and at such time and place as the Chairperson may think fit.

Officers and other Employees of National Institute. **43.** The Central Government shall provide the National Institute of Disaster Management with such officers, consultants and other employees, as it considers necessary, for carrying out its functions.

National Disaster Response Fund. **46.** (1) The Central Government may, by notification in the Official Gazette, constitute a fund to be called the National Disaster Response Fund for meeting any threatening disaster situation or disaster and there shall be credited thereto —

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide;

(b) any grants that may be made by any person or institution for the purpose of disaster management.

National Disaster Mitigation Fund. **47.** (1) The Central Government may, by notification in the Official Gazette, constitute a Fund to be called the National Disaster Mitigation Fund for projects exclusively for the purpose of mitigation and there shall be credited thereto such amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide.

Establishment of Fund by State Government. **48.** (1) The State Government shall, immediately after notification issued for constituting the State Authority and the District Authorities, establish for the purposes of this Act the following funds, namely:—

(a) the fund to be called the State Disaster Response Fund;

(b) the fund to be called the District Disaster Response Fund;

(c) the fund to be called the State Disaster Mitigation Fund;

(d) the fund to be called the District Disaster Mitigation Fund.

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BILL

to amend the Disaster Management Act, 2005

(Shri Feroze Varun Gandhi, M.P.)