

Bill No. 300 of 2019

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

SHRI DHAIRYASHEEL SAMBAJIRAO MANE, M.P.

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2019.

Short title.

2. In the Seventh Schedule to the Constitution, in List III-Concurrent List, after entry 47, the following entry shall be inserted namely:—

Amendment
of the Seventh
Schedule.

5

"48. Management of Disasters and Emergencies whether natural or man-made."

STATEMENT OF OBJECTS AND REASONS

The monsoon season of 2019 wreaked havoc across the country and one of the most badly affected areas falls under the Parliamentary constituency of Hatkanangle which witnessed huge damage to property and life. The Geo-climatic conditions and socio-economic vulnerability of India makes it one of the most disaster-prone countries. A report by National Institute of Disaster Management (NIDM) and Forest Research Institute (FRI) states that 59 per cent area is prone to earthquakes, 28 per cent to droughts, 25 per cent to landslides, 12 per cent to floods, 8 per cent to cyclones and 50 per cent of the forest area is prone to forest fires. A World Bank report released in 2017 noted that the impact of extreme natural disasters was equivalent to \$520 billion of global loss in annual consumption and forces some 26 million people into poverty each year.

Due to the magnitude of losses as a result of man-made or natural disasters it is extremely important to step-up appropriate disaster mitigation measures to minimize the loss of property and life. India has a dedicated disaster management force at Central and State levels, as well as effective disaster management policies. However, due to delayed response, inappropriate implementation of the plans and policies, and inadequate technological capacity for accurate forecast, any disaster results in large scale damage.

In the current scheme of things, Disaster management doesn't figure in any of the 3 lists of the Constitution and hence under article 248, the Parliament has the competence to legislate on this subject. The Disaster Management Act, 2005 was enacted by invoking entry 23 namely 'Social security and social insurance, employment and unemployment' in the Concurrent List even though all aspects of crisis management cannot be said to be covered by this entry.

By practice and convention the primary responsibility for managing disasters rests with the State Governments. Due to the cross cutting nature of activities that constitute disaster management and linkages required which involve co-ordination between the Union, State and local Governments on the one hand and a host of Government departments and agencies on the other; setting up of a broadly uniform institutional framework at all levels is of paramount importance. The imminent need is to ensure congruence and coherence with regard to the division of labour among the agencies at the Union, State and other levels. This could best be achieved if the subject of Disaster Management is placed in the Concurrent List of the Constitution.

The Bill proposes to add disaster management whether natural or man-made in the Concurrent List as it would be expedient if certain functions of disaster management are centralized while others are decentralized down to the lowest level. Through addition of disaster management in Concurrent List it will enable both Centre and State to legislate and frame policies according to their requirements. National level planning and adoption of best practices, development of standard operating procedures administration of early warning systems and formulating policy on disaster management are best entrusted to a national body whereas local planning and the actual work of implementation are better left with State Governments.

Hence this Bill.

NEW DELHI;
November 6, 2019.

DHAIRYASHEEL SAMBHAJIRAO MANE

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

SEVENTH SCHEDULE

(Article 246)

* * * * *

List III-Concurrent List

* * * * *

47. Fee in respect of any of the matters in this List, but not including fees taken in any court.

LOK SABHA

A
BILL
further to amend the Constitution of India.

(Shri Dhairyasheel Sambhajirao Mane, M.P.)