



Section 51 of the Disaster Management Act, 2005

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Why in News

Recently, the **former Chief Secretary of West Bengal** was served a **show cause notice by the Home Ministry** under **Section 51 of the Disaster Management (DM) Act, 2005**.

Key Points

- **About the Show Cause Notice:**

- The notice was issued for **failing to comply with the Centre's directions to attend the review meeting on Cyclone Yaas** chaired by the Prime Minister in Bengal's Kalaikunda.

The Act is **violative of Section 51 (b) of the DM Act, 2005**.

- Though the **DoPT (Department of Personnel and Training)** is the **cadre-controlling authority of Indian Administrative Service (IAS) officers**, the **show cause notice was served under provisions of the DM Act**, which is **under the purview of the Home Ministry**.
- **Section 51 (b) of the DM Act:**
 - The section prescribes "**punishment for obstruction**" for refusal to comply with any direction given by or on behalf of the Central government or the State government or the National Executive Committee or the State Executive Committee or the District Authority under 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**.
 - Section 51 of the Act has **two important reservations**.
Under the Act, the action on the part of the person has to be '**without reasonable cause**' and '**failure of an officer to perform the duty without due permission or lawful excuse**'.

- **Previous Use of Provisions of DM Act:**
 - In **April 2020**, the Home Ministry **made spitting in public a punishable offence**. The guidelines issued by the Ministry under the DM Act, which are binding on the states, also made “**wearing of face masks in public places mandatory.**”
 - In **March 2020**, when thousands of migrants gathered at Anand Vihar railway station in Delhi due to the sudden announcement of the countrywide lockdown, **two Delhi government officers were served show cause notice** by the Centre under the DM Act for dereliction of duty.
- **About DM Act:**
 - 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**.
 - It was **invoked for the first time in the country in the wake of the Covid-19 pandemic** in the year 2020.
 - The **Centre, through the National Disaster Management Authority (NDMA) headed by the Prime Minister**, invoked the provisions of the Act to streamline the management of the pandemic, empowering District Magistrates to take decisions and centralise other decisions on supply of oxygen and movement of vehicles.
- **Main Features of DM Act 2005:**
 - **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.
 - **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 to various civil and criminal liabilities resulting from violation of provisions of the Act.

Source: TH