



Disaster Management Act, 2005 Invoked

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Why in News

Recently, the Ministry of Home Affairs invoked **Disaster Management Act, 2005 (DM Act)** and ordered **free inter-state movement of oxygen carrying vehicles**.

Earlier in **March 2020 various government authorities invoked** their respective powers under the DM Act to deal with the novel **coronavirus (Covid-19)** outbreak in the country.

Key Points

- **About:**

The DM Act was **passed by the government of India in 2005** for the 'efficient **management of disasters** and other matters connected to it. However it **came into force in January 2006**.

- **Objective:**

To **manage disasters, including preparation of mitigation strategies, capacity-building** and more.

Definition of a “disaster” in **Section 2 (d)** of the DM Act states that a **disaster means a “catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man made causes**.

- **Major Features of The Act:**

- **Nodal Agency:**

The Act designates the **Ministry of Home Affairs** as the nodal ministry for steering the overall national disaster management.

- **Institutional Structure:** It puts into place a systematic structure of institutions at the national, state and district levels.

- **National Level Important Entities:**
 - **The National Disaster Management Authority (NDMA):**
It is tasked with **laying down disaster management policies and ensuring timely and effective response** mechanisms.
 - **The National Executive Committee (NEC):**
 - It is constituted under **Section 8 of the DM Act** to assist the National Disaster Management Authority in the performance of its functions.
 - The NEC is **responsible for the preparation of the National Disaster Management Plan** for the whole country and to ensure that it is “reviewed and updated annually.
 - **The National Institute of Disaster Management (NIDM):**
It is an **institute for training and capacity development programs** for managing natural calamities.
 - **National Disaster Response Force (NDRF):**
It refers to **trained professional units** that are called upon for specialized response to disasters
- **State and District level:**
 - The Act also provides for state and district level authorities responsible for, among other things, **drawing plans for implementation of national plans and preparing local plans.**
 - **State Disaster Management Authority**
 - **District Disaster Management Authority.**
 - **Finance:**
It contains the provisions for financial mechanisms such as the creation of funds for emergency response, **National Disaster Response Fund** and similar funds at the state and district levels.
- **Civil and Criminal Liabilities:**
 - The Act also devotes several sections various **civil and criminal liabilities resulting from violation** of provisions of the act.
 - Under **Section 51 of the Act**, anyone refusing to comply with orders is liable for punishment with **imprisonment up to one year, or fine, or both.** In case this refusal leads to death of people, the person liable shall be **punished with imprisonment up to two years.**

- **Challenges:**

- **Absence of Disaster Prone Zones:**

- One of the most glaring inadequacies in the Act is the absence of a provision for declaration of ‘disaster- prone zones’.
- Almost **all disaster related legislations in the world have mapped out disaster- prone zones** within their respective jurisdictions.
- The **state cannot be expected to play a pro- active role unless an area is declared ‘disaster- prone’**. Classification helps in determining the extent of damages as well.

- **Neglects Progressive Behavior of Disasters:**

- The Act portrays every disaster as a sudden occurrence and completely fails to take into account that disasters can be progressive in nature as well.
- In 2006, over 3,500 people were affected by **dengue**, a disease with a history of outbreaks in India, yet no effective mechanism has been put in place to check such an ordeal.
- **Tuberculosis** is known to kill thousands of people in the country each year but since its occurrence is not sudden or at once, it has not found a place in the Act.

- **Overlapping Functions:**

- The Act calls for establishment of multiple- national level bodies, the functions of which seem to be **overlapping, making coordination between them cumbersome**.
- The **local authorities**, who have a very valuable role to play in the wake of any disaster as first responders, **barely find a mention at all**. There are no **substantive provisions to guide them**, merely a minor reference to taking ‘necessary measures’.

- **Procedural Delays and Inadequate Technology:**

- Added to that, **delayed response, inappropriate implementation of the plans and policies, and procedural lags** plague the disaster management scheme in India.
- Inadequate technological capacity for accurate prediction and measurement of the disaster **result in large scale damage**.

Way Forward

- Although the DM Act has undoubtedly **filled a huge gap in the scheme of governmental actions towards dealing with disasters**. Laying down elaborate plans on paper doesn’t serve the purpose **unless they are translated into effective implementation**.
- Civil society, private enterprises and **Non-governmental Organizations (NGOs)** can play a valuable role towards building a safer India.

Source:IE