

**ESTIMATES COMMITTEE
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(THIRTEENTH LOK SABHA)

MINISTRY OF HOME AFFAIRS

Relief and Rehabilitation Measures in Natural Calamities

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PART - A

CHAPTER – I

BACKGROUND

1. Introductory

Due to its geographical location and sub-continental size, India is one of the most disaster prone countries in the world. With an area of 32.87 lakh sq. km extending from the snow-capped Himalayan heights in the North to the verge of the Indian Ocean between the Bay of Bengal and Arabian Sea in the South, very few countries have such a large landmass with such a diverse range of geo-agro-climatic zones. Because of the erratic behaviour of the monsoon, about 68 per cent of the sown area is drought prone. With a coast-line of about 8000 km., exposure to tropical cyclones arising in the Bay of Bengal, and the Arabian Sea is significant. River floods are the most frequent and often extremely devastating. Out of the total annual rainfall in the country, 75% is concentrated over short South-West monsoon season of three to four months. As a result, there is a very heavy discharge from the rivers during this period causing widespread floods. An area of 40 million hectares in the country is prone to floods. An average of 18.6 million hectare land is flooded annually. Landslides also occur in some regions of the country.

1.2 The country has about 50-60 per cent of its total area vulnerable to seismic activities of varying intensity. The vulnerable areas are located essentially in the Himalayan regions of the country, besides the Union Territory of Andaman and Nicobar Islands. The earthquake in Latur in Maharashtra in 1993, an area considered least vulnerable to seismic activities, had indicated that grave seismic events can occur anywhere. About 25,000 hectares, area of the country mostly in the Himalayan region, is prone to avalanches. The snow avalanches of the Himalayan region are massive and have great destructive potential.

2. Administrative response to Natural Calamities

1.3 The Ministry of Agriculture (Department of Agriculture and Cooperation) has been maintaining that the primary responsibility to formulate Government's response to a natural calamity is essentially that of the concerned State Government. The Central Government supplements the efforts of the State Government by providing financial and material assistance for effective management of the situation. As per the procedure which was in vogue till 1989-1990 (till the period of Eighth Finance Commission), some amount known as "margin money" was provided to each State Government for immediate relief measures. In case the State Government estimated that the expenditure on relief measures in the wake of natural calamity would exceed the quantum of margin money, it was required to present a memorandum for additional Central assistance. On receipt of a memorandum giving details of damage and requirements of relief, a Central Team was deputed to assess the requirements. A High Level Committee on Relief (HLCR), headed by Secretary, Planning Commission used to consider the report and recommend quantum of additional assistance.

1.4 The Ninth Finance Commission (NFC) took note of the delays in extending help to the people affected by natural calamities, while going through the long procedures viz. maintaining margin money, receipt of memoranda, deputation of central teams, etc. and felt that the system did not provide for any ready availability of adequate funds with the State Governments to react

to natural calamities expeditiously. The NFC, for the first time, recommended the constitution of a Calamity Relief Fund (CRF) for ready availability of funds with the State Governments to undertake immediate relief measures in the wake of natural calamities.

1.5 The Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a written reply as follows :-

“The objectives of the policy response would be to empathise with the sufferings of the people affected by natural calamity and to sub-serve long term and short term policy objectives of the Government. The administrative response at the Central Government level would broadly relate to operational requirements and provision of the Central assistance as per existing policy. The operational requirements can be further classified as primary and secondary relief functions. The primary functions include forecasting and operation of warning systems, maintenance of uninterrupted communication, wide publicity of impending calamity through media, timely evacuation of people, ensuring the availability of essential commodities, medicine, vaccines and drugs, mobilisation of financial resources, etc. The secondary functions include flood/ inflow forecasts from the Central Water Commission, relief, rehabilitation and restoration through military aid to civil authorities, contingency plans for crops, cattle preservation, nutrition and health measures, technical and technological inputs for provision of drinking water, coordination of the activities of the State agencies and voluntary agencies.”

CHAPTER – II

FINANCIAL ASSISTANCE

1. Calamity Relief Fund (CRF)

The State Governments are provided with central assistance for relief and rehabilitation measures in the event of natural calamities on regular annual basis from CRF and in the event of occurrence of natural calamities of rare severity. The State-wise allocation under CRF is determined by the Finance Commissions appointed from time to time, on the basis of a formula devised by them.

2.2 The Eleventh Finance Commission has recommended that the CRF should be kept out of the Public Account of the State and should be invested in a manner approved by the Ministry of Finance. If for some reasons, it is not possible to keep the Fund in a nationalized bank or invest in a manner approved by the Ministry of Finance, it may be kept in the Public Account of the State, on which interest should be payable by the State Government at a rate which is not less than the market rate of interest as indicated by the Reserve Bank of India.

2.3 Explaining the procedure for allocation of CRF the Ministry of Agriculture (Department of Agriculture and Cooperation) informed the Committee in a written reply as follows :-

“It is the Finance Commission which works out the State-wise allocation out of CRF. The quantum of State-wise allocation of Calamity Relief Fund for each State for the years 1995-96 to 1999-2000 was determined by the Tenth Finance Commission taking into account the average of the ceilings of expenditure during the years 1983-84 to 1989-90 and CRF allocations for the years 1990-91, 1991-92 and 1992-93, after adjusting for inflation. The State Governments directly approach the Finance Commission and place their cases before it.”

2.4 This was further explained in another reply furnished by the Ministry as under :-

“The annual allocation in the CRF for each State is made based on the recommendations of the Finance Commissions. The Finance Commissions determine the quantum taking into account the projects made by the respective States and the formula devised by the Commission.”

2.5 The Committee wanted to know whether CRF has fulfilled the objectives for which it was set up. The Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a written reply as follows :-

“The Scheme of Calamity Relief Fund which is based on the recommendations of Ninth and Tenth Finance Commissions has been extended by the Eleventh Finance Commission with some modifications. Thus, the usefulness of the Scheme has been accepted by the Eleventh Finance Commission. This Scheme has fulfilled its purpose by and large as through this Scheme, funds had been made available to the State Governments in advance for undertaking immediate relief measures in the wake of natural calamities.”

2.6 Under CRF, the release of the funds from the Centre to the CRF of each State is done in two instalments, viz. on 1st May and 1st of November, each year for providing immediate relief in

the wake of natural calamities like drought, flood, cyclone, fire, etc. The contributions from the Centre and the States is in the ratio of 75:25.

2.7 Three statements giving details of State-wise CRF from 1995 to 2000, indicating the Centre's and State's Share are enclosed (Annexures I to III).

2.8 The Ministry of Agriculture (Department of Agriculture and Cooperation) furnished the following details in a written note :-

“As per recommendations of the Tenth Finance Commission (TFC), the CRF has been continued for each State for the period 1995-2000 with allocated amount contributed by the Central and State Governments in the ratio of 3:1. An amount of Rs.6304.27 crore has been provided in the CRF for the years 1995-96 to 1999-2000, with Central contribution of Rs.4728.19 crore and State contribution of Rs.1576.08 crore.”

2.9 It is a fact that some of the States are more prone to natural calamities and had to spend huge amounts of money for relief and rehabilitation operations whereas some other States are comparatively less affected by such natural calamities. The Committee pointed out as to whether it would not be desirable that the size of CRF for each State is determined after taking into account the actual expenditure incurred by the States on disaster management in the previous years and the State's proneness to natural calamities. The Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a written reply as follows :-

“The corpus of CRF has been decided by the Finance Commissions appointed from time to time. The Finance Commissions while deciding the corpus of CRF inter-alia take into consideration the suggestions of the State Governments which cover a wide range of their view points including the proneness to natural calamities.

Another issue raised by several States is that the quantum of the CRF should be based on an average of the actual expenditure incurred by them on natural calamities over a given number of years and not on the basis of ceiling of expenditure approved by Government of India. However, the States have claimed expenditure booked under a variety of Heads as being expenditure relating to calamity relief. In the case of other Heads it is difficult to distinguish between expenditure incurred in connection with calamity relief and other normal expenditure booked to those heads. On the other hand, expenditure under various Minor Heads such as gratuitous relief, supply of fodder, drinking water, veterinary care, housing, etc., is subsumed under the Major Head 2245 – Natural Calamities, which can, therefore, be justifiably taken to represent the expenditure of State Government on all relief activities. We are, therefore, of the view that the most appropriate and objective manner of assessing relief expenditure is to take into account only the expenditure booked to Major Head 2245 – Natural Calamities.”

2.10 On the recommendations of the Eleventh Finance Commission, a new Calamity Relief Fund (CRF) Scheme was formulated by the Ministry of Finance and circulated to all States on 24.11.2000. The release of funds from CRF to the States is being guided by the following conditions :-

- (i) A 'Calamity Relief Fund' should be duly constituted by the State Government in the manner prescribed in the Scheme. The creation of the Fund to be duly certified by the Accountant General (A&E) of the State be furnished by the State Government to the Ministry of Finance.
- (ii) Before an instalment is released, the State Government shall furnish a certificate to the Ministry of Finance indicating that the amount received earlier has been credited to the Fund along with the State's share of contribution accompanied by a statement giving the up-to-date expenditure and the balance amount available in the CRF. This statement itself shall be treated as utilisation certificate.
- (iii) Centre's contribution due on 1st November, shall be released only after the 'Annual Report on Natural Calamities' as indicated in the scheme is received by the Ministry of Agriculture who in turn will communicate the same to Ministry of Finance.
- (iv) The release of both the instalments shall be made by Ministry of Finance subject to the above conditions being satisfied unless advised by Ministry of Agriculture for withholding of release to any State.
- (v) The State shall be able to draw 25% of the funds due to the State in the following year from the Centre to be adjusted against the dues of the subsequent year.

2.11 The Committee enquired whether the arrangement for monitoring the utilisation of funds by the State Government is working satisfactorily with the revised guidelines by the Eleventh Finance Commission. The Ministry of Agriculture (Department of Agriculture & Cooperation) furnished the following reply in writing :-

“The recommendations of the Eleventh Finance Commission regarding the utilisation of funds by the States have been accepted by the Government of India and the Ministry of Finance has issued a scheme for the operation and management of Calamity Relief Fund (CRF) by the States, vide its letter dated 24th November, 2000. As a result of issue of new scheme, utilisation certificates have been received from the States of Arunachal Pradesh, Chhattisgarh, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Meghalaya, Orissa, Rajasthan, Sikkim & West Bengal and they have been issued the second instalment for the year 2000-2001.”

2.12 The State level Committee headed by the Chief Secretary is empowered to decide on all matters including norms of assistance connected with financing of relief expenditure under CRF.

2. National Fund for Calamity Relief (NFCR)

2.13 In addition to continuation of CRF, the Tenth Finance Commission recommended constitution of the National Fund for Calamity Relief (NFCR) to deal with calamities of rare severity. Assistance was considered from the National Fund for Calamity Relief (NFCR) for calamities of rare severity only, after following a set procedure, viz. submission of a detailed memorandum by the State Government, deputation of a Central Team if the calamity is prima-facie considered to be of rare severity, consideration of the report of the Central Team by the Inter-Ministerial Group(IMG) headed by Secretary, Department of Agriculture & Cooperation and finally consideration of the request of the State Government, report of the Central Team and the recommendations of the IMG thereon by the National Calamity Relief Committee (NCRC), headed by the Union Agriculture Minister, which approves the quantum of assistance, if any, from the NFCR.

2.14 Giving more details about NFCR, the Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a written reply as follows :-

“In its recommendations, the Tenth Finance Commission has stated that, from time to time, calamities of such a severity may occur in various regions that the States are not able to manage with their own CRF. At such times, the Central Government must be in a position to come to the rescue of the State and organise relief on a national scale. The Commission did not define a calamity of rare severity but stated that such a calamity would necessarily have to be adjudged on a case to case basis taking into account, inter-alia, the intensity and magnitude of the calamity, level of relief assistance needed, the capacity of the State to tackle the problem, the alternatives and flexibility available within the plans to provide succour and relief, etc.

Guidelines are given to the Central Teams visiting the States for assessment of the situation in the event of calamities of rare severity. The Central Teams take into account various aspects while assessing the situation and also the list of items of norms for assistance from NFCR formulated by the Department of Agriculture & Cooperation (DAC). Successive crop damage and loss to standing crops due to a natural calamity, depending upon the intensity and magnitude of the damage, would also constitute a calamity of rare severity.”

2.15 On the quantum of assistance available under NFCR, the Ministry furnished the following information in a written reply :-

“The management and operation of the NFCR is done in accordance with the recommendations of the Tenth Finance Commission. The NFCR has been constituted with an original corpus of Rs.700.00 crore for the period 1995-2000 to provide assistance to the State Governments, in addition to CRF, in the event of calamities of rare severity. The initial corpus of Rs.700 crore in the NFCR for the period 1995-96 to 1999-2000 has been found inadequate since Rs.1264.24 crore have been released from the NFCR to the State Governments during the first four years itself (1995-96 to 1998-99) against the initial corpus for 5 years, on the basis of approvals by the NCRC taking into account requests from the State Governments, reports of the Central Teams and recommendations of the IMG thereon. It is the NCRC which ultimately approves the quantum of assistance, if any, from the NFCR. The quantum approved by the NCRC is released to the State Government as early as possible. The Department of Agriculture and Cooperation has requested the Eleventh Finance Commission to provide adequate provision in the corpus of NFCR for the period 2000-2005.”

2.16 Statements with details of requests received from State Governments for assistance from NFCR during the years from 1995-96 to 1999-2000 and the actual assistance sanctioned are given in Annexure IV to VIII.

2.17 The Eleventh Finance Commission recommended discontinuance of NFCR after 31 March, 2000.

2.18 The Committee wanted to know as to what were the reasons why the Ministry recommended to the Eleventh Finance Commission to discontinue NFCR. The Ministry of Finance (Department of Agriculture & Cooperation) replied in a note as follows :-

“The main factors are indicated below :

- (a) No broad guidelines were laid down for classifying a calamity as a calamity of rare severity.
- (b) NFCR envisaged constitution by Centre and State in a ratio of 75:25 but except for the initial amount of Rs.700.00 crore, the State did not contribute to subsequent releases of the order of Rs.1855.28 crore.
- (c) There was no regular ongoing mechanism of monitoring calamities and recommending extent of Central relief, if needed.”

3. National Calamity Contingency Fund (NCCF)

2.19 The Eleventh Finance Commission made the following recommendation regarding setting up of a National Calamity Contingency Fund (NCCF) :-

“In order to avoid extra burden on the Central budget and also to limit such expenditure only for calamities of rare nature and of extraordinarily severe intensity, any assistance provided by the Centre to the States in this regard should be financed by levy of a special surcharge on the Central taxes for a limited period. A surcharge can also instil a feeling of national participation for a national cause. Collection from such surcharge should be kept in a separate fund, to be known as National Calamity Contingency Fund (NCCF), created in the public account of the Government of India. The Government of India should contribute an initial core amount of Rs.500 crore to this fund so that funds for initial operation are readily available. However, drawals from the fund should be accompanied by imposition of the special surcharge proposed by us so that it is immediately recouped. The proceeds from the special surcharge be utilised to finance expenditure on natural calamity.”

2.20 Explaining this further, the Secretary, Ministry of Agriculture (Department of Agriculture and Cooperation) stated during evidence as under:

“Eleventh Finance Commission have revised the definition of Natural Calamities for relief and rehabilitation assistance. We neither add nor we delete. The Eleventh Finance Commission which is a Constitutional body, have said that earthquake, floods, fire, hailstorm and droughts are the natural calamities. As per the definition given by the Eleventh Finance Commission, which we are supposed to follow and already accepted. The mite, pest attack, etc., are not under natural calamity. But I may mention that large-scale damage on account of pest attack was taken as a natural calamity in the past.

The witness added:-

So far as we are concerned, on the definition of a natural calamity, I have to go by the recommendations of the Eleventh Finance Commission. Now, the Eleventh Finance Commission considered this that whether sea erosion should be declared as a natural calamity. The Eleventh Finance Commission has not recommended sea erosion as a natural calamity. On account of that we cannot declare it as a natural calamity. Earlier, pest attack was a natural calamity. The Eleventh Finance Commission, in fact have not included it. Six items only are declared as natural calamities. Kerala Government did approach us, but due to the norms declared, we could not provide any assistance. However, for the deaths of people, damage to the agricultural crops, damage to houses, etc., whatever was eligible, we found that these money could be given. We found that the CRF for Kerala Government was much more than what was required to be provided. Therefore, no assistance from NCCF was given to them. This is the position.”

2.21 The Committee wanted to know whether it would not be desirable to lay down specific guidelines for a natural calamity of rare severity to qualify for special assistance from the Central Government to remove all ambiguity. The Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a written reply as follows:-

“As per recommendation of EFC, NFCR has been discontinued and NCCF has been set up. The assistance from NCCF will now be for calamities of severe nature which States cannot cope with”

2.22 Despite the suggestions made by the Ministry of Agriculture (Department of Agriculture and Cooperation) to lay down broad guidelines for declaring a calamity as calamity of rare severity for extending financial assistance, the subsequent Finance Commissions have desisted from doing it. Explaining this, the Ministry stated in a written reply as follows:-

“The Ninth and Tenth Finance Commissions, which have deliberated on the issue of ‘rare severity’ of calamity had not laid down any criterion. The Tenth Finance Commission was of the view that a calamity of rare severity would necessarily have to be assessed on a case to case basis taking into account inter-alia, the intensity and magnitude of the calamity, level of relief assistance needed, the capacity of the State to tackle the problem, the alternatives and flexibility available with the Plan to provide succour and relief expenditure.”

The Ministry added:-

“The Tenth Finance Commission recommended that any definition of a calamity of rare severity bristles with insurmountable difficulties and is likely to be counter productive. It was of the view that a calamity of rare severity would necessarily have to be adjudged on a case to case basis taking into account inter-alia, the intensity and magnitude of the calamity, level of relief assistance needed, the capacity of a State to tackle the problem, the alternatives and flexibility available within the plans to provide succour and relief, etc.”

2.23 According to the Ministry of Agriculture (Department of Agriculture and Cooperation) other calamities occurring in the country which the concerned State Governments have suggested for inclusion in the category of natural calamities to qualify for assistance are heat/cold wave, rat menace, heavy snow fall, soil erosion, etc. The rationale given by the States for inclusion in the list of natural calamities is that these are occurring frequently in their States and enough funds are not available to deal with them. However, it has been decided by the Government not to include the heat/cold wave in the list of natural calamities because the effects of these calamities can be overcome or mitigated by taking suitable preventive measures. There is no proposal at present to include the others in the list of natural calamities.

2.24 The Eleventh Finance Commission (EFC) gave its report in July 2001 which has been accepted by the Government. The recommendations of the EFC are operative for the year 2000-2001 to 2004-2005. Elaborating natural calamities which qualify for financial assistance from the Calamity Relief Fund (CRF), the EFC recommended as follows:-

“We have examined the suggestions made by the Ministry of Agriculture and the States. It is indeed very difficult to draw a distinction between one natural calamity and another, with a view to limit the use of the CRF for only a few natural calamities and exclude others. In a country where three-fourths of the population is either directly or indirectly dependent on agriculture for its sustenance, any calamity that affects the agricultural productivity or production is bound to cause distress and qualify for relief through State intervention. At the same time, we feel that if this fund is used for all and sundry occurrences, there will be very little available, if at all,

when a really difficult and widespread situation of distress surfaces. We are, therefore, of the view that only the natural calamities of cyclone, drought, earthquake, fire, flood and hailstorm should be eligible for relief expenditure from the CRF. As regards providing relief to the people affected by man-made and other disasters, the CRF should not be used and the concerned units from which it emanates should be made to pay for it.”

4. Visit by Central Team

2.25 Explaining the procedure for providing central assistance in the wake of natural calamities of rare severity to the State Governments, the Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a note as follows:-

“Central assistance in the wake of natural calamities to the State Governments is given in accordance with the recommendations of the Finance Commissions. Based on the recommendations of Ninth and Tenth Finance Commissions, the Ministry of Finance issued formal procedures and guidelines for provision of relief in the wake of natural calamities.

The amendments, modifications, improvements, etc. in the procedure for providing Central assistance suggested by the Centre and the State Governments are considered by the Finance Commissions as and when they are constituted.”

2.26 On the procedure followed in the wake of natural calamities of rare severity, the Ministry apprised the Committee in a note as follows:-

“In case of calamity of rare severity, the State Government is required to submit a detailed Memorandum indicating the extent of damage in various sectors, relief measures undertaken, availability of funds under CRF/NFCR and various related schemes/programmes and relief assistance required. As per the recommendations of the 10th Finance Commission, a calamity of rare severity would necessarily have to be adjudged on a case to case basis taking into account, inter-alia, the intensity and magnitude of the calamity, level of relief assistance needed, the capacity of the State to tackle the problem, the alternatives and flexibility available within the plans to provide succour and relief, etc. Sometimes, the information supplied by the State Governments is incomplete and clarifications are required to be sought from them. A Central Team is deputed, if the calamity is prima-facie treated to be one of rare severity. The deputation of a Central Team takes some time since various issues are required to be taken into account. However, the State Governments have ready availability of funds under CRF and other related schemes/programmes for undertaking immediate relief measures in the wake of natural calamities. Ad-hoc assistance from the NFCR is considered in very rare and exceptional circumstances”.

The Ministry added in a subsequent reply as follows:-

“The Central Teams visiting the States affected by natural calamities prima-facie considered to be of rare severity survey some of the affected people, wherever possible, to obtain a fair idea of the loss/damage caused in the State and hold discussions with the State Level functionaries as also with field functionaries during their visits. The assistance from the CRF/NFCR is not a compensation but is in the nature of immediate relief to enable the affected people to restart their economic activities.”

2.27 On the guidelines provided to the Central Team visiting areas affected by natural calamities, the Ministry furnished the following details in writing:-

“Guidelines are given to the Leader of the Inter-Ministerial Central Team stating that the report of the Team should contain an unambiguous recommendation whether the calamity could be treated to be one of rare severity keeping in view the magnitude of the situation, levels of relief assistance required, capacity of the State to tackle the problem, alternative source of funds for relief and rehabilitation and flexibility available within the State Plan. The recommendation of the Team should take into consideration the possibility of making the best use of funds available with State Governments under schemes like Jawahar Rozgar Yojana for employment generation, Accelerated Rural Water Supply Programme for supply of safe drinking water, Indira Awas Yojana and HUDCO scheme for the repair/reconstruction of damaged houses, schemes of Animal Husbandry Department for animal health care and fodder production, Crop production programme of the Department of Agriculture and Cooperation for providing inputs, etc. The Team should also consider availability of funds in similar State Sector Programmes. The guidelines given to the Central team are followed by them. The mandate of the Central Team is to assess the extent of damage as per the items and norms for assistance from NFCR, assess the requirements of relief and rehabilitation measures, recommend whether the situation can be treated to be a calamity of rare severity and also recommend assistance to be provided from the NFCR, keeping in view the assessed requirements of relief and rehabilitation under various sectors, provisions of the CRF and other resources. The Central Team follow these instructions and the reported position is further critically reviewed by the Inter-Ministerial Group and finally by the National Calamity Relief Committee. During the years 1996-97 to 1998-99, 70 memoranda were received from 21 States and Central Teams were deputed in 55 cases.”

2.28 Regarding composition of the Central Team, the Ministry of Agriculture (Department of Agriculture and Cooperation) informed the Committee in a note as follows:-

“An Inter-Ministerial Central Team is deputed for assessment of the situation if the calamity is prima facie considered to be of rare severity. The Team is led by an officer of the rank of Joint Secretary of the Department of Agriculture & Cooperation and comprises representatives from such of the Central Ministries/ Departments which were concerned with the severe damage due to the calamity.”

5. Inadequacy of Funds

2.29 As per the recommendations of the Eleventh Finance Commission a Committee of Experts was constituted by the Ministry of Agriculture (Department of Agriculture & Cooperation) under the Chairmanship of the Central Relief Commissioner to review and finalise the list of items and norms of expenditure to be followed for availing assistance from NCCF for the period between 2000-2005. The recommendations of the Committee have been accepted by the Government. List of items and norms of expenditure for assistance chargeable to CRF/NCCF in the wake of natural calamities is given in Annexure IX.

2.30 The Committee wanted to know whether the funds allocated under CRF and NCCF were adequate to meet the requirements. The Ministry of Agriculture (Department of Agriculture & Cooperation) informed the Committee in a written reply as follows :-

“The Eleventh Finance Commission has recommended an allocation of Rs.11007.59 crore under CRF to the States for 2000-2005 as compared to the allocation of Rs.6304.27 crore during 1995-2000. Allocations under the proposed NCCF have no ceilings and assistance will depend upon requirements for calamities of severe nature. As per the recommendations of the EFC, the Government of India will contribute an initial amount of Rs.500 crore to the NCCF so that funds for initial operations are readily available. However, drawals from the fund will be accompanied by imposition of the special surcharge proposed by EFC so that it is immediately recouped.”

2.31 When the Committee pointed out that CRF should cover not only ad hoc short-term measures, but also long-term and ancillary measures, the Ministry of Agriculture (Department of Agriculture & Cooperation) informed the Committee in a written reply as follows :-

“The assistance provided by the Central Government is only for supplementing the efforts of the State Government and is purported for a short duration to enable the affected people to kick-start their economic activities which get hampered temporarily due to the impact of the natural calamity. In addition, a number of schemes/programmes like Drought Prone Areas Programme, Desert Development Programme, National Watershed Development Project for Rainfed Areas, Employment Generation Programmes, Accelerated Rural Water Supply Programme, Indira Awas Yojana, Flood Control Schemes, Soil Conservation in the Catchments of River Valley Projects and Flood Prone Rivers are implemented by the Central Ministries/Departments and the State Governments towards long-term measures for the rehabilitation of the affected sectors.”

2.32 The Ministry was candid in admission in a written note that the funds made available to the States for disaster mitigation was inadequate. The note stated as follows :-

“The Government is aware of the difficulties experienced by the State Governments and feels that the corpus of CRF and NCFR for 1995-96 to 1999-2000 was inadequate in view of the fact that most of the States had come up with requests for assistance from NCFR, in addition to their CRF allocation, and Rs.1264.24 crore were released from NCFR during the first four years against the initial corpus of Rs.700 crore for five years.”

2.33 The Committee wanted to know whether a State is authorised to invest that money from CRF for smaller disasters according to their own decision or had to seek the approval from Central Government. The Secretary, Ministry of Agriculture (Department of Agriculture and Cooperation) clarified during evidence as under:-

“Sir, so far as the fund is concerned, it is totally managed by the State Government. There is a State-level Committee headed by the Chief Secretary and the Finance Secretary and other people who also decide as to how to invest that money. Even for smallest or biggest calamity they can spend that fund. Secondly, supposing a State Government has exhausted the fund, in fact in case of any such calamity, the State Government can approach the Central Government and we find that this is a calamity to meet which the CRF available with the State Government is not sufficient or they have exhausted it, in that case NCCF will start with inflows. May I kindly tell that in States like Himachal Pradesh and Chattisgarh and other places where CRF was totally

exhausted, the Central Government has provided funds from the NCCF. So, it is possible. If the funds are exhausted, we provide”.

2.34 However, in a written reply the Ministry of Agriculture (Department of Agriculture & Cooperation) maintained as follows :-

“The State governments meet the requirements of gap, out of their own resources which primarily relate to reconstruction or mid/long term measures.”

6. Misappropriation of Funds

2.35 The Comptroller and Auditor General of India (C&AG) in the report on operation of CRF for the year ended 31 March, 1998 had commented on misappropriation and embezzlement of funds from CRF by some States. The C&AG observed that many States had not met the intended objectives of CRF satisfactorily. Many States credited the receipt from CRF into their general revenues and treated it as ‘receipts’. Sample check also disclosed that the State Governments did not credit their share of CRF in many cases. There was a general tendency among most of the States to take all types of expenditures, not related to calamity relief. The C&AG concluded that large number of cases of misappropriation/ defalcation from CRF noticed during audit suggested that the transactions out of the Fund are vulnerable to fraud and defalcations.

2.36 The Ministry of Agriculture (Department of Agriculture & Cooperation) informed that the States which flouted the investment pattern laid down by the Ministry for CRF were Andhra Pradesh, Kerala, Mizoram, Gujarat, Meghalaya, Madhya Pradesh, West Bengal, Manipur, Sikkim, Himachal Pradesh, Tripura, Orissa, Rajasthan, Assam, Arunachal Pradesh, Nagaland, Punjab and Haryana.

2.37 Asked about the guidelines with regard to maintenance and investment of unspent amount of CRF, the Ministry of Agriculture (Department of Agriculture & Cooperation) furnished the following details :-

“As per the scheme of CRF issued on 27th July, 1995 by the Ministry of Finance, the Fund is to be maintained as given below :

“The share of the Government of India of the total contribution to the fund shall be paid to the State Government as Grants-in-Aid and accounted under the head “3601 – Grants-in-aid to State Governments-01 Non-plan grants – 109 Grants towards contribution to Calamity Relief Funds”. The State Governments shall take these as receipts in their budget and accounts under the head “1601 Grants-in-aid from Central Government-01 Non-plan Grants-109 Grants towards contribution to Calamity Relief Fund”.

“In order to enable transfer of the total amount of contribution to the fund including the State Governments’ share of contribution, the State Governments would make suitable Budget provision on the expenditure side of their budget under the head “2245-Relief on Account of Natural Calamities-05 Calamity Relief Fund – 101 Transfer to Reserve Funds and Deposit Accounts – Calamity Relief Fund.”

2.38 A State Level Committee shall be constituted by the State Government to administer the Fund and the Committee will decide on all matters connected with the financing of the relief expenditure. The Committee will administer the fund and invest the accretions in accordance with the pattern of investment as prescribed by the Government of India which is given below :

The accretions to the Fund together with the income earned on the investment of the fund shall till contrary instructions are issued by Government of India under para 7.5 be invested in accordance with the following pattern :

- (a) 10 per cent in Government dated Securities (it would be best to invest in varying maturities);
- (b) 10 per cent in State Government Securities;
- (c) 25 per cent in auctioned Treasury Bills (i.e. at present 91 days and 364 days bills are auctioned -, 182 days bills are no longer being issued at this stage);
- (d) 30 per cent as interest earning deposits and certificates of deposits with Public Sector Banks (PSBs);
- (e) 15 per cent as interest earning deposits in State-Co-operative Bank (SCB);
- (f) 10 per cent in public sector bonds and Units of the UTI and other mutual funds.

2.39 On the basis of the recommendations of the EFC, a revised Scheme of CRF has been notified on 24th November, 2000 by the Ministry of Finance which has a liberalised pattern of investment as given below:

The CRF should be kept out of the Public Account of the State and should be invested in a manner approved by the Ministry of Finance. If for some reasons, it is not possible to keep the Fund in a nationalised bank or invest in a manner approved by the Ministry of Finance, it may be kept in the Public Account of the State, on which interest should be payable by the State Government at a rate which is not less than the market rate of interest as indicated by the Reserve Bank of India.

Flexibility has now been provided in the pattern of investment from the fund in as much as that the accretions to the Fund together with the income earned on the investment of the Fund shall be invested in one or more of the instruments like Central Government dated securities, auctioned treasury bills, interest earning deposits and certificate of deposits with Scheduled Commercial Banks, interest earning deposit Bank in Cooperative Banks, without any restriction of percentage of investment.”

2.40 The Committee wanted to know whether the Ministry continued to release funds from the CRF to those States which had not set up a separate Fund without insisting on it. The Ministry of Agriculture (Department of Agriculture & Cooperation) furnished the following written reply in this regard :-

“The funding pattern of the scheme provided for automatic release of funds to the States on quarterly basis. The Ninth Finance Commission had not prescribed any pre-condition for release of Centre’s share of CFR for the period 1990-95. However, the TFC had

recommended that before releasing the amount due in any year, Ministry of Finance should ensure that the Central contribution released in earlier years have been credited to the account of CRF. As per the information received from the States, as on 31.3.2000, all States except 3 namely; Bihar, Maharashtra and Manipur had credited Central and State's share for the period 1995-96 to 1998-99 to the account of CRF. Therefore, the release of last quarterly instalment of Centre share for the year 1999-2000 was withheld for these 3 States. Funds were released in good faith to the State Governments on the basis of statements furnished by them and in recognition of the fact that money should be readily available to the State Government in times of natural calamity.

Letters have been addressed to the State Governments by the Ministry of Finance (Department of Expenditure), the most recent being a letter dated 21st August, 2000 from Secretary (Expenditure) to the Chief Secretaries of all the State Governments to ensure that a separate Calamity Relief Fund is set up in adherence to the guidelines issued by Ministry of Finance and that Central as well as State share for the period 1995-2000 are credited into the accounts of the CRF. It was also advised that it would not be possible for the Ministry of Finance to release any further amounts on account of Centre's contribution to the CRF for 2000-2002 unless a certificate to the above effect is received from the States. The sanction letters issued by this Ministry for release of Centre's share of CRF clearly stipulate that the funds should be credited into the accounts of CRF before utilising the amounts released under the sanction.

Secretary, Agriculture & Cooperation had also taken a meeting of the Relief Commissioners/Representatives of the States on 8.8.2000 and had advised the States concerned to create a separate CRF immediately, as required under the scheme of CRF. Thus, it is being ensured that now funds are released only after a separate account, as envisaged in the scheme is opened.”

2.41 The Committee wanted to know about the corrective measures taken by the Government regarding the Audit observations. The Ministry of Agriculture (Department of Agriculture & Cooperation) Stated in a written reply as follows :-

“The observations of audit were brought to the notice of the State Governments and they were advised to take corrective measures in this regard. The need for following the scheme of CRF and guidelines has been impressed upon the representatives of the State Governments in the Conference of Relief Commissioners held during May, 2000 and in the meeting taken by the Secretary (A&C) on 8.8.2000. The State Governments have started taking action in this regard.”

2.42 On the follow-up action taken by Government in this regard, the Ministry stated in a written reply as follows :-

“The concerned States have been advised to take corrective measures in this regard. The situation has been remedied to a large extent with the issue of a new scheme of CRF which has been released by the Ministry of Finance on 24.11.2000. In accordance with the recommendations of the Eleventh Finance Commission (EFC), a new Calamity Relief Fund (CRF) Scheme has been formulated by the Ministry of Finance and circulated to all States on 24.11.2000. The release of funds from CRF to the States has been made conditional with the following conditions :

- (i) A 'Calamity Relief Fund' has been duly constituted by the State Government in the manner prescribed in para 4 of the scheme. The creation of the Fund duly certified by the Accountant General (A&E) of the State be furnished by the State Government to the Ministry of Finance.
- (ii) Before an instalment is released, the State Government shall furnish a certificate to the Ministry of Finance indicating that the amount received earlier has been credited to the Fund along with the State's share of contribution accompanied by a statement giving up-to-date expenditure and the balance amount available in the CRF. This statement itself shall be treated as utilisation certificate.
- (iii) Centre's contribution due on 1st November, shall be released only after the 'Annual Report on Natural Calamities' as indicated in para 11.2 of the scheme is received by the Ministry of Agriculture who in turn will communicate the same to Ministry of Finance.
- (iv) The release of both the instalments shall be made by Ministry of Finance subject to the above conditions being satisfied unless advised by Ministry of Agriculture for withholding of release to any State.
- (v) The State shall be able to draw 25% of the funds due to the State in the following year from the Centre to be adjusted against the dues of the subsequent years."

2.43 When the Committee drew the attention of the Government to newspaper reports that relief assistance had not reached the affected people in time, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

"As per the provisions of the scheme of CRF and the federal structure of polity in our country, the State Governments have full jurisdiction over the conductance of relief and rehabilitation measures in their respective States. The need for observing the provisions of the scheme of CRF and guidelines issued thereunder have been emphasised upon the State Governments from time to time so that the funds are utilised for the affected people who are the real beneficiaries. The State Governments are accountable to the State Legislatures in this regard."

CHAPTER - III

RELIEF AND REHABILITATION

1. Providing immediate assistance

3.1 The Committee wanted to know whether there were inordinate delays in release of Central assistance even after visit of the Central Team, etc. In a reply furnished to the Committee in January, 2000, The Ministry of Agriculture (Department of Agriculture and Cooperation) informed the Committee as follows:-

“The State Governments have ready availability of funds under CRF to undertake immediate relief measures in the wake of natural calamities. The Central Teams are deputed for assessment of situation if, on receipt of detailed memorandum from the State Government for assistance from NFCR, the calamity is prima facie considered to be of rare severity. The report of the Central Team is first considered by the Inter-Ministerial Group (IMG). The National Calamity Relief Committee (NCRC) considers the request of the State Government, the report of the Central Team and the recommendations of IMG thereon and approves quantum of assistance, if any, from the NFCR. The assistance approved by the NCRC is released to the State Governments. The assistance approved by the NCRC during 1995-96 to 1998-99 for various natural calamities of rare severity, including floods, have already been released to the concerned State Governments. The requests received from the State Governments during 1999-2000 for assistance from NFCR are at various stages of processing.”

3.2 Asked about the main reasons for delay in releasing funds from NFCR/NCCF, the Ministry stated in a written reply as follows:-

“The delay normally occurred as the prescribed procedure was required to be followed and which took its own time. Sometimes full details were not forthcoming from the State Governments which used to revise their memorandum in between.”

3.3 The Committee pointed out that NFCR/NCCF has been created with a view to facilitating help from the Central Government where calamity of rare severity occurs and inordinate delay in releasing the funds would defeat the very purpose for which it was created. The Ministry of Agriculture (Department of Agriculture and Cooperation) furnished the following reply in this regard:-

“The primary responsibility for undertaking relief measures in the wake of natural calamities is that of the State Governments concerned. The Government of India supplements the efforts of State Governments. There is ready availability of funds with the States under Calamity Relief Fund (CRF) for taking necessary measures in the wake of natural calamities. During 1995-96 to 1999-2000, in addition to CRF, assistance was considered from the National Fund for Calamity Relief (NFCR) for calamities of rare severity only in accordance with a set procedure, Viz. submission of detailed memorandum by the State concerned, deputation of a Central Team if the calamity was prima facie considered to be of rare severity, consideration of the report of the Central Team by the Inter-Ministerial Group (IMG) and finally consideration of the request of the State Government, report of the Central Team and recommendations of the IMG thereon by the National Calamity Relief Committee (NCRC) which ultimately approved the quantum of assistance, if any, from the NFCR. The assistance approved by the NCRC

was released to the State by the Ministry of Finance. The release of assistance from NFCR to the State concerned took some time as various stages referred to above were involved. The assistance from NFCR was an additionality and it did not affect relief operations of immediate nature. In case of Orissa Rs. 500 crore was released immediately in view of the magnitude of the calamity.”

3.4 In reply to a question as to whether any time limit has been set for the process of sanctioning of relief under NCCF, the Ministry replied in writing as follows:-

“No such time limit had been prescribed but it was the endeavor of the Government to complete the formalities as early as possible and release funds which was to supplement CRF.”

3.5 The Committee wanted to know about the possibilities of reducing the delay in processing and ensuring expeditious financial assistance after a natural calamity of rare severity occurs. The Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a written reply as follows:-

“Under the existing system of financing of relief expenditure, it is primarily the responsibility of the State Governments to undertake relief and rehabilitation measures in the wake of natural calamities. The Central Government supplements the efforts of the State Governments by coordinating the relief measures and by providing financial assistance from Calamity Relief Fund(CRF) and National Calamity Contingency Fund (NCCF). From CRF, a ready allocation of funds is provided to the State Governments which was in the form of four quarterly instalments during the period 1995-2000. The releases are now made in two six monthly instalments in accordance with the recommendations of the Eleventh Finance Commission(EFC) for 2000-2005. In accordance with the recommendations of the EFC, the scheme of National Fund for Calamity Relief (NFCR) has been discontinued after 31.3.2000. In its place, a new scheme of National Calamity Contingency Fund(NCCF) has come into force vide Ministry of Finance’s letter dated 15.12.2000. The interim Committee comprising, Agriculture Minister, Finance Minister, Deputy Chairman & Planning Commission constituted to grant assistance from NCCF met on 20.1.2001 and approved assistance amounting to Rs. 434.21 crores to 12 States to cope with various natural calamities like floods, drought, cyclonic winds, flash floods, etc. The States were Andhra Pradesh, Arunachal Pradesh, Bihar, Chattishgarh, Gujarat, Himachal Pradesh, Karnataka Madhya Pradesh, Meghalaya, Orissa, Rajasthan and West Bengal.”

2. Long-term Rehabilitation

3.6 The Committee wanted to know as to what are the long-term rehabilitation projects taken up by the Government to mitigate the sufferings of those affected by natural calamities. In this regard, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“The Central assistance for natural calamities, including those of rare severity, given under CRF and NFCR is in the form of immediate relief provided on short-term basis to revive the fractured economy of a State due to occurrence of a natural calamity. This assistance is meant for the period till the immediate impact of a natural calamity lasts. The long-term rehabilitation measures are required to be undertaken from related ongoing

Central and State Plan Schemes, which have component of disaster mitigation. These include Drought Prone Areas Programme, Desert Development Programme, National Watershed Development Project for Rainfed Areas, Employment Generation Programmes, Accelerated Rural Water Supply Programme, Indira Awas Yojana, Flood Control Schemes, Soil Conservation in the Catchments of River Valley Projects and Flood Prone Rivers.”

3.7 The Committee enquired as to how far these schemes had helped in initiating long-term rehabilitation measures which have a component of disaster mitigation. The Ministry replied in a written note as follows :-

“No specific/focussed evaluation of the ongoing Central and State Plan Schemes, having component of disaster mitigation, has been made. However, based on the recommendation of the EFC, a National Centre is being established. The Centre inter-alia is required to undertake studies on the recurrence of various types of natural disasters in individual States and suggest measures that need to be taken up to prevent them in the short, medium and long-terms. These studies may be given due consideration by the Planning Commission at the time of finalisation of the plans.”

3.8 When the Committee enquired about the amount spent by the State Governments for rehabilitation measures for mitigating the sufferings of people affected by natural calamities, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply that such information is not maintained by the Department.

3.9 Asked about the details of rehabilitation programmes implemented in the last five years, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a note as follows :-

“Generally, the Central Ministries/Departments do not have specific programmes for rehabilitation of people affected by natural calamities on ongoing basis but they do provide assistance under their normal schemes.”

The Ministry further added in a note as follows :-

“State Governments are responsible for ground level relief work and undertake rehabilitation measures according to their own decisions and resources at command for the purpose.”

3.10 The Eleventh Finance Commission recommended that expenditure on restoration of infrastructure and other capital assets, except those which are intrinsically connected with relief operations and connectivity with the affected area and population should be met from the plan funds on priority.

3.11 Explaining the criteria followed for release of funds for natural calamities, the Secretary, Ministry of Agriculture(Department of Agriculture and Cooperation) stated during evidence as under:

“Now, the real problem is like this. The funds from the NCCF and also from the CRF have to be provided according to the norms, which have been fixed. In the case of Kerala for example, what we found is that the demand placed on the Central Government was for those items which were not eligible for any support from the NCCF. Now norms are

there for any unfortunate death or loss of agriculture or housing, etc. But for damage to the infrastructure, to roads and other things, norms do not provide for all these things. In fact the Eleventh Finance Commission very clearly mentioned that in the case of infrastructure, this should be funded from the Plan funds. The whole concept here is of immediate relief to the affected people. Sir, as you are all aware, it is not a compensation concept; it is a concept of relief. Actually, it is really a problem of definition.

I now come to the second question: why in spite of Central Team visiting and nothing is done, I would like to point out that the basic framework is, Central Team becomes relevant when some support is required from the Natural Calamity Contingency Fund – calamity which is supposed to be tackled at the national level. But the criterion also is that if the Calamity Relief Fund of the State Government has enough funds to take care of the financial requirements, as determined by the High-level Committee, then nothing is payable from the National Fund. Infrastructure repair is not covered, except that which is immediately needed for carrying the relief. That is why in the case of Andhra Pradesh, Kerala, Karnataka and Bihar, in many States, nothing was payable because enough CRF was there which could take care of whatever assessments the teams had made.”

3.12 It appeared in the newspapers that one of the problems faced in Orissa is housing as houses of about nineteen lakh families in fourteen districts were damaged in the cyclone of which about nine lakh were completely damaged or swept away. However, the Central Government has released money for construction of only seventy thousand houses in the affected areas under IAY.

3.13 Commenting on this, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written note as follows :-

“In the wake of Super Cyclone which occurred during October, 1999, the State Government reported that 18.28 lakhs houses were damaged. The State Government submitted a memorandum for assistance from NCFR in December, 1999 and intimated that they proposed to construct 2.5 lakh houses under Indira Awas Yojna (IAY) to cover the BPL households whose houses had fully washed away or had collapsed. According to the State Government, a proposal in this regard was sent to the Ministry of Rural Development for consideration. In this connection, the State has supplied district-wise details of house building assistance provided by it. It may be pertinent to mention here that it is primarily the responsibility of the State Government to undertake necessary relief and rehabilitation measures in the wake of natural calamities. The Government of India only supplements the efforts of the State Government. Distribution of relief and undertaking necessary measures at the ground level is the responsibility of the State Government.”

3.14 The Committee drew the attention of the Ministry of Agriculture (Department of Agriculture & Cooperation) regarding press reports about the delay in reaching out to those affected by the earthquake in Gujarat. Responding to this, the Ministry furnished the following written reply :-

“The situation caused by the earthquake in Gujarat was unprecedented in the context magnitude and destruction. A massive emergency relief operation was launched by the Government of India in coordination with the State Governments and in association with the Armed Forces. Many initiatives were undertaken by the Government of India and the State Government on the very first day

for rescue and relief in the affected areas. These efforts have been on the whole appreciated in and outside the country. Many media reports were not based on ground realities.”

3.15 When the Committee enquired about the role played by NGOs and Voluntary Organisations in mitigating the sufferings and rehabilitating of people affected by natural calamities, the Ministry of Agriculture (Department of Agriculture & Cooperation) replied in writing that no such information is maintained by the Ministry.

CHAPTER – IV

MONITORING MECHANISM

1. Organisational Structures

4.1 A National Crisis Management Committee (NCMC), headed by the Cabinet Secretary, has been constituted at the Centre. Whenever a calamity of severe nature occurs, the NCMC meets and gives suitable directions. A Crisis Management Group (CMG), headed by the Central Relief Commissioner has also been set up for dealing with matters relating to relief in the wake of major natural calamities. In the State, a State Level Committee (SLC) headed by the Chief Secretary decides on all matters relating to financing of relief expenditure under CRF. A District Level Coordination Committee headed by the Collector functions under the directions of the SLC.

4.2 The Committee enquired about the level of coordination between NCMC and CMG, two important Committees at the Centre to deal with natural calamities. The Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“NCMC is headed by Cabinet Secretary and consists of Secretaries of the concerned departments to give directions to CMG of the Ministry of Agriculture, as deemed necessary. The Secretary, Department of Agriculture & Cooperation will be responsible for ensuring that all the developments are brought to the notice of the NCMC promptly. CMG is headed by the Additional Secretary and Central Relief Commissioner, Ministry of Agriculture and consisting of nodal officers from all the concerned Ministries/Departments/ Organisations for dealing with matters relating to relief in the wake of major natural disasters. NCRC, a sub-Committee of the National Development Council, is headed by Agriculture Minister and consisted of Deputy Chairman, Planning Commission, two Central Ministers and five Chief Ministers to be appointed on rotation basis by the Prime Minister as members to manage National Fund for Calamity Relief (NFCR). NCMC and CMG are required to coordinate and manage, relief and rehabilitation operations in the wake of natural calamities. The NCRC’s main function is to approve financial assistance to the State Governments in the wake of calamity of rare severity. There is proper coordination between the NCMC and CMG, as their areas of operation are common. The CRF has been managed by the State Level Committees in accordance with the scheme and the guidelines.”

4.3 The Ministry added in a separate reply as follows :-

“NCMC normally meets in the event of threat/occurrence of major natural calamities to take stock of the preparedness measures and action required to be taken by various stake holders to meet the situation effectively. CRC is the member of the NCMC. CMG, Chaired by CRC, is required to review and take stock of the calamities of all magnitudes and take necessary preparatory and post disaster measures. A representative of the Cabinet Secretariat is also the member of the CMG. NCRC was concerned only with the approval of quantum of funds from NFCR to the States in the event of calamities of rare severity after following the established procedure. It may be stated here that from the year 2000-2001, the NFCR has been discontinued and as such NCRC ceased to exist. There has been no duplication/crossing of initiatives/efforts.”

4.4 Apprising the Committee about the existence of another Committee, the National Committee of Natural Calamities headed by the Prime Minister, the Secretary, Ministry of Agriculture (Department of Agriculture & Cooperation) stated during evidence as follows :-

“After Gujarat earthquake, the National Committee of Natural Calamities headed by the Prime Minister was constituted with senior members of various political parties as members. This Committee has also been assigned the task of suggesting short-term, medium-term and long-term measures. It will also suggest the institutional framework for facing such disasters. Members are also aware that different parts of the country face different kinds of disasters like the coastal areas face cyclones, some parts face flood and some others drought. So, a large part of our country is fragile and prone to damage due to earthquake, etc. What kind of institutional framework is required would be decided by it.”

4.5 A National Contingency Action Plan (NCAP) has been circulated to facilitate launching of relief operations without delay. The NCAP identifies the initiatives required to be taken by various agencies at the Central and State levels in the wake of natural calamities, sets down the procedures and determines the focal points in the administrative machinery.

4.6 There is also an Inter-Ministerial Group (IMG) was headed by the Secretary, Department of Agriculture & Cooperation and comprised of Secretaries of Central Ministries/Departments concerned.

2. National Centre for Calamity Management (NCCM)

4.7 The Eleventh Finance Commission (EFC) recommended that a National Centre for Calamity Management (NCCM) under the Ministry of Agriculture be established to monitor all types of natural calamities, including calamities of rare severity, without any specific reference from the Centre or the State Governments. This Centre should be empowered to make recommendation to the Central Government as to whether a calamity is of such severe nature that would call for financial assistance to the affected State over and above what is available in the CRF or other plan/non-plan sources. This National Centre should also develop expertise for providing training to the States' manpower on a regular basis, keep an inventory of physical resources available at various places for meeting the calamities and undertake monitoring and documentation.

4.8 In a note explaining the follow-up action being taken on the recommendation, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated as under :-

“As recommended by the Eleventh Finance Commission (EFC), Ministry of Agriculture has initiated necessary action for setting up of the National Centre for Calamity Management (NCCM). The functions of the NCCM, suggested by the EFC are :

- (i) To monitor all types of natural calamities, including calamities of rare severity, without any specific reference from the Central or the State Governments. To make recommendations to the Central Government whether a calamity is of such severe nature that would call for financial assistance to the affected States over and above what is available in the CRF or other Plan/non-Plan sources.

- (ii) To develop expertise for providing training to the States' manpower on regular basis, keeping in inventory of physical resources available at various places for meeting the calamities, and undertake monitoring and documentation.
- (iii) To undertake studies on the recurrence of various types of natural calamities in individual States and suggest measures that need to be taken to prevent them in the short, medium and long-terms.

Draft note for the Cabinet for setting up of the NCCM has been prepared and is being circulated for seeking comments of the concerned Central Ministries and Planning Commission.”

4.9 The Committee wanted to know how NCCM would provide better and more timely assistance to the States affected by natural calamity with only a recommendatory role to play. The Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as under :-

“NCCM, as per the functions recommended by the EFC, is required to monitor all types of natural calamities on regular basis and assess their impact on area and population and recommend to the Central Government as to whether a calamity is of such severe nature that would call for financial assistance taking into account the funds available in the CRF or other Plan and non-Plan sources. As per the Scheme of National Calamity Contingency Fund (NCCF), notified by the Ministry of Finance, the recommendations of the NCCM for release to States shall be considered by the High Level Committee on Calamity Relief to be constituted by the Ministry of Agriculture.”

4.10 Commenting on the role of NCCM, the Secretary, Ministry of Agriculture (Department of Agriculture & Cooperation) stated during evidence as follows :-

“Now coming to the NCCM, the Eleventh Finance Commission had recommended that we have an autonomous body which would keep on monitoring various calamities in this country. This Centre should document, monitor and recommend to the high level Committee because this is basically to provide support from the National Calamity Contingency Fund. For NCCF, there is a high-level committee headed by the Minister of Agriculture. The Minister of Finance is a member of that committee; the Deputy-Chairman, Planning Commission is also there. NCCM will be an independent body doing the exercise, study and all that. This is supposed to advise the high-level committee whether a particular calamity is of such a serious dimension that it needs to be extended financial support at the national level. What has happened is that while the recommendation on the NCCM came, the National Committee on Disaster Management was also constituted in February, 2001.”

The witness added later :-

“It is being considered now whether we should have an NCCM or a National Disaster Management Agency. I think, very soon a final view would emerge on what kind of an institution we should have for rescue work and also for initial relief. But at the end of the day the rehabilitation and main relief in any calamity will have to be handled by the State Governments and by the community.”

4.11 In a communication dated 21 August, 2001, the Ministry of Agriculture (Department of Agriculture & Cooperation) informed that pending setting up of the National Centre for Calamity

Management (NCCM), the earlier procedure of deputing Central Teams for assessment of the situation and consideration of the reports of the Central Teams by the Inter-Ministerial Group(IMG) will continue to be followed for making recommendations to the High Level Committee in case of assistance from the NCCF.

3. Need for an Autonomous Body

4.12 In case of natural calamities regular allocation is made from a number of related schemes/programmes implemented by various Central Ministries/Departments and the State Governments for rehabilitation of the sectors affected by natural calamities. It is seen that when a natural calamity occurs more than dearth of funds it is the failure in the administrative machinery to coordinate the relief operations and multiplicity of agencies responsible for undertaking such operations which are responsible for much of the mis-management and lack of coordination in rescue, relief and rehabilitation operations. The Committee wanted to know the views of the Government whether involvement of multiple agencies should be discouraged and one single agency should be responsible for pooling together and organising all rescue, relief and rehabilitation operations? Replying to this, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as under :-

“Different Schemes/programmes implemented by various Central Ministries/Departments and the State Governments are meant broadly for long-term measures and not for immediate relief operations. It is not possible for one agency to pool all resources together for organising relief and rehabilitation operations. Coordinated efforts are required for effective and timely response to the situation, as disaster management has multi-dimensional aspects. Institutional arrangements exist at the National, State and District Levels for management of natural disasters in a well-knitted coordinated manner. For this purpose, a National Crisis Management Committee under Cabinet Secretary and Crisis Management Group under Central Relief Commissioner exist at the Central level. Similarly, a Committee exists under the Chairmanship of Chief Secretary at the State level and under District Magistrate at the District level. The relief efforts, initiated by various organisations/agencies, are coordinated by a single officer at the State and District levels i.e. Relief Commissioner and District Magistrate. In the event of a severe calamity, concerned State Government also appoint a senior level officer to coordinate relief operations in the District. This arrangement has also been made by the Government of Gujarat in the event of earthquake of 26th January, 2001. However, there is also room for improvement in the administrative response based on the lesson learnt from the previous experiences.”

4.13 The Committee sought the views of the Government on setting up an autonomous constitutional body with full powers to deal with all aspects connected with natural calamities and provide hassle-free timely assistance in the wake of disaster in view of considerable administrative delay involved in providing assistance under the existing arrangements. The Ministry of Agriculture (Department of Agriculture & Cooperation) furnished a written reply to this as under :-

“The Eleventh Finance Commission has recommended that a National Centre for Calamity Management (NCCM) may be established under the Ministry of Agriculture to monitor the natural calamities relating to cyclone, drought, earthquake, fire, flood and hailstorm. This Centre should monitor such occurrences on a regular basis and assess their impact on the area and population. The damage done to the capital assets and other

infrastructure should be done on a continuous basis. The Centre should also assess whether the State will be in a position to provide relief in a specific case of calamity of severe nature from the CRF and its own resources. It should then make a recommendation to the Central Government on its own as to whether the calamity is of a severe nature and, therefore, eligible for assistance from the Central Government and other State Governments. On the basis of such a recommendation, the Central Government should be able to take a view on the manner and extent of assistance which needs to be provided to the State. The recommendation has been accepted by the Government of India and accordingly action is being taken to set up the NCCM.”

4.14 In this regard, the Secretary, Ministry of Agriculture (Department of Agriculture & Cooperation) stated during evidence as follows :-

“Specially after the 11th September incident, there is a serious consideration in the Government for creating what is known as ‘National Disaster Management Agency’. The idea is that agency should have enough latest sophisticated workable instruments and manpower for all kinds of rescue and relief operations. One does not know what kind of calamity will occur today. It could be biological or nuclear or anything. So, a thought is going on. When that agency is placed, what kind of infrastructure we should have, I think, that is under the consideration of the Government. Since no final decision has been taken, I would not be able to just now mention what the position is. But I think the creation of an agency is under the serious consideration of the Government.”

4. Centre-State Coordination

4.15 Department of Agriculture & Cooperation is the nodal agency for coordinating the work relating to various natural calamities like cyclone, drought, earthquake, heavy rains/flood, fire, hailstorm, landslides and pest attack resulting from sustained adverse season conditions.

4.16 Disaster relief is provided to tide over the situation during the crisis period so as to enable the affected people to recover from the immediate impact of the disaster and restart their economic activities and also to arouse the energies of social groups and non-governmental organisations in a total effort to ensure that damage to the affected population in facing a natural calamity is reduced to the minimum extent.

4.17 Disaster preparedness and response in the State is usually managed by the Relief and Rehabilitation Department. The State Level Committee (SLC) headed by the State Chief Secretary is empowered to decide on all matters relating to CRF, with participation of all the related Departments and agencies. The State Governments have formulated their own area specific Contingency Action Plans/Relief Manuals which are updated from time to time keeping in view the experiences gained and the local conditions. A District level Coordination Committee is constituted and headed by the Collector as Chairman with participation of all other related agencies, Departments, NGOs and public representatives. Distribution of relief is undertaken as per the provisions indicated in the State Relief Code.

4.18 According to the Ministry of Agriculture (Department of Agriculture & Cooperation) the primary responsibility for providing relief measures to the people affected by natural calamities is that of the State Government concerned. The Central Government supplements the efforts of the State Governments by providing additional resources in accordance with recommendations of the Finance Commissions appointed from time to time. Central share of CRF is released to

the States every year to enable the State Governments to undertake relief measures expeditiously in the wake of natural calamities.

4.19 Commenting on the roles of the Union and State Governments in disaster management and mitigation, the Secretary, Ministry of Agriculture (Department of Agriculture & Cooperation) stated during evidence as under:-

“Coming to the specific issue of the role of the Ministry of Agriculture, as I said, this is the nodal Ministry. We are supposed to lend help and support financially, administratively and also technically to the State Government but the relief, etc., has to be taken up by the State Government. In my opinion, frankly, the Central Government should not take the responsibility for what the State Governments are supposed to really be doing. If that is done, I think, there would also be difficulties. Therefore, what we encouraged was – like in the case of Orissa – to create an authority. I think, the Committee knows that in Orissa there is an Orissa Cyclone Disaster Management Authority. The point is that that agency would handle all the resources and also supervise the rehabilitation and other things. Similarly, in Gujarat also, the Committee might have noticed that they have already constituted an authority for earthquake. Our role will always be supplementary and complementary. The Ministry of Agriculture would not be able to do something that the State Government should be doing, or the panchayat or district administration should be doing.”

4.20 When the Committee drew the attention of the Government to the news item which appeared in the Indian Express dated 15 November, 1999 and 14 December, 1999 stating that relief operations in Orissa after the cyclone had suffered a set back on account of lack of coordination between the Union and the State Governments, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“The primary responsibility for undertaking relief measures in the wake of natural calamities is that of the State Governments concerned. The Government of India supplements the efforts of the State Governments. There is ready availability of funds with the States under Calamity Relief Fund (CRF) for taking necessary measures in the wake of natural calamities. In addition, assistance was considered from the National Fund for Calamity Relief (NFCR) during 1995-2000 for calamities of rare severity only in accordance with the set procedure. Distribution of relief and undertaking relief measures at the ground level is the responsibility of the State Government.”

4.21 It was further reported in the media that tons of relief supplies, including perishable food items were lying unused and unsent at the bases in Gujarat after the Earthquake. Plane loads of equipment and supplies were reportedly lying around in the airport waiting for some one to decide how and where to send them. Responding to this the Ministry of Agriculture (Department of Agriculture & Cooperation) informed the Committee in a written reply as follows :-

“The earthquake which occurred on 26th January, 2001 in the State of Gujarat was unprecedented and had a magnitude of 6.9 on Richter Scale causing large scale damage to life and property in many parts of Gujarat. Due to the impact of earthquake, communication links were snapped in large areas of the State and there was also personal loss due to death of relatives of the administration personnel in the State of Gujarat. This caused a temporary jolt to the relief in the State. However, the Government of India immediately took steps in coordination with the State Government of Gujarat, other State Governments and NGOs to provide quick relief and rehabilitation measures. A number

of other countries also joined and offered help and assistance. But overall response was sincere and effective.”

4.22 Although in the Preliminary Material furnished by the Ministry, it has been repeatedly stated that primary responsibility for providing relief measures to people affected by natural calamities is that of the State Governments concerned, the Tenth and Eleventh Finance Commissions have held the view that when a calamity of rare severity occurs it should not be left to be attended by the States from their own resources alone. The Committee sought the comments of the Ministry in this regard. The Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as under :-

“The Ministry of Agriculture, Department of Agriculture & Cooperation is that nodal Department for coordinating the efforts of both the Central Government and the States in calamity management and mitigation and provide necessary guidance.

In the case of a natural calamity of severe nature occurring in a State, the Central Government assists the State in coordinating with all the Central Ministries/Departments and the State Government provide assistance required for relief and rehabilitation work.

However, the ground level relief and primary responsibility in our federal structure rests with the State Governments.”

5. Nodal Ministry

4.23 The Ministry of Agriculture (Department of Agriculture & Cooperation) was the nodal Ministry for dealing with natural calamities. The Committee wanted to know the rationale for allocating the subject to the Ministry of Agriculture as the Ministry did not have the infrastructure for undertaking rescue, relief and rehabilitation operations. In this regard, the Ministry furnished the following comments in writing :-

“The Ministry of Agriculture is the nodal Ministry for coordinating and supplements the Central efforts by extending financial and logistic support. For this purpose, there are institutional arrangements in the form Central Relief Commissioner, Crises Management Group (CMG) and Natural Disaster Management Division including Control Room. The CMG, under the Chairmanship of Central Relief Commissioner, consists of representatives from all line Departments viz. Food, Civil Supplies and Public Distribution, Drinking Water Supply, Women & Child Development, Railways, Power, Telecommunication, Defence, Urban Development, Civil Aviation, Water Resources, Science and Technology, IMD, Animal Husbandry & Dairying, Health, Home Affairs, Road Transport and Highways, Finance, Rural Development, etc. besides resident representative(s) of the affected State(s). All these concerned Central Ministries and Departments/organisations have nominated a Senior Officer to work as Nodal officer in the wake of natural calamities. Past experience indicate that there had not been any major difficulty in coordinating the Central efforts to provide timely relief to the affected State. Further, in the wake of natural disasters, the main sector severely affected is the agriculture sector.

In the wake of the earthquake in Gujarat, a National Committee on Disaster Management has been set up under the Chairmanship of the Prime Minister having representatives of the National and State Level political parties to inter-alia suggest institutional and

legislative measures needed for an effective and long-term strategy to deal with major natural calamities in the future.”

4.24 The High Powered Committee on Disaster Management set up by the Ministry of Agriculture (Department of Agriculture & Cooperation) suggested setting up of a separate Ministry of Disaster Management. The Committee made the following observations :-

“Taking note of the global trend that progressively countries world wide and international agencies are “shifting focus from managing natural calamities to all hazard management” i.e. the same institutional structure deals with natural catastrophes as well as “complex” man-made emergencies, since in the aftermath, the humanitarian dimension is the same. It is felt that a separate institutional mechanism needs to be evolved at the national level. It is recommended that a separate Ministry of Disaster Management be set up for a sustained and focused effort in the area of disaster preparedness, mitigation and management. This Ministry will deal with natural as well as manmade disasters. However its role would be essentially concerned with networking and coordination of national resources while the concerned ministries will continue to discharge their responsibilities and finances in accordance with the respective disaster management plans and work in close cooperation with the nodal Ministry.”

4.25 The Ministry of Agriculture (Department of Agriculture and Cooperation) vide their O.M. No. 3-10/99-NDM(Pt) dated 23.4.2003 have stated that with the amendment in Government of India (Allocation of Business) Rules, the subject matter of ‘Coordination of relief measures necessitated by natural calamities other than drought’ has been transferred from the Department to the Ministry of Home Affairs (MHA) with effect from 23rd February, 2002. With the transfer of this responsibility, the work relating to the monitoring of the Calamity Relief Fund (CRF) and the National Calamity Contingency Fund (NCCF) also stand transferred to the MHA. Accordingly, the Ministry of Home Affairs is now concerned with the work relating to policy on disaster management in the country.

CHAPTER – V

DISASTER PREPAREDNESS

1. Legal Framework to deal with natural calamities

5.1 When the Committee enquired whether there was any legislation governing relief and rehabilitation measures in natural calamities, the Ministry of Agriculture (Department of Agriculture and Cooperation) stated that Central assistance to State Governments for relief and rehabilitation measures in the wake of natural calamities is provided in accordance with the recommendations of the Finance Commissions appointed from time to time. There is no specific Central legislation governing the release of assistance for relief and rehabilitation measures in the wake of natural calamities. However, the State Governments have formulated their own Relief Codes, contingency/management plans, etc. in this regard.

5.2 When the Committee enquired about the need for a comprehensive disaster response and mitigation policy and to develop an appropriate legal and administrative framework to implement it, the Ministry of Agriculture (Department of Agriculture and Cooperation) furnished the following written reply:-

“Government of India has constituted a High Powered (HPC) Committee on preparation of disaster management plans at various levels. These plans will include sectors of disaster response, mitigation policy, administrative and legal framework. The HPC is expected to submit its report by 31st March, 2001.”

5.3 Disaster management does not figure in Schedule 7 of the Constitution in the Central, State or Concurrent List. The High Powered Committee on Disaster Management recommended in its Report that this item should be mentioned in one of the lists. The Committee made the following recommendation in this regard :-

“There is no mention of disaster management as a subject/item in any one of the lists (Central, State or Concurrent) under Schedule 7 of the Constitution. Keeping in view the importance that the field of disaster management has come to acquire in recent times with enhanced level of public awareness about the obligation of the Government, the committee recommends that this issue needs to be debated in appropriate forum so that a conscious view is taken about appropriate mention of disaster management in one the Lists. (A subject not specifically mentioned in any of the three lists would ordinarily have to be dealt by the Union Government under entry 97 of the Union List. By this interpretation as of now the subject would deem to be an entry under the Union List and therefore Union Government would be entitled to pass a suitable legislation. However, by practice and convention the primary responsibility for the management of any disaster is borne by the State Government. In view of the above dichotomy and the importance which is being currently attached to disaster management, nationally as well as internationally, it is felt that a conscious view needs to be taken to make an appropriate mention of the subject in one of the lists).”

5.4 Commenting on this, the Secretary, Ministry of Agriculture (Department of Agriculture and Cooperation) stated before the Committee as follows:-

“Today in the Indian Constitution disaster management is not listed anywhere. So, should it be a part of the Concurrent List? In fact, we have also sent a letter to the National Commission to review the Constitution. We have said that today disaster management is nowhere listed. May be, that Commission would look into this so that they can clearly mention whether it should be in the State List or in the Concurrent List.”

5.5 The High Powered Committee on Disaster Management also suggested that there should be a Disaster Management Act to provide legal framework for disaster management. The Committee has made the following recommendation:-

“In addition to the constitutional framework, a need was felt to have a suitable legislation to provide appropriate legal framework at the national and/or state level. Keeping this in view the Committee recommended in its interim report I and II the drafts of a National Act for Calamity Management and a model State Disaster Management Act as these drafts would facilitate and help generate informed discussion on the subject. After the issue relating to the Constitutional amendment has been settled the necessary action would be required for the enactment of Central and/or State Act.”

2. Disaster Preparedness

5.6 The Eleventh Finance Commission recommended that medium and long-term measures be devised by the concerned Ministries of the Government of India, the State Governments and the Planning Commission to reduce, and if possible, eliminate the occurrences of these calamities by undertaking developmental works.

5.7 It has been reported that according to scientists the world is becoming increasingly vulnerable to natural disasters. Giving a note on the areas in the country prone to calamities, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated as under :-

“About 8000 Kms. of the coast line in the country are exposed to cyclonic activities. 68% of the total area is prone to drought based on rainfall pattern in the country. 40 million hectare area is vulnerable to floods. Over 54% land of the country is prone to seismic activities.”

5.8 In view of the possibility of natural calamity like earthquake in some parts of the country, the Committee wanted to know as to what precautionary measures are being taken to make available the following facilities at short notice in case of the natural calamity :-

- (i) Drinking water, food and clothing
- (ii) Equipments for rescue operations
- (iii) Mobile hospitals and medical teams
- (iv) Temporary shelter
- (v) Communication facilities
- (vi) Epidemic prevention measures
- (vii) Arrangements for dealing with post-trauma stress for survivors
- (viii) Rehabilitation of effected persons/families
- (ix) Imparting training to people/groups in rescue, relief and rehabilitation

- (x) Encouraging community initiative and cooperation and involvement of NGOs, NCC, Scouts, etc.

5.9 The Ministry of Agriculture (Department of Agriculture and Cooperation) furnished the following reply in writing :-

“Execution of rescue, relief and rehabilitation operations is primarily the responsibility of the concerned State Government. For this purpose, institutional arrangements exist at the State and District level. Relief Manuals, Action Plans, etc. formulated by the State Governments inter-alia provide for timely and speedy supply of essential services listed above. The Government of India only supplements the efforts of the State Governments for meeting the situation effectively by providing financial and logistic support. The States falling under seismic zone IV & V have been requested to update their Contingency Action Plans which inter-alia comprise of the items above.

In the event of the recent earthquake in Gujarat, a National Committee on Disaster Management has been set up under the Chairmanship of Hon’ble Prime Minister having the representatives from the National and State Level Political Parties to inter-alia suggest the necessary institutional and legislative measures need for an effective and long-term strategy to deal with major natural calamities in the future.”

5.10 Since transport infrastructure is crucial for rescue and relief operations after a natural calamity, the Committee wanted to know as to how is it being ensured that new transport infrastructure like bridges, flyovers, etc. are earthquake resistant and the old ones are seismically retrofitted. The Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“The design of new bridge structures is carried out as per Indian Road Congress (IRC) codal provisions particularly IRC:6 (Load & Stresses), IRC: 18 (Pre-stressed concrete road bridges), IRC:21 (Cement Concrete) (Plain and Reinforced) and IRC: 78(Foundation and Substructures). IRC:6 provides for forces to be considered for design which also includes seismic force. For the purpose of determining the seismic forces the country is classified into five zones depending on severity of the earthquake and the seismic force are computed on this basis.

There are no specific guidelines for seismically retrofitting the old bridges. However, the load carrying capacity of the old bridge structures can be evaluated following the guidelines contained in the IRCX Codes/ Special publications, strengthening and rehabilitation of the old bridge structures can be carried out as per IRC:SP35 (Guidelines for Inspection & Maintenance of Bridges) and IRC:SP40 (Guidelines for Technique for Strengthening and Rehabilitation of Bridges) if the load carrying capacity is found deficient.

Specifications for works of new as well as old/distressed bridges are covered in the Ministry’s Specifications for Road & Bridge Works (3rd revision 1995).”

5.11 It is evident from the recent earthquake in Gujarat that poor quality of construction is the main factor responsible for collapse of many buildings. The Committee, therefore, wanted to know whether there are norms/ legislation to incorporate earthquake resistant provisions in building bye-laws making it compulsory for all new constructions to strictly follow the quake-safety standards and to ensure accountability and professional conduct among structural

engineers and architects engaged in design and construction of buildings. The Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“Although poor quality of construction and building materials are important factors responsible for collapse of many buildings during earthquake, many other factors like MSK intensity, soil condition and characteristics, lack of adherence in structural design to norms of earthquake resistant structure as given in relevant Indian Standards, National Building Code are some of the major factors responsible for damage and collapse of buildings. Therefore, it is required to take a holistic/integrated approach in order to avoid recurrence of building collapses due to earthquake.

Housing is a State subject and each State has formulated its own set of Acts related to Development Plan for different levels like Corporation, Municipality and Panchayat. Development Plans and Construction of buildings are regulated through Building Bye-laws and Development Control Rules prepared under such Acts. At the national level, Bureau of Indian Standards (BIS) have formulated Indian standards related to earthquake resistant structures for different types of site conditions and different types of construction systems.

The then Ministry of Urban Development in 1994 as a response to Yokohama strategy for Safer World constituted an Expert Group to study various issues connected with prevention, preparedness and mitigation of natural disasters particularly with respect to housing. The Expert Group called for a paradigm shift in the National Policy from post-disaster response to pre-disaster proactive activities while dealing with natural hazards. The Expert Group recommended modifications in the land-use zoning practices, building bye-laws and regulations for mandatory compliance of Indian Standards related to earthquake safety and to ensure accountability of professionals (structural engineers/architects), the Expert Group suggested a certificate to be submitted along with building drawings for compliance of safety norms as stipulated in the bye-laws by such professionals. As far as Delhi is concerned, a notification for change in the bye-laws has already been issued to introduce earthquake safety measures.

The Union Ministry of Urban Development and Poverty Alleviation has called a meeting of State Ministers Incharge of Urban Development, Housing and Local Self-Government on March 14, 2001. The purpose of the meeting is to emphasise the urgent need to establish Techno-Legal Regimes in respective States by (a) suitably amending regulatory instruments (b) regulating the activities of planning and design professionals and (c) capacity building at local authority level to enforce safety considerations and norms in design and construction of buildings, and other structures.”

5.12 It has been stated that the area liable to floods is 40 million hectares and the average area affected by floods annually is about 8 million hectares. Due to erratic behaviour of monsoon both low (less than 750 mm) and medium (750-1125mm) rainfall, regions which constitute 68% of the total area are vulnerable to droughts. Enquired about the details of extant long term plans for flood control and for tackling of drought in the country, the Ministry of Agriculture (Department of Agriculture & Cooperation) furnished the following written information :-

“As regards floods, flood control/management is primarily the function of the State Government. Flood control/management schemes are formulated and implemented by the State Governments on the basis of availability of funds and priority fixed by them. Central Governments makes available fund for Flood control schemes in the annual plans

to the State Governments through the Planning Commission. In addition, the Central Government gives special assistance to the border States and North-eastern States for taking up some special priority works.

As regards drought, the Department of Land Resources (Ministry of Rural Development) is implementing Drought Prone Areas Programme in a number of States under which funds are released to them. Funds are also released under related programmes/schemes implemented by Ministry of Rural Development and Department of Drinking Water Supply. Funds are also released by this Department under National Watershed Programme for Development of Rainfed Areas.”

5.13 On micro zonation of seismic zones prone to earthquakes, formulating building norms to be adhered to by builders and evolving a system to monitor its compliance, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a note as follows :-

“The safety and hazard proneness of structures depends amongst other factors upon the soil conditions which may differ from place to place within a city/town. This is particularly true for sandy soils/filled up lands areas with high water table which have potential for liquefaction, etc. Hence rising population densities in urban agglomerations call for micro-zonation of urban centres lying in earthquake prone regions. Micro-zonation of fast growing urban centres will help in regulating land-use planning and monitoring construction activities in different zones depending on site conditions.

Depending upon the vulnerability of the area there is an urgent need for formulating building norms and land-use planning guidelines for strict adherence by all concerned. The Expert Group of the Ministry of Urban Development which formulated the Vulnerability Atlas of India and associated Guidelines and Techno-legal aspects has recommended suitable actions taken by the State Governments and evolve a system to monitor compliance.

Recognising the need to regulate the activities and to bring in accountability of professionals, the Ministry of Urban Development and Poverty Alleviation is now working to formulate an Engineers Bill through proper legislative process and also related legislation for regulating activities of builders and developers.”

5.14 Keeping in view the fact that Delhi is located in the high intensity earthquake zone IV, the Committee wanted to know if there was any move to conduct a survey of the existing high-rise buildings to ascertain existing safeguards in their structural design against natural calamities like earthquake. The Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“The Hon’ble Minister of Urban Development and Poverty Alleviation has already held meetings with senior officials of Municipal Corporation of Delhi (MCD), New Delhi Municipal Committee (NDMC) and Delhi Development Authority (DDA) and CPWD and have advised them to carry out urgently Safety Audit of their buildings and of multi-storeyed buildings on priority basis.”

5.15 The High Powered Committee on Disaster Management has inter-alia recommended the following measures for Disaster Warning and Preparedness :-

- (i) Preparation of Hazard Specific Zonation Maps for all identified hazards regarding earthquakes, floods, cyclones and landslide based maps, eventually leading to production of large such multi-hazard maps.
- (ii) Preparation of a database of all areas/regions giving the land use, demographic, socio-economic data, infrastructure (like road, rail network, hospital, etc.) geography, etc. to be maintained at national, state and local levels.
- (iii) Strengthening of forecasting, warning and alert systems which will help to forewarn the possibility of disasters much before they actually strike.
- (iv) Improving structural measures like storage facilities, cyclone shelters, roads, communication linkage, flood fighting measures, retrofitting of buildings and structures, etc.
- (v) Setting up state of art control rooms.

5.16 In a reply the Ministry conceded that bulk of the expenditure on relief operations are on the items which are considered necessary for immediate relief and do not contribute to creation of durable assets for reducing the impact of future disasters but at the same time the expenditure is inevitable. The Committee wanted from the Ministry of Agriculture (Department of Agriculture & Cooperation) specific suggestions for providing adequate financial allocations to undertake activities relating to disaster preparedness and disaster mitigation. The Ministry furnished the following reply in writing :-

“For undertaking long-term preparedness and mitigation measures in the wake of natural calamities, there are various Central and State Plans and programmes. The corpus of the CRF is meant for undertaking immediate relief measures. EFC has recommended that CRF should be used for meeting the expenditure for providing immediate relief to victims of natural calamities. Expenditure on restoration of infrastructure and other capital assets, except those which are intrinsically connected with relief operations and connectivity with the affected area and population should be met from the Plan funds on priority. Medium and long-term measures are devised by the concerned Ministries of the Government of India, the State Governments and the Planning Commission to reduce, and if possible, eliminate, the occurrence of these calamities by undertaking development works.”

5.17 The High Powered Committee on Disaster Management set up by the Ministry of Agriculture (Department of Agriculture & Cooperation) has recommended that alongwith CRF a separate National Disaster Prevention, Mitigation and Preparedness Fund should be set up to which 20% of all inflows into CRF will automatically accrue, which should be used for disaster prevention, mitigation and preparedness related activities.

5.18 The Committee wanted to know as to what measures are taken in order to minimise the impact of the calamity when a warning is received in respect of an approaching calamity. The Ministry of Agriculture (Department of Agriculture & Cooperation) replied as follows :-

“On receipt of warning about an approaching calamity, Control Room on Natural Calamities is activated to work round the clock to keep constant watch on the developing situation. Immediately, messages are passed on to the concerned officers in the State on the one hand and Central Ministries/Departments on the other. The State Government(s) are requested to undertake all necessary preparatory measures to meet any eventuality and also indicate any assistance required from the Government of India. The Central Ministries/Departments are requested to keep constant liaison with their counter part in the State and ensure all possible help. Senior officers of the Ministry of Agriculture also

keep constant touch with the State Government officers and concerned Central Ministries/ Departments. Situation is also reviewed from time to time by NCMC and CMG depending upon the likely magnitude of the impending disaster. Depending on the situation, these bodies meet twice a day. All possible assistance – physical and financial is extended to the State concerned to meet the situation effectively and reduce the losses to the minimum.”

5.19 The Committee wanted to know as to how does the system available in the country to deal with natural calamities compare with those available in advanced countries. Replying to this, the Ministry of Agriculture (Department of Agriculture & Cooperation) furnished the following note :-

“Keeping in view the financial constraints, our system of disaster management is functioning satisfactorily. Our resources are very limited and level of education is less to take advantage of fast developing technologies in other parts of the World particularly in the advanced countries. However, by way of regional cooperation and inter-action with other countries/institutions, efforts are on to make the improvements. Constitution of HPC and establishment of National Centre for Calamity Management are some of the concrete steps towards this goal. The scope of improvements are always there based on experience in and outside the country as well as and technological development.”

3. Advance Disaster Warning System

5.20 The Committee wanted to know about the disaster forecasting arrangement available in the country. The Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a written reply as follows :-

“There has been proper institutional mechanism and coordination among the agencies responsible for forecasting and warning and undertaking search, rescue, relief and rehabilitation at the State and Central Government levels. There is always room for improvements and perfection in the light of past experience and lessons learnt as well as technological development. There is need to have periodical review of the system among all the players. With this aim a Conference of Relief Commissioners of all the States and UTs, representatives of concerned Ministries/Departments/ Organisations is held annually before the onset of South-West monsoon to review the status of preparedness and disaster reduction related activities. Constitution of High Power Committee by the Government of India is another step toward this.”

5.21 It has been stated that the country has elaborate cyclone detection and tracking system, flood forecasting and warning systems covering major rivers and drought monitoring arrangements. The Committee enquired whether the people in Orissa and West Bengal were informed in advance with the help of existing forewarning systems about the movement of the cyclone towards the coastal areas of these States in case of super cyclone in Orissa in 1999. The Ministry stated in a written reply as follows:-

“A Super Cyclone had hit the coastal areas of Orissa on 29th October, 1999. Director General, India Meteorological Department (IMD) issued daily fax messages to all senior functionaries of the Government of India and Chief Secretaries of the States of Andhra Pradesh, Orissa and West Bengal. The fact that the system posed a potential threat to India’s coastline was brought to their notice three days in advance. Cyclone alerts were

issued for north Andhra Pradesh, Orissa and West Bengal coasts by IMD's Advance Cyclone Warning Centre(CWC) at Visakhapatnam and Bhubaneswar on October 27 morning, indicating commencement of adverse weather in the form of heavy rainfall and strong winds by the afternoon of October 28 in these areas. Regular cyclone warning bulletins by ACWC Calcutta and CWC Bhubaneswar commenced from late evening of 27 October. The bulletins indicated ongoing intensification of the cyclone storm, occurrence of gale winds varying from 100 kmph to 200 kmph, heavy to very heavy rainfall in the coastal districts, high to phenomenal state of sea being high to phenomenal and advice to fishermen not to venture into the sea. Thus, the concerned officers in the States of Orissa and West Bengal were kept informed about the impending situation with the request to take all appropriate action. Constant liaison was kept by the officers of the Ministry of Agriculture with the officers of these States with a view to extend all possible assistance to meet the situation. Similarly, other Central Ministries were asked to keep in touch with their counterparts in these States to be in readiness to face any eventuality. However, the Super Cyclone was of unprecedented magnitude and paralysed the local machinery initially. As per the existing procedure, the State Governments are primarily responsible for undertaking relief and rehabilitation measures in the wake of natural calamities. Government of India supplements the efforts of the State Governments by providing financial and physical assistance. In the event of the receipt of warning from IMD, Ministry of Agriculture immediately informs the concerned officers in the States requesting them to take all precautionary and preparatory measures.”

5.22 On being asked about the emergent measures actually taken by the State Governments to check the loss of life and property, the Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a written reply as follows:-

“The emergency measures taken by the State Governments included evacuation of the people to safer places, identifying the safe shelters, keeping the people informed about the likely situation. But this did not help in case of Orissa in some of the areas which faced the fury of this unprecedented Super Cyclone.”

5.23 The Committee wanted to know as to where does the lacunae lie despite having elaborate forewarning system/technologies that a single natural disaster gives the country to severe jolt. The Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a written reply as follows:-

“It is not possible to foresee the specific length and breadth of the magnitude of impact of a disaster on each sector/area, inspite of whatsoever elaborate arrangements/technologies in the field of forewarning are applied. In case of most advance countries, like Japan, USA, there had been loss of lives and damage to properties in the wake of natural calamities even though these countries have the best technologies in forecasting and warning. Natural disasters cannot be prevented, however, only their adverse impact can be reduced substantially by undertaking suitable and adequate disaster preparedness and mitigation measures.”

5.24 In this regard, the Secretary, Ministry of Agriculture (Department of Agriculture and Cooperation) stated during evidence as follows:-

“Basically, there are some calamities like drought, cyclone etc. about which one can have some warning also. These calamities do give some time for warning. Our meteorological department monitors the movement of cyclone. Some calamities give us

some time for preparations. Some calamities like earthquake do not give you time. Till now, we do not have a technology under which one can forecast at what time earthquake will take place.”

4. **Specialised Task Force**

5.25 The Eleventh Finance Commission recommended that every State should develop an inter-disciplinary cadre under the Relief Commissioner comprising 200 to 300 persons who could be deployed for relief works on the occurrence of a natural calamity within the state or in any other part of the country.

5.26 On the need for training in disaster management, the Secretary, Ministry of Agriculture (Department of Agriculture & Cooperation) stated during evidence as follows :-

“Another aspect is capacity building and training. In fact, since the Eighth Plan, we have a scheme in our Department known as the National Centre for Disaster Management. Now, this Centre is really helping the State Governments in training, education and capacity building as also to study the calamities. These are the ways in which the Central Government is supporting them. This is the general framework of support to the natural calamities.

Now, there are certain calamities for which time indication is given. For example, if it is a cyclone, preparations are possible. Another role of the Central Government is to help the State Government in preparedness. For example, it helps in warnings of cyclone and sometimes in flood also. Under the Ministry of Water Resources, we have flood monitoring control system and they are monitoring it. Sometimes, we do not get adequate time like the one which happened recently in Gujarat. The Gujarat earthquake which was faced taught that we must have a very efficient and quick response system. Within a few hours, one has to take control of the system. We found that such an agency is needed.”

5.27 Commenting on the role played by the Armed Forces during the cyclone in Orissa and the earthquake in Gujarat, the witness added as follows :-

“As the Members are aware, both in Orissa cyclone and Gujarat earthquake our Armed Forces played a very important role in the rescue and relief operations. Similarly, in other calamities also they have played a very important role. A number of Ministries in the Government of India like Railways and Surface Transport have also provided their support system. Our role is basically complimentary and supplementary to what the State Governments are really required to do.”

5.28 In a press clipping appearing in ‘The Indian Express’ dated 5th November, 1999, it was stated that there is a proposal to set up a Disaster Management Team on the lines of Rapid Action Force totally dedicated to the work of disaster management as disaster management is a dedicated work and the country needs a specialised force to deal with it. Commenting on this, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“Based on the past experience, there is well tested administrative response mechanism at the Central and State level in the event of natural disasters. However, nature is nature. One cannot predict the exact/ precise impact of impending disaster in various sectors.

There is no such method to foresee the magnitude very precisely, only some vague estimates can be made. In case of Orissa cyclone of 1999, it was unprecedented and paralyzed the entire administrative machinery itself for the first 2-3 days. Later on, this mechanism worked on the expected lines. However, there is also room for improvements in the system based on the experience and lessons learnt in and outside the affected areas. However, there is a proposal to raise a Specialized Disaster Response Organisation with Specialized Disaster Response Units to augment/supplement the resources of the States and nodal Ministries at the Centre by providing specialized resources in disasters. The proposal is at a very initial and formative stage.”

5.29 In this regard, the High Powered Committee on Disaster Management made the following suggestions :-

- (i) Human Resource Development is an important aspect of capacity building.
- (ii) Updating, rehearsals, mock drills, simulations should be organised as part of disaster management plan.
- (iii) Police & Para Military Forces should be trained to help channelise them better for disaster management.
- (iv) Fire Service to be strengthened for fire preparedness in urban and rural areas.
- (v) Civil Defence and Home Guards should be integrated into the State Disaster Management Plan.
- (vi) The Armed Forces should also be part of the Disaster Management Team.
- (vii) Youth Movements like NCC, Boy Scouts, Girl Guides, NSS, etc. should include disaster management as part of their activity.

5 Natural Disaster Management Programme

5.30 The Department of Agriculture and Cooperation is implementing, from 1993-94, a Central Sector Scheme of Natural Disaster Management Programme. The objective is to focus on disaster preparedness with emphasis on mitigation and preparedness measures and to enhance the capability to reduce the adverse impact of natural disasters. The programme is also expected to increase the level of awareness of community about disasters they are likely to face and prepare them adequately to face the crisis situation. The activities undertaken under the programme include organising/sponsoring training programmes for human resource development, research and consultancy services, documentation of major events, creating of faculties on National Disaster Management at the national and state level, public education and community awareness programmes. A National Centre for Disaster Management has been set up at the Indian Institute of Public Administration, New Delhi and faculties on natural disaster management have been set up in 18 States, including Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Gujarat, Haryana, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. The other States have been requested to set up such faculties.

5.31 With the increase in the level of awareness, large number of institutions, organisations, NGOs and Government Departments are involved in various disaster reduction related activities. The operation of the National Centre for Disaster Management at New Delhi and faculties in different States are expected to widen their scope and activities, particularly in the field of human resource development and public education and community participation. A number of schemes implemented by Central Ministries/Departments have component for mitigation of natural disasters. The cyclone shelters constructed by the coastal States, construction/designing of earthquake resistant houses by Housing and Urban Development Corporation Ltd.

(HUDCO)/Buildings Materials and Technology Promotion Council (MBTPC), implementation of Drought Prone Area Programmes and other schemes/programmes, training programmes for human resource development, involvement of NGOs and other agencies, etc. in disaster related activities have contributed to reduction in adverse impact of natural calamities despite factors like population pressure, unplanned development, poverty, etc.

5.32 Furnishing details of initiatives taken by Government through the Natural Disaster Management Programme for creating awareness among people in order to minimise adverse effects of natural calamities, the Ministry of Agriculture (Department of Agriculture & Cooperation) informed the Committee in a written reply as follows :-

“Various activities are being undertaken under the Scheme to create public awareness and community participation in the disaster reduction related programmes. These include observation of Disaster Reduction Day every year on 2nd Wednesday of October on the given theme, production/showing of films, bringing out publications/phamphlets, involvement of media, participations in the exhibitions. The activities undertaken at the Central and State levels to observe the Disaster Reduction Day include organisation of seminars/workshops, exhibition, Run, Cycle race, painting and essay competitions, penal discussions, issue of newspaper advertisements in national and regional dailies.”

6. Community Awareness

5.33 The High Powered Committee on Disaster Management suggested the following measures for improving community awareness and participation in disaster preparedness and mitigation :-

Education Sector

- (i) The school and college curricula to include disaster education and awareness. Schools should take up such programmes through slogan writing, art competitions and essay writing competitions.
- (ii) Disaster management and disaster resistant development practices need to be incorporated as an integral part of higher level education at the college level and particularly at the institutions and centers of engineering, architecture, development planning and disaster mitigation and management.
- (iii) All technical colleges, medical colleges, paramedic and nursing training institutions should have a module on disaster management. A committee of experts may be constituted to identify the syllabus for the same.
- (iv) Specific course related to disaster management could be introduced at the post graduate and research level.
- (v) There is a need to build up the young to understand their community and its problems to involve them in problem-solving through community participation. To develop among them a sense of social and civic responsibility and build capacity to meet emergencies.
- (vi) It was recognised that the NCDM has been organising periodic disaster management education camps in colleges and universities across the country, but the need was felt to strengthen the system and institutionalise it by carrying an in-depth appraisal and creating nation wide networking of disaster training institutes.

Public Participation and Awareness

- (i) Decade of National Decade for Disaster Reduction (NDDR) be utilised for community awareness, preparedness and mitigation efforts.
- (ii) The High Power Committee recommends that 3rd December every year be observed as National Prayer Day during which all religious groups in the country would pray at their respective places of worship for “Alleviation of Human Misery.”
- (iii) Capacity building needs to include development of appropriate tools that can be used to convey as well as elicit useful information pertaining to disasters from the citizens’ at large and vulnerable sections in particular.
- (iv) Preparation and circulation of area specific or city specific fact sheets with emergency preparedness check lists, family disaster plans, family disaster supply kits, etc.
- (v) Do’s and Don’ts for the public need to be developed using various methods and mediums of video, TV, radio or print on different types of disasters, how to prevent, how to combat and finally what not to do should be made in local language and telecast.
- (vi) The Village Task Force to be trained in emergency evacuation and relief within the village. The people elect the Task Force themselves and during disaster it serves as the nodal body at village level which has to mobilise resources for the community and disseminate necessary information passed on by the outside agencies.
- (vii) Building community leadership and a chain of trained community cadres through a participatory approach can help harness the resilience and resourcefulness of the community to cope together with disasters and mitigate their effects.

5.34 On introducing preparedness through awareness about natural calamities through educational institutions in disaster prone areas, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“Involving the student community is very essential in Governments programmes on preparedness and mitigation. Action has already been initiated towards this end under the Plan Scheme. These include involvement of Indira Gandhi National Open University (IGNOU), Council of Board of Secondary Education (CBSE), etc. to motivating the students in the preparedness activities. IGNOU has already taken initiative by introducing Certificate Course in Disaster Management.”

5.35 Responding to a suggestion that volunteers should be trained to help in generating awareness about disasters in order to minimise the impact of natural calamities, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“It is a welcome suggestion. Under the Scheme of NDMP, efforts are being made through established institution-mechanism to train panchayati raj institutions, village leaders/volunteers, etc. for increasing level of awareness among the masses and assist the Government machinery in relief and rehabilitation efforts. The functions of the proposed NCCM recommended by EFC, include providing training to the State’s manpower on a regular basis.”

5.36 Enumerating programmes for public education and awareness being undertaken on preparedness in earthquake prone areas, the Ministry of Agriculture (Department of Agriculture & Cooperation) stated in a written reply as follows :-

“Building Material Technology Promotion Council and HUDCO are undertaking various programmes for public education and awareness in the earthquake prone areas. These include the publicity material containing Do’s and Don’ts for Earthquake and broad guidelines on Earthquake building technology. Department of Agriculture & Cooperation, under the Central Sector Scheme of Natural Disaster Management Programmes also undertakes such activities. These include advertisements in the newspapers, discussions in the TV/radio, starting of website (www.ndmindia.nic.in), organisation of exhibitions, conferences, etc. Similar activities are undertaken at the State level. National Centre for Disaster Management at the National and Faculties on NDM in State Training Institutes also undertake public education and community awareness programmes on regular basis. The 2nd Wednesday of October is observed as National Day for Disaster Reduction (NDDR) as part of awareness creation to the whole community.”

7. Insurance

5.37 The Committee pointed out that due to American Sundry the crops of cotton were destroyed and farmers of Haryana did not get any compensation. The Committee wanted to know the views of the Government in this regard. The Secretary Ministry of Agriculture (Department of Agriculture & Cooperation) stated during evidence as under:-

“Sir, it is right that due to American Sundry the farmers have lost their cotton crops. I got lot of information about crops of cotton in Haryana, Punjab and Rajasthan. I myself visited Hissar and I got lot of information from there. As I already stated that pest disease unfortunately is not natural calamity as defined by the Eleventh Finance Commission. It is not included. We cannot cover it under the NCCF or CRF. National Agriculture Insurance Scheme is implemented in the whole country but unfortunately it has not been applied in Haryana, Punjab and Rajasthan States. In case if the Scheme might have adopted as on today the farmers could get help.”

5.38 The High Powered Committee on Disaster Management has recommended that hazardous areas should be notified and insurance be made mandatory.

PART - B

CONCLUSIONS/RECOMMENDATIONS OF THE COMMITTEE

6.1 Due to its geographical location and sub-continental size, India is one of the most disaster prone countries in the world. Very few countries in the world have such a large landmass with such diverse range of geo-agro-climatic zones, erratic behaviour of monsoon, exposure to tropical cyclones, extremely devastating river floods, occurrences of landslides, vulnerability to seismic activities of varying intensity and proneness to massive avalanches. The earthquake in Latur in Maharashtra in 1993, the super cyclone in Orissa in 1999 and the earthquake in Gujarat in 2001 were unprecedented and devastating. In the recent years there have also been frequent incidents of drought, heavy rains, floods, pest attacks, landslides, hailstorms, etc. resulting in massive loss of crops, life and property. The concern for the untold misery caused to the people of the country and loss of life and property on account of such natural disasters motivated the Committee to take up the subject 'Relief and Rehabilitation Measures in Natural Calamities' for detailed examination and present this Report to the House. The Committee will now deal with some of the important issues connected with the subject in the succeeding paragraphs of this Report.

6.2 In the wake of a natural calamity both Central and State Governments play important role in formulating a response to the calamity. The primary functions of the Government include operation of warning systems, forecasting and communicating about the impending calamity to the people through the media, maintenance of uninterrupted communication, timely evacuation of people from disaster prone areas, ensuring timely availability of food items, essential commodities, vaccines and drugs, mobilisation of financial resources, etc. The secondary functions include relief, rehabilitation and restoration operations through State and civil authorities, military and para-military forces, the public and voluntary agencies. The procedure for dealing with natural calamities which was in vogue till the period of the Eighth Finance Commission was less systematic and organised. However, the Ninth Finance Commission took note of the delays in extending help to the people affected by natural calamities on account of the cumbersome procedures and recommended constitution of Calamity Relief Fund (CRF) for ready availability of funds with the State Governments to undertake immediate relief measures in the wake of natural calamities.

6.3 The State-wise allocation under CRF is determined by the Finance Commissions appointed from time to time on the basis of formula devised by them. The release of funds from the Centre to the CRF of each State is done in two instalments on 1st May and 1st November each year. The contributions from the Centre and the States are in the ratio of 75:25. A total amount of Rs.6304.27 crore was contributed to CRF from 1995-96 to 1999-2000 with Central contribution of Rs.4728.19 crore and State contribution of Rs.1576.08 crore. The extension of the Scheme by the Eleventh Finance Commission is a confirmation of the usefulness of the Scheme under which funds are made available to the State Governments in advance for undertaking immediate relief measures in the wake of natural calamities. The Committee are hopeful that with the new Calamity Relief Fund (CRF) Scheme formulated by the Ministry of Finance on the recommendations of the Eleventh Finance Commission and circulated to all States on 24 November, 2000 the operation and management of the Fund, utilisation of the amount and accountability for the expenditure will get more streamlined and systematic. The Committee stress that it should be ensured that all the States comply scrupulously with the guidelines for constitution of the CRF in the manner prescribed in the Scheme, furnishing of

periodical utilisation statements and Annual Report on Natural Calamities for ensuring satisfactory functioning and proper utilisation of funds in CRF.

6.4 In addition to continuation of CRF, the Tenth Finance Commission recommended constitution of National Fund for Calamity Relief (NFCR) to deal with calamities of rare severity. The rationale behind constitution of NFCR was that when calamities of much severity occur in regions where the States are not able to manage from their own CRF, the Central Government must be in a position to come to the rescue of the States and provide relief on a national scale. Central Team visits the State to assess the situation in the event of a calamity of rare severity. The initial corpus of Rs.700 crore in NFCR for the period from 1995-96 to 1999-2000 was found inadequate since Rs.1264.25 crore was released to the States during the first four years itself. However, the Eleventh Finance Commission recommended discontinuance of NFCR after 31 March, 2000. The main reasons for discontinuance were stated to be the lack of guidelines laid down for classifying calamity as a calamity of rare severity, non-contribution of share by States to the NFCR except for the initial amount of Rs.700 crore and non-existence of a regular mechanism for monitoring calamities and recommending the extent of Central relief, if needed.

6.5 The Eleventh Finance Commission recommended that in order to avoid extra burden on the Central Budget and also to limit such expenditure only for calamities of rare nature and of extraordinarily severe intensity, any assistance provided by the Centre to the States in this regard should be financed by levy of a special surcharge on the Central Taxes for a limited period. For this a National Calamity Contingency Fund (NCCF) was created in the public account of the Union Government with an initial contribution of Rs.500 crore, drawals from which should be accompanied by imposition of special surcharge. The Committee note that successive Finance Commissions have refrained from defining natural calamities of rare severity which qualify for special assistance from NFCR/NCCF on the plea that calamity of rare severity will have to be assessed on a case to case basis taking into account inter alia the intensity and magnitude of the calamity, level of relief assistance needed, the capacity of the State to tackle the problem, the alternatives and flexibility available with the Plan funds to provide succour and relief expenditure. The Tenth Finance Commission felt that any definition of calamity of rare severity would cause insurmountable difficulties and would be counter productive. While the Committee are in agreement with the view expressed by successive Finance Commissions, they feel that a common fund like NCCF should continue to be a reserve fund at the disposal of the Central Government which should be made available to State Governments only for calamities of rare nature and of extraordinarily severe intensity.

6.6 According to the laid down procedure in case of calamity of rare severity, the State Government concerned is required to submit a detailed Memorandum indicating the extent of damage in various sectors, relief measures undertaken, availability of funds under CRF and various related schemes and programmes and the relief assistance required. Wherever the natural calamity is prima-facie considered to be of rare severity a Central Team is deputed to survey some of the affected areas, meet the affected people, State level and field functionaries and obtain a fair idea of the damage caused in the State. The Central Team is led by an officer of the rank of Joint Secretary of the Department of Agriculture and Cooperation and comprises representatives from other concerned Central Ministries and Departments. The mandate of the Central Team is to assess the extent of damage as per the items and norms of assistance from NCCF, assess the requirements of relief and rehabilitation measures, recommend whether the situation can be treated to be a calamity of rare severity and also recommend assistance to be provided from NCCF, keeping in view the assessed requirements of relief and rehabilitation under various sectors, provisions of the CRF and other resources. There have been complaints that there is considerable time-lag between the

submission of Memorandum by the State Government and deputation of the Central Team. Commenting on this the Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a note that “deputation of a Central Team takes some time since various issues are required to be taken into account”. As it has been stated by the Ministry, the NCCF is meant for providing immediate succour and relief to those affected by natural disaster.

6.7 Inordinate delay on the part of the Central Government to process the request and to release the needed assistance would only defeat the very purpose of setting up a fund like National Calamity Contingency Fund. When the disaster is of an unprecedented magnitude, relief is needed immediately without which the State Government would not be able to cope up with the emergent situation. The Committee deprecate the very approach of the Ministry towards an issue of such vital importance in a welfare State. There is an emergent need for attitudinal change and building the culture of quick response to natural calamities in the country. The Committee, therefore, emphasise that the guidelines drawn up by the Ministry for operation and management of NCCF should be revised suitably to include a time-frame for submission of Memorandum by the State Government after the natural calamity occurs and deputing the Central Team and sanctioning and disbursement of relief from NCCF. The Committee would like to be apprised of the specific steps taken by the Ministry in this regard within three months from the time of presentation of the Report.

6.8 As per the recommendations of the Eleventh Finance Commission a Committee of Experts was constituted by the Ministry of Agriculture (Department of Agriculture & Cooperation) under the chairmanship of the Central Relief Commissioner to review and finalise the list of items and norms of expenditure to be followed for availing assistance from NCCF for the period between 2000-2005. From the norms of expenditure for assistance from CRF and NCCF drawn up by the Experts Committee, it is seen that the quantum of assistance for relief in natural calamities prescribed is too inadequate. For example, ex-gratia payment to families of deceased persons is Rs.50,000/- per deceased, for grievous injury requiring hospitalisation for more than a week it is Rs.5,000/- per person, agriculture input subsidy when crop loss is 50% and above for rainfed areas is Rs.1,000/- per hectare, etc. The Ministry was candid in admission that “Government is aware of the difficulties experienced by the State Governments and feels that the corpus of CRF and NCFR (now NCCF) for 1995-96 to 1999-2000 was inadequate...” The Committee emphasise that despite the resource constraints, disaster mitigation deserves utmost priority and should be the concern of one and all. They desire that the norms of assistance from CRF and NCCF should be suitably revised with a view to help the victims of calamity to tide over the hardships at least partially.

6.9 The Comptroller & Auditor General of India in the Report on operation of CRF for the year ended 31 March, 1998 had commented on misappropriation and embezzlement of funds from CRF by some of the States. According to the Audit Report, many States did not meet the intended objectives of CRF satisfactorily and credited the receipt from CRF into their general revenue and treated it as ‘receipts’. Sample check had also disclosed that the State Governments did not credit their share of CRF in many cases. The C&AG had concluded that large number of cases of misappropriation from CRF noticed during audit suggested that the transactions out of the Fund are vulnerable to fraud and defalcations. The Ministry conceded that the funding pattern of the Scheme according to the Ninth Finance Commission provided for automatic release of funds to the States on quarterly basis without any prescribed pre-condition for release of State’s share of CRF. However, the Tenth Finance Commission had recommended that before releasing the amount due in any year, the Ministry of Finance should ensure that the Central contribution released earlier was credited to the account of CRF. According to the Ministry as per the information received from the States, as on 31 March, 2000 all States except Bihar, Maharashtra and Manipur had credited Central and State’s share for the period 1995-96 to 1998-

99 to the account of CRF. The release of last quarterly instalment of Centre's share for the year 1999-2000 was therefore withheld in the case of the three States. Both Ministry of Finance and Ministry of Agriculture (Department of Agriculture & Cooperation) have reportedly been insisting upon the State Governments for adherence to the guidelines issued in this regard.

6.10 The Committee have been informed that the situation has been remedied to a large extent with the notification of a revised Scheme of CRF by the Ministry of Finance on 24 November, 2000 with a liberalised pattern of investment. According to the new CRF Scheme the State shall furnish a certificate to the Ministry of Finance indicating that the amount received earlier has been credited to the Fund alongwith the State's share of contribution accompanied by a statement giving up-to-date expenditure and the balance amount available in CRF. This statement shall be treated as utilisation certificate. The Committee trust that with more stringent guidelines, all State Governments are meticulously complying with the guidelines regarding operation, maintenance and expenditure from CRF. They stress that Ministry of Finance and Ministry of Home Affairs should ensure strict adherence of the guidelines by the States before releasing instalments of the CRF.

6.11 The Committee have been informed by the Ministry that Central assistance for natural calamities including those of rare severity given under CRF and NCCF is in the form of immediate relief provided on short-term basis to revive the fractured economy of the State due to occurrence of natural calamity. This assistance is meant for the period till the immediate impact of the natural calamity lasts. The Ministry have held the view that long-term rehabilitation measures after the occurrence of a natural calamity are required to be undertaken from related ongoing Central and State Plan schemes, which have the component of disaster mitigation, like Drought Prone Areas Programme, Desert Development Programme, National Watershed Development Project for Rainfed Areas, Employment Generation Programmes, Accelerated Rural Water Supply Programme, Indira Awas Yojana, Flood Control Schemes, Soil Conservation in the Catchments of River Valley Projects and Flood Prone Rivers. When the Committee enquired as to how far these Schemes have actually helped in the rehabilitation of those affected by natural calamities, the Ministry informed that no specific evaluation of the ongoing Central and State Plan Schemes having component of disaster mitigation has been done. The Ministry was also unable to furnish any information regarding the amount spent for rehabilitation measures for mitigating the sufferings of people affected by natural calamities. It was also admitted by the Ministry that Central Ministries and Departments do not have specific programmes for rehabilitation of people affected by natural calamities on an ongoing basis. The Ministry added that State Governments are responsible for undertaking rehabilitation work according to their own decisions and resources at their command for the purpose. Surprisingly the Eleventh Finance Commission also has held the view that expenditure on restoration of infrastructure and other capital assets should be met from the plan funds.

6.12 During Orissa cyclone as many as 18.28 lakh houses were damaged. The magnitude of loss to property during Gujarat earthquake was also unparalleled. It is highly unrealistic to maintain that the State Government would be able to find the resources needed to cope with the unprecedented situation. The Committee are not in agreement with the view of the Ministry that when a major disaster occurs, relief and rehabilitation operations are basically the responsibility of the State Government. One cannot deny the fact that the concerned Ministries of the Union Government have got a vital role to play in the rehabilitation of victims of natural disasters. The Committee, therefore, suggest that a portion, preferably 30% of the inflow of funds by way of special surcharge into the National Calamity Contingency Fund (NCCF), should be ear-marked and spent exclusively for financing projects and programmes meant for the rehabilitation of regions and people affected by natural calamities. They emphasise that both Central and State

Governments should attach due importance to rehabilitation as a follow-up measure of natural disasters.

6.13 At the organisational level there are a number of Committees and Groups in existence at the Central, State and district level to plan, monitor and implement policies and programmes connected with disaster management. One is the Crisis Management Group (CMG) headed by the Central Relief Commissioner with nodal officers from the concerned Ministries, Departments and organisations dealing with matters relating to relief in the wake of major natural disasters. Another is a National Crisis Management Committee (NCCM) headed by the Cabinet Secretary consisting of Secretaries of concerned Departments to give directions to CMG as deemed necessary. There is an Inter-Ministerial Group (IMG) headed by the Secretary of the Ministry and comprises of Secretaries of Central Ministries/Departments concerned. There is also a High Level Committee on Calamity Relief headed by the Minister in charge. Yet another Committee is the National Committee of Natural Calamities headed by the Prime Minister, constituted after the Gujarat earthquake, with senior members of various political parties as members. This Committee has been assigned the task of suggesting short-term, medium-term and long-term measures and the institutional frame-work for facing such disasters. The Committee have serious apprehensions whether these Committees meet periodically, other than in the wake of serious natural calamities, to review and do long-term planning with regard to disaster preparedness in the country. The Committee are of the view that far more effective planning and implementation of policies and programmes is possible if there are lesser number of Committees which are more purposeful and are able to meet periodically.

6.14 The Eleventh Finance Commission recommended that a National Centre for Calamity Management (NCCM) under the Ministry of Agriculture be established to monitor all types of natural calamities, including calamities of rare severity, without any specific reference from the Centre or the State Governments. The Centre is also to make recommendations to the Central Government whether a calamity is of such severe nature that would call for financial assistance to the affected States over and above what is available in the CRF or other plan or non-plan sources. The NCCM would make its recommendations to the High Level Committee on Calamity Relief headed by the Minister of Agriculture. However, during evidence the Secretary, Ministry of Agriculture (Department of Agriculture & Cooperation) informed the Committee : "It is being considered now whether we should have NCCM or a National Disaster Management Agency. I think, very soon a final view would emerge on what kind of an institution we should have for rescue work and also for initial relief." A subsequent communication from the Ministry stated that pending setting up of NCCM, the earlier procedure of deputing Central Teams for assessment of the situation and consideration of their reports by the Inter-Ministerial Group will continue. The Committee are distressed to find such indecision on the part of the Government with regard to setting up of NCCM, a very crucial recommendation made by the Eleventh Finance Commission, which has now been pending for three years. The Committee expect the Government to take a serious view of natural calamities especially in the light of the super cyclone in Orissa and the earthquake in Gujarat which took the nation by surprise.

6.15 Under the present organisational and institutional arrangement, in the event of a natural calamity of rare severity, there are numerous Ministries, Departments and organisations of the Central Government which are responsible for rescue, relief and rehabilitation operations. Experience has taught that more than dearth of funds, relief materials, infrastructure and personnel, it is proper coordination, direction and prompt response which are found wanting. In the case of major disasters like earthquake in Latur and Gujarat and super cyclone in Orissa, there were reports of lack of timely response of the administrative machinery. The Committee

note that there are multiple agencies which are responsible for disaster management, a subject which has multi-dimensional aspects. The Committee, therefore, are of the firm conviction that for pooling together all the resources and coordinating rescue, relief and rehabilitation operations in the wake of a natural calamity, there is an urgent need for setting up a specialised autonomous body to coordinate all aspects of natural calamities on the lines of the Election Commission of India, with full powers to take decisions, pool together all the resources and provide prompt response to any emergent situation arising out of a natural disaster. Such a body at the Centre will be able to effectively coordinate the efforts of all the Central Ministries, Departments and agencies and ensure that projects and programmes are implemented by the State Governments. The Secretary, Ministry of Agriculture (Department of Agriculture & Cooperation) informed the Committee that Government was seriously considering about setting up a National Disaster Management Agency. The Committee have their apprehensions that the proposed National Centre for Calamity Management (NCCM) or the National Disaster Management Agency under a Ministry will have the autonomy, expertise and administrative powers to mobilise coordinated and timely response to natural disasters. The Committee, therefore, recommend that an autonomous body called National Disaster Management Commission equipped with full powers, expertise, technology and manpower be set up to monitor disaster preparedness and warning on an ongoing basis and organise prompt rescue, relief and rehabilitation operations in the wake of any serious natural or man-made disaster in the country which will also include those functions which the Eleventh Finance Commission envisaged in the proposed National Centre for Calamity Management (NCCM). The Committee desire that details of specific action taken by Government in this regard should be intimated to the Committee within three months after the presentation of this report.

6.16 The Committee note that the Ministry of Agriculture (Department of Agriculture & Cooperation) has been reiterating that although it is the nodal Ministry (now the Ministry of Home Affairs) to deal with natural calamities, the primary responsibility for providing relief measures to the people affected by natural calamities is that of the State Government concerned. The Central Government only supplements the efforts of the State Governments by providing additional resources in accordance with the recommendations of Finance Commissions appointed from time to time. It is notable that disaster management does not figure in the Central, State or Concurrent List under Schedule 7 of the Constitution of India. A subject not specifically mentioned in any of the three lists would ordinarily have to be dealt by the Union Government under entry 97 of the Union List. The Tenth and Eleventh Finance Commissions have also held the view that when a calamity of rare severity occurs, it should not be left to the States to be attended from their limited resources. There is ample evidence in the case of Orissa and Gujarat disasters that State Governments on their own are ill-equipped to handle natural calamity of rare magnitude. The Committee, therefore, are not in agreement with the evasive approach adopted by the Ministry. Any unusual natural calamity of rare severity should be a matter of national concern. In the event of such disasters, even the international community extends support and aid as an expression of solidarity with sufferings of the victims of disaster. The Committee wonder as to how the Union Government can disown their responsibility and remain a mute spectator. The Committee, therefore, emphasise that in the event of a natural calamity of rare severity, it should be the prime responsibility of the Union Government to monitor rescue, relief and rehabilitation operations of victims of the disaster, of course in coordination with the State Government concerned.

6.17 The Committee note that Disaster Management has been transferred to the Ministry of Home Affairs from the Ministry of Agriculture (Department of Agriculture & Cooperation). They also note that the High Powered Committee on Disaster Management had recommended setting up of a separate Ministry of Disaster Management for sustained and

focussed effort in the area of disaster preparedness, mitigation and management. The Committee desire that the pros and cons of the above recommendation be weighed with utmost seriousness and diligence and a suitable decision be taken keeping in view the importance of the matter and the country's proneness to natural calamities.

6.18 Central assistance to State Governments for relief and rehabilitation measures in the wake of natural calamities is provided in accordance with the recommendations of the Finance Commissions appointed from time to time. State Governments have formulated their own relief codes, contingency and management plans to deal with natural calamities. When the Committee enquired about the need for a comprehensive disaster response and mitigation policy and to develop an appropriate legal and administrative framework to implement it, the Ministry informed that the High Powered Committee constituted by Government will plan disaster response, mitigation policy, administrative and legal framework. The High Powered Committee has pointed out that disaster management is not included in Schedule 7 of the Constitution of India in anyone of the Lists – Central, State or Concurrent - and has suggested that the issue needs to be debated in the appropriate forum and steps taken to include it in one of the Lists. While hinting that the subject should be included in the Concurrent List, the Secretary, Ministry of Agriculture (Department of Agriculture and Cooperation) informed the Committee that the matter has been referred to the National Commission for reviewing the Constitution. The High Powered Committee also felt that there is need to have a suitable legislation to provide appropriate legal

framework at the national and state level for disaster mitigation after the amendment in the Constitution. The Committee recommend that the proposals regarding Constitutional amendment for including disaster management in Schedule 7 of the Constitution and enacting legislation for calamity management should be followed-up seriously to their logical conclusion. Keeping in view the important roles both Central and State Governments have to play in disaster management, the Committee are of the view that the subject should logically find a place in the Concurrent List of Schedule 7 of the Constitution. The Committee expect to be apprised of the follow-up action taken by Government in this regard.

6.19 According to scientists, the world is becoming increasingly vulnerable to natural disasters. In view of this, Eleventh Finance Commission recommended that medium and long-term measures be devised by the Ministries of the Government of India, the State Governments and the Planning Commission to reduce and, if possible, eliminate the occurrence of natural calamities by undertaking developmental work. Although factors like MSK intensity, soil condition and characteristics are to be taken into account for damage and collapse of buildings during the earthquake in Gujarat, factors like lack of adherence in structural design to norms of earthquake resistant structure as given in relevant Indian Standards and National Building Code are some of the major reasons responsible for damage and collapse of buildings. While the new bridges and flyovers are being constructed as per Indian Road Congress norms, there are no specific guidelines for seismically retrofitting the old ones. The State Governments have been asked to enforce safety considerations and norms in design and construction of buildings and other structures. Recognising the need to regulate the activities and to bring in accountability of professionals, the Ministry of Urban Development and Poverty Alleviation is now reportedly working on formulating an Engineers Bill for regulating the activities of builders and developers. As Delhi is situated in the high intensity earthquake zone IV, the Ministry of Urban Development and Poverty Alleviation have advised the concerned local bodies to carry out safety audit of multi-storeyed and high-rise buildings in the capital on priority basis. In view of the vulnerability of the country to natural calamities, the Committee desire that norms for design and construction of all buildings and structures should be reviewed and necessary safety norms should be incorporated. Suitable legislation should be enacted wherever

needed and their adherence by builders, developers, monitoring agencies and local bodies should be ensured.

6.20 The area in the country liable to floods is 40 million hectares and the average area effected by floods annually is about 8 million hectares. About 68% of the total area is vulnerable to droughts. When enquired about the long-term measures taken for flood control and drought mitigation in the country, the Ministry had no specific reply to give other than mentioning about some of the Centrally Sponsored Schemes. The funds earmarked for disaster management is used for providing immediate relief to victims of natural calamities. The Ministry have repeatedly held the view that expenditure other than those which are intrinsically connected with relief operations, should be met from Plan funds. The Committee note that the High Powered Committee on Disaster Management has recommended that alongwith CRF a separate National Disaster Prevention, Mitigation and Preparedness Fund should be set up to which 20% of all inflows into CRF will automatically accrue, which should be used for disaster prevention, mitigation and preparedness related activities. The Committee while agreeing with the suggestion made by the High Powered Committee, recommend that Government should pursue it seriously and do the needful for setting up a separate National Disaster Prevention, Mitigation and Preparedness Fund.

6.21 When the Committee enquired about the disaster forecasting system available in the country, the Ministry informed that a Conference of Relief Commissioners of all the States and Union Territories, representatives of concerned Ministries, Departments and organisations is held annually before the onset of South-West monsoon to review the status of preparedness and disaster reduction related activities. It has been stated before the Committee that the country has elaborate cyclone detection and tracking system and flood forecasting and warning systems covering major rivers. Emergency measures taken by the State Governments, after warning about a natural calamity is received, include evacuation of the people to safer places, identifying safe shelters and keeping the people informed about the situation. While the Committee are in agreement that some calamities like earthquake do not give any advance warning, Government should take more concrete measures to strengthen advance warning systems for other calamities like cyclone, floods, drought, etc. It may not be possible to prevent some of the natural calamities, but there is no denying the fact that their adverse impact can be reduced substantially by undertaking adequate disaster preparedness and mitigation measures. The Committee trust that the Government will take all possible steps for upgrading and strengthening the advance disaster warning systems in the country.

6.22 To deal with natural calamities which strike at very short notice, the need has been felt for having a Rapid Action Force which is disciplined and well trained in dealing with natural calamities. The Eleventh Finance Commission has also recommended that every State should develop an inter-disciplinary cadre under the Relief Commissioner comprising of 200 to 300 persons who could be deployed for relief works on the occurrence of a natural calamity within the State or in any other part of the country. The Ministry of Agriculture (Department of Agriculture and Cooperation) informed that there is a proposal, which is at a very initial and formative stage, to raise a Specialized Disaster Response Organisation with Specialized Disaster Response Units for making available specialized resources in disasters. The Committee recommend that steps should be taken to set up a Specialized Task Force at the Centre with units in the regions, whose members could be deployed for relief works in the event of natural calamity. Training should be imparted to Police and Para-Military Forces, Home Guards, NCC Boy Scouts, Girl Guides, NSS, Armed Forces, etc. in disaster management so that their services could be utilised for rescue, relief and mitigation operations when natural calamities occur.

6.23 From 1993-94, the Department of Agriculture and Cooperation is implementing a Central Sector Scheme of Natural Disaster Management Programme for disaster preparedness with emphasis on mitigation and preparedness measures to increase the level of awareness of community about disasters they are likely to face and prepare them adequately to face any crisis situation. A National Centre for Disaster Management has been set up at the Indian Institute of Public Administration, New Delhi and Faculties on natural disaster management have been set up in 18 States. Other States have also been asked to set up such faculties. The High Powered Committee on Disaster Management has also recommended that disaster preparedness should be strengthened through public participation and awareness and disaster education be imparted by including it in the curricula for schools, colleges and technical education. According to the Ministry, second Wednesday of October is observed as Disaster Reduction Day for creating awareness among the people about the need for disaster preparedness. The Committee emphasise the importance of public awareness, education and community participation for disaster preparedness and mitigation and desire that such programmes should be initiated and implemented on priority basis to prepare the people to effectively face any threat of natural calamity.

6.24 Although loss of crop and cultivation through pest disease is not considered a natural calamity as stipulated by the Eleventh Finance Commission, the Committee note with concern that many farmers suffer heavy losses on account of pest disease. The only way to safeguard the interests of farmers is by implementing National Agriculture Insurance Scheme by all States. The Committee, therefore, desire that State Governments should be impressed upon to implement Insurance Scheme for crops to provide insurance cover to farmers against pest disease. They also suggest that steps be taken to notify disaster prone and hazardous areas and make insurance in such areas mandatory.

New Delhi;
April 24, 2003
Vaisakha 4, 1925(S)

UMMAREDDY VENKATESWARLU,
Chairman,
Committee on Estimates.

Appendix – I

MINUTES OF SITTING OF THE ESTIMATES COMMITTEE

(2001-2002)

SEVENTH SITTING

The Committee sat on Wednesday, the 12th December, 2001 from 1500 to 1700 hours.

PRESENT

Prof. Ummareddy Venkateshwarlu - Chairman

MEMBERS

2. Shri Surendra Singh Barwala
3. Shri N.N. Krishnadas
4. Dr. C. Krishnan
5. Shri A. Krishnaswamy
6. Dr. Ramkrishna Kusmaria
7. Shri Sanat Kumar Mandal
8. Prof. Rasa Singh Rawat
9. Shri Abdul Rashid Shaheen
10. Shri C.N. Singh
11. Shri Maheshwar Singh
12. Shri Rampal Singh
13. Shri Kodikunnil Suresh
14. Shri Ravi Prakash Verma

SECRETARIAT

Shri Cyril John - Under Secretary

WITNESSES

MINISTRY OF AGRICULTURE (DEPARTMENT OF AGRICULTURE AND COOPERATION) AND OTHER DEPARTMENTS

1. Shri J.N.L. Srivastava - Secretary
2. Shri Ashok Pradhan - Special Secretary and Central Relief Commissioner
3. Shri Naved Masood - Joint Secretary and Addl. Relief Commissioner, Natural Disaster Management.
4. Shri S.K. Swami - Director

MINISTRY/DEPARTMENTS

1. Dr. S.K. Srivastava - Additional Director General, Indian Meteorological Deptt.
2. Shri S.B. Srivastava - Chief Engineer, Central Water Commission.
3. Ms. Sheela Prasad - Director, Ministry of Finance.
4. Shri M.Sahu - Additional CEO, Gujarat State Disaster Management Authority Gandhi Nagar, Gujarat.

2. At the outset, the Chairman welcomed the representatives of Ministry of Agriculture (Department of Agriculture and Cooperation) and other Departments to the sitting of the Committee.

3. The Committee took oral evidence of the representatives of Ministry of Agriculture (Department of Agriculture and Cooperation) and others present on the subject 'Relief and Rehabilitation Measures in Natural Calamities'.

4. The evidence was concluded. Verbatim record of the proceedings was kept.

(The witnesses then withdrew)

Appendix – II

MINUTES OF SITTING OF THE ESTIMATES COMMITTEE

(2002-2003)

SEVENTH SITTING

The Committee sat on Thursday, the 24th April, 2003 from 1500 to 1630 hours.

PRESENT

Prof. Ummareddy Venkateshwarlu - Chairman

MEMBERS

2. Shri Dalit Ezhilmalai
3. Smt. Sheela Gautam
4. Shri P.R. Kyndiah
5. Shri Ram Nagina Mishra
6. Prof. Rasa Singh Rawat
7. Shri G. Ganga Reddy
8. Shri Abdul Rasheed Shaheen
9. Shri Maheshwar Singh
10. Shri Rampal Singh
11. Shri Lal Bihari Tiwari

SECRETARIAT

1. Smt. P.K. Sandhu - Joint Secretary
2. Shri A.K. Singh - Principal Chief Parliamentary Interpreter
3. Shri Cyril John - Under Secretary
4. Shri N.C. Gupta - Assistant Director

2. The Committee considered and adopted the following Draft Reports without modifications :

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(ii) Draft Report on the Ministry of Home Affairs – ‘Relief and Rehabilitation Measures in Natural Calamities’.

3. The Committee authorized the Chairman to finalise the Reports in the light of the modifications and also to make verbal and other consequential changes, if any, arising out of factual verification by the Ministries and to present the same to the Lok Sabha.

The Committee then adjourned.

APPENDIX III

STATEMENT OF CONCLUSIONS/RECOMMENDATIONS

Sl. No.	Para No.	Conclusions/Recommendations
1.	6.1	<p>Due to its geographical location and sub-continental size, India is one of the most disaster prone countries in the world. Very few countries in the world have such a large landmass with such diverse range of geo-agro-climatic zones, erratic behaviour of monsoon, exposure to tropical cyclones, extremely devastating river floods, occurrences of landslides, vulnerability to seismic activities of varying intensity and proneness to massive avalanches. The earthquake in Latur in Maharashtra in 1993, the super cyclone in Orissa in 1999 and the earthquake in Gujarat in 2001 were unprecedented and devastating. In the recent years there have also been frequent incidents of drought, heavy rains, floods, pest attacks, landslides, hailstorms, etc. resulting in massive loss of crops, life and property. The concern for the untold misery caused to the people of the country and loss of life and property on account of such natural disasters motivated the Committee to take up the subject 'Relief and Rehabilitation Measures in Natural Calamities' for detailed examination and present this Report to the House. The Committee will now deal with some of the important issues connected with the subject in the succeeding paragraphs of this Report.</p>
2.	6.2	<p>In the wake of a natural calamity both Central and State Governments play important role in formulating a response to the calamity. The primary functions of the Government include operation of warning systems, forecasting and communicating about the impending calamity to the people through the media, maintenance of uninterrupted communication, timely evacuation of people from disaster prone areas, ensuring timely availability of food items, essential commodities, vaccines and drugs, mobilisation of financial resources, etc. The secondary functions include relief, rehabilitation and restoration operations through State and civil authorities, military and para-military forces, the public and voluntary agencies. The procedure for dealing with natural calamities which was in vogue till the period of the Eighth Finance Commission was less systematic and organised. However, the Ninth Finance Commission took note of the delays in extending help to the people affected by natural calamities on account of the cumbersome procedures and recommended constitution of Calamity Relief Fund (CRF) for ready availability of funds with the State Governments to undertake immediate relief measures in the wake of natural Calamities.</p>

3. 6.3 The State-wise allocation under CRF is determined by the Finance Commissions appointed from time to time on the basis of formula devised by them. The release of funds from the Centre to the CRF of each State is done in two instalments on 1st May and 1st November each year. The contributions from the Centre and the States are in the ratio of 75:25. A total amount of Rs.6304.27 crore was contributed to CRF from 1995-96 to 1999-2000 with Central contribution of Rs.4728.19 crore and State contribution of Rs.1576.08 crore. The extension of the Scheme by the Eleventh Finance Commission is a confirmation of the usefulness of the Scheme under which funds are made available to the State Governments in advance for undertaking immediate relief measures in the wake of natural calamities. The Committee are hopeful that with the new Calamity Relief Fund (CRF) Scheme formulated by the Ministry of Finance on the recommendations of the Eleventh Finance Commission and circulated to all States on 24 November, 2000 the operation and management of the Fund, utilisation of the amount and accountability for the expenditure will get more streamlined and systematic. The Committee stress that it should be ensured that all the States comply scrupulously with the guidelines for constitution of the CRF in the manner prescribed in the Scheme, furnishing of periodical utilisation statements and Annual Report on Natural Calamities for ensuring satisfactory functioning and proper utilisation of funds in CRF.
4. 6.4 In addition to continuation of CRF, the Tenth Finance Commission recommended constitution of National Fund for Calamity Relief (NFCR) to deal with calamities of rare severity. The rationale behind constitution of NFCR was that when calamities of much severity occur in regions where the States are not able to manage from their own CRF, the Central Government must be in a position to come to the rescue of the States and provide relief on a national scale. Central Team visits the State to assess the situation in the event of a calamity of rare severity. The initial corpus of Rs.700 crore in NFCR for the period from 1995-96 to 1999-2000 was found inadequate since Rs.1264.25 crore was released to the States during the first four years itself. However, the Eleventh Finance Commission recommended discontinuance of NFCR after 31 March, 2000. The main reasons for discontinuance were stated to be the lack of guidelines laid down for classifying calamity as a calamity of rare severity, non-contribution of share by States to the NFCR except for the initial amount of Rs.700 crore and non-existence of a regular mechanism for monitoring calamities and recommending the extent of Central relief, if needed.
5. 6.5 The Eleventh Finance Commission recommended that in order to avoid extra burden on the Central Budget and also to limit such expenditure only for calamities of rare nature and of extraordinarily severe intensity, any assistance provided by the Centre to the States in this regard should be financed by levy of a special surcharge on the Central Taxes for a limited period. For this a National Calamity Contingency Fund (NCCF) was created in the public account of the Union Government

with an initial contribution of Rs.500 crore, draws from which should be accompanied by imposition of special surcharge. The Committee note that successive Finance Commissions have refrained from defining natural calamities of rare severity which qualify for special assistance from NFCR/NCCF on the plea that calamity of rare severity will have to be assessed on a case to case basis taking into account inter alia the intensity and magnitude of the calamity, level of relief assistance needed, the capacity of the State to tackle the problem, the alternatives and flexibility available with the Plan funds to provide succour and relief expenditure. The Tenth Finance Commission felt that any definition of calamity of rare severity would cause insurmountable difficulties and would be counter productive. While the Committee are in agreement with the view expressed by successive Finance Commissions, they feel that a common fund like NCCF should continue to be a reserve fund at the disposal of the Central Government which should be made available to State Governments only for calamities of rare nature and of extraordinarily severe intensity.

6. 6.6 According to the laid down procedure in case of calamity of rare severity, the State Government concerned is required to submit a detailed Memorandum indicating the extent of damage in various sectors, relief measures undertaken, availability of funds under CRF and various related schemes and programmes and the relief assistance required. Wherever the natural calamity is prima-facie considered to be of rare severity a Central Team is deputed to survey some of the affected areas, meet the affected people, State level and field functionaries and obtain a fair idea of the damage caused in the State. The Central Team is led by an officer of the rank of Joint Secretary of the Department of Agriculture and Cooperation and comprises representatives from other concerned Central Ministries and Departments. The mandate of the Central Team is to assess the extent of damage as per the items and norms of assistance from NCCF, assess the requirements of relief and rehabilitation measures, recommend whether the situation can be treated to be a calamity of rare severity and also recommend assistance to be provided from NCCF, keeping in view the assessed requirements of relief and rehabilitation under various sectors, provisions of the CRF and other resources. There have been complaints that there is considerable time-lag between the submission of Memorandum by the State Government and deputation of the Central Team. Commenting on this the Ministry of Agriculture (Department of Agriculture and Cooperation) stated in a note that “deputation of a Central Team takes some time since various issues are required to be taken into account”. As it has been stated by the Ministry, the NCCF is meant for providing immediate succour and relief to those affected by natural disaster.

7. 6.7 Inordinate delay on the part of the Central Government to process the request and to release the needed assistance would only defeat the very purpose of setting up a fund like National Calamity Contingency Fund. When the disaster is of an unprecedented magnitude, relief is needed immediately without which the State Government would not be able to cope up with the emergent situation.

The Committee deprecate the very approach of the Ministry towards an issue of such vital importance in a welfare State. There is an emergent need for attitudinal change and building the culture of quick response to natural calamities in the country. The Committee, therefore, emphasise that the guidelines drawn up by the Ministry for operation and management of NCCF should be revised suitably to include a time-frame for submission of Memorandum by the State Government after the natural calamity occurs and deputing the Central Team and sanctioning and disbursal of relief from NCCF. The Committee would like to be apprised of the specific steps taken by the Ministry in this regard within three months from the time of presentation of the Report.

8. 6.8 As per the recommendations of the Eleventh Finance Commission a Committee of Experts was constituted by the Ministry of Agriculture (Department of Agriculture & Cooperation) under the chairmanship of the Central Relief Commissioner to review and finalise the list of items and norms of expenditure to be followed for availing assistance from NCCF for the period between 2000-2005. From the norms of expenditure for assistance from CRF and NCCF drawn up by the Experts Committee, it is seen that the quantum of assistance for relief in natural calamities prescribed is too inadequate. For example, ex-gratia payment to families of deceased persons is Rs.50,000/- per deceased, for grievous injury requiring hospitalisation for more than a week it is Rs.5,000/- per person, agriculture input subsidy when crop loss is 50% and above for rainfed areas is Rs.1,000/- per hectare, etc. The Ministry was candid in admission that "Government is aware of the difficulties experienced by the State Governments and feels that the corpus of CRF and NCFR (now NCCF) for 1995-96 to 1999-2000 was inadequate..." The Committee emphasise that despite the resource constraints, disaster mitigation deserves utmost priority and should be the concern of one and all. They desire that the norms of assistance from CRF and NCCF should be suitably revised with a view to help the victims of calamity to tide over the hardships at least partially.
9. 6.9 The Comptroller & Auditor General of India in the Report on operation of CRF for the year ended 31 March, 1998 had commented on misappropriation and embezzlement of funds from CRF by some of the States. According to the Audit Report, many States did not meet the intended objectives of CRF satisfactorily and credited the receipt from CRF into their general revenue and treated it as 'receipts'. Sample check had also disclosed that the State Governments did not credit their share of CRF in many cases. The C&AG had concluded that large number of cases of misappropriation from CRF noticed during audit suggested that the transactions out of the Fund are vulnerable to fraud and defalcations. The Ministry conceded that the funding pattern of the Scheme according to the Ninth Finance Commission provided for automatic release of funds to the States on quarterly basis without any prescribed pre-condition for release of State's share of CRF. However, the Tenth Finance Commission had

recommended that before releasing the amount due in any year, the Ministry of Finance should ensure that the Central contribution released earlier was credited to the account of CRF. According to the Ministry as per the information received from the States, as on 31 March, 2000 all States except Bihar, Maharashtra and Manipur had credited Central and State's share for the period 1995-96 to 1998-99 to the account of CRF. The release of last quarterly instalment of Centre's share for the year 1999-2000 was therefore withheld in the case of the three States. Both Ministry of Finance and Ministry of Agriculture (Department of Agriculture & Cooperation) have reportedly been insisting upon the State Governments for adherence to the guidelines issued in this regard.

10. 6.10 The Committee have been informed that the situation has been remedied to a large extent with the notification of a revised Scheme of CRF by the Ministry of Finance on 24 November, 2000 with a liberalised pattern of investment. According to the new CRF Scheme the State shall furnish a certificate to the Ministry of Finance indicating that the amount received earlier has been credited to the Fund alongwith the State's share of contribution accompanied by a statement giving up-to-date expenditure and the balance amount available in CRF. This statement shall be treated as utilisation certificate. The Committee trust that with more stringent guidelines, all State Governments are meticulously complying with the guidelines regarding operation, maintenance and expenditure from CRF. They stress that Ministry of Finance and Ministry of Home Affairs should ensure strict adherence of the guidelines by the States before releasing instalments of the CRF.
11. 6.11 The Committee have been informed by the Ministry that Central assistance for natural calamities including those of rare severity given under CRF and NCCF is in the form of immediate relief provided on short-term basis to revive the fractured economy of the State due to occurrence of natural calamity. This assistance is meant for the period till the immediate impact of the natural calamity lasts. The Ministry have held the view that long-term rehabilitation measures after the occurrence of a natural calamity are required to be undertaken from related ongoing Central and State Plan schemes, which have the component of disaster mitigation, like Drought Prone Areas Programme, Desert Development Programme, National Watershed Development Project for Rainfed Areas, Employment Generation Programmes, Accelerated Rural Water Supply Programme, Indira Awas Yojana, Flood Control Schemes, Soil Conservation in the Catchments of River Valley Projects and Flood Prone Rivers. When the Committee enquired as to how far these Schemes have actually helped in the rehabilitation of those affected by natural calamities, the Ministry informed that no specific evaluation of the ongoing Central and State Plan Schemes having component of disaster mitigation has been done. The Ministry was also unable to furnish any information regarding the amount spent for rehabilitation measures for mitigating the sufferings of people affected by natural calamities. It was also admitted by the Ministry that Central Ministries and Departments do not have specific programmes for rehabilitation of people affected by natural calamities on an ongoing basis.

The Ministry added that State Governments are responsible for undertaking rehabilitation work according to their own decisions and resources at their command for the purpose. Surprisingly the Eleventh Finance Commission also has held the view that expenditure on restoration of infrastructure and other capital assets should be met from the plan funds.

12. 6.12 During Orissa cyclone as many as 18.28 lakh houses were damaged. The magnitude of loss to property during Gujarat earthquake was also unparalleled. It is highly unrealistic to maintain that the State Government would be able to find the resources needed to cope with the unprecedented situation. The Committee are not in agreement with the view of the Ministry that when a major disaster occurs, relief and rehabilitation operations are basically the responsibility of the State Government. The Committee are of the view that one cannot deny the fact that the concerned Ministries of the Union Government have got a vital role to play in the rehabilitation of victims of natural disasters. The Committee, therefore, suggest that a portion, preferably 30% of the inflow of funds by way of special surcharge into the National Calamity Contingency Fund (NCCF), should be ear-marked and spent exclusively for financing projects and programmes meant for the rehabilitation of regions and people affected by natural calamities. They emphasise that both Central and State Governments should attach due importance to rehabilitation as a follow-up measure of natural disasters.

13. 6.13 At the organisational level there are a number of Committees and Groups in existence at the Central, State and district level to plan, monitor and implement policies and programmes connected with disaster management. One is the Crisis Management Group (CMG) headed by the Central Relief Commissioner with nodal officers from the concerned Ministries, Departments and organisations dealing with matters relating to relief in the wake of major natural disasters. Another is a National Crisis Management Committee (NCMC) headed by the Cabinet Secretary consisting of Secretaries of concerned Departments to give directions to CMG as deemed necessary. There is an Inter-Ministerial Group (IMG) headed by the Secretary of the Ministry and comprises of Secretaries of Central Ministries/Departments concerned. There is also a High Level Committee on Calamity Relief headed by the Minister in charge. Yet another Committee is the National Committee of Natural Calamities headed by the Prime Minister, constituted after the Gujarat earthquake, with senior members of various political parties as members. This Committee has been assigned the task of suggesting short-term, medium-term and long-term measures and the institutional frame-work for facing such disasters. The Committee have serious apprehensions whether these Committees meet periodically, other than in the wake of serious natural calamities, to review and do long-term planning with regard to disaster preparedness in the country. The Committee are of the view that far more effective planning and implementation of policies and programmes is possible if there are lesser number of Committees which are more purposeful and are able to meet periodically.

14. 6.14

The Eleventh Finance Commission recommended that a National Centre for Calamity Management (NCCM) under the Ministry of Agriculture be established to monitor all types of natural calamities, including calamities of rare severity, without any specific reference from the Centre or the State Governments. The Centre is also to make recommendations to the Central Government whether a calamity is of such severe nature that would call for financial assistance to the affected States over and above what is available in the CRF or other plan or non-plan sources. The NCCM would make its recommendations to the High Level Committee on Calamity Relief headed by the Minister of Agriculture. However, during evidence the Secretary, Ministry of Agriculture (Department of Agriculture & Cooperation) informed the Committee : “It is being considered now whether we should have NCCM or a National Disaster Management Agency. I think, very soon a final view would emerge on what kind of an institution we should have for rescue work and also for initial relief.” A subsequent communication from the Ministry stated that pending setting up of NCCM, the earlier procedure of deputing Central Teams for assessment of the situation and consideration of their reports by the Inter-Ministerial Group will continue. The Committee are distressed to find such indecision on the part of the Government with regard to setting up of NCCM, a very crucial recommendation made by the Eleventh Finance Commission, which has now been pending for three years. The Committee expect the Government to take a serious view of natural calamities especially in the light of the super cyclone in Orissa and the earthquake in Gujarat which took the nation by surprise.

15. 6.15

Under the present organisational and institutional arrangement, in the event of a natural calamity of rare severity, there are numerous Ministries, Departments and organisations of the Central Government which are responsible for rescue, relief and rehabilitation operations. Experience has taught that more than dearth of funds, relief materials, infrastructure and personnel, it is proper coordination, direction and prompt response which are found wanting. In the case of major disasters like earthquake in Latur and Gujarat and super cyclone in Orissa, there were reports of lack of timely response of the administrative machinery. The Committee note that there are multiple agencies which are responsible for disaster management, a subject which has multi-dimensional aspects. The Committee, therefore, are of the firm conviction that for pooling together all the resources and coordinating rescue, relief and rehabilitation operations in the wake of a natural calamity, there is an urgent need for setting up a specialised autonomous body to coordinate all aspects of natural calamities on the lines of the Election Commission of India, with full powers to take decisions, pool together all the resources and provide prompt response to any emergent situation arising out of a natural disaster. Such a body at the Centre will be able to effectively coordinate the efforts of all the Central Ministries, Departments and agencies and ensure that projects and programmes are implemented by the State Governments. The Secretary, Ministry of Agriculture (Department of Agriculture &

Cooperation) informed the Committee that Government was seriously considering about setting up a National Disaster Management Agency. The Committee have their apprehensions that the proposed National Centre for Calamity Management (NCCM) or the National Disaster Management Agency under a Ministry will have the autonomy, expertise and administrative powers to mobilise coordinated and timely response to natural disasters. The Committee, therefore, recommend that an autonomous body called National Disaster Management Commission equipped with full powers, expertise, technology and manpower be set up to monitor disaster preparedness and warning on an ongoing basis and organise prompt rescue, relief and rehabilitation operations in the wake of any serious natural or man-made disaster in the country which will also include those functions which the Eleventh Finance Commission envisaged in the proposed National Centre for Calamity Management (NCCM). The Committee desire that details of specific action taken by Government in this regard should be intimated to the Committee within three months after the presentation of this report.

16. 6.16 The Committee note that the Ministry of Agriculture (Department of Agriculture & Cooperation) has been reiterating that although it is the nodal Ministry (now the Ministry of Home Affairs) to deal with natural calamities, the primary responsibility for providing relief measures to the people affected by natural calamities is that of the State Government concerned. The Central Government only supplements the efforts of the State Governments by providing additional resources in accordance with the recommendations of Finance Commissions appointed from time to time. It is notable that disaster management does not figure in the Central, State or Concurrent List under Schedule 7 of the Constitution of India. A subject not specifically mentioned in any of the three lists would ordinarily have to be dealt by the Union Government under entry 97 of the Union List. The Tenth and Eleventh Finance Commissions have also held the view that when a calamity of rare severity occurs, it should not be left to the States to be attended from their limited resources. There is ample evidence in the case of Orissa and Gujarat disasters that State Governments on their own are ill-equipped to handle natural calamity of rare magnitude. The Committee, therefore, are not in agreement with the evasive approach adopted by the Ministry. Any unusual natural calamity of rare severity should be a matter of national concern. In the event of such disasters, even the international community extends support and aid as an expression of solidarity with sufferings of the victims of disaster. The Committee wonder as to how the Union Government can disown their responsibility and remain a mute spectator. The Committee, therefore, emphasise that in the event of a natural calamity of rare severity, it should be the prime responsibility of the Union Government to monitor rescue, relief and rehabilitation operations of victims of the disaster, of course in coordination with the State Government concerned.

17. 6.17 The Committee note that Disaster Management has been transferred to the Ministry of Home Affairs from the Ministry of Agriculture (Department of Agriculture & Cooperation). They also note

that the High Powered Committee on Disaster Management had recommended setting up of a separate Ministry of Disaster Management for sustained and focussed effort in the area of disaster preparedness, mitigation and management. The Committee desire that the pros and cons of the above recommendation be weighed with utmost seriousness and diligence and a suitable decision be taken keeping in view the importance of the matter and the country's proneness to natural calamities.

18. 6.18 Central assistance to State Governments for relief and rehabilitation measures in the wake of natural calamities is provided in accordance with the recommendations of the Finance Commissions appointed from time to time. State Governments have formulated their own relief codes, contingency and management plans to deal with natural calamities. When the Committee enquired about the need for a comprehensive disaster response and mitigation policy and to develop an appropriate legal and administrative framework to implement it, the Ministry informed that the High Powered Committee constituted by Government will plan disaster response, mitigation policy, administrative and legal framework. The High Powered Committee has pointed out that disaster management is not included in Schedule 7 of the Constitution of India in anyone of the Lists – Central, State or Concurrent - and has suggested that the issue needs to be debate in the appropriate forum and steps taken to include it in one of the Lists. While hinting that the subject should be included in the Concurrent List, the Secretary, Ministry of Agriculture (Department of Agriculture and Cooperation) informed the Committee that the matter has been referred to the National Commission for reviewing the Constitution. The High Powered Committee also felt that there is need to have a suitable legislation to provide appropriate legal framework at the national and state level for disaster mitigation after the amendment in the Constitution. The Committee recommend that the proposals regarding Constitutional amendment for including disaster management in Schedule 7 of the Constitution and enacting legislation for calamity management should be followed-up seriously to their logical conclusion. Keeping in view the important roles both Central and State Governments have to play in disaster management, the Committee are of the view that the subject should logically find a place in the Concurrent List of Schedule 7 of the Constitution. The Committee expect to be apprised of the follow-up action taken by Government in this regard.

19. 6.19 According to scientists, the world is becoming increasingly vulnerable to natural disasters. In view of this, Eleventh Finance Commission recommended that medium and long-term measures be devised by the Ministries of the Government of India, the State Governments and the Planning Commission to reduce and, if possible, eliminate the occurrence of natural calamities by undertaking developmental work. Although factors like MSK intensity, soil condition and characteristics are to be taken into account for damage and collapse of buildings during the earthquake in Gujarat, factors like lack of adherence in structural design to norms of earthquake resistant structure as

given in relevant Indian Standards and National Building Code are some of the major reasons responsible for damage and collapse of buildings. While the new bridges and flyovers are being constructed as per Indian Road Congress norms, there are no specific guidelines for seismically retrofitting the old ones. The State Governments have been asked to enforce safety considerations and norms in design and construction of buildings and other structures. Recognising the need to regulate the activities and to bring in accountability of professionals, the Ministry of Urban Development and Poverty Alleviation is now reportedly working on formulating an Engineers Bill for regulating the activities of builders and developers. As Delhi is situated in the high intensity earthquake zone IV, the Ministry of Urban Development and Poverty Alleviation have advised the concerned local bodies to carry out safety audit of multi-storeyed and high-rise buildings in the capital on priority basis. In view of the vulnerability of the country to natural calamities, the Committee desire that norms for design and construction of all buildings and structures should be reviewed and necessary safety norms should be incorporated. Suitable legislation should be enacted wherever needed and their adherence by builders, developers, monitoring agencies and local bodies should be ensured.

20. 6.20

The area in the country liable to floods is 40 million hectares and the average area effected by floods annually is about 8 million hectares. About 68% of the total area is vulnerable to droughts. When enquired about the long-term measures taken for flood control and drought mitigation in the country, the Ministry had no specific reply to give other than mentioning about some of the Centrally Sponsored Schemes. The funds earmarked for disaster management is used for providing immediate relief to victims of natural calamities. The Ministry have repeatedly held the view that expenditure other than those which are intrinsically connected with relief operations, should be met from Plan funds. The Committee note that the High Powered Committee on Disaster Management has recommended that alongwith CRF a separate National Disaster Prevention, Mitigation and Preparedness Fund should be set up to which 20% of all inflows into CRF will automatically accrue, which should be used for disaster prevention, mitigation and preparedness related activities. The Committee while agreeing with the suggestion made by the High Powered Committee, recommend that the Government should pursue it seriously and do the needful for setting up a separate National Disaster Prevention, Mitigation and Preparedness Fund.

21. 6.21

When the Committee enquired about the disaster forecasting system available in the country, the Ministry informed that a Conference of Relief Commissioners of all the States and Union Territories, representatives of concerned Ministries, Departments and organisations is held annually before the onset of South-West monsoon to review the status of preparedness and disaster reduction related activities. It has been stated before the Committee that the country has elaborate cyclone detection and tracking system and flood forecasting and warning systems covering major rivers. Emergency measures taken by the State

Governments, after warning about a natural calamity is received, include evacuation of the people to safer places, identifying safe shelters and keeping the people informed about the situation. While the Committee are in agreement that some calamities like earthquake do not give any advance warning, Government should take more concrete measures to strengthen advance warning systems for other calamities like cyclone, floods, drought, etc. It may not be possible to prevent some of the natural calamities, but there is no denying the fact that their adverse impact can be reduced substantially by undertaking adequate disaster preparedness and mitigation measures. The Committee trust that the Government will take all possible steps for upgrading and strengthening the advance disaster warning systems in the country.

22. 6.22 To deal with natural calamities which strike at very short notice, the need has been felt for having a Rapid Action Force which is disciplined and well trained in dealing with natural calamities. The Eleventh Finance Commission has also recommended that every State should develop an inter-disciplinary cadre under the Relief Commissioner comprising of 200 to 300 persons who could be deployed for relief works on the occurrence of a natural calamity within the State or in any other part of the country. The Ministry of Agriculture (Department of Agriculture and Cooperation) informed that there is a proposal, which is at a very initial and formative stage, to raise a Specialized Disaster Response Organisation with Specialized Disaster Response Units for making available specialized resources in disasters. The Committee recommend that steps should be taken to set up a Specialized Task Force at the Centre with units in the regions, whose members could be deployed for relief works in the event of natural calamity. Training should be imparted to Police and Para-Military Forces, Home Guards, NCC Boy Scouts, Girl Guides, NSS, Armed Forces, etc. in disaster management so that their services could be utilised for rescue, relief and mitigation operations when natural calamities occur.

23. 6.23 From 1993-94, the Department of Agriculture and Cooperation is implementing a Central Sector Scheme of Natural Disaster Management Programme for disaster preparedness with emphasis on mitigation and preparedness measures to increase the level of awareness of community about disasters they are likely to face and prepare them adequately to face any crisis situation. A National Centre for Disaster Management has been set up at the Indian Institute of Public Administration, New Delhi and Faculties on natural disaster management have been set up in 18 States. Other States have also been asked to set up such faculties. The High Powered Committee on Disaster Management has also recommended that disaster preparedness should be strengthened through public participation and awareness and disaster education be imparted by including it in the curricula for schools, colleges and technical education. According to the Ministry, second Wednesday of October is observed as Disaster Reduction Day for creating awareness among the people about the need for disaster preparedness. The Committee emphasise the importance of public awareness, education and

community participation for disaster preparedness and mitigation and desire that such programmes should be initiated and implemented on priority basis to prepare the people to effectively face any threat of natural calamity.

24. 6.24

Although loss of crop and cultivation through pest disease is not considered a natural calamity as stipulated by the Eleventh Finance Commission, the Committee note with concern that many farmers suffer heavy losses on account of pest disease. The only way to safeguard the interests of farmers is by implementing National Agriculture Insurance Scheme by all States. The Committee, therefore, desire that State Governments should be impressed upon to implement Insurance Scheme for crops to provide insurance cover to farmers against pest disease. They also suggest that steps be taken to notify disaster prone and hazardous areas and make insurance in such areas mandatory.