



DISASTER MANAGEMENT ACT- 2005



The Disaster Management Act 2005

- An Act to provide for the effective management of disasters and for matters connected therewith or incidental thereto.
- Enacted by Parliament
- Received assent of the President of India on 23rd December 2005
- Notified on 26.12.05
- Came into effect from 1st August, 2007
- Applicable to the whole of India

Title, Extent, Commencement

- Extends to whole of India
- Comes to force on such date as Central Govt. may appoint
- Different dates may be appointed for different states and different provisions

4 levels of Disaster Management

- National level
- State level
- District level
- Local level

National Level

- National DM Authority (NDMA) (sec- 3)
- National Executive Committee (sec-8)
- Advisory Committee (sec-7)

National DM Authority

- Prime Minister is the chairman
- 9 members nominated by the chairman
- One of the members nominated as vice chairman

National Authority will

- Lay down policies on Disaster Management
- Approve the national plan
- Approve plans made by Ministries and Depts. of Govt. of India
- Make guidelines for State Authorities
- Make guidelines for Depts. & Ministries
- Coordinate enforcement and implementation of the policy and plan etc
- Recommend provision of funds for mitigation
- Provide support to other countries
- Capacity building; Make policies for NIDM

National Executive Committee (NEC)

- Govt will constitute the NEC to assist the NDMA
- Secy.MHA will be the ex-officio Chairperson
- Secy.s of Agriculture, Atomic energy, drinking water, defence, environment and forest, finance, health, power, rural development, space, urban development, water resources, chief of the integrated defence staff, telecommunication,
- Chairman can invite any officer of GOI for taking part in the meeting
- Govt will prescribe the powers and functions for the NEC

NEC

- Can constitute one or more sub-committees
- Member of the NEC will be the chairman of the sub-committee
- Provision of allowances for experts of the sub-committee

Functions of National Executive Committee

- Act as coordinating and monitoring body.
- Prepare national plan
- Implement the national policy
- Guidelines for departments of GoI.
- Technical assistance to State Government for preparing their DM plans
- Implement national plan and plans of ministries of GoI
- Integrating preventive and mitigating measures in the development plan of ministries

Functions of National Executive Committee

- Monitor and direct ministries and departments and agencies of Govt.
- Evaluate preparedness at all Govt. levels.
- Plan and coordinate specialised training programme
- Coordinate response in the event of any disaster
- Give directions to State Authorities Gol and others for response
- Direct any agency/department of Govt. to make available any resource or information.

Functions of National Executive Committee

- Advise, assist and coordinate
- Provide necessary assistance to state authorities and district authorities for carrying out the functions under the Act.
- Promote general education & awareness on disaster management
- Perform any other function as National Authority directs.

National Advisory Committee

- National Authority may constitute the advisory committee consisting of experts.
- Central Government will fix the number of members in consultation with national authority.

State level

- State Disaster Management Authority (sec-14)
- State Executive Committee (sec-20)
- State Advisory Committee (sec-17)

State Disaster Management Authority (SDMA)

- State Government will constitute SDMA
- Chief Minister is the chairperson
- 8 other members to be nominated by the chairperson
- Chairman of the State Executive Committee is the ex-officio member and Chief Executive Officer
- Chairman may designate the Vice-chairman from among the members

State Executive Committee

- State Government shall constitute the state executive committee to assist the state authority.
- Chief Secretary will be the ex-officio chairman of SEC.
- 4 Secretaries of State Govt. will be members ex-officio.
- The chairperson of SEC will be using powers delegated by the state authority and state Government

Functions of State Executive Committee

- Implement national policy, plan and state plan
- Examine vulnerability of different parts of the state.
- Make guidelines for preparation of DM plans by department
- Implement DM plans made by Government departments State and District authorities.
- Implement guidelines made by State Authority
- Evaluate preparedness at all government and non-governmental levels

Functions of State Executive Committee

- Coordinate response
- Give directions to departments of government
- Promote general education, awareness
- Advise, Assist and coordinate activities of the department of the government
- Provide technical assistance to district authorities
- Advise State Government on financial matters

Functions of State Executive Committee

- Examine the construction in any local area
- Review response plans at state and district level
- Ensure communication system and disaster management drills
- Any other function given by State Authority.

State Advisory Committee

- State authority may constitute an advisory committee consisting of experts.
- Members of the advisory committee will be paid allowances

District Disaster Management Authority

- State Government will constitute the district DM authority
- The Collector will be the Chairperson of the district authority
- President Zilla Parishad will be the Co-chairperson of the district authority
- The district authority will consist of 7 members including the chairperson.

District Disaster Management Authority

- The Chief Executive Officer of the Zilla Parishad, SP Police, CDMO will be the Ex-officio members
- 2 other district officials can be nominated by the state government.
- State government shall appoint an officer not below the rank of ADM as the Chief Executive Officer of district authority.

Powers & Functions of District Authority

- Prepare DM plan for the district
- Implement national policy, state policy, national, state and district plans.
- Identify vulnerable areas of district
- Ensure guidelines for prevention of disasters are followed
- Give directions to different authorities at district level

Powers & Functions of District Authority (Contd...)

- Lay down guidelines for prevention of disaster.
- Monitor implementation of DM plans prepared by departments.
- Prepare guidelines to be followed by departments.
- Review the preparedness and state of capability.
- Organise specialise training programmes
- Facilitate community training and awareness programmes.
- Set up and maintain the mechanism for dissemination of early warning.

Powers & Functions of District Authority (Contd...)

- Coordinates response mechanism during any disaster.
- Ensure departments, prepare their response plans in accordance with the district response plan
- Advise, assist and coordinate the activities of departments.
- Provide necessary assistance and advise to the local authorities.
- Review development plans.
- Examine the construction in any area in the district.
- Identify building and places which could be used for disaster mitigation.

Powers & Functions of District Authority (Contd...)

- Stock pile, relief and rescue materials
- Provide information to State Authority.
- Encourage involvement of NGOs
- Ensure communication systems are in order
- Any other function as state authority may assign.

National plan

- Applicable for whole of the country
- Prepared by national executive committee.
- Approved by national authority.

Preventive measures

Integration of mitigation and development

Preparedness and capacity building

Define roles and responsibilities

Standards of Relief

- Guidelines for minimum standards of relief
- Minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water medical cover and sanitation
- Special provision for widows and orphans
- Ex-gratia assistance on account of loss of life
- Assistance for damage to house and restoration of livelihood.

Relief provision

- The National Authority may in case of disasters of severe magnitude recommend relief in repayment of loans or grant of fresh loans to the persons affected by disaster on such terms as may be appropriated.

State Plan

- State Executive Committee will prepare the plan
- State Authority will approve it.

District Plan

- Prepared by the district authority
- Vulnerability index
- Response protocol
- Capacity building
- Procurement of essential resources
- Establishment of communication links
- Dissemination of information to the public

Powers of district authority

- Give directions for release and use of resources available with any department of government and local authority in the district.
- Control and restrict vehicular traffic
- Control and restrict movement of any person in the vulnerable/affected area
- Remove debris, conduct search
- Make arrangements for disposal of unclaimed dead bodies.

Powers of district authority

(Contd...)

- Recommend to any department of the government at district level to take such measures as deemed to be necessary in its opinion.
- Procure exclusive or preferential use of amenities from any authority or person.
- Demolish structures which may be hazardous to public or aggravate effects of disaster.
- Ensure NGOs carry out their activities in equitable and non-discriminatory manner.

Local Authorities (41, 1)

- Work subject to the directions of the district authority
- Ensure its offices and employees are trained for disaster management
- Ensure resources are maintained and readily available for use in disaster situation.
- Ensure all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disasters by national, state and district authority.

Local Authorities (41, 1)

(Contd...)

- Carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the state plan and district plan.
- Local authority may take such other measures as may be necessary for disaster management.

Financial Aspect – Central Govt.

- National Disaster Response Fund (NDRF)
- National Disaster Mitigation Fund (NDMF)
- Response fund will be made available to the National Executive Committee to be applied towards meeting the expenses for emergency response, relief and rehabilitation.
- The mitigation fund shall be applied by the national authority

Financial Aspect – State Govt.

- State Disaster Response Fund
- District Disaster Response Fund
- State Disaster Mitigation Fund
- District Disaster Mitigation Fund
- The State Disaster Response Fund is available to the State Executive Committee
- The State Disaster Mitigation Fund is available to state authority.
- The District Disaster Response & Mitigation Funds are available to district authority.

Financial Aspect

- Every Ministry / Department shall make provisions in its annual budget for carrying out activities and programmes in its disaster management plan.
- The national, state or district authority if satisfied can direct immediate procurement of provisions.
- Standard procedure requiring invitation of tenders shall be deemed to be waived
- A certificate about utilisation of provision of materials by the controlling office authorised by the national, state or district authority as the case may be shall be deemed to be a valid document or voucher for the purpose of utilisation of such provisions or material.

Offences and Penalties

- Punishment for obstruction, refusal to comply direction of government and authority.
- Punishment for false claim.
- Punishment for misappropriation of money and material.
- Punishment for false warning.
- The HOD of the departments or government will be personally be liable to punishment unless he proves otherwise.
- Punishment for failure of officer on duty or his connivance at the contravention of the provision of this act.

Offences and Penalties

(Contd...)

- No prosecution for offences punishable under section-55 & 56 shall be instituted except with the previous sanction of central government or state government or any officer authorised in this behalf by general or special order.

Cognizance of Offence

- No court of law shall take cognizance of an offence under this act except on complaint made by -
 - The national authority, state authority, district authority, central government and statement or any authorised person.
 - Any person who has given notice of not less than 30 days in the prescribed manner, of the alleged offence and his intention to make complain to the authorities and governments.

Miscellaneous Powers

- Powers to be made available for rescue operation.
- Making or amending rules etc. in certain circumstances.
- Power of requisition of resources provisions, vehicles etc. for rescue operations.
- Direction to media for communication of warnings
- Only the Supreme Court and the High Court shall have the jurisdiction to entertain any suit under the act.
- Action taken in good faith.
- Immunity from legal process to officers and employees of central and state government and authorities and executive committees in regard to any warning issued for disaster mitigation.



THANK YOU