

# India's New Era of Disaster Management: Progress and Pitfalls

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**Abstract:** India has faced the numerous devastating natural and man - made catastrophes during the last four decades which was resulting in significant loss of life, resources, property, and trauma. Until 2005, India had no system or policy for disaster management, and there was no structure for prevention of disaster. After the Tsunami in 2004, the Policymakers recognized the need for a formalized disaster management strategy. In the wake of these persuasions, Indian Parliament had enacted the Disaster Management Act in 2005 to provide for the legal framework in related to management of disasters in order to make the country disaster free. The Act does not appear to put enough emphasis on proactive steps to reduce disaster risk but making it seem Reactive. Besides, there are no clear accountability procedures in place and also the Climate Change which may result an urgent revision of the Act which is imperative to establish a more robust and effective disaster management in India is need of an hour. Recently, the Government of India, introduced The Disaster Management (Amendment) Bill 2024 in the Parliament. The Major concerns in disaster management Amendment bill is, the newly climate Induced Disasters like heatwave are not added in the definition of the disaster. The amendment bill, made changes in the usage of the National Response Fund and delay in allocating them to the states which makes the excess of centralization even though the Disaster management is not directly present in the Schedule 7 of concurrent list in the Indian Constitution. The new approach of Government of India proceeds from the conviction that development cannot be sustainable unless disaster management is built in to the development process from ground level like district and State level. This research paper discusses about the disaster management act in India vis - à - vis the change in approach over the Disaster Management (Amendment) Bill, 2024.

**Keywords:** Disaster Management, Disaster Management Act, Amendment Bill, Transformative Approach, Federalism

## 1. Introduction

India is a peninsular country surrounded by water on three sides and land on one side. So, India is one of the most Disaster - Prone country. Its position, which combines distinctive geoclimatic elements with a dense population, results in a wonderful blend of resistance and vulnerability. India's land area roughly 40 million hectares which is vulnerable to riverine and flash floods, with about 8 million hectares being at risk of yearly flooding. Approximately 60% of the country is also prone to earthquakes and landslides of varying magnitudes. Apart from the risks arising from environmental causes, societal variables such as deprivation, hunger, and problems with reproductive health serve to raise the overall risk. Associated elements that contribute significantly to the current threats are urbanization and climate change. In all, 736 disasters struck South East Asia between 1974 and 2003, with 303 occurring in India alone<sup>1</sup>. Until 2005, India had no comprehensive policy for disaster management, and there was no structure for prevention of disaster. After the Tsunami in 2004, the Policymakers recognized the need for a formalized disaster management so they enacted a Disaster Management Act, 2005. This act provides for the effective management of disasters. With a renewed emphasis on preparedness, mitigation, and prevention of disasters, the Act represents a paradigm shift in India's approach to disaster management. The National Disaster Management Authority is established at the federal level by this Act, which is regarded as the mother Act

addressing disasters, both natural and man - made. State and district levels also imitate the concept. But, this act moreover reactive not a preventive mode, so, the government of India, introduce a Disaster Management (Amendment) Bill, 2024 for better progress of dealing the disasters.

## 2. Research Objectives

- To study about the progress over the years of Disaster Management Act, 2005 which is in critical aspect.
- To study about the disaster management act in India vis - à - vis the change in made in approach over the Disaster Management (Amendment) Bill, 2024.

## 3. Research Methodology

This research paper is entirely based on secondary data sources. The author mostly relied on secondary data such as books, acts, bills, research articles, governmental websites, newspaper articles, various reports on related to the Disaster Management.

## 4. Disaster Management Act 2005

### 4.1 Background

The United Nations General Assembly declared 1990 to be the International Decade for Natural Disaster Reduction (IDNDR), marking the start of an extensive worldwide

<sup>1</sup> Guha-Sapir D, Thirty Years of Natural Disasters, 1974-2003, The Numbers. Centre for Research on Epidemiology of Disasters,

Brussels, 2005.

movement to integrate natural disasters into nations overall socio - economic development plans. India was forced to follow the global trend of giving priority to disaster administrative frameworks for disaster - proof administration, in line with United Nations policies and programs. In India saw a series of devastating natural calamities marking the start of the new millennium, including the 2001 Gujarat earthquake and the 2004 Indian Ocean tsunami. There was a call for the Central Government to take the lead in developing a comprehensive national legal framework for disaster management and for the establishment of a specific federal agency to oversee and coordinate the state - led disaster management. So, the central government established a High - Powered Committee in 1999 to meet the end of the IDNDR<sup>2</sup>. Ultimately, in 2005, Parliament passed the Disaster Management Act, which now serves as the foundation of the nation's legal framework for disaster management.

#### 4.2 Current Policy and Strategy – Top - Down Approach

The Disaster Management Act of 2005 called for the establishment of the District Disaster Management Authorities (DDMA), chaired by the corresponding District Collectors, the State Disaster Management Authorities (SDMA), chaired by the respective Chief Ministers at the state level, and the National Disaster Management Authority (NDMA), chaired by the Hon'ble Prime Minister of India<sup>3</sup>. The NDMA which has the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster<sup>4</sup>. It also sets up a National Executive Council (NEC) to assist the NDMA. Similar structure is present at the State and District level. The National Policy on Disaster Management, 2009, has also been adopted by the cabinet, completing his basic institutional framework. It offers a more thorough framework for preparedness, mitigation, and disaster prevention. The policy recognizes that certain socially disadvantaged groups in society are more severely impacted by natural disasters, which helps to address concerns about equity and inclusivity to some level<sup>5</sup>.

In this context, under the Act, the NDMA and the NEC will ensure prompt response, coordinate the enforcement and implementation of these policies and plans for disaster management, and approve the national plans and the plans of the respective union ministries/departments. They will also lay down guidelines for the state authorities have typically handled all of these tasks.

The Act provides for the establishment of comparable state -

level authorities under the names of the State Disaster Management Authority (SDMA)<sup>6</sup> and the State Executive Committee (SEC)<sup>7</sup>, adhering to the national framework at the sub - national level. However, there is one notable difference between the NDMA and SDMA in terms of the designated powers and functions<sup>8</sup>. The nation's whole approach to disaster management may have changed completely if the NDMA had been granted the same authority to work with other Central Government departments. Section 24 of the Act has also incorporated significant provisions that designate the SEC with certain authorities and responsibilities in the case of a possibly disastrous circumstance<sup>9</sup>.

In a manner, the District Disaster Management Authority (DDMA) has been the most understanding that the district administration must make the strongest efforts possible in the event of a disaster situation<sup>10</sup>. The establishment of DDMA as the centre around which the district - level disaster management system would be built, creating an organic link among the disaster management authorities at all levels. In reality, the DDMA's scope and diversity of work are so great that it requires extreme caution and rapid action whenever it considers enhancing the district's resilience to disasters. The DDMA appears to be in a unique position where, if it takes proactive steps for both long - term prevention and short - term mitigation of disasters in the district, it can remove the higher authorities from commanding charge of disaster management at least in the case of the district in question despite the Act's top - down model of disaster management, which gives successive lower authorities less leverage in the given field<sup>11</sup>.

#### 4.3 New Institutional Mechanism

The National Disaster Response Force (NDRF) a specialist response force, was established under the Disaster Management Act of 2005 with the aim of providing expert assistance in the event of both natural and man - made disasters<sup>12</sup>. Under the National Disaster Authority, which has been granted leadership, direction, and overall supervision, this Force will operate. This will be a high - tech, multidisciplinary force that can be deployed by land, sea, or air to deal with any kind of calamity<sup>13</sup>. The National Crisis Management Committee (NCMC) can give directions to any Ministry Department organization for specific action needed for meeting the crises situation and also gives direction to the Crisis Management Group as deemed necessary<sup>14</sup>.

<sup>2</sup> Report of the Committee was submitted in 2001. Government of India, The Report of High Powered Committee on Disaster Management, (Chairman: J. C. Pant), New Delhi: National Centre for Disaster Management, Indian Institute of Public Administration, 2001.

<sup>3</sup> Sec. 3, The Disaster Management Act, 2005, No. 13, Acts of Parliament, 2005.

<sup>4</sup> Ibid Sec. 6.

<sup>5</sup> Ibid Sec 10.

<sup>6</sup> Sec. 14, The Disaster Management Act, 2005.

<sup>7</sup> Sec. 20, The Disaster Management Act, 2005.

<sup>8</sup> Sec. 8(2) (g) of The Disaster Management Act, 2005, "to review the development plans of the different departments of the State and

ensure that prevention and mitigation measures are integrated therein".

<sup>9</sup> Sec. 24. Powers and functions of State Executive Committee in the event of threatening disaster situation, The Disaster Management Act, 2005.

<sup>10</sup> Sec. 25, The Disaster Management Act, 2005.

<sup>11</sup> Rajendra Kumar Pandey, Legal Framework Of Disaster Management In India, ILI Law Review, Winter Issue 2016, li.ac.in/pdf/p13\_rajendra.pdf

<sup>12</sup> Sec 44, The Disaster Management Act, 2005.

<sup>13</sup> Available at <http://www.ndrf.net/> visited on 17.09.24 at 04.00p.m

<sup>14</sup> Supra 12.

#### 4.4 Role of Finance Commission

The Act gives the Central Government the authority to establish the National Disaster Mitigation Fund and use it for initiatives that are only intended to mitigate disasters. This Fund will be formed following the appropriate appropriations made by Parliament through legislation<sup>15</sup>. The Act also mandates that State and District Governments create State Disaster Mitigation Funds and District Disaster Mitigation Funds as soon as notices that comprise the State and District Authorities are published<sup>16</sup>.

#### 4.5 Change in Approach Towards Disaster Management

Historically, Indian disaster management strategy has focused on post disaster relief, and reconstruction and rarely given importance to ex ante disaster management techniques<sup>17</sup>. But in recent years, as more and more natural catastrophes have struck the nation, there has been a growing recognition of the need for a more comprehensive strategy to disaster management. 1990 saw the creation of the Calamity Relief Fund for each state, following the advice of the Ninth Finance Commission<sup>18</sup>.

#### 4.6 Funding Mechanisms - National Calamity Contingency Fund

The National Calamity Contingency Fund for National Disaster Preparedness, supplied by the Central Government. In the event of cyclones, droughts, earthquakes, fires, floods, hailstorms, tsunamis, landslides, avalanches, and pest attacks, this fund is accessible. A state that has experienced a natural disaster must apply for funding to cover the costs of the damage it sustained as well as the expenses associated with dealing with the fallout. It must make a request to the national commission<sup>19</sup>.

#### 4.7 Calamity Relief Fund

From 1990, every state was required to establish a Calamity Relief Fund (CRF). Because of the fund's decentralization, every state is now empowered to choose how much money is needed to guarantee proper catastrophe response and relief. The money, which is accessible as part of the CRF State finances, must be used to cover losses such as crop, livestock, employment, emergency daily allowance, and death, in accordance with benefits specified by the government. Only emergencies that require immediate relief should be funded by these monies; no repairs to infrastructure may be made

with them. The Central Government contributes 75% of the total amounts to the CRFs, distributing these sums in two payments annually, with the State Governments contributing the remaining 25%<sup>20</sup>.

### 5. The Disaster Management (Amendment) Bill, 2024.

The Disaster Management (Amendment) Bill was introduced in the Lok Sabha by the central government on August 1, 2024. It is Created in response to disasters caused by climate change, the Bill provides strong tendency of centralization of the already centralized Disaster Management Act of 2005<sup>21</sup>. The established changes have generated discussion, especially about increased centralization and its possible effects on disaster reactive response, even though they promise more efficiency. This bill also lacks the exhaustive definition of Disaster and delays in responding to disasters are a consequence of this top - down strategy, which goes against the objective and goals of the Act<sup>22</sup>.

#### 5.1 Key Changes in the Disaster Management (Amendment) Bill, 2024.

This Disaster Management (Amendment) Bill, 2024 proposed 5 major changes in the Disaster Management Act 2005, majorly on introduction Urban Management Disaster Authority and giving statutory status to the existing committees.

The first changes in **Preparation of Disaster Management Plans** accordance with the 2005 Act, the National Disaster Management Authority (NDMA) and State Disaster Management Authorities (SDMA) were to receive assistance from the National Executive Committee (NEC) and State Executive Committees (SECs) in the creation of disaster management plans. The Bill suggests that the NEC and SECs and having NDMA and SDMA create their respective national and state disaster management plans directly<sup>23</sup>.

The Second one is introduction of the **National and State Disaster Database** at the federal and state levels, which requires the establishment of an extensive disaster database aspects including risk registries, preparedness plans, resource allocation, expenditures, and disaster assessments will all be covered by this database<sup>24</sup>. The third major changes that the proposed bill complicates the course of action to be taken in the event of a disaster by giving **Statutory Status** standing to

(Amendment) Bill is knotty, available on <https://www.thehindu.com/opinion/op-ed/the-disaster-management-amendment-bill-is-knotty/article68597815.ece>

<sup>22</sup> Ibid.

<sup>23</sup> The Disaster Management (Amendment) Bill 2024 (drishtias.com), <https://www.drishtias.com/daily-updates/daily-news-analysis/the-disaster-management-amendment-bill-2024>, last visited on 17.09.2024.

<sup>24</sup> The Disaster Management (Amendment) Bill, 2024: Centralisation and Concerns - AMIGOS IAS, <https://amigosias.com/explained/the-disaster-management-amendment-bill-2024-centralisation-and-concerns/> last visited on Sep 18<sup>th</sup>,2024.

<sup>15</sup> Sec 47, The Disaster Management Act, 2005.

<sup>16</sup> Available at [https://shodhganga.inflibnet.ac.in/bitstream/10603/97142/1/11\\_11\\_chapter%203.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/97142/1/11_11_chapter%203.pdf) last visited on Sep,17<sup>th</sup> 2024.

<sup>17</sup> Supra 16

<sup>18</sup> Institute Natural Disaster Risk Management Program Comprehensive Disaster Risk Management Framework: An Assessment of National Disaster Management Framework. [www.nidm.net/http://www.fema.gov/about/programs/nfip/index](http://www.nidm.net/http://www.fema.gov/about/programs/nfip/index)

<sup>19</sup> Website of Chief Minister Distress Relief Fund| National Portal of India, <https://www.india.gov.in/website-chief-ministers-distress-relief-fund>, last visited on Sep 17<sup>th</sup> 2024.

<sup>20</sup> CRIF Annual Report 1991. National Disaster Management Guidelines: Management of floods, NDMA, January 1991.

<sup>21</sup> Prathiksha Ullal, Sneha Priya Yanappa, The Disaster Management

pre-act organizations like the **National Crisis Management Committee and a High level Committee**<sup>25</sup>.

The fourth major changes in introduction of **Urban Disaster Management Authority (UDMA)** which is led by district collectors and Municipal Commissioners for the urban side shift response in disaster<sup>26</sup>. The final major change in the bill is introduction **State Disaster Response Force (SDRF)** which in addition to the already existing National Disaster Response Force which the SDRF allows a prompt shift response in state level<sup>27</sup>.

## 6. Relevant Issues in the Disaster Management (Amendment) Bill, 2024

The Bill proposes a number of innovative approaches to enhance disaster management but there are serious issues with centralization, resource distribution, and the omission of crucial components like adaptation to climate change.

The first major issue the **definition of Disaster which is restricted** strictly, vague at a time of climate change marks a change through global nature, this bill lacks disaster which included in climate related Disasters like heatwave<sup>28</sup>. According to the India Metrological Department data, India had 536 heatwave days which is highest number in almost 14 years and 10, 635 human deaths are happened due to heatwaves or sunstrokes in 2013 - 2022<sup>29</sup>. This bill not inclusive enough to able prolonged impact of climate change and climate induced disasters and which is still in traditional disaster.

This bill also the fall short in addressing climate change impact into disaster management risk which was mentioned in the International Agreement like Paris agreement 2015.<sup>30</sup>

The Second Major concern in the bill is **Centralization of power** which is against the concept of Federalism. In contrast to the aim of the Disaster Management Act of 2005, this bill increases worries about centralization in disaster response by weakening the National Disaster Response Fund (NDRF) and eliminating specific usage rules and guidelines. This Bill grants excessive rulemaking power to Central government through delegated legislation to make rules on specific matters, which could potentially overlap with legislative powers reserved for States. This instance had resulted in funding allocations to Tamil Nadu and Kerala for being delayed and disbursed later in their disaster times<sup>31</sup>.

<sup>25</sup> Supra 21.

<sup>26</sup> Supra 23.

<sup>27</sup>The Disaster Management (Amendment) Bill, 2024 | Current Affairs | Vision IAS, <https://visionias.in/current-affairs/monthly-magazine/2024-09-12/environment/the-disaster-management-amendment-bill-2024>, last visited on 18<sup>th</sup> Sep,2024.

<sup>28</sup> Prathiksha Ullal, Sneha Priya Yanappa, The Disaster Management (Amendment) Bill is knotty, available on <https://www.thehindu.com/opinion/op-ed/the-disaster-management-amendment-bill-is-knotty/article68597815.ece>

<sup>29</sup> India Saw 536 Heatwave Days This Summer, Highest Since 2010: Weather Office (ndtv.com), <https://www.ndtv.com/india-news/india-saw-536-heatwave-days-this-summer-highest-since-2010-weather-office-6012276>, last visited on 17<sup>th</sup> Sep,2024

<sup>30</sup> Supra 23.

The third issue in the bill have gone beyond the moral obligation framework by allowing its inhabitants to **demand a minimum standard of relief** and by making it legally necessary for the state to deliver prompt and effective remedy. There is void nature to become a legal right even though in this area over the past 20 years<sup>32</sup>. The fourth issue in the bill it again retains the **Top - Down Approach which also impact on India's Federalism**. The States ability to manage and respond to disasters independently may be restricted if they are unduly reliant on the union government for funding and decision - making.

As seen by incidents like the 2013 Kedarnath floods and the 2018 Kerala floods, a top - down approach has resulted in delayed responses during natural disasters. The over - engagement of national authorities frequently ignores the knowledge and ability of the local community<sup>33</sup>. The establishment of Urban Disaster Management Authority (UDMA), the resource and fund are not sufficiently addressed by the Bill. The final issue in the bill which test the Constitutionality of the bill, since Disaster management is not expressly mentioned by the Seventh Schedule but covered impliedly, the bill is brought under Entry 23 of the Concurrent List of the Seventh Schedule, which deals with "social security and social insurance, employment and unemployment"<sup>34</sup>.

## 7. Suggestions to Strengthen the India's Disaster Management

- For the better coordination, shall follow the Bottom - Up Approach, from district, state to National level and Decentralisation and empower the local authorities for greater shift response in Disaster Management.
- The Bill places a strong emphasis on the necessity of integrating disaster risk reduction into larger governance frameworks and mainstreaming disaster management into development plans, in line with the Fifteenth Finance Commission's recommendations.
- The act needs to address for more efficient coordination among stakeholders by attempting to bring more clarity and convergence to the functions of various authorities and committees involved in disaster management.
- The recommendations for forming a National Scientific and Technical Committee at the Central level in order to facilitate improved Disaster management.
- To promote and provide funds to Research and Development in the areas of Disaster Risk Management

<sup>31</sup> Supra 24.

<sup>32</sup> Disaster Management (Amendment) Bill, 2024: A Missed Chance to Make Relief a Right (downtoearth.org.in),<https://www.downtoearth.org.in/natural-disasters/disaster-management-amendment-bill-2024-is-a-missed-opportunity-in-ensuring-that-relief-becomes-a-right>, last visited on Sep 17,2024.

<sup>33</sup> Supra 24.

<sup>34</sup> Govt. introduces Disaster Management (Amendment) Bill, 2024 in Lok Sabha - Civildaily, <https://www.civildaily.com/news/govt-introduces-disaster-management-amendment-bill-2024-in-lok-sabha/> last visited on Sep 17, 2024.

with an emphasis on advanced technologies such as data analytics, and Artificial Intelligence.

- To change the emphasis from reactive to proactive tactics, stressing resilience building, mitigation, and readiness for disasters.

## 8. Conclusion

Natural disasters are caused by climatic imbalances and cannot be avoided, but we may minimize damage by building robust warning systems and reducing vulnerability. Instead of being reactive, we must be more proactive. All levels have already taken action, but more needs to be done. Ultimately, in 2005, the central legislation pertaining to the matter was passed, bringing up several federal concerns regarding the handling of disasters in India. Almost nearly two decades. in the Disaster Management Amendment (Bill) 2024, was passed which still had the same issue in Federalistic Approach. So, time to uphold the transformative approach along with cooperative federalism and it's high time to revisit the Idea of Disaster in the Disaster Management Act, 2005 in order to update along with the Climate change crises all over the Nation.

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