

Bill No. 98 of 2024

THE DISASTER MANAGEMENT (AMENDMENT) BILL, 2024

A

BILL

to amend the Disaster Management Act, 2005.

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

1. (1) This Act may be called the Disaster Management (Amendment) Act, 2024.

Short title and commencement.

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

2. In section 2 of the Disaster Management Act, 2005 (hereinafter referred to as the principal Act),—

(i) in clause (d), the following *Explanation* shall be inserted, namely:—

Explanation.—For the removal of doubts, it is hereby clarified that the expression “man made causes” does not include any law and order related matter or situation, or any situation arising from a law and order related matter or situation;’;

(ii) after clause (d), the following clause shall be inserted, namely:—

‘(da) “disaster database” means a database which includes disaster assessment, fund allocation detail, expenditure, preparedness and mitigation plan, risk register according to type and severity of risk and such other relevant matters, in accordance with such policy, as may be determined by the Central Government;’;

(iii) in clause (e),—

(a) in sub-clause (viii), for the words “rehabilitation and reconstruction”, the words “rehabilitation, recovery and reconstruction” shall be substituted;

(b) the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this clause, the expression “disaster management” is inclusive of “disaster risk reduction”, that is, the practice of reducing disaster risk through systematic effort to analyse and manage the causal facts of disaster through—

(i) reduced exposure to hazard;

(ii) reduced vulnerability of people, property, infrastructure, economic activity, environmental and natural resource; and

(iii) improved preparedness, resilience and capacity to manage and respond to adverse event;’;

(iv) after clause (e), the following clause shall be inserted, namely:—

‘(ea) “disaster risk” means the potential loss of life, injury, destroyed or damaged property, infrastructure and assets, economic and social disruption and environmental degradation, which could occur to a system, society or a community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity.

Explanation.—For the purposes of this Act, the expression “infrastructure” refers to physical structures, facilities, networks, systems and assets, which provide services that are essential to the social, ecological and economic functioning of a community or society;’;

(v) after clause (g), the following clauses shall be inserted, namely:—

‘(ga) “evacuation” means moving people or assets temporarily to safer places before, during or after the occurrence of a hazardous event;

(gb) “exposure” means the situation of people, buildings, infrastructure, production capacities and other tangible human assets, the environment and natural resources located in hazard-prone areas.

Explanation.—For the purposes of this clause, the expression “hazard-prone areas” means those locations where different hazards are known to have occurred or likely to occur;

(gc) “hazard” means a process or phenomenon relating to a disaster that may cause—

(a) loss of life;

(b) injury or other health impacts;

5 (c) damage to property, buildings and infrastructure;

(d) social and economic disruption; or

(e) environmental degradation;

(gd) “High Level Committee” means the Committee constituted under section 8B;’;

10 (vi) in clause (h), after the words “Zila Parishad”, the words “or Autonomous District Council” shall be inserted;

(vii) in clause (i), after the word “situation”, the words “including the provisioning of disaster-resilient infrastructure” shall be inserted;

(viii) after clause (j), the following clause shall be inserted, namely:—

15 ‘(ja) “National Crisis Management Committee” means the Committee constituted under section 8A;’;

(ix) after clause (l), the following clause shall be inserted, namely:—

20 ‘(la) “National Policy” means a statement of guiding principles, and broad course of actions adopted by the Government at the national and state level in pursuit of,—

(a) national objectives of reducing disaster risk and loss;

(b) improving preparedness; and

(c) ensuring resilient recovery from disaster;’;

(x) for clause (m), the following clause shall be substituted, namely:—

25 ‘(m) “preparedness” means the knowledge and capacity of Government, response and recovery organisation, community and individual to anticipate, respond to and recover from threatening disaster situation or disaster;’;

(xi) after clause (n), the following clause shall be inserted, namely:—

30 ‘(na) “prevention” means activity and measure to avoid potential adverse impact of disaster;’;

(xii) for clause (o), the following clauses shall be substituted, namely:—

35 ‘(o) “reconstruction” means rebuilding and restoration of infrastructure, service, building and facility required for the functioning of a community affected by a disaster;

(oa) “recovery” means the restoration or improvement of economic, physical, social, cultural and environmental assets, system and activity, of a disaster-affected community;

40 (ob) “rehabilitation” means the restoration of basic service, facility and capacity for the functioning of a disaster-affected community;

(oc) “resilience” means the ability of a system, community or society exposed to hazards to resist, absorb, respond to and recover from the effects of a hazard in a timely and efficient manner and the expression “resilient” shall be construed accordingly;’;

(*xiii*) after clause (*p*), the following clause shall be inserted, namely:—

‘(*pa*) “response” means the action taken directly before, during or after a disaster in order to save lives, reduce injury and health impact, ensure public safety and meet the basic subsistence needs of the people affected;’;

(*xiv*) after clause (*t*), the following clauses shall be inserted, namely:—

‘(*u*) “Urban Authority” means the Urban Disaster Management Authority constituted under sub-section (*I*) of section 41A;

(*v*) “Urban Plan” means the plan for disaster management, prepared by the Urban Authority under sub-section (*4*) of section 41A;

(*w*) “vulnerability” means the conditions determined by physical, social, economic and environmental factor or process which increase the susceptibility of an individual, a community, asset, infrastructure or system to the impact of hazard.’.

Amendment of section 3.

3. In section 3 of the principal Act, after sub-section (*3*), the following sub-section shall be inserted, namely:—

“(3A) The day-to-day functions of the National Authority shall be performed by the Vice-Chairperson and in the absence of the Vice-Chairperson, by a member designated by the Chairperson or, as the case may be, the Vice-Chairperson, of the National Authority.”.

Substitution of new section for section 5.

4. For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. (*I*) The National Authority may, with the previous approval of the Central Government, specify the number, nature and category of officers and other employees, as is necessary to carry out its functions.

Appointment of officers and other employees of National Authority.

(2) The National Authority may also appoint experts and consultants as necessary to perform its functions.

(3) The salaries and allowances payable to, and other terms and conditions of service of officers, other employees, experts and consultants of the National Authority, shall be such as may be prescribed by the Central Government.”.

Amendment of section 6.

5. In section 6 of the principal Act, in sub-section (*2*),—

(*i*) for clause (*b*), the following clause shall be substituted, namely:—

“(b) co-ordinate the preparation and approval of the National Plan;”;

(*ii*) in clause (*i*), after the words “take such other measures”, the words “which includes providing technical guidance to State Governments and State Authorities” shall be inserted;

(*iii*) after clause (*j*), the following clauses shall be inserted, namely:—

‘(*k*) co-ordinate and monitor the implementation of the National Policy;

(*l*) lay down guidelines for preparing disaster management plan by different Ministries or Departments of the Central Government and the State Authorities;

(*m*) provide necessary technical guidance to the State Governments and the State Authorities for preparing their disaster management plans in accordance with the guidelines laid down by it;

(n) provide necessary advice and technical guidance to different Ministries or Departments and agencies of the Government of India, and the State Governments regarding mitigation, preparedness, and recovery and reconstruction measures;

5 (o) take stock of the entire range of disaster risks in the country periodically, including emerging disaster risks, and issue updated guidance for their mitigation.

10 *Explanation.*—For the purposes of this clause, it is hereby clarified that the expression “emerging disaster risks” refer to risks of those disasters that may not have taken place, but may occur in future due to extreme climate events and other factors as may be determined by the National Authority;

15 (p) plan and co-ordinate specialised training programmes for disaster management for different levels of officers, employees and voluntary rescue workers;

(q) provide necessary technical guidance or give advice to the State Authorities, District Authorities and Urban Authorities for carrying out their functions under this Act;

20 (r) promote general education and awareness in relation to disaster management;

(s) monitor the implementation of the guidelines laid down by the National Authority for integrating disaster prevention and mitigation measures in the development plans and projects of Ministries or Departments of the Government of India;

25 (t) undertake disaster preparedness assessment of each State periodically, in line with the National Plan and the guidelines laid down by it;

(u) undertake in the aftermath of severe disaster in any State, post disaster audit of preparedness and response activities of the State;

30 (v) create a national disaster database in accordance with such policy as may be determined by the Central Government;

(w) recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which may include,—

35 (i) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation;

(ii) the special provision to be made for widows and orphans;

40 (iii) *ex gratia* assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood; and

(iv) such other reliefs as the National Authority may deem appropriate.’

6. After section 8 of the principal Act, the following sections shall be inserted, namely:—

45 “8A. (1) The National Crisis Management Committee constituted by the Government of India prior to the commencement of the Disaster Management (Amendment) Act, 2024, shall be the National Crisis Management Committee for the purposes of this Act and act as the nodal body to deal with the major disasters which have serious or national ramifications.

Insertion of new sections 8A and 8B.

National Crisis Management Committee.

(2) The National Crisis Management Committee referred to in sub-section (1) shall consist of the Cabinet Secretary as Chairperson and such other members as may be notified by the Central Government.

(3) The Chairperson of the National Crisis Management Committee may invite any other officer of the Central Government or a State Government for taking part in any meeting of such Committee and shall exercise such powers and perform such functions as the Central Government may determine. 5

(4) The procedure to be followed by the National Crisis Management Committee, in exercise of its powers and discharge of its functions, shall be such as may be prescribed by the Central Government. 10

High Level
Committee.

8B. (1) The High Level Committee constituted by the Government of India prior to the commencement of the Disaster Management (Amendment) Act, 2024, shall be the High Level Committee for the purposes of this Act which shall provide the financial assistance as envisaged under section 46 to the State Governments in the event of a disaster and approve the financial assistance for mitigation needs under section 47. 15

(2) The High Level Committee referred to in sub-section (1) shall consist of the Minister in-charge of the Ministry or Department of the Central Government having administrative control over the disaster management as the Chairperson and such other members as may be notified by the Central Government.”. 20

Amendment of
section 10.

7. In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

‘(2) Without prejudice to the generality of the provisions contained in sub-section (1), the National Executive Committee may,— 25

(a) act as the coordinating body for disaster management;

(b) monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Government of India;

(c) monitor, co-ordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the Government of India; 30

(d) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening disaster situation or disaster and provide necessary advice, where necessary, for enhancing such preparedness; 35

(e) co-ordinate response in the event of any threatening disaster situation or disaster;

(f) lay down guidelines, or give directions to, Ministries or Departments of the Government of India, the State Governments and the State Authorities concerned regarding measures to be taken by them in response to any threatening disaster situation or disaster; 40

(g) require any Ministry or Department or agency of the Government to make available to the Central Government or State Government such men or material resources as are available with it for the purposes of emergency response, rescue and relief; 45

(h) advise, assist and co-ordinate the activities of the Ministries or Departments of the Government of India, State Governments, statutory bodies, other governmental or non-governmental organisations and others engaged in disaster management;

(i) in the event of a disaster or a threatening disaster situation affecting more than one State, issue directions for:—

- (i) coordination between the States concerned;
- (ii) containment measures as deemed necessary;
- 5 (iii) monitoring and forecasting the effects of the disaster across multiple States;
- (iv) deployment of specialised teams, material resources and equipment;
- 10 (v) requisitioning of necessary resources and technical capacities from public and private entities and their deployment towards reducing the impact of the disaster;
- (vi) adequate public awareness measures; and
- (vii) coordination of support to individuals and communities affected by containment measures; and
- 15 (j) perform such other functions as it may deem appropriate.

Explanation.—For the purposes of this section, it is hereby clarified that the expression “containment measures” means the actions and strategies adopted at the individual, community, district, State, multi-State or national levels aimed at controlling or slowing the spread of a disaster from its initial focal area.’

8. In section 11 of the principal Act,—

Amendment of section 11.

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

25 “(2) The National Authority shall coordinate, in consultation with the Central Government and the State Governments and other stakeholders in the field of disaster management, for preparation and approval of the National Plan having regard to the National Policy.”;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

30 “(4) The National Authority shall review the National Plan once in every three years and update at least once in every five years.”.

9. Sections 12 and 13 of the principal Act shall be omitted.

Omission of sections 12 and 13.

10. In section 18 of the principal Act, in sub-section (2),—

Amendment of section 18.

(i) for clause (b), the following clause shall be substituted, namely:—

35 “(b) co-ordinate the preparation, and approve the State Plan in accordance with the guidelines laid down by the National Authority;”;

(ii) after clause (c), the following clause shall be inserted, namely:—

40 “(ca) approve the District Plan and Urban Plan, prepared by the District Authorities and Urban Authorities respectively, in accordance with the National Plan and State Plan;”;

(iii) after clause (h), the following clauses shall be inserted, namely:—

“(i) take stock of the entire range of disaster risks in the State, periodically including emerging disaster risks, and take necessary measures for their mitigation;

45 (j) coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan;

(k) lay down guidelines for preparation of disaster management plan by the Departments of the Government of the State, the District Authorities and the Urban Authorities;

(l) promote general education, awareness and community training in regard to the forms of disasters to which different parts of the State are vulnerable and the measures that may be taken by such community to prevent the disaster, mitigate and respond to such disaster;

(m) provide necessary technical assistance or give advice to the District Authorities, local authorities and Urban Authorities for carrying out their functions effectively;

(n) provide information to the National Authority relating to different aspects of disaster management;

(o) lay down guidelines for standards of relief to persons affected by disasters in the State:

Provided that such standards shall in no case be less than the minimum standards in the guidelines laid down by the National Authority in this regard;

(p) maintain the State disaster database and provide inputs to the National disaster database.”.

Omission of section 19.
Amendment of section 20.

11. Section 19 of the principal Act shall be omitted. 20

12. In section 20 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(c) the Director General of Police of the State shall be member of the State Executive Committee, *ex officio*.”.

Amendment of section 22.

13. In section 22 of the principal Act, in sub-section (2),— 25

(i) clauses (a) and (c) shall be omitted;

(ii) in clause (d), for the words “and District Authorities”, the words “, the District Authorities and the Urban Authorities” shall be substituted;

(iii) clause (i) shall be omitted;

(iv) in clause (j), after the words “District Authorities”, the words “, Urban Authorities,” shall be inserted;

(v) clause (k) shall be omitted;

(vi) in clause (m), for the words “District Authority or the local authority”, the words “District Authority, Urban Authority or the local authority” shall be substituted;

(vii) clause (n) shall be omitted.

Amendment of section 23.

14. In section 23 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The State Authority shall coordinate the preparation of the State Plan having regard to the National Plan and guidelines laid down by the National Authority, and in consultation with local authorities, District Authorities, Urban Authorities and the people’s representatives as the State Authority may deem fit.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The State Plan shall be approved by the State Authority.”;

(iii) in sub-section (4), for clause (a), the following clause shall be substituted, namely:—

5 “(a) the exposure of different parts of the State to different hazards and vulnerability of its people, assets, infrastructure, livelihood and economic activity to those hazards;”;

(iv) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) The State Authority shall review the State Plan once in every three years and update atleast once in every five years.”.

10 **15.** In section 24 of the principal Act, in clause (e), after the words “any District Authority”, the words “, any Urban Authority” shall be inserted.

Amendment of section 24.

16. In section 25 of the principal Act, in sub-section (2), for clause (f), the following clause shall be substituted, namely:—

Amendment of section 25.

15 “(f) not exceeding two other Members to be appointed by the State Government who may be taken from other district level officers, disaster management experts and civil society organisation.”.

17. In section 31 of the principal Act, in sub-section (4), for the word “annually”, the words “at least once in every two years or earlier as necessary” shall be substituted.

Amendment of section 31.

20 **18.** In section 35 of the principal Act, in sub-section (2),—

Amendment of section 35.

(i) in clause (a), for the words “coordination of actions”, the words “coordinate and monitor actions” shall be substituted;

(ii) clauses (b) and (d) shall be omitted;

(iii) after clause (h), the following clause shall be inserted, namely:—

25 “(ha) notify the Ministries or Departments of the Government of India which shall have the responsibility for monitoring, early warning, prevention, mitigation, preparedness and capacity building with regard to disasters arising from various hazards;”.

19. In section 36 of the principal Act,—

Amendment of section 36.

30 (i) for clause (f), the following clause shall be substituted, namely:—

“(f) provide assistance to the National Authority and State Government for drawing up mitigation, preparedness and response plans, capacity building, data collection and identification and training of personnel in relation to disaster management;”;

35 (ii) in clause (g), after sub-clause (v), the following sub-clauses shall be inserted, namely:—

“(vi) carrying out rescue and relief operations in the affected area;

(vii) assessing the damage from any disaster; and

(viii) carrying out the rehabilitation and re-construction;”.

40 **20.** In section 38 of the principal Act, in sub-section (2),—

Amendment of section 38.

(i) in clause (a),—

(a) after the words “District Authorities”, the words “, Urban Authorities” shall be inserted;

45 (b) for the words “local authority”, the words “local authorities” shall be substituted;

(ii) in clause (b), for the words “and the District Authorities”, the words “the District Authorities and the Urban Authorities” shall be substituted;

(iii) in clause (d), for the words “and the District Plans”, the words “, the District Plans and the Urban Plans” shall be substituted; 5

(iv) in clause (i), for the words “and the District Authorities”, the words “, the District Authorities and the Urban Authorities” shall be substituted;

(v) after clause (i), the following clause shall be inserted, namely:—

“(ia) notify State-specific hazard-wise nodal Departments, which shall have the responsibility for monitoring, early warning, prevention, mitigation, preparedness and capacity building with regard to disasters arising from those State-specific hazards;”;

(vi) in clause (j), for the words “or the District Authorities”, the words “, the District Authorities or the Urban Authorities” shall be substituted;

(vii) for clause (k), the following clause shall be substituted, namely:— 15

“(k) provide recovery and reconstruction assistance to the victims of any disaster; and”.

Amendment of section 39.

21. In section 39 of the principal Act,—

(a) in clause (f), for the words “and District Authorities”, the words “District Authorities and Urban Authorities” shall be substituted; 20

(b) in clause (g), after the words “authorities at the district level”, the words “and the Urban Plan by the Urban Authorities” shall be inserted;

(c) in clause (h), after the words “District Authorities”, the words “or the Urban Authorities” shall be inserted.

Amendment of section 41.

22. In section 41 of the principal Act, in sub-section (I), after clause (d), the following clause shall be inserted, namely:— 25

“(e) prepare a disaster management plan as referred to in section 32.”.

Insertion of new section 41A.

23. After section 41 of the principal Act, the following section shall be inserted, namely:—

Urban Disaster Management Authority.

‘41A. (1) The State Government may, by notification in the Official Gazette, constitute a separate Urban Disaster Management Authority for their State capitals and all cities having a Municipal Corporation, except for the National Capital Territory of Delhi and Union territory of Chandigarh. 30

(2) The Urban Authority constituted under sub-section (1) shall consist of the following, namely:— 35

(i) the Municipal Commissioner—Chairperson, *ex officio*;

(ii) the District Collector of the District concerned—Vice Chairperson, *ex officio*; and

(iii) such other members, with such pay and allowances as may be determined by the State Government—members. 40

(3) The Urban Authority may have a separate Secretariat at such place in the district as may be determined by the State Government.

(4) The Urban Authority shall be responsible for preparation of Urban Plan, which shall be approved by the State Authority.

(5) The Urban Authority shall be responsible for coordinating the implementation of the Urban Plan. 45

(6) The other functions and powers and such other matters relating to the Urban Authority shall be such as may be prescribed by the State Government.

Explanation.—For the purposes of this section, the expression “Municipal Corporation” means a Municipal Corporation as referred to in clause (c) of article 243Q of the Constitution.’

24. For section 43 of the principal Act, the following section shall be substituted, namely:—

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

(2) The National Institute may recruit experts as per norms approved by the Central Government to perform such functions as provided in sub-section (9) of section 42.

(3) The salaries, allowances payable to officers and employees and the other terms and conditions of their service shall be such as may be prescribed.”

25. In Chapter VIII of the principal Act, for the heading, the heading “DISASTER RESPONSE FORCE” shall be substituted.

26. After section 44 of the principal Act, the following section shall be inserted, namely:—

“44A. (1) The State Government may, by notification in the Official Gazette, constitute a State Disaster Response Force for the purpose of specialist response to a threatening disaster situation or disaster.

(2) Subject to the provisions of this Act, the State Disaster Response Force shall be constituted in such manner, with such functions and the terms and conditions of service of the members of such Force shall be such as may be prescribed by the State Government concerned.”

27. In section 46 of the principal Act,—

(i) in sub-section (1), for the words “for meeting any threatening disaster situation or disaster”, the words “for meeting different aspects of disaster management” shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Fund constituted under sub-section (1), shall be applied in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.”

28. In section 47 of the principal Act,—

(i) in sub-section (1), for the words “for projects exclusively for the purpose of mitigation”, the words “for meeting disaster mitigation needs” shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Fund constituted under sub-section (1), shall be applied in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.”

29. In section 48 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Substitution of new section for section 43. Officers, employees, experts and consultants of National Institute.

Amendment of Chapter VIII.

Insertion of new section 44A.

State Disaster Response Force.

Amendment of section 46.

Amendment of section 47.

Amendment of section 48.

“(2) The State Government shall ensure that the funds established—

(i) under clauses (a) and (c) of sub-section (1) are available to the State Executive Committee and the State Authority respectively and are applied as per the guidelines issued by the Central Government in consultation with the National Authority;

(ii) under clauses (b) and (d) of sub-section (1) are available to the District Authority.”.

Amendment of section 50.

30. In section 50 of the principal Act,—

(i) in the opening portion, after the words “or the District Authority”, the words “or the Urban Authority” shall be inserted;

(ii) in clause (b), after the words “or District Authority”, the words “or Urban Authority” shall be inserted.

Amendment of section 51.

31. In section 51 of the principal Act,—

(i) in clause (a), after the words “or District Authority”, the words “or Urban Authority” shall be inserted;

(ii) in clause (b), after the words “or the District Authority”, the words “or the Urban Authority” shall be inserted.

Amendment of section 52.

32. In section 52 of the principal Act, for the words “or the District Authority”, the words “, the District Authority or the Urban Authority” shall be substituted.

Amendment of section 56.

33. Section 56 of the principal Act shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding any action under sub-section (1), it shall be lawful for the State Government on its own or on the directions given by the Central Government to take such disciplinary action under the relevant rules, against any officer who ceases or refuses to perform or withdraws himself from the duties of his office or on grounds of insubordination or dereliction of duty during a disaster:

Provided that the action taken by the State Government shall not be inconsistent with the directions given by the Central Government.”.

Amendment of section 59.

34. In section 59 of the principal Act, for the word and figures “and 56”, the words, brackets and figures “and sub-section (1) of section 56” shall be substituted.

Amendment of section 60.

35. In section 60 of the principal Act, in clause (a) and clause (b), after the words “the District Authority”, the words “, the Urban Authority” shall be inserted.

Insertion of new section 60A.

36. After section 60 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government or State Government to take action in relation to nature of hazard and punishment for its contravention.

“60A.(1) The Central Government or the State Government may, by notification in the Official Gazette, require any person to take any action or refrain from taking any action, in relation to the nature of the hazard, which in the opinion of the Central Government or the State Government, as the case may be, is required for reducing the impact of a disaster.

(2) Any notification issued under this section shall be valid for a period specified therein or six months, whichever is earlier.

(3) Whoever contravenes the provisions of this section shall be liable to pay a penalty as specified in the notification of the Central Government or the State Government, as the case may be:

Provided that the penalty referred to in this sub-section shall not exceed ten thousand rupees.”.

37. In section 61 of the principal Act, the words “compensation and” shall be omitted. Amendment of section 61.

38. In section 63 of the principal Act, after the words “or District Authority”, the words “or Urban Authority” shall be inserted. Amendment of section 63.

39. In section 64 of the principal Act, after the words “or the District Authority”, the words “or the Urban Authority” shall be inserted. Amendment of section 64.

40. In section 65 of the principal Act,— Amendment of section 65.

(i) in sub-section (1), in the opening portion, after the words “or District Authority”, the words “or Urban Authority” shall be inserted;

(ii) in sub-section (3), for clause (a), the following clause shall be substituted, namely:—

“(a) “resources” includes human and material resources, and equipment;”.

41. In section 67 of the principal Act, for the words “or a District Authority”, the words “, a District Authority or an Urban Authority” shall be substituted. Amendment of section 67.

42. In section 68 of the principal Act, for the words “or the District Authority” occurring at both the places, the words “, a District Authority or an Urban Authority” shall be substituted. Amendment of section 68.

43. In section 69 of the principal Act, after the words “State Executive Committee”, the words “National Authority, State Authority, District Authority or Urban Authority” shall be inserted. Amendment of section 69.

44. In section 71 of the principal Act, for the words “or District Authority”, the words “, District Authority or Urban Authority” shall be substituted. Amendment of section 71.

45. In section 73 of the principal Act, after the words “the District Authority” occurring at both the places, the words “or the Urban Authority” shall be inserted. Amendment of section 73.

46. In section 74 of the principal Act, for the words “or District Authority”, the words “, District Authority or Urban Authority” shall be substituted. Amendment of section 74.

47. In section 75 of the principal Act, in sub-section (2),— Amendment of section 75.

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) the salaries, allowances and other terms and conditions of service of officers, other employees, experts and consultants of the National Authority under sub-section (3) of section 5;”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(ca) the procedure to be followed by the National Crisis Management Committee in exercise of its powers and discharging of its functions under sub-section (4) of section 8A;”;

(iii) after clause (e), the following clause shall be inserted, namely:—

“(ea) the salaries, allowances and the other terms and conditions of service of officers and other employees of the National Institute under sub-section (3) of section 43;”.

Insertion of new section 76A.

48. After section 76 of the principal Act, the following section shall be inserted, namely:—

Power of National Authority to make regulations.

“76A. Without prejudice to the provisions of section 76, the National Authority, with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations, other than regulations made under section 76, consistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act.”

Amendment of section 77.

49. In section 77 of the principal Act, after the words “National Institute of Disaster Management”, the words “and the National Authority” shall be inserted.

Amendment of section 78.

50. In section 78 of the principal Act, in sub-section (2), after clause (f), the following clauses shall be inserted, namely:—

“(fa) the powers, functions and other matters relating to Urban Authority under sub-section (6) of section 41A;

(fb) the manner of constitution of State Disaster Response Force, its functions and the terms and conditions of service of members of such Force under sub-section (2) of section 44A;”

Amendment of section 79.

51. In section 79 of the principal Act, after sub-section (I) and the proviso thereunder, the following sub-section shall be inserted, namely:—

“(IA) Notwithstanding anything contained in sub-section (I), if any difficulty arises in giving effect to the provisions of this Act as amended by the Disaster Management (Amendment) Act, 2024, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this sub-section after the expiry of a period of three years from the date of commencement of the Disaster Management (Amendment) Act, 2024.”

STATEMENT OF OBJECTS AND REASONS

The Disaster Management Act, 2005 (the Act) was enacted to provide for the effective management of disasters and for matters connected therewith or incidental thereto.

2. The main purpose of the Act was to put in place necessary institutional mechanisms for drawing up and monitoring the implementation of disaster management plans, ensuring measures by various wings of Government for prevention of and mitigating the effects of disasters and for undertaking a holistic, coordinated and prompt response to any disaster or threatening disaster situation.

3. For achieving the said purpose, certain Authorities and Committees were established at the national level, state level and District level. In addition, the Act enumerated the measures to be taken up by the Ministries and Departments of the Government of India and mandated that every Ministry or Department would carry out the nodal responsibilities in respect of disaster management.

4. Due to the constant endeavour of the Central Government for mainstreaming the Disaster Management in the development plans, aligning with the recommendations of the Fifteenth Finance Commission, learnings from past disasters, and experience gained during the implementation of the Act, the Disaster Management Act, 2005 has been reviewed in consultation with all stakeholders including State Governments.

5. In view of above, it has become necessary to amend certain provisions of the Act in the form of a Bill, namely, the Disaster Management (Amendment) Bill, 2024 which, *inter alia*, provides for the following, namely:—

(i) to bring more clarity and convergence in the roles of Authorities and Committees working in the field of disaster management;

(ii) to provide statutory status to certain pre-Act organisations like the National Crisis Management Committee and the High Level Committee;

(iii) to strengthen the efficient working of the National Disaster Management Authority and the State Disaster Management Authorities;

(iv) to empower the National Disaster Management Authority and the State Disaster Management Authorities to prepare the disaster plan at national level and state level instead of the National Executive Committee and the State Executive Committee;

(v) to provide for creation of disaster database at national and state level;

(vi) to make provision for constitution of “Urban Disaster Management Authority” for State Capital and large cities having Municipal Corporation; and

(vii) to make provision for constitution of “State Disaster Response Force” by the State Government.

6. The Notes on Clauses explain in detail the various provisions contained in the Bill.

7. The Bill seeks to achieve the above objectives.

NEW DELHI;

AMIT SHAH.

The 30th July, 2024.

Notes on Clauses

Clause 1 of the Bill seeks to provide for short title and commencement of the proposed legislation.

Clause 2 of the Bill seeks to modify and substitute some definitions and incorporate new definitions in section 2, such as disaster risk, evacuation, Exposure, recovery, rehabilitation, resilience, Urban Authority, etc.

Clause 3 of the Bill seeks to insert a new sub-section (3A) in section 3 to authorise the Vice-Chairperson or any Member of the National Authority to perform the day-to-day functions of the Authority.

Clause 4 of the Bill seeks to substitute section 5 related to appointment of officers, other employees, consultants and experts and to empower the Central Government to make rules with respect to their terms and conditions of service.

Clause 5 of the Bill seeks to substitute clause (b) in sub-section (2) of section 6 for assigning the function of coordination of preparation of National Plan to the National Authority; to modify clause (i) in sub-section (2) of section 6 to bring more clarity on the type of measures to be taken by the National Authority under this clause; and to insert new clauses from (k) to (w) in sub-section (2) in section 6 to bring more clarity on roles of National Authority, by assigning policy, plans and guidelines related functions of National Executive Committee and to assign new functions to the National Authority.

Clause 6 of the Bill seeks to insert new section 8A in section 8, to bring the existing National Crisis Management Committee, a nodal body to deal with major disasters, under the Act and to insert a new section 8B, to bring the existing High Level Committee under the Act, for approval of financial assistance.

Clause 7 of the Bill seeks to substitute sub-section (2) in section 10, to bring more clarity on roles of National Executive Committee, by retaining coordination and response related functions and assigning new functions to it in case of disasters or threatening disaster situation affecting more than one State.

Clause 8 of the Bill seeks to substitute sub-section (2) in section 11 to make provision that the National Authority will coordinate the preparation of the National Plan and approve it; and to modify sub-section (4) in section 11 to make the review and updation of National Plan, every three years and at least once in five years respectively.

Clause 9 of the Bill seeks to omit sections 12 and 13 related to “Guidelines for minimum standards of relief” and “Relief in loan repayment etc.” respectively.

Clause 10 of the Bill seeks to modify clause (b) in sub-section (2) of section 18 for assigning the function of coordination of preparation of State Plan to the State Authority; to insert new clause (ca) in sub-section (2) of section 18, for assigning the role of approval of District Plan and Urban Plan, prepared by the District Authorities and Urban Authorities respectively, to State Authority; and to insert new clauses (i) to (p) in sub-section (2) of section 18 by assigning policy, plans and guidelines related functions of State Executive Committee and to assign new functions to State Authority.

Clause 11 of the Bill seeks to omit section 19 related to “Guidelines for minimum standards of relief by State Authority”.

Clause 12 of the Bill seeks to insert new clause (c) in sub-section (2) of section 20 making Director General of Police of the State a member of State Executive Committee, *ex officio*.

Clause 13 of the Bill seeks to omit clauses (a), (c), (i), (k) and (n) in sub-section (2) of section 22, as these functions have been transferred to the State Authority; and to insert certain words related to Urban Authority in clauses (d), (j) and (m) of sub-section (2) of section 22.

Clause 14 of the Bill seeks to substitute sub-sections (2) and (3) of section 23, for assigning the coordination, preparation and approval of State Plan to the State Authority; to substitute clause (a) under sub-section (4) in section 23, for including hazard and vulnerability profile of different parts of the State in the State Plan; and to substitute sub-section (5) of section 23 to make the review and updation of State Plan, every three years and at least once in five years.

Clause 15 of the Bill seeks to insert the words “any Urban Authority” after the words “any District Authority” in clause (e) of section 24 and this amendment is consequential in nature.

Clause 17 of the Bill seeks to modify sub-section (4) of section 31, in order to make the periodicity of revision of District Plan at least once in two years or earlier, if necessary.

Clause 18 of the Bill seeks to modify clause (a) of sub-section (2) of section 35; to omit clauses (b) and (d) under sub-section (2) of section 35, as these functions are covered under section 10 (2) (c) and (d); and to insert new clause (ha) in sub-section (2) of section 35, to notify the Ministries or Departments of the Government of India for assigning responsibility for monitoring, early warning etc. of various hazards.

Clause 19 of the Bill seeks to substitute clause (f) of section 36 to clearly demarcate the functions of National Disaster Management Authority and National Executive Committee; and to insert new clauses (vi), (vii) & (viii) after sub-clause (v) in clause (g) of section 36, by shifting certain responsibilities of Ministries or Department of Government of India towards the National Executive Committee.

Clause 20 of the Bill seeks, *inter-alia*, to insert new clause (ia) in sub-section (2) of section 38, to notify State-specific hazard wise nodal Departments for assigning responsibility for monitoring, early warning etc. for State specific hazards; and to substitute the existing clause (k) in sub-section (2) in section 38, to change “rehabilitation and reconstruction assistance” to “recovery and reconstruction assistance”.

Clause 21 of the Bill seeks, *inter-alia*, to insert the words “Urban Authorities” in clauses (f), (g) and (h) of section 39 and this amendment is consequential in nature.

Clause 22 of the Bill seeks to insert new clause in sub-section (1) after clause (d) of section 41, to assign functions regarding preparation of disaster management plan to Urban Authority.

Clause 23 of the Bill seeks to insert new section 41A to enable State Governments to constitute Urban Disaster Management Authority for State capitals and cities having Municipal Corporation, with its composition, functions and enabling provision for its Secretariat other than National Capital Territory of Delhi and Union territory of Chandigarh.

Clause 24 of the Bill seeks to substitute section 43 relating to “Officers, employees, experts and consultants of National Institute of Disaster Management and to empower the Central Government to prescribe their terms and conditions of service.

Clause 25 of the Bill seeks to amend the heading of Chapter VIII to “DISASTER RESPONSE FORCE”.

Clause 26 of the Bill seeks to insert new section 44A to enable State Government to constitute the State Disaster Response Force for strengthening disaster response capability of States.

Clause 27 of the Bill seeks to substitute certain words in sub-section (1) of section 46 related to constitution of National Disaster Response Fund by the Central Government for meeting different aspects of disaster management; and further to substitute sub-section (2) in section 46 to reflect the role of the laid down guidelines in application of Response Fund.

Clause 28 of the Bill seeks to substitute certain words in sub-section (1) of section 47 related to disaster mitigation needs; and further to substitute sub-section (2) in section 47 to reflect the role of the laid guidelines in application of Mitigation Fund.

Clause 29 of the Bill seeks to substitute sub-section (2) of section 48 to reflect the role of laid guidelines by the Central Government in application of State Disaster Response Fund and State Disaster Mitigation Fund.

Clause 30 of the Bill seeks to insert the words “or Urban Authority” after the words “or the District Authority” in section 50 and the said amendment is consequential in nature.

Clause 31 of the Bill seeks to insert the words “or Urban Authority” after the words “or the District Authority” in clauses (a) and (b) of section 51 and the said amendment is consequential in nature.

Clause 32 of the Bill seeks to substitute certain words with the words “the District Authority or the Urban Authority” in section 52 and the said amendment is consequential in nature.

Clause 33 of the Bill seeks to re-number section 56 as sub-section (1) of section 56; and further to insert sub-section (2) in section 56, to empower the State Government, on its own or on the directions given by the Central Government, to take such disciplinary action against any officer on grounds of insubordination or dereliction of duty etc. during a disaster, with a provision that action taken by the State Government shall not be inconsistent with the directions given by the Central Government in this regard.

Clause 34 of the Bill seeks to substitute the figures “56” with “sub-section (1) of section 56” and the said amendment is consequential in nature.

Clause 35 of the Bill seeks to insert the words “the Urban Authority” after the words “the District Authority” in clause (a) and clause (b) of section 60 and the said amendment is consequential in nature.

Clause 36 of the Bill seeks to insert a new section 60A to empower the Central and the 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 ten thousand rupees.

Clause 37 of the Bill seeks to omit the word "compensation" in section 61, as the Governments provide only relief and not compensation to the victims of disasters.

Clause 38 of the Bill seeks to insert the words “or Urban Authority” after the words “or District Authority” in section 63 and the said amendment is consequential in nature.

Clause 39 of the Bill seeks to insert the words “or the Urban Authority” after the words “or the District Authority” in section 64 and the said amendment is consequential in nature.

Clause 40 of the Bill seeks to insert the words “or Urban Authority” after the words “or District Authority” in sub-section (1) of section 65; and to modify clause (a) of sub-section (3) of that section to include human and material resources and equipment.

Clause 41 of the Bill seeks to substitute the words “, a District Authority or an Urban Authority” for the words “or a District Authority” in section 67 and the said amendment is consequential in nature.

Clause 42 of the Bill seeks to substitute the words “, a District Authority or an Urban Authority” for the words “or the District Authority” occurring at both places in section 68 and the said amendment is consequential in nature.

Clause 43 of the Bill seeks to insert the words “National Authority, State Authority, District Authority, Urban Authority” after the words “State Executive Committee” in section 69 to enable them to delegate power to their Chairperson.

Clause 44 of the Bill seeks to substitute the words “, District Authority or Urban Authority” for the words “or District Authority” in section 71 and the said amendment is consequential in nature.

Clause 45 of the Bill seeks to insert the words “or the Urban Authority” after the words “the District Authority” occurring at both places in section 73 and the said amendment is consequential in nature.

Clause 46 of the Bill seeks to substitute the words “, District Authority or Urban Authority” for the words “or District Authority” in section 74 and the said amendment is consequential in nature.

Clause 47 of the Bill empowers the Central Government to make rules in certain matters.

Clause 48 of the Bill seeks to insert a new section 76A to empower the National Authority also to make regulations.

Clause 49 of the Bill seeks to insert the words “and by the National Authority” after the words “National Institute of Disaster Management” in section 77 for laying the regulations made by the National Authority in Parliament.

Clause 50 of the Bill seeks to empower the State Government to make rules in certain matters.

Clause 51 of the Bill seeks to amend section 79 related to “Power to removal of difficulties”.

**FINANCIAL MEMORANDUM TO THE DISASTER MANAGEMENT
(AMENDMENT) BILL, 2024**

The Bill seeks to amend the Disaster Management Act, 2005. The National Disaster Management Authority (NDMA) and National Institute of Disaster Management (NIDM) which have been set up under the Disaster Management Act, 2005 are already in existence. The expenditure of these bodies is met from yearly Government Budgetary Support.

2. The provisions regarding salaries and allowances payable to the officers, other employees and consultants of NDMA and NIDM are already in place under the Disaster Management Act, 2005 and these provisions are slightly modified without any substantive change. These provisions may result in expenditure in the discharge of statutory functions of the Government in regular course of business, which would be met from yearly budgetary support. However, any financial implication at this stage is not quantifiable.

3. The expenditure for NDMA and NIDM constituted as statutory bodies under the Disaster Management Act, 2005 would continue to be met from the yearly Budgetary Support. The Budget allocation for financial year 2024-25 of NDMA and NIDM is Rs 149.07 crore. Rs. 86.24 crore under Revenue Head, Rs. 52.37 crore under the Capital Head and Rs. 10.46 crore under Schemes.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 75 of the Disaster Management Act, 2005 empowers the Central Government to make rules consistent with the provisions of the Act for carrying out the provisions of the Act. It is proposed to amend the said section [clause 47 of the Disaster Management (Amendment) Bill, 2024], so as to make rules in the following matters, namely:—

(a) the salaries, allowances and other terms and conditions of service of officers, other employees, experts and consultants of the National Authority under sub-section (3) of section 5;

(b) the procedure to be followed by the National Crisis Management Committee in exercise of its powers and discharging of its functions under sub-section (4) of section 8A;

(c) the salaries, allowances and the other terms and conditions of service of officers and other employees of the National Institute under sub-section (3) of section 43.

2. It is proposed to insert a new section 76A in the Act *vide* clause 48 of the Bill empowering the National Authority also to make regulations consistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act.

3. Section 78 of the Disaster Management Act, 2005 empowers the State Governments to make rules consistent with the provisions of the Act for carrying out the provisions of the Act. It is proposed to amend the said section [clause 50 of the Disaster Management (Amendment) Bill, 2024], so as to make rules in the following matters, namely:—

(a) the powers, functions and other matters relating to Urban Authority under sub-section (6) of section 41A;

(b) the manner of constitution of State Disaster Response Force and the terms and conditions of service of Members of such Force under sub-section (2) of section 44A.

4. The matters in respect of which rules or regulations may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE DISASTER MANAGEMENT ACT, 2005

(53 OF 2005)

* * * * *

Definitions.

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

* * * * *

(d) “disaster” means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area;

(e) “disaster management” means a continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient for—

* * * * *

(viii) rehabilitation and reconstruction;

* * * * *

(g) “District Plan” means the plan for disaster management for the district prepared under section 31;

(h) “local authority” includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or, with the control and management of civic services, within a specified local area;

(i) “mitigation” means measures aimed at reducing the risk, impact or effects of a disaster or threatening disaster situation;

* * * * *

(m) “preparedness” means the state of readiness to deal with a threatening disaster situation or disaster and the effects thereof;

* * * * *

(o) “reconstruction” means construction or restoration of any property after a disaster;

* * * * *

Appointment of officers and other employees of the National Authority.

5. The Central Government shall provide the National Authority with such officers, consultants and employees, as it considers necessary for carrying out the functions of the National Authority.

Powers and functions of National Authority.

6. (1) * * * * *

(2) Without prejudice to generality of the provisions contained in sub-section (1), the National Authority may —

* * * * *

(b) approve the National Plan;

* * * * *

(i) take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary;

* * * * *

10. (1) * * * * *

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the National Executive Committee may—

(a) act as the coordinating and monitoring body for disaster management;

(b) prepare the National Plan to be approved by the National Authority;

(c) coordinate and monitor the implementation of the National Policy;

(d) lay down guidelines for preparing disaster management plans by different Ministries or Departments of the Government of India and the State Authorities;

(e) provide necessary technical assistance to the State Governments and the State Authorities for preparing their disaster management plans in accordance with the guidelines laid down by the National Authority;

(f) monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Government of India;

(g) monitor the implementation of the guidelines laid down by the National Authority for integrating of measures for prevention of disasters and mitigation by the Ministries or Departments in their development plans and projects;

(h) monitor, coordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the Government;

(i) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(j) plan and coordinate specialised training programme for disaster management for different levels of officers, employees and voluntary rescue workers;

(k) coordinate response in the event of any threatening disaster situation or disaster;

(l) lay down guidelines for, or give directions to, the concerned Ministries or Departments of the Government of India, the State Governments and the State Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster;

(m) require any department or agency of the Government to make available to the National Authority or State Authorities such men or material resources as are available with it for the purposes of emergency response, rescue and relief;

(n) advise, assist and coordinate the activities of the Ministries or Departments of the Government of India, State Authorities, statutory bodies, other governmental or non-governmental organisations and others engaged in disaster management;

(o) provide necessary technical assistance or give advice to the State Authorities and District Authorities for carrying out their functions under this Act;

Powers and functions of National Executive Committee.

(p) promote general education and awareness in relation to disaster management; and

(q) perform such other functions as the National Authority may require it to perform.

National Plan.

11. (1) * * * * *

(2) The National Plan shall be prepared by the National Executive Committee having regard to the National Policy and in consultation with the State Governments and expert bodies or organisations in the field of disaster management to be approved by the National Authority.

* * * * *

(4) The National Plan shall be reviewed and updated annually.

* * * * *

Guidelines for minimum standards of relief.

12. The National Authority shall recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which shall include,—

(i) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation;

(ii) the special provisions to be made for widows and orphans;

(iii) *ex gratia* assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood;

(iv) such other relief as may be necessary.

Relief in loan repayment, etc.

13. The National Authority may, in cases of disasters of severe magnitude, recommend relief in repayment of loans or for grant of fresh loans to the persons affected by disaster on such concessional terms as may be appropriate.

* * * * *

Powers and functions of State Authority.

18. (1) * * * * *

(2) Without prejudice to the generality of provisions contained in sub-section (1), the State Authority may—

* * * * *

(b) approve the State Plan in accordance with the guidelines laid down by the National Authority;

* * * * *

Guidelines for minimum standard of relief by State Authority.

19. The State Authority shall lay down detailed guidelines for providing standards of relief to persons affected by disaster in the State:

Provided that such standards shall in no case be less than the minimum standards in the guidelines laid down by the National Authority in this regard.

Constitution of State Executive Committee.

20. (1) * * * * *

(2) The State Executive Committee shall consist of the following members, namely:—

* * * * *

(b) four Secretaries to the Government of the State of such departments as the State Government may think fit, *ex officio*.

* * * * *

22. (1) * * * * *

Functions of the State Executive Committee.

(2) Without prejudice to the generality of the provisions of sub-section (1), the State Executive Committee may—

(a) coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan;

* * * * *

(c) lay down guidelines for preparation of disaster management plans by the departments of the Government of the State and the District Authorities;

(d) monitor the implementation of disaster management plans prepared by the departments of the Government of the State and District Authorities;

* * * * *

(i) promote general education, awareness and community training in regard to the forms of disasters to which different parts of the State are vulnerable and the measures that may be taken by such community to prevent the disaster, mitigate and respond to such disaster;

(j) advise, assist and coordinate the activities of the Departments of the Government of the State, District Authorities, statutory bodies and other governmental and non-governmental organisations engaged in disaster management;

(k) provide necessary technical assistance or give advice to District Authorities and local authorities for carrying out their functions effectively;

* * * * *

(m) examine the construction, in any local area in the State and, if it is of the opinion that the standards laid for such construction for the prevention of disaster is not being or has not been followed, may direct the District Authority or the local authority, as the case may be, to take such action as may be necessary to secure compliance of such standards;

(n) provide information to the National Authority relating to different aspects of disaster management;

* * * * *

23. (1) * * * * *

State Plan.

(2) The State Plan shall be prepared by the State Executive Committee having regard to the guidelines laid down by the National Authority and after such consultation with local authorities, district authorities and the people's representatives as the State Executive Committee may deem fit.

(3) The State Plan prepared by the State Executive Committee under sub-section (2) shall be approved by the State Authority.

(4) The State Plan shall include,—

(a) the vulnerability of different parts of the State to different forms of disasters;

* * * * *

(5) The State Plan shall be reviewed and updated annually.

* * * * *

Powers and functions of State Executive Committee in the event of threatening disaster situation.

24. For the purpose of, assisting and protecting the community affected by disaster or providing relief to such community or, preventing or combating disruption or dealing with the effects of any threatening disaster situation, the State Executive Committee may—

* * * * *

(e) give direction to the concerned Department of the Government of the State, any District Authority or other authority, within the local limits of the State to take such measure or steps for rescue, evacuation or providing immediate relief saving lives or property, as may be necessary in its opinion;

* * * * *

CHAPTER IV

DISTRICT DISASTER MANAGEMENT AUTHORITY

Constitution of District Disaster Management Authority.

25. (1) * * * * *

(2) The District Authority shall consist of the Chairperson and such number of other members, not exceeding seven, as may be prescribed by the State Government, and unless the rules otherwise provide, it shall consist of the following, namely:—

* * * * *

(f) not exceeding two other district level officers, to be appointed by the State Government.

* * * * *

District Plan.

31. (1) * * * * *

(4) The District Plan shall be reviewed and updated annually.

* * * * *

CHAPTER V

MEASURES BY THE GOVERNMENT FOR DISASTER MANAGEMENT

Central Government to take measures.

35 (1) * * * * *

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the measures which the Central Government may take under that sub-section include measures with respect to all or any of the following matters, namely:—

(a) coordination of actions of the Ministries or Departments of the Government of India, State Governments, National Authority, State Authorities, governmental and non-governmental organisations in relation to disaster management;

(b) ensure the integration of measures for prevention of disasters and mitigation by Ministries or Departments of the Government of India into their development plans and projects;

* * * * *

(d) ensure that the Ministries or Departments of the Government of India take necessary measures for preparedness to promptly and effectively respond to any threatening disaster situation or disaster;

* * * * *

Responsibilities of Ministries or Departments of Government of India.

36. It shall be the responsibility of every Ministry or Department of the Government of India to—

* * * * *

(f) provide assistance to the National Authority and State Governments for—

(i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;

(ii) carrying out rescue and relief operations in the affected area;

(iii) assessing the damage from any disaster;

(iv) carrying out rehabilitation and reconstruction;

* * * * *

38. (1) * * * * *

State Government to take measures.

(2) The measures which the State Government may take under sub-section (1) include measures with respect to all or any of the following matters, namely:—

(a) coordination of actions of different departments of the Government of the State, the State Authority, District Authorities, local authority and other non-governmental organisations;

(b) cooperation and assistance in the disaster management to the National Authority and National Executive Committee, the State Authority and the State Executive Committee, and the District Authorities;

* * * * *

(d) allocation of funds for measures for prevention of disaster, mitigation, capacity-building and preparedness by the departments of the Government of the State in accordance with the provisions of the State Plan and the District Plans;

* * * * *

(i) ensure that different departments of the Government of the State and the District Authorities take appropriate preparedness measures;

(j) ensure that in a threatening disaster situation or disaster, the resources of different departments of the Government of the State are made available to the National Executive Committee or the State Executive Committee or the District Authorities, as the case may be, for the purposes of effective response, rescue and relief in any threatening disaster situation or disaster;

(k) provide rehabilitation and reconstruction assistance to the victims of any disaster; and

* * * * *

39. It shall be the responsibility of every department of the Government of a State to—

Responsibilities of departments of the State Government.

* * * * *

(f) provide assistance, as required, by the National Executive Committee, the State Executive Committee and District Authorities, for—

(i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;

(ii) assessing the damage from any disaster;

(iii) carrying out rehabilitation and reconstruction;

(g) make provision for resources in consultation with the State Authority for the implementation of the District Plan by its authorities at the district level;

(h) make available its resources to the National Executive Committee or the State Executive Committee or the District Authorities for the purposes of responding promptly and effectively to any disaster in the State, including measures for—

(i) providing emergency communication with a vulnerable or affected area;

(ii) transporting personnel and relief goods to and from the affected area;

(iii) providing evacuation, rescue, temporary shelter or other immediate relief;

(iv) carrying out evacuation of persons or live-stock from an area of any threatening disaster situation or disaster;

(v) setting up temporary bridges, jetties and landing places;

(vi) providing drinking water, essential provisions, healthcare and services in an affected area;

* * * * *

CHAPTER VI

LOCAL AUTHORITIES

Functions of the local authority.

41. (I) Subject to the directions of the District Authority, a local authority shall—

(a) ensure that its officers and employees are trained for disaster management;

(b) ensure that resources relating to disaster management are so maintained as to be readily available for use in the event of any threatening disaster situation or disaster;

(c) ensure all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disasters and mitigation by the National Authority, State Authority and the District Authority;

(d) carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State Plan and the District Plan.

* * * * *

Officers and other employees of the 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.

* * * * *

CHAPTER VIII

NATIONAL DISASTER RESPONSE FORCE

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CHAPTER IX

FINANCE, ACCOUNTS AND AUDIT

National Disaster Response Fund.

46.(I) 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.

(2) The National Disaster Response Fund shall be made available to the National Executive Committee to be applied towards meeting the expenses for emergency response, relief and rehabilitation in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.

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.

National Disaster Mitigation Fund.

(2) The National Disaster Mitigation Fund shall be applied by the National Authority.

48. (1) * * * * *

Establishment of funds by State Government.

(2) The State Government shall ensure that the funds established—

(i) under clause (a) of sub-section (1) is available to the State Executive Committee;

(ii) under sub-clause (c) of sub-section (1) is available to the State Authority;

(iii) under clauses (b) and (d) of sub-section (1) are available to the District Authority.

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50. Where by reason of any threatening disaster situation or disaster, the National Authority or the State Authority or the District Authority is satisfied that immediate procurement of provisions or materials or the immediate application of resources are necessary for rescue or relief,—

Emergency procurement and accounting.

(a) it may authorise the concerned department or authority to make the emergency procurement and in such case, the standard procedure requiring inviting of tenders shall be deemed to be waived;

(b) a certificate about utilisation of provisions or materials by the controlling officer authorised by the National Authority, State Authority or District Authority, as the case may be, shall be deemed to be a valid document or voucher for the purpose of accounting of emergency, procurement of such provisions or materials.

CHAPTER X

OFFENCES AND PENALTIES

51. Whoever, without reasonable cause—

Punishment for obstruction, etc

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

Punishment for false claim.

52. Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority,

the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

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Previous sanction for prosecution.

59. No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

Cognizance of offences.

60. No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or

(b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

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CHAPTER XI

MISCELLANEOUS

Prohibition against discrimination.

61. While providing compensation and relief to the victims of disaster, there shall be no discrimination on the ground of sex, caste, community, descent or religion.

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Powers to be made available for rescue operations.

63. Any officer or authority of the Union or a State, when requested by the National Executive Committee, any State Executive Committee or District Authority or any person authorised by such Committee or Authority in this behalf, shall make available to that Committee or authority or person, such officers and employees as requested for, to perform any of the functions in connection with the prevention of disaster or mitigation or rescue or relief work.

Making or amending rules, etc., in certain circumstances.

64. Subject to the provisions of this Act, if it appears to the National Executive Committee, State Executive Committee or the District Authority, as the case may be, that provisions of any rule, regulation, notification, guideline, instruction, order, scheme or bye-laws, as the case may be, are required to be made or amended for the purposes of prevention of disasters or the mitigation thereof, it may require the amendment of such rules, regulation, notification, guidelines, instruction, order, scheme or bye-laws, as the case may be, for that purpose, and the appropriate department or authority shall take necessary action to comply with the requirements.

65. (1) If it appears to the National Executive Committee, State Executive Committee or District Authority or any officer as may be authorised by it in this behalf that—

Power of requisition of resources, provisions, vehicles, etc., for rescue operations, etc.

(a) any resources with any authority or person are needed for the purpose of prompt response;

(b) any premises are needed or likely to be needed for the purpose of rescue operations; or

(c) any vehicle is needed or is likely to be needed for the purposes of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, rehabilitation or reconstruction, such authority may, by order in writing, requisition such resources or premises or such vehicle, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

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(3) In this section,—

(a) “resources” includes men and material resources;

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67. The National Authority, the State Authority, or a District Authority may recommend to the Government to give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisories regarding any threatening disaster situation or disaster, and the said means of communication and media as designated shall comply with such direction.

Direction to media for communication of warnings, etc.

68. Every order or decision of the National Authority or the National Executive Committee, the State Authority, or the State Executive Committee or the District Authority, shall be authenticated by such officers of the National Authority or the National Executive Committee or, the State Executive Committee, or the District Authority, as may be authorised by it in this behalf.

Authentication of orders or decisions.

69. The National Executive Committee, State Executive Committee, as the case may be, by general or special order in writing, may delegate to the Chairperson or any other member or to any officer, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

Delegation of powers.

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71. No court (except the Supreme Court or a High Court) shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken, orders made, direction, instruction or guidelines issued by the Central Government, National Authority, State Government, State Authority or District Authority in pursuance of any power conferred by, or in relation to its functions, by this Act.

Bar of jurisdiction of court.

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73. No suit or prosecution or other proceeding shall lie in any court against the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any officer or employee of the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any person working for on behalf of such Government or authority in respect of any work done or purported to have been done or intended to be done in good faith by such authority or Government or such officer or employee or such person under the provisions of this Act or the rules or regulations made thereunder.

Action taken in good faith.

Immunity from legal process.

74. Officers and employees of the Central Government, National Authority, National Executive Committee, State Government, State Authority, State Executive Committee or District Authority shall be immune from legal process in regard to any warning in respect of any impending disaster communicated or disseminated by them in their official capacity or any action taken or direction issued by them in pursuance of such communication or dissemination.

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Rules and regulations to be laid before Parliament.

77. Every rule made by the Central Government and every regulation made by the National Institute of Disaster Management 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 of 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 regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation 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 or regulation.

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LOK SABHA

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BILL
to amend the Disaster Management Act, 2005.

(Shri Amit Shah, Minister Home Affairs and Cooperation)