

## Bill Analysis of The Disaster Management (Amendment) Bill, 2024

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### History

- India's disaster management framework evolved from the colonial-era Famine Codes and relief-centric approaches, where states held primary responsibility with minimal central intervention. The 1990s marked a pivotal shift during the UN's International Decade for Natural Disaster Reduction (IDNDR), prompting India to establish a High-Powered Committee (HPC) in 1999. The period between 1999-2004 witnessed devastating disasters - the Orissa Super Cyclone (1999), Gujarat Earthquake (2001), and Indian Ocean Tsunami (2004) - exposing critical gaps in state-level disaster response capabilities.
- The constitutional positioning of disaster management remained ambiguous, being absent from all three lists of the Seventh Schedule. This led to varying interpretations of jurisdictional authority until the Central Government, invoking Entry 23 of the Concurrent List (Social Security and Social Insurance), enacted the Disaster Management Act, 2005. The Act marked a paradigm shift from relief-centric response to prevention and mitigation-focused approach, establishing the National Disaster Management Authority (NDMA), State Disaster Management Authorities (SDMAs), and District Disaster Management Authorities (DDMAs). The institutional framework was further strengthened with specialized bodies like the National Institute of Disaster Management (NIDM) and National Disaster Response Force (NDRF).
- Between 2005 and 2024, implementation challenges emerged across multiple dimensions. The fragmentation of authority between various agencies, inadequate coordination mechanisms, and limited community participation became apparent during successive disasters and necessitated a more comprehensive approach. The High-Powered Committee's review, coupled with recommendations from various stakeholders and international frameworks like the Hyogo Framework for Action, led to the formulation of the Disaster Management Amendment Bill 2024, aimed at addressing these systemic challenges while strengthening the institutional framework established under the original Act.

## Objectives

- ***Disaster Management Act 2005:*** The Disaster Management Act 2005 established foundational objectives focused on creating a comprehensive institutional framework for disaster management in India. The Act developed an integrated, technologically-driven approach through authorities at national, state, and district levels - NDMA, SDMAs, and DDMA respectively. The Act mainstreamed disaster management into development planning by mandating disaster management plans at all levels, establishing specialized response mechanisms like NDRF, and creating dedicated funds for disaster response and mitigation.
- ***Disaster Management (Amendment) Bill, 2024:*** The Bill's primary objective is to establish comprehensive "disaster databases" that will enable scientific assessment of vulnerabilities, fund allocation, and risk mitigation strategies. This data-centric approach is complemented by the objective of creating specialized "Urban Disaster Management Authorities" through the State Government, recognizing the unique challenges and heightened vulnerabilities of India's rapidly growing urban centers. The amendment aims to resolve the long-standing challenge of jurisdictional ambiguity in disaster management by creating a unified national framework that respects state autonomy while ensuring standardized disaster response protocols. To empower NDMA, the powers and functions of the authority have been expanded with the power to assess its own staffing needs. This has been done to bring more autonomy to the institution. Another important provision of this Bill is also creation of a "State Disaster Response Force" at the State level.

## Amendments

S. No	Clause	Provision in the Act	Amendment proposed
1	<u>Section 2, Clause (d)-</u> <u>defines man made</u>	No clarification existed	clarifies that "man made causes" in the

	<u>cause</u>	on "man made cause"	definition of "disaster" does not include law and order related situations.
2	<u>Section 2, Clause (da)- disaster database</u>	No such provision existed before	provides for creation of a "disaster database" (at National and State level) which would include risk register according to type and severity of risk
3	<u>Section 2, Clause (e)- disaster risk reduction</u>	"Disaster risk reduction" was not included explicitly	provides that the expression "disaster management" is inclusive of the concept of "disaster risk reduction."
4	<u>Section 11, sub-section Empowering NDMA and SDMA</u>	The National Executive Committee and State Executive Committee would prepare national and state disaster management plans	directly empowers the National Disaster Management Authority (NDMA) and the State Disaster Management Authorities (SDMAs) to prepare the disaster plan at national level and state level <b>instead of</b> the National Executive Committee and the State Executive Committee
5	<u>Section 6- sub-section (2), after clause (j)- expansion of functions of</u>	Functions of NDMA/SDMAs	adds new functions for the NDMA/ SDMAs: Taking periodic stock of disaster risks.

	<u>NDMAs/SDMAs</u>		Providing technical assistance to authorities. Recommending guidelines for minimum standards of relief. Preparing national and state disaster databases.
6	<u>Section 5- NDMA to assess its staffing needs</u>	Central Government provides the NDMA with such officers	NDMA may, with previous approval of the Central Government, specify its staffing needs.
7	<u>Section 41A- Constitution of Urban Disaster Management Authority</u>	-	empowers the state government to constitute a separate Urban Disaster Management Authority (UDMA) for state capitals and cities with a municipal corporation except for Delhi and Chandigarh.
8	<u>Section 44A- Creation of State Disaster Response Force</u>	Earlier there was only the NDRF.	empowers the state government to constitute a State Disaster Response Force (SDRF) where the state government will define its functions
9	<u>Sections 8A and designates NCMC and HLC as statutory bodies</u>	Government created the National Crisis Management Committee (NCMC) and the High	provides statutory status to these pre-Act organizations <ul style="list-style-type: none"> <li>• NCMC - nodal body for dealing with major disasters with national</li> </ul>

		Level Committee (HLC) through government notifications.	ramifications, led by Cabinet Secretary <ul style="list-style-type: none"> <li>• HLC - provide financial assistance to state governments during disasters, led by the Minister in-charge of the Ministry having administrative control over disaster management.</li> </ul>
10	<u>Section 6,</u> <u>sub-section (2),</u> <u>after clause (j)-</u> <u>adding new provisions</u> <u>to introduce the</u> <u>concept of "emerging</u> <u>disaster risks"</u>	-	NDMA shall take stock of the entire range of disaster risks in the country periodically, including "emerging disaster risks".
11	<u>Section 46,</u> <u>sub-section (1)-</u> <u>National Disaster</u> <u>Response Fund</u>	National Disaster Response Fund was meant for meeting "any threatening disaster situation or disaster"	substitutes the previous expression with the words - "for meeting different aspects of disaster management". Dilutes the wording of the NDRF by removing the purposes for which the fund shall be used

## Impacts and concerns

- **Centralization and top-down approach:** The bill reflect a centralized top-down approach, exacerbating concerns already present in the Disaster Management Act, 2005. While the Act mandates authorities at National, State, and District levels, the 2024 Amendment Bill adds statutory status to pre-existing bodies like the National Crisis Management Committee (NCMC) and High-Level Committee (HLC), potentially complicating disaster response chains of command and coordination. This approach risks delayed disaster responses, which would be antithetical to the Act's intent and purpose.<sup>1</sup>
- **Strengthening and Empowerment of NDMA and SDMA-** The proposed amendment bill aims to strengthen the disaster management authorities. It enhances the roles of the NDMA and SDMA in preparing disaster management plans. This is likely to streamline the process of formation of disaster management plans.
- **Urban Disaster Management Authorities (UDMA)-** The bill provides for the establishment of Urban Disaster Management Authorities (UDMA). This is likely to decentralize the exercise of disaster management in urban areas, provided sufficient funds are available. This may also help tailor the response to local situations and on-ground factors. The power of establishing these UDMAs has been delegated to the respective state governments.
- **Creation of Disaster Database-** A comprehensive and centralized 'disaster database' at the national and state levels will tremendously improve the ability to prepare for and respond to disasters. If India has such a disaster database, it will help in better coordination among stakeholders, increased synchronization of efforts, efficient resource allocation and date-driven decision-making.
- **State Disaster Response Force-** The bill also provides for the establishment of a State Disaster Response Force, like the National Disaster Response Force. This step will increase states' capacity and capability to deal with disasters and will rationalize the disaster management efforts thereby increasing both effectiveness and efficiency.

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<sup>1</sup> Ullal, P. Yanappa, S. "The Disaster Management (Amendment) Bill is knotty", Vidhi Centre for Legal Policy. Accessed at: <https://vidhilegalpolicy.in/blog/the-disaster-management-amendment-bill-is-knotty/>

- **Lack of necessary devolution of financial powers for proper functioning of UDMAs:** In India, urban areas contribute around 60% of the country's GDP (NITI Aayog, 2022). Despite these significant responsibilities of the Urban Local Bodies (ULBs), their revenue receipts stand at a meagre 0.6% of the country's GDP in 2023-24.<sup>2</sup> This data point has significant bearing on disaster management as well. While this amendment Bill intends to decentralize functions of the National Disaster Management Authority and the State Disaster Management Authorities by creating Urban Disaster Management Authorities, this decentralization without the necessary devolution of financial powers will create more problems than it solves.<sup>3</sup>
- **Dilution of the wording for NDRF and subsequent increased scope of discretion:** The dilution of the wording related to the National Disaster Response Fund creates concerns of over-centralization and increased scope for discretion by the Central government. Centralized control over fund usage contradicts the decentralized approach needed for effective disaster management, which the bill ostensibly aims to promote through Urban Disaster Management Authorities. Such centralization risks confusion and delays during disasters, as seen when NDRF relief funds were withheld from Tamil Nadu and later disbursed to Karnataka.<sup>4</sup>
- **Narrow framing of disaster as a concept:** The proposed amendment Bill includes "emerging climate risks" but remains limited by a static and restrictive definition of disasters. Climate-induced disasters like heatwaves, with their regional variability, are excluded from the Act's notified list of disasters. Defining heat waves with a nationwide constant and excluding them as disasters is problematic, especially when prolonged events cause impacts similar to listed disasters like floods. This narrow framing highlights the incompatibility of climate-induced disasters with the Act's traditional disaster framework. The issue is further exacerbated by the localized nature and impacts of such climate-induced events.<sup>5</sup>
- **Lack of adequate power to NDMA:** The National Disaster Management Authority (NDMA), despite its growing importance, lacks adequate powers and recognition. Ideally, it should be elevated to a government

<sup>2</sup> "Report on Municipal Finances - Own Resources of Revenue Generation in Municipal Corporations: Opportunities and Challenges". Reserve Bank of India report. Available at:

<https://rbidocs.rbi.org.in/rdocs/Publications/PDFs/MUNICIPALFINANCES131124AE4D91D4DD4A4629A88DA79BF0C52C73.PDF>

<sup>3</sup> Ullal, P. Yanappa, S. "The Disaster Management (Amendment) Bill is knotty", Vidhi Centre for Legal Policy. Accessed at:

<https://vidhilegalpolicy.in/blog/the-disaster-management-amendment-bill-is-knotty/>

<sup>4</sup> Ibid

<sup>5</sup> Ibid

department or even a Ministry. Currently functioning through the Home Ministry, the NDMA has no significant administrative financial powers, which causes inefficiency and delays as even minor decisions must go through the Home Ministry. Additionally, it is severely understaffed, especially at leadership levels. The amendment Bill fails to address these critical shortcomings.<sup>6</sup>

- **Institutional issue with design of UDMAs:** The bill provides for the establishment of Urban Disaster Management Authorities (UDMAs). UDMAs would be chaired by municipal commissioners, with district collectors as vice-chairpersons to address coordination challenges. However, this structure may create issues, as district collectors, often senior to municipal commissioners, would hold subordinate roles. While this might work in megacities where commissioners are senior IAS officers, smaller cities face challenges due to this seniority gap.<sup>7</sup>

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<sup>6</sup> Sinha, A. "Bill seeks to expand NDMA role, fails to strengthen its status". *indianexpress.com*. Accessed at: <https://indianexpress.com/article/explained/disaster-management-ndma-role-expansion-ndma-operational-efficiencies-natural-disaster-9499210/>

<sup>7</sup> Jha, R. The Disaster Management (Amendment) Bill, 2024: A city-centric analysis. orfonline.org. Accessed at: <https://www.orfonline.org/expert-speak/the-disaster-management-amendment-bill-2024-a-city-centric-analysis>