

# Disaster Management Act 2005

The Disaster Management Act 2005 was passed by the Government of India, on 23 December 2005. for the effective management of disasters and other matters connected to it. The NDMA Act 2005 contains 11 chapters and 79 sections.

The Indian Government has a strong resolve to work relentlessly on the National Disaster Management Act (NDMA), focussing on the necessities of the citizens and to strategize plans for fulfilling the demands of the countrymen. Further, their main motive is to stick to the reframed policies and ensure the reduction of any disaster damage. The Ministry of Home Affairs works on the National Disaster Management Authority.

The NDMA Act 2005 came into the discussion on the onset of COVID-19 and pan-India lockdown after that in 2021 and for essential services uninterrupted flow such as medical oxygen.

## National Disaster Management Act 2005: Functions and Responsibilities

The Prime Minister is the chief of the Disaster Management Authority. His foremost duty is to cater to upcoming policies in the disaster field.

The primary functions and responsibilities under the National Disaster Management Act 2005 are:

- Implementation and collaboration to execute Disaster Management Policies
- Organizing funds for reduction
- Providing assurance and regular help to the majorly stricken countries
- Work on the policies of disaster management
- Working on the approval of plans by the Department of the Government following the National Plan
- Working on necessary measures for disaster prevention, mitigation, or preparedness and capacity building for dealing with threatening disaster situations or disasters
- Establishing broad policies and guidelines in accordance with the National Institute of Disaster Management.

## Salient Features of the Disaster Management Act 2005

Disasters are inevitable. It is bound to happen. However, it is important for the government to reduce its risk and reframe policies for a healthy and safe environment such as Disaster Management Act 2005.

The salient features of the Disaster Management Act 2005 are:

- **National Disaster Management Authority (NDMA):** NDMA authorized to make policies, plans and guidelines for disaster management. The Prime Minister of India is the Chairperson and NDMA will have no more than nine members, including a Vice-Chairperson. The tenure of all the members is of 5 years.
- **State Disaster Management Authority (SDMA):** It is responsible for carving out the disaster plan for the respective state. The Chairperson is Chief Minister and eight members appointed by the Chief Minister.
- **District Disaster Management (DDMA):** Chairperson of DDMA will be collector or District Magistrate, or Deputy Commissioner of the district.

- **National Executive Committee:** It consists of Secretary level officers of the government representing various ministries such as Finance, Home, Health, Power, and agricultural ministries. It is responsible for preparing National Disaster Management Plan for the whole country and ensuring its annual review and the updation.
- **National Disaster Response Force (NDRF):** It is tasked with responding to a disaster, and is headed by a Director-General appointed by the Central government.

## Disaster Management Policy

The Disaster Management Policy, under the National Disaster Management Act 2005, follows some necessary guidelines and works with perseverance to reach optimized goals, such as:

- Community-based disaster management, including integration of policy, plans, and execution at the last mile
- Capacity building in all related areas
- Compilation of previous initiatives and best practices
- Cooperation with national, regional, and international agencies
- Compliance and coordination are required to create a cross-sectoral synergy

## Phases of Disaster Management

The Disaster Management undergoes four phases, according to the NDMA Act:

- **Mitigation:** Mitigation ensures proper precautions and proactive measures before a disaster occurs
- **Preparedness:** Preparedness refers to hosting emergency training sessions before the occurrence of the disaster
- **Response:** It is the reaction to the disaster phase. The response can be both short-term and long-term effects
- **Recovery:** The stage of recovery is sustaining and prioritization of individual necessities

## National Disaster Management Act 2005: How Government Responds?

The Disaster Management Act 2005 empowers the Central government powers to take quick policy decisions and impose restrictions on managing a disaster. The Disaster Management Act enables the government to declare action plan in the country and disaster-struck areas to reduce risks impacts concerning the disaster.

- The NDMA Act 2005 covers all-natural and man-made disasters that persist beyond the coping capacity of a community.
- It also empowers the government to act against anyone not abiding by the government orders and regulations.
- Under the laws, the authorities at the national and state levels are certified to deal with any disaster, including a biological one.
- The authorities are empowered to act against any government official or director of a company for non-compliance with the order.
- The law also enables the authorities to detain a person without a warrant and a jail term of one year for first offences.
- It also facilitates the authorities to develop national and state-level mitigation plans for effective implementation.

## NDMA Act 2005: Penalties

The penalties imposed under the Disaster Management Act 2005 are:

- Any person, be a citizen or a public servant, can be penalized for non-compliance with the govt orders.
- The prescribed jail term is one year for the first offence and two years.
- The Act enables the officials notifies as nodal officers (often district magistrate) to summon anyone to perform disaster mitigation and relief duties.
- Under this Act, the departmental head could be held responsible for any dereliction of duty by the personnel, e.g., for uninterrupted transport of medical oxygen the district magistrates, deputy commissioners and senior superintendent of police or superintendents of police or deputy commissioners of police are held accountable.
- A complaint against any official can be raised under this Act to the Chairpersons of national, state or district disaster management authorities.

