

Together, towards a safer India

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Central Legislation on Disaster Management ---- Disaster Management Bill, 2005 Introduced in Parliament

The Central Government has introduced the Disaster Management Bill, 2005 in the Rajya Sabha. The Bill has been referred to the Department-related Parliamentary Standing Committee on Home Affairs for detailed examination and report. The legislation on disaster management has been related to entry 23 (Social security and social insurance) in the Concurrent List of the Constitution and the States would also be able to enact their own legislations on the subject. In fact, the States of Gujarat and Bihar have already enacted their respective disaster management legislations.

To trace the evolution of the Bill, the High Powered Committee (HPC) on Disaster Management was constituted in August, 1999 to go into the institutional mechanisms and arrangements required for effective disaster management. The Committee had recommended enactment of suitable legislation by the Central as well as the State Governments and had also suggested a model law. In addition, a series of major disasters in the recent past underscored the need for focusing on prevention and mitigation measures, enhanced levels of preparedness, prompt and effective disaster response and capacity building to meet future disaster events. The need to vest the required institutional and policy framework with appropriate legislative backing was also strongly felt.

The Disaster Management Bill, 2005 delineates the institutional framework to be put in place at the national, state and district levels and defines the roles and responsibilities of different departments, institutions and officers for sustainable and efficacious disaster management. The Bill envisages establishment of a National Disaster Management Authority (NDMA) headed by the Prime Minister and comprising of members not exceeding nine to be nominated by the Prime Minister. The Authority shall be responsible for laying down policies, plans and guidelines for disaster management and may also constitute an Advisory Committee consisting of Experts. A National Executive Committee of Secretaries shall also be constituted to assist the Authority in implementing its policies and plans. The National Executive Committee shall also prepare a National Disaster Management Plan in consultation with States and expert bodies and the same shall be submitted to the Authority for approval.

The National Disaster Management Plan, to be reviewed and updated annually, shall address measures to be initiated for prevention and mitigation, integration of mitigation measures in the development plans, preparedness and capacity building to effectively respond to disasters and define roles and responsibilities of different Ministries/Departments. The NDMA shall also lay

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down guidelines for minimum standards of relief to be provided to people affected by disasters.

A complementary institutional structure is envisaged at the State and the District levels too. The State Disaster Management Authority would be headed by the Chief Minister and comprise such other members not exceeding nine as may be nominated by the Chief Minister. It may constitute an Advisory Committee and shall lay down policies and plans for disaster management in the State. It shall also formulate detailed guidelines for providing minimum standards of relief to persons affected by disasters in the State provided such minimum standards of relief shall not be less than the standards prescribed by the National Authority. The State Authority shall be assisted by a State Executive Committee headed by the Chief Secretary in discharge of its functions and shall be responsible for implementing the National and State DM Plan and shall monitor and coordinate management of disasters in the State.

The State Authority shall prepare the State Disaster Management Plan in accordance with the guidelines laid down by the National Authority and in consultation with the District administration, zilla parishads and people's representatives to address vulnerability of different parts of the State, measures for prevention and mitigation and their integration with developmental plans and projects, capacity building and preparedness measures and also determine the roles and responsibilities of each department of the State.

At the district level, a District Disaster Management Authority shall also be constituted headed by the District Collector/Deputy Commissioner. It shall act as district planning, coordinating and implementing body for disaster management and shall take disaster management measures at the district level. It shall prepare a District DM Plan in consultation with zilla parishads and municipalities in consonance with the National and State DM Plans and the same shall be reviewed and updated annually.

The Central Government shall take all such measures as deemed expedient including inter-ministerial and inter-State coordination and by governmental and non-governmental organizations, ensuring integration of measures for prevention and mitigation of disasters, ensuring appropriate allocation of funds, deployment of armed forces, coordination with UN agencies,

international Organizations and foreign countries, establishing institutions of research, training and development programmes etc. The legislation also empowers the Central Government to extend such support to other countries affected by major disasters as necessary.

Similarly, each State Government shall take such measures as it deems expedient including coordination of actions of different departments of State Government, State Authority, District Authority, NGOs, cooperation with and assistance to Ministries/Departments of Government of India, allocation of funds for disaster prevention, mitigation preparedness and capacity building, integrating risk reduction concerns in development planning, establishing warning systems upto community level and rehabilitation and reconstruction assistance to disaster victims.

In addition, the Disaster Management Bill, 2005 also mandates that the Central Government shall constitute a National Institute of Disaster Management for planning and promoting training and research in disaster management, documentation and development of national level information base. It envisages constitution of a National Disaster Response Force for specialist response. A National Disaster Response Fund and a National Disaster Mitigation Fund are also proposed to be created for meeting expenditure on emergency response arising out of a disaster situation and for projects exclusively for mitigation purposes, respectively. Similar initiatives would be taken at the State and District levels too by their respective Disaster Management Authorities.

The Bill also stipulates that every Ministry/ Department of the Central Government shall make a provision in its annual budget for funds to carry out activities and programmes set out in its DM Plan. The Bill also lays down punishment for obstructing response, false claim, misappropriation of money or materials, issue of false warning etc. There shall be no discrimination in providing compensation and relief to the victims of disasters. The Bill empowers the National, State and the District DM Authority to issue appropriate directions to the media for communication of warnings or advisories regarding any disaster situation. The Bill restricts the jurisdiction to entertain any suit or proceedings in respect of any action taken or order given by Governments, National, State or District DM Authority etc. to Supreme Court and High Courts only.

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Constitution of National Disaster Management Authority (NDMA) notified

The Government has constituted the National Disaster Management Authority (NDMA) and a notification to the effect has also been issued. Although the Disaster Management Bill, 2005 provides for establishment of an Authority, but pending enactment of the legislation and in view of the urgent need to put in place an appropriate institutional disaster management framework at the apex level, it was decided to constitute the NDMA by issue of an executive order. The Prime Minister shall be the ex-officio Chairperson of the National Disaster Management Authority. It shall have other members not exceeding nine to be nominated by the Prime Minister and one of the Members may be designated as the Vice-Chairperson of the Authority.

The Authority shall have the responsibility to lay down policies, plans and guidelines for disaster management; approve the National DM Plan and plans prepared by Ministries/Departments in accordance with the National Plan; lay down guidelines to be followed by State Authorities in drawing up the State Plan; coordinate the enforcement and implementation of the policy and plans for disaster management; arrange for and oversee the provision of funds for mitigation, preparedness and response; provide such support to countries affected by disasters as may be determined by the Central Government and take such other measures for disaster prevention, mitigation, preparedness and capacity building.

The NDMA shall also lay down guidelines for minimum standards of relief to be provided to persons affected by disasters; special provisions to be made for widows and orphans; ex-gratia assistance for loss of lives, damage to houses and for restoration of means of livelihood etc. The Authority may, in the event of a severe disaster, give directions regarding relief in re-payment of loans or for grant of fresh loans to persons affected on concessional terms.

With the National Disaster Management Authority in place, it is felt that coordination and decision-making at the apex level shall become speedier and efficacious.

Training Programme on Fire Hazard in Industrial Establishments and High-rise Buildings by CII in Gurgaon

The Confederation of Indian Industry (CII) organized a training programme on fire safety and on the need to adopt and integrate structural and non-structural

measures to secure industrial assets and infrastructure against natural disasters in Gurgaon. The programme was attended by Shri Sarban Singh, Director, Urban Development, Government of Haryana and Shri Anurag Agarwal, Chairman, Haryana Urban Development Authority (HUDA) as well as participants from industrial establishments.



Prof. A.S. Arya, National Seismic Advisor made a presentation on “*Vulnerability Profile of Delhi & Haryana - -- a multi-hazard perspective*” and said that reduction of vulnerability of built environment and systems was the key to disaster mitigation. He urged the industries to adopt risk reduction measures like retrofitting of buildings, roofs, walls and non-structural elements, improving the support systems for equipments, fire safety measures and preparedness against emergency situations.

Shri Jnananjan Panda spoke on “*Earthquake induced Fire Hazard*”. The location of industries in active seismic zones coupled with vulnerable building stock and industrial infrastructure, unstable and loose electrical fittings, inadequate attention to safety in handling and storage of chemical raw materials, haphazard construction patterns etc. enhance the probability of an earthquake-induced fire incident.

Shri Rajeev Issar made a presentation on the “*Socio-Economic Impact of Natural Disasters*” with specific reference to the corporate sector. He said that natural disasters pose a major threat to economic development in India and erode nearly 2% of the country's GDP and consume 12% of Government revenue. Disasters cause loss of productive time and opportunity, necessitate diversion of resources and result in additional external borrowing without increasing repaying capacity and make it unviable.

Shri Sarban Singh, Director, Urban Development, Government of Haryana implored the industries to follow building by-laws to ensure safety of assets, infrastructure and industrial personnel through adoption of disaster-resistant measures.

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Training Programme for national, regional and state level officers and functionaries of National Service Scheme (NSS) in Disaster Management

In order to build the knowledge, aptitude and skills of national, regional and state level officers and functionaries of National Service Scheme (NSS) and to give an impetus to implementation of the national work plan developed for association of NSS volunteers in DM related activities, an intensive two-day training programme was conducted at the National Institute of Disaster Management (NIDM). The NSS officers were trained in facilitating development of community-based disaster management plans, awareness generation activities and in implementation of school/college awareness and safety plans.

Shri Saroj Kumar Jha, Director, Shri M.P. Sajani, Advisor (DM), Ministry of Home Affairs, Dr. Gopalji, Dy. Programme Advisor, NSS, Prof. Jethwaney, Indian Institute of Mass Communications, Prof. A.S. Arya, Prof. Santosh Kumar, NIDM and resource persons from GoI-UNDP DRM Programme addressed the participants on different facets of disaster management.

The trained NSS officers have initiated the process of imparting training to Programme Officers in their States for undertaking activities on Disaster Management at the community level.

Updates on GoI-UNDP Disaster Risk Management (DRM) Programme and Urban Earthquake Vulnerability Reduction Project (UEVRP)

- **DELHI:** Lieutenant-Governor, Shri B.L. Joshi reviewed the disaster management preparedness in Delhi and suggested amendments in building by-laws and Master Plan to incorporate provisions to tackle any kind of disaster in future. He was apprised of the activities being undertaken and about development of DM Plans in three districts. All nine districts have been asked to identify sites to set up helipads for carrying out airlifting operations during emergency situations. The West District in Delhi has prepared its District Disaster Management Plan. The Plan covering district profile, hazard analysis, organisation structure, risk analysis, preparedness plan, mitigation plan and emergency response plan has been reviewed in District Disaster Management Committee meeting.

- **MAHARASHTRA:** An orientation-cum-training programme on importance and functionality of Emergency Operations Centre (EOC) was organized and was attended by officers from all five districts of Pune division, Pune Municipal Corporation and Commissioner's office. In the first block level activities under DRM Programme in Maharashtra to sensitize all officers on disaster management issues and on their roles and responsibilities. Pune Municipal Corporation organized a workshop with Promoters Builders Association and Institute of Engineers on EQ-resistant construction designs and features and on-site construction safety aspects. It was attended by builders, construction companies and citizens. A Marathi poster on do's and don'ts during earthquakes has been developed in Satara district and has been sponsored by a local bank 'Mahila Patsanstha' and nearly 3,000 copies have been distributed.
- **ASSAM:** A 4-digit telephone (1077) has been installed in the Disaster Management Control Room in the office of the Deputy Commissioner, Cachar. The Tel. No. (03842)1077 is accessible from all over India and later it will be shifted to DEOC.
- **UTTAR PRADESH:** Under the UEVRP in Lucknow, Community Based Disaster Preparedness Committees have been formed in two wards with representation of Councillors, Police, Fire, Civil Defence, NGOs, Municipal Corporation etc. to develop an Emergency Preparedness and Response Plan. The formation of the Committee was widely covered in the newspapers.
- **GUJARAT:** In Bharuch district, two taluka level mock drills on cyclones and floods were held at Kantiajhal in Hansot district and Khojbal in Vagra Taluka with a view to assess response mechanism of Taluka administration and local communities and fill in the gaps where required. The drills involved all taluka-level line departments, village DMC and DMT members and ONGC and IPCL the two oil and petrochemical companies.

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