

AS INTRODUCED IN THE RAJYA SABHA
ON 7TH FEBRUARY, 2025

Bill No. LIII 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.
(2) It shall come into force with immediate effect.
2. In the Disaster Management Act, 2005, (hereinafter referred to as the principal Act),
(a) for the words, “National Disaster Management Authority” wherever they

Short title and
commencement.

General.

53 of 2005.

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occur, the words "National Disaster Management Council" shall be substituted; and

(b) for the words, "National Authority" wherever they occur, the words "National Council" shall be substituted.

Amendment
of section 2.

3. In section 2 of the principal Act, for clause (s), the following clause shall be substituted, namely, - 5

“(s) “State Government” means the Department of Government of the State or Union Territory having Legislative Assembly, having administrative control of disaster management and includes Administrator of the Union Territory appointed by the President under article 239 of the Constitution;”.

Substitution
of section 3.

4. For section 3 of the principal Act, the following shall be substituted, namely, -

Establishment
of National
Disaster
Management
Council.

“3. (1) There shall be established for the purposes of this Act, an authority to be known as the National Disaster Management Council.

(2) The National Disaster Management Council shall consist of the following members: 15

(a) the Prime Minister of India, or any Minister of the Central Government nominated by the Prime Minister to represent the Central Government, who shall be the Chairperson, *ex-officio*; and

(b) the Minister in-charge of disaster management or any other Minister nominated by each State Government, who shall be the Member, *ex officio*. 20

(3) The Cabinet Secretary of the Central Government shall be the *ex-officio* Secretary of the National Council but shall not have a vote.

(4) All decisions taken by the National Council shall be determined by a simple majority of fifty-one per cent. of votes of the members present and voting. 25

(5) For the purpose of sub-section (4) of section 3, the value of votes which each member of the National Council is entitled to cast shall be determined in the following manner: -

(a) the Prime Minister or the Minister representing the Central Government, shall have one vote equivalent to the value of fifteen per cent. of the total votes available in the National Council; and 30

(b) every Member representing a State Government, shall have one vote and the value of such vote shall be calculated in proportion to the number of seats held by the respective State Government in the Council of States among the remaining eighty-five per cent. of votes available in the National Council. 35

Illustration

If a State or Union Territory has ten per cent. of the total seats of the Council of States, then the vote of that State or Union Territory, as the case may be, in the National Council shall be worth eight and a half per cent. of the total vote of the National Council. 40

(6) Any State Government which wishes to replace its Member shall be entitled to do so at any point of time.

5.	After section 3 of the principal Act, the following new section shall be inserted, namely: -	Insertion of new section 3A.
5	<p>“3A. (1) Any relief, rehabilitation, mitigation, restoration or fund requested by any State Government from the National Disaster Response Fund or National Disaster Mitigation Fund shall be dealt with by the National Council within thirty days from the date of request.</p> <p>(2) The National Council shall consider reports of the State Authority prior to any decision on relief to be given to the States.</p> <p>(3) The decision to grant any fund to a State Government, as requested by them or otherwise deemed appropriate, shall be based on objective criteria such as but not limited to –</p> <p>(a) the nature of disaster and the level of impact on the State or Union territory and its people;</p> <p>(b) the financial position of the State or Union territory to meet the impact of the disaster;</p> <p>(c) the need for funds to restore normalcy and resettle the people affected by the disaster; and</p> <p>(d) any other objective reasons as may be decided by the National Council.</p>	Time period to consider relief request.
6.	For section 4 of the principal Act, the following shall be substituted, namely: -	Substitution of section 4.
20	<p>“4. (1) The National Council shall meet at least twice in a year, ordinarily at New Delhi, or at any other place chosen by the Council.</p> <p>(2) The Prime Minister of India or the Minister representing the Central Government shall chair all meetings of the National Council.</p> <p>(3) In the absence of the Prime Minister or the Minister representing the Central Government, the remaining Members shall elect any other Member as a pro-term Chairperson for that meeting alone.”.</p>	Meetings of National Council.
7.	In section 6 of the principal Act, in sub-section (2), after clause (e), the following shall be inserted, namely, -	Amendment of section 6.
30	“(ea) lay down directions and guidelines to be followed by the National Executive Committee in applying the National Disaster Response Fund for meeting the expenses for emergency response, relief and rehabilitation;”.	
8.	In section 7 of the principal Act, for sub-section (1), the following shall be substituted, namely, -	Amendment of section 7.
35	“(1) The National Council may constitute an advisory committee consisting of experts in the field of disaster management and having practical experience of disaster management at the national, State or district level, from time to time to aid in its decisions and oversee mitigation works including the transfer of funds.	
9.	In section 10 of the principal Act, after sub-section (2), , the following shall be inserted, namely, –	Amendment of section 10.
40	“(3) The National Executive Committee shall be bound by any direction or order issued by the National Council”.	
10.	In section 46 of the principal Act, for sub-section (2), the following shall be substituted, namely: -	
45	“(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 directions and guidelines laid down by National Council.”.	

STATEMENT OF OBJECTS AND REASONS

The primary objective of the present amendment is to amend the Disaster Management Act, 2005, in order to substitute the National Disaster Management Authority (NDMA) which comprises only of the Prime Minister and Members appointed by the Prime Minister with a broader and more inclusive National Disaster Management Council (NDMC) with representatives of all States.

The creation of the NDMA was to enable the Union to aid the States when disaster strikes. The Union has a primary role in protecting the life and property of the citizens of India. The Union as the *parens patriae* come to the aid of the people who are suffering due to a natural disaster. The Union's legal obligation to come to the aid of the States providing relief from natural disasters are reinforced under the provisions of the Disaster Management Act, 2005. The obligations of the Union are to be discharged by it impartially and without political bias. Therefore, it is imperative that the apex decision making body under the Disaster Management Act, 2005 comprise of State representatives as well. This would only strengthen the constitutional guarantee of co-operative federalism. All States can participate in the deliberations of the NDMC and the process of releasing funds would become transparent and objective when all stakeholders are heard. Currently, the NDMA follows a one-size-fits-all approach, whereas with the States part of the newly constituted NDMC, the unique requirements of each State would be brought to the fore and considered while making decisions.

This amendment aims to ensure that there is a structured, transparent, and equitable mechanism for the allocation and utilisation of funds dedicated to disaster management, thereby ensuring that States severely affected by disasters are not left underfunded or neglected. The NDMC would prioritise funding based on the severity of disaster impact and the urgent needs of affected States.

The new amendment will ensure the equitable and efficient allocation of resources, prioritizing support for the States with the greatest needs. This approach will enhance national resilience and preparedness in the face of disasters.

The Bill seeks to achieve the above-mentioned objectives.

P. WILSON

ANNEXURE

EXTRACT FROM THE DISASTER MANAGEMENT ACT, 2005

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

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(s) “State Government” means the Department of Government of the State having administrative control of disaster management and includes Administrator of the Union territory appointed by the President under article 239 of the Constitution;

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CHAPTER II

THE NATIONAL DISASTER MANAGEMENT AUTHORITY

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be established for the purposes of this Act, an authority to be known as the National Disaster Management Authority. Establishment of National Disaster Management Authority.

(2) The National Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the Central Government and, unless the rules otherwise provide, the National Authority shall consist of the following: —

- (a) the Prime Minister of India, who shall be the Chairperson of the National Authority, ex officio;
- (b) other members, not exceeding nine, to be nominated by the Chairperson of the National Authority.

(3) The Chairperson of the National Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the National Authority.

(4) The term of office and conditions of service of members of the National Authority shall be such as may be prescribed.

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. Meetings of National Authority.

(2) The Chairperson of the National Authority shall preside over the meetings of the National Authority.

(3) If for any reason the Chairperson of the National Authority is unable to attend any meeting of the National Authority, the Vice-Chairperson of the National Authority shall preside over the meeting.

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7. (1) The National Authority may constitute an advisory committee consisting of experts in the field of disaster management and having practical experience of disaster management at the national, State or district level to make recommendations on different aspects of disaster management. Constitution of advisory committee by National Authority.

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National Disaster Response Fund.	46.	*	*	*

(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.

RAJYA SABHA

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BILL

to amend the Disaster Management Act, 2005.

(Shri P. Wilson, M.P.)