

Disaster Management Act, 2005

Chapter 2 - CHAPTER 2: THE NATIONAL DISASTER MANAGEMENT AUTHORITY:

SECTION 3: Establishment of National Disaster Management Authority: (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be established for the purposes of this Act, an authority to be known as the National Disaster Management Authority. (2) The National Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the Central Government and, unless the rules otherwise provide, the National Authority shall consist of the following: (a) the Prime Minister of India, who shall be the Chairperson of the National Authority, ex officio; (b) other members, not exceeding nine, to be nominated by the Chairperson of the National Authority. (3) The Chairperson of the National Authority may designate one of the members nominated under clause (b) of sub-sec. (2) to be the Vice-Chairperson of the National Authority. (4) The term of office and conditions of service of members of the National Authority shall be such as may be prescribed. SECTION 4: Meetings of National Authority: (1) The National Authority shall meet as and when necessary and at such time and place as the Chairperson of the National Authority may think fit. (2) The Chairperson of the National Authority shall preside over the meetings of the National Authority. (3) If for any reason the Chairperson of the National Authority is unable to attend any meeting of the National Authority, the Vice-Chairperson of the National Authority shall preside over the meeting. SECTION 5: Appointment of officers and other employees of the National Authority: The Central Government shall provide the National Authority with such officers, consultants and employees, as it considers necessary for carrying out the functions of the National Authority. SECTION 6: Powers and functions of National Authority: (1) Subject to the provisions of this Act, the National Authority shall have the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster. (2) Without prejudice to generality of the provisions contained in sub-sec. (1), the National Authority may (a) lay down policies on disaster management; (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. (3) The Chairperson of the National Authority shall, in the case of emergency, have power to exercise all or any of the powers of the National Authority but exercise of such powers shall be subject to ex post facto ratification by the National Authority. SECTION 7: Constitution of advisory committee by National Authority: (1) The National Authority may constitute an advisory committee consisting of experts in the field of disaster management and having practical experience of disaster management at the national, State or district level to make recommendations on different aspects of disaster management. (2) The members of the advisory committee shall be paid such allowances as may be prescribed by the Central Government in consultation with the National Authority. SECTION 8: Constitution of National Executive Committee: (1) The Central Government shall, immediately after issue of notification under sub-sec. (1) of (S.3), constitute a National Executive Committee to assist the National Authority in the performance of its functions under this Act. (2) The National Executive Committee shall consist of the following members, namely: (a) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the disaster management, who shall

be Chairperson, ex officio; (b) the 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 forests, finance (expenditure), health, power, rural development, science and technology, space, telecommunication, urban development, water resources and the Chief of the Integrated Defence Staff of the Chiefs of Staff Committee, ex officio. (3) The Chairperson of the National Executive Committee may invite any other officer of the Central Government or a State Government for taking part in any meeting of the National Executive Committee and shall exercise such powers and perform such functions as may be prescribed by the Central Government in consultation with the National Authority. (4) The procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the Central Government.

SECTION 9: Constitution of sub-committees: (1) The National Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for the efficient discharge of its functions. (2) The National Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-sec. (1). (3) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed by the Central Government.

SECTION 10: Powers and functions of National Executive Committee: (1) The National Executive Committee shall assist the National Authority in the discharge of its functions and have the responsibility for implementing the policies and plans of the National Authority and ensure the compliance of directions issued by the Central Government for the purpose of disaster management in the country. (2) Without prejudice to the generality of the provisions contained in sub-sec. (1), the National Executive Committee may- (a) act as the coordinating the monitoring body for disaster management; (b) prepare the National Plan to be approved by the National Authority; (c) coordinate and monitor the implementation of the National Policy; (d) lay down guidelines for preparing disaster management plans by different Ministries or Departments of the Government of India and the State Authorities; (e) provide necessary technical assistance to the State Governments and the State Authorities for preparing- their disaster management plans in accordance with the guidelines laid down by the National Authority; (f) monitor the implementation of the National Plan and the plans prepared by the Ministers or Departments of the Government of India; (g) monitor the implementation of the guidelines laid down by the National Authority for integrating of measures for prevention of disasters and mitigation by the Ministries or Departments in their development plans and projects; (h) monitor, coordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the Government; (i) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness; (j) plan and coordinate specialised training programme for disaster management for different levels of officers, employees and voluntary rescue workers; (k) coordinate response in the event of any threatening disaster situation or disaster; (l) lay down guidelines for, or give directions to, the concerned Ministries or Departments of the Government of India, the State Governments and the State Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster; (m) require any department or agency of the Government to make available to the National Authority or State Authorities such men or material resources as are available with it for the purposes of emergency response, rescue and relief; (n) advice, assist and coordinate the activities of the Ministries or Departments of the Government of India, State Authorities, statutory bodies, other governmental or non-governmental organisations and others engaged in disaster management; (o) provide necessary technical assistance or give advice to the State Authorities and District Authorities for carrying out their functions under this Act; (p) promote general education and awareness in relation to disaster management; and (q) perform such other functions as the National Authority may require it to perform.

SECTION 11: National Plan: (1) There shall be drawn up a plan for disaster management for the whole of the country to be called the National Plan. (2) The National Plan shall be prepared by the National Executive Committee having regard to the National Policy and in consultation with the State Governments and expert bodies or organisations in the field of disaster management to be approved by the National Authority. (3) The National Plan shall include (a) measures to be taken for the prevention of disasters, or the mitigation of their effects; (b) measures to be taken for the integration of mitigation measures in the development plans; (c) measures to be taken for preparedness and capacity building to effectively respond to any threatening disaster situations or disaster; (d) roles and responsibilities of different Ministries or Departments of the Government of India in respect of measures

specified in clauses (a), (b) and (c). (4) The National Plan shall be reviewed and updated annually. (5) Appropriate provisions shall be made by the Central Government for financing the measures to be carried out under the National Plan. (6) Copies of the National Plan referred to in sub-secs. (2) and (4) shall be made available to the Ministries or Departments of the Government of India and such Ministries or Departments shall draw up their own plans in accordance with the National Plan. SECTION 12: Guidelines for minimum standards of relief: The National Authority shall recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which shall include, (i) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation; (ii) the special provisions to be made for widows and orphans; (iii) ex gratia assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood; (iv) such other relief as may be necessary. SECTION 13: Relief in loan repayment etc.: The National Authority may, in cases of disasters of severe magnitude, recommend relief in repayment of loans or for grant of fresh loans to the persons affected by the disaster on such concessional terms as may be appropriate.

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