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The Disaster Management Act, 2005

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The Disaster Management Act, 2005

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The President of India gave his assent to the Disaster Management Bill 2005 on January 9, 2006. The Act comprising 79 sections and 11 chapters is capable of effectively managing the disaster and matters related to it. The objectives as stated in the statement of purpose and preamble are as follows:

Definitions
Section 2 of the Act defines ‘Disaster’ as a catastrophe, mishap, calamity or grave occurrence in any area, arising from either natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering, or damage to and destruction of property or damage to or degradation of environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area.

‘Disaster Management’ is defined as a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary or expedient to prevent danger or threat of any disaster, mitigation or reduce the risk or severity or consequences of any disaster, capacity-building and preparedness to deal with any disaster, prompt response to any threatening disaster situation or disaster, assessing the severity or magnitude of effects of any disaster, evacuation, rescue and relief, rehabilitation and reconstruction.

National Disaster Management Authority
The Act empowers the Central Government to appoint the National Disaster Management Authority with the Prime Minister of India as the Chairperson and such number of other members, not exceeding nine. The Central Government is to provide the National Authority with such officers, consultants and employees, as it considers necessary for carrying out the functions of the National Authority. The National Authority has the responsibility to lay down, approve the policies, plans and guidelines for disaster management prepared by various departments of Government of India to ensure timely and effective response to disaster.

National Executive Committee
To assist the National Authority an advisory committee called the National Executive Committee consisting of experts in the field of disaster management having practical experience of disaster management at the National, State and District level. The National Executive Committee is further empowered to constitute one or more sub-committees, for the efficient discharge of its functions. The Committee is entrusted to prepare a national plan for disaster management which is to be reviewed and updated annually.

National Plan
The National Plan shall include the prevention of disasters, the integration of mitigation measures in the development plans, the preparedness and capacity building to effectively respond to any threatening disaster situations or disaster, the roles and responsibilities of different Ministries or Departments of the Government of India. The National Authority is to recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster like the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation, the special provisions to be made for widows and orphans, ex gratia

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assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood and such other relief as may be necessary. In cases of disasters of severe magnitude, the National Authority may recommend relief in repayment of loans or for grant of fresh loans to the persons affected by disaster on such concessional terms as may be appropriate.

**State Disaster Management Authority**
Similar to National Authority at the Centre, the State Government is to establish a State Disaster Management Authority for the State. The State Authority is to be headed by the Chief Minister of the State as the Chairperson and such number of other members, not exceeding nine. The State Authority is empowered as and when it considers necessary to constitute an advisory committee, consisting of experts in the field of disaster management. The State Authority is supposed to lay down the State disaster management policy, approve the State Plan in accordance with the guidelines laid down by the National Authority.

**State Executive Committee**
The State Executive Committee is empowered to control and restrict, vehicular traffic to, from or within, the vulnerable or affected area, control and restrict the entry of any person, his movement within and departure from, a vulnerable or affected area, remove debris, conduct search and carry out rescue operations, provide shelter, food, drinking water, essential provisions, healthcare and services in accordance with the standards laid down by the National Authority and State Authority.

**District Disaster Management Authority**
Every State Government, in turn, is to establish a District Disaster Management Authority for every district in the State with the District Collector as the Chairperson and such number of other members, not exceeding seven. The District Authority is to act as the district planning, coordinating and implementing body for disaster management and take all measures for the purposes of disaster management in the district in accordance with the guidelines laid down by the National Authority and the State Authority.

**Central Government and International Agencies**
The Central Government is empowered to further measures as it deems necessary or expedient for the purpose of disaster management like deployment of naval, military and air forces, other armed forces of the Union or any other civilian personnel as may be required for the purposes of this Act, coordination with the United Nations agencies, international organizations and governments of foreign countries for the purposes of this Act, and establish institutions for research, training, and developmental programmes in the field of disaster management.

**National Institute of Disaster Management**
The Central Government is empowered to constitute an institute to be called the National Institute of Disaster Management. The institute functions within the broad policies and guidelines laid down by the National Authority and is responsible for planning and promoting training and research in the area of disaster management, documentation and development of national level information base relating to disaster management policies, prevention mechanisms and mitigation measures.

**National Disaster Response Force**
A National Disaster Response Force for the purpose of specialist response to a threatening disaster situation or disaster is to be constituted. The general superintendence, direction and
control of the Force shall be vested and exercised by the National Authority and the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director General of the National Disaster Response Force.

**National Disaster Response Fund**
The National Disaster Response Fund to meet any threatening disaster situation or disaster is to be constituted. The Fund is made available to the National Executive Committee to be applied to meet the expenses for emergency response, relief and rehabilitation in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.

**Civil and Criminal Liabilities**
The Act imposes punishments to persons for contravening the provisions of this Act, 2005 such as obstructing or abandoning, refusing to comply with any of the provisions of this Act, making false claims, misappropriation of money or materials or false warning, etc. The punishment in such cases could be imprisonment or fine or both.

**Role of Media and the Act**
The National Authority, the State Authority, or a District Authority is empowered to recommend the Government to give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisories regarding any threatening disaster situation or disaster, and the said means of communication and media as designated shall comply with such direction.