

2.7 Disaster Management Act, 2005

2.7.1 This Act provides for the effective management of disaster and for matters connected therewith or incidental thereto. It provides institutional mechanisms for drawing up and monitoring the implementation of the disaster management. The Act also ensures measures by the various wings of the Government for prevention and mitigation of disasters and prompt response to any disaster situation.

2.7.2 The Act provides for setting up of a National Disaster Management Authority (NDMA) under the Chairmanship of the Prime Minister, State Disaster Management Authorities (SDMAs) under the Chairmanship of the Chief Ministers, District Disaster Management Authorities (DDMAs) under the Chairmanship of Collectors/District Magistrates/Deputy Commissioners. The Act further provides for the constitution of different Executive Committee at national and state levels. Under its aegis, the National Institute of Disaster Management (NIDM) for capacity building and National Disaster Response Force (NDRF) for response purpose have been set up. It also mandates the concerned Ministries and Departments to draw up their own plans in accordance with the National Plan. The Act further contains the provisions for financial mechanisms such as creation of funds for response, National Disaster Mitigation Fund and similar funds at the state and district levels for the purpose of disaster management. The Act also provides specific roles to local bodies in disaster management.

2.7.3 Further the enactment of 73rd and 74th Amendments to the constitution and emergence of local self- government, both rural and urban, as important tiers of governance, the role of local authorities becomes very important. The DM Act, 2005 also envisages specific roles to be played by the local bodies in disaster management.

2.7.4 **Legal - Institutional Framework:** A legal institutional framework developed based on the provision of the Act across the country, in vertical and horizontal hierarchical and in the federal setup of country may be seen in the Figure 2.2 for appreciation of response mechanism which has been put in place.

National Level Institutions

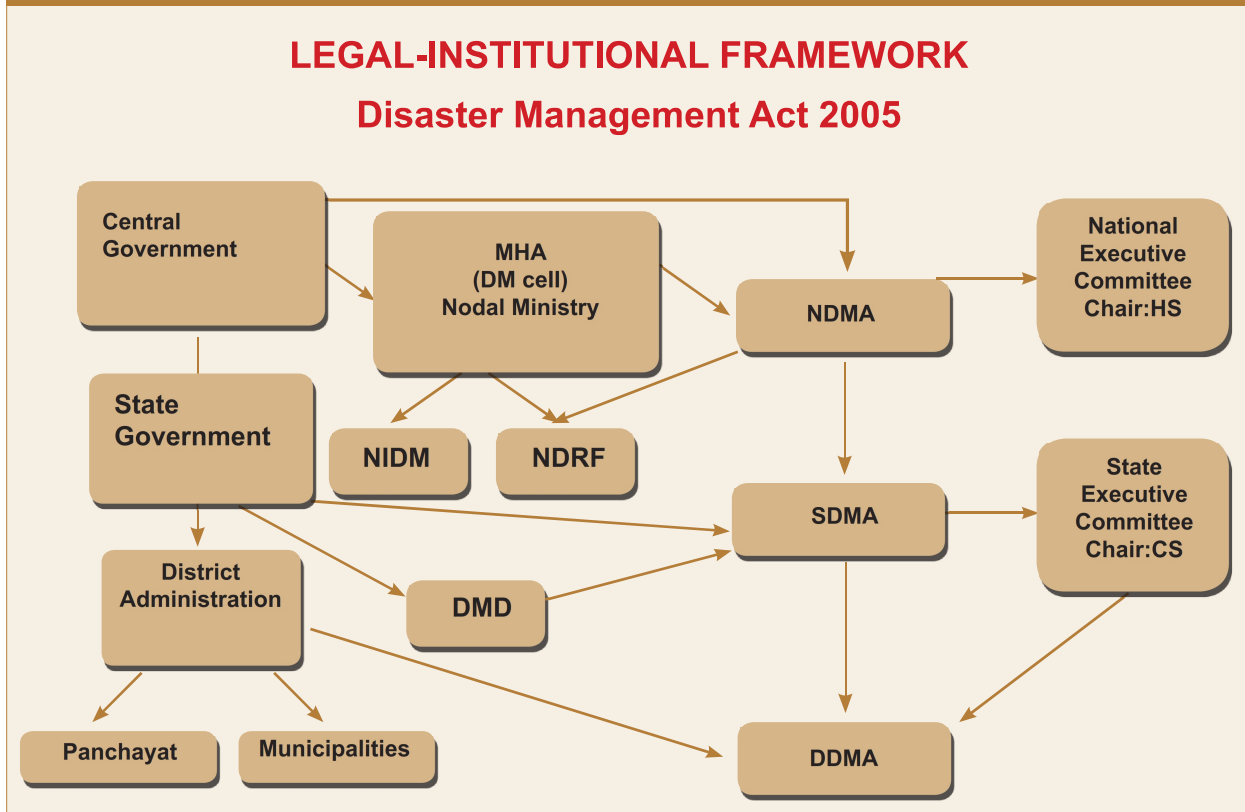
2.8. National Disaster Management Authority (NDMA)

The National Disaster Management Authority (NDMA) was initially constituted on May 30, 2005 under the Chairmanship of Prime Minister vide an executive order. Following enactment of the Disaster Management Act, 2005, the NDMA was formally constituted in accordance with Section-3(1) of the Act on 27th September, 2006 with Prime Minister as its Chairperson and nine other members, and one such member to be designated as Vice-Chairperson.

2.8.1 **Mandate of NDMA:** The NDMA has been mandated with laying down policies on disaster management and guidelines which would be followed by different Ministries, Departments of the Government of India and State Government in taking measures for disaster risk reduction. It has also to laid down guidelines to be followed by the State Authorities in drawing up the State Plans and to take such measures for the management of disasters, Details of these responsibilities are given as under :-

- (a) Lay down policies on disaster management;

Figure 2.2: Legal Institutional Framework



- (b) Approve the National Plan;
- (c) Approve plans prepared by the Ministries or Departments of the Government of India in accordance with the National Plan;
- (d) Lay down guidelines to be followed by the State Authorities in drawing up the State Plan;
- (e) Lay down guidelines to be followed by the different Ministries or Departments of the Government of India for the purpose of integrating the measures for prevention of disaster or the mitigation of its effects in their development plans and projects;
- (f) Coordinate the enforcement and implementation of the policy and plan for disaster management;
- (g) Recommend provision of funds for the purpose of mitigation;
- (h) Provide such support to other countries affected by major disasters as may be determined by the Central Government;
- (i) Take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary;
- (j) Lay down broad policies and guidelines for the functioning of the National Institute of Disaster Management.

2.8.2 Composition of NDMA: Besides the nine members nominated by the Prime Minister, Chairperson of the Authority, the Organisational structure consists of a Secretary and five Joint Secretaries including one Financial Advisor. There are 10 posts of Joint Advisors and Directors,

14 Assistant Advisors, Under Secretaries and Assistant Financial Advisor and Duty Officer along with supporting staff.

Further, Recruitment Rules have been notified as

- (a) National Disaster Management Authority, Group-'C' posts Recruitment Rules, 2009.
- (b) National Disaster Management Authority (Group 'A') Recruitment Rules, 2009.

Under Section 7 (1) of DM Act an Advisory Committee with 12 Members has been constituted during 2007.

2.9 National Executive Committee (NEC)

2.9.1 A National Executive Committee is constituted under Section 8 of DM Act, 2005 to assist the National Authority in the performance of its functions. NEC consists of Home Secretary as its Chairperson, *ex-officio*, with other Secretaries to the Government of India in the Ministries or Departments having administrative control of the agriculture, atomic energy, defence, drinking water supply, environment and forest, finance (expenditure), health, power, rural development science and technology, space, telecommunication, urban development, water resources. The Chief of Integrated Defence Staff of the Chiefs of Staff Committee, *ex-officio*, is also its Members.

2.9.2 NEC may as and when it considers necessary constitute one or more sub-committees for the efficient discharge of its functions. For the conduct of NEC, Disaster Management National Executive Committee (Procedure and Allowances) Rules, 2006 has been issued which may be visited at www.mha.nic.in. NEC has been given the responsibility to act as the coordinating and monitoring body for disaster management, to prepare a National Plan, monitor the implementation of National Policy etc. vide section 10 of the DM Act.

State level Institutions

2.10 State Disaster Management Authority (SDMA)

The DM Act, 2005 provides for constitution of SDMAs and DDMA in all the states and UTs. As per the information received from the states and UTs, except Gujarat and Daman & Diu, all the rest have constituted SDMAs under the DM Act, 2005. Gujarat has constituted its SDMA under its Gujarat State Disaster Management Act, 2003. Daman & Diu have also established SDMAs prior to enactment of DM Act 2005.

2.11 State Executive Committee (SEC)

The Act envisages establishment of State Executive Committee under Section 20 of the Act, to be headed by Chief Secretary of the state Government with four other Secretaries of such departments as the state Government may think fit. It has the responsibility for coordinating and monitoring the implementation of the National Policy, the National Plan and the State Plan as provided under section 22 of the Act.

District level Institutions

2.12 District Disaster Management Authority (DDMA)

2.12.1 Section 25 of the DM Act provides for constitution of DDMA for every district of a state. The District Magistrate/ District Collector/Deputy Commissioner heads the Authority as Chairperson besides an elected representative of the local authority as Co-Chairperson except in the tribal areas where the Chief Executive Member of the District Council of Autonomous District is

designated as Co-Chairperson. Further in district, where Zila Parishad exist, its Chairperson shall be the Co-Chairperson of DDMA. Other members of this authority include the CEO of the District Authority, Superintendent of Police, Chief Medical Officer of the District and other two district level officers are designated by the state Government.

2.12.2 The District Authority is responsible for planning, coordination and implementation of disaster management and to take such measures for disaster management as provided in the guidelines. The District Authority also has the power to examine the construction in any area in the district to enforce the safety standards and also to arrange for relief measures and respond to the disaster at the district level.

2.13. Institutional Framework for Metropolitan Cities

In the larger cities (say, with population exceeding 2.5 million), the recommendation of the second Administrative Reforms Commission has suggested that the Mayor, assisted by the Commissioner of the Municipal Corporation and the Police Commissioner to be directly responsible for Crisis Management. It has now been accepted by the Government.

2.14 Hierarchical Structure of Authority and Committee

In this structure, National Disaster Management Authority is the authority for formulation of policy and guidelines for all disaster management work in the country. The state authorities further lay down the guidelines for departments of the state and the districts falling in their respective jurisdictions. Similarly, district authorities direct the civil administration, departments and local authorities such as the municipalities, police department and civil administration. The State Executive Committees are responsible for execution of the tasks envisaged by the authorities. The structure thus discussed is summarised in the Figure 2.3.

