

Disaster Management Act, 2005

Chapter 5 - CHAPTER 5: MEASURES BY THE GOVERNMENT FOR DISASTER MANAGEMENT:

Section 35: Central Government to take measures: (1) Subject to the provisions of this Act, the Central Government shall take all such measures as it deems necessary or expedient for the purpose of disaster management. (2) In particular and without prejudice to the generality of the provisions of sub-sec. (1), the measures which the Central Government may take under that sub-section include measures with respect to all or any of the following matters, namely: (a) coordination of actions of the Ministries or Departments of the Government of India, State Governments, National Authority, State Authority, governmental and non-governmental organisations in relation to disaster management; (b) ensure the integration of measures for prevention of disasters and mitigation by Ministries or Departments of the Government of India into their development plans and projects; (c) ensure appropriate allocation of funds for prevention of disaster, mitigation, capacity-building and preparedness by the Ministries or Departments of the Government of India; (d) ensure that the Ministries or Departments of the Government of India take necessary measures for preparedness to promptly and effectively respond to any threatening disaster situation or disaster; (e) cooperation and assistance to State Governments, as requested by them or otherwise deemed appropriate by it; (f) deployment of naval, military and air forces, other armed forces of the Union or any other civilian personnel as may be required for the purposes of this Act; (g) coordination with the United Nations agencies, international organisations and governments of foreign countries for the purposes of this Act; (h) establish institutions for research, training, and developmental programmes in the field of disaster management; (i) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act. (3) The Central Government may extend such support to other countries affected by major disaster as it may deem appropriate.

SECTION 36: Responsibilities of Ministries or Departments of Government of India: It shall be the responsibility of every Ministry or Department of the Government of India to- (a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority; (b) integrate into its development plans and projects, the measures for prevention or mitigation of disasters in accordance with the guidelines laid down by the National Authority; (c) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the guidelines of the National Authority or the directions of the National Executive Committee in this behalf; (d) review the enactments administered by it, its policies, rules and regulations, with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness; (e) allocate funds for measures for prevention of disaster, mitigation, capacity-building and preparedness; (f) provide assistance to the National Authority and State Governments for (i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management; (ii) carrying out rescue and relief operations in the affected area; (iii) assessing the damage from any disaster; (iv) carrying out rehabilitation and reconstruction; (g) make available its resources to the National Executive Committee or a State Executive Committee for the purpose of responding promptly and effectively to any threatening disaster situation or disaster, including measures for (i) providing emergency communication in a vulnerable or affected area; (ii) transporting personnel and relief goods to and from the affected area; (iii) providing evacuation, rescue, temporary shelter or other immediate relief; (iv) setting up temporary bridges, jetties and landing places; (v) providing, drinking water, essential provisions, healthcare, and services in an affected area; (h) take such other actions as it may consider necessary for disaster management.

SECTION 37: Disaster management plans of Ministries or Departments of Government of India: (1) Every Ministry or Department of the Government of India shall (a) prepare a disaster management plan specifying the following particulars, namely: (i) the measures to be taken by it for prevention and mitigation of disasters in accordance with the National Plan; (ii) the specification regarding integration of mitigation measures in its development plans in

accordance with the guidelines of the National Authority and the National Executive Committee; (iii) its roles and responsibilities in relation to preparedness and capacity-building to deal with any threatening disaster situation or disaster; (iv) its roles and responsibilities in regard to promptly and effectively responding to any threatening disaster situation or disaster; (v) the present status of its preparedness to perform the roles and responsibilities specified in sub-clauses (iii) and (iv); (vi) the measures required to be taken in order to enable it to perform its responsibilities specified in sub-clauses (iii) and (iv); (b) review and update annually the plan referred to in clause (a); (c) forward a copy of the plan referred to in clause (a) or clause (b), as the case may be, to the Central Government which Government shall forward a copy thereof to the National Authority for its approval. (2) Every Ministry or Department of the Government of India shall (a) make, while preparing disaster management plan under clause (a) of sub-sec. (1), provisions for financing the activities specified therein; (b) furnish a status report regarding the implementation of the plan referred to in clause (a) of sub-sec. (1) to the National Authority, as and when required by it.

SECTION 38: State Government to take measures: (1) Subject to the provisions of this Act, each State Government shall take all measures specified in the guidelines laid down by the National Authority and such further measures as it deems necessary or expedient, for the purpose of disaster management. (2) The measures which the State Government may take under sub-sec. (1) include measures with respect to all or any of the following matters, namely: (a) coordination of actions of different departments of the Government of the State, the State Authority, District Authorities, local authority and other non-governmental organisations; (b) cooperation and assistance in the disaster management to the National Authority and National Executive Committee, the State Authority and the State Executive Committee, and the District Authorities; (c) cooperation with, and assistance to, the Ministries or Departments of the Government of India in disaster management, as requested by them or otherwise deemed appropriate by it; (d) allocation of funds for measures for prevention of disaster, mitigation, capacity- building and preparedness by the departments of the Government of the State in accordance with the provisions of the State Plan and the District Plans; (e) ensure that the integration of measures for prevention of disaster or mitigation by the departments of the Government of the State in their development plans and projects; (f) integrate in the State development plan, measures to reduce or mitigate the vulnerability of different parts of the State to different disasters; (g) ensure the preparation of disaster management plans by the different departments of the State in accordance with the guidelines laid down by the National Authority and the State Authority; (h) establishment of adequate warning systems up to the level of vulnerable communities; (i) ensure that different departments of the Government of the State and the District Authorities take appropriate preparedness measures; (j) ensure that in threatening disaster situation or disaster, the resources of different departments of the Government of the State are made available to the National Executive Committee or the State Executive Committee or the District Authorities, as the case may be, for the purposes of. effective response, rescue and relief in any threatening disaster situation or disaster; (k) provide rehabilitation and reconstruction assistance to the victims of any disaster; and (l) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of provisions of this Act.

SECTION 39: Responsibilities of departments of the State Government: It shall be the responsibilities of every department of the Government of a State to (a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority and the State Authority; (b) integrate into its development plans and projects, the measures for prevention of disaster and mitigation; (c) allocate funds for prevention of disaster, mitigation, capacity-building and preparedness; (d) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the State Plan, and in accordance with the guidelines or directions of the National Executive Committee and the State Executive Committee; (e) review the enactments administered by it, its policies, rules and regulation: with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness; (f) provide assistance, as required, by the National Executive Committee, the State Executive Committee and District Authorities, for (i) drawing up mitigation, preparedness and response plans, capacity-building data collection and identification and training of personnel in relation to disaster management; (ii) assessing the damage from any disaster; (iii) carrying out rehabilitation and reconstruction; (g) make provision for resources in consultation with the State Authorities for the implementation of the District Plan by its authorities at the district level; (h) make available its resources to the National Executive Committee or the State Executive Committee or the District Authorities for the purposes of responding promptly and effectively to any disaster

in the State, including measures for (i) providing emergency communication with a vulnerable or affected area; (ii) transporting personnel and relief goods to and from the affected area; (iii) providing evacuation, rescue, temporary shelter or other immediate relief; (iv) carrying out evacuation of persons or live-stock from an area of any threatening disaster situation or disaster; (v) setting up temporary bridges, jetties and landing places; (vi) providing drinking water, essential provisions, healthcare and services in an affected area; (i) such other actions as may be necessary for disaster management.

SECTION 40: Disaster management plan of departments of State: (1) Every department of the State Government, in conformity with the guidelines laid down by the State Authority shall (a) prepare a disaster management plan which shall lay down the following: (i) the types of disasters to which different parts of the State are vulnerable; (ii) integration of strategies for the prevention of disaster or the mitigation of its effects or both with the development plans and programmes by the department; (iii) the roles and responsibilities of the department of the State in the event of any threatening disaster situation or disaster and emergency support function it is required to perform; (iv) present status of its preparedness to perform such roles or responsibilities or emergency support function under sub-clause (iii); (v) the capacity-building and preparedness measures proposed to be put into effect in order to enable the Ministries or Departments of the Government of India to discharge their responsibilities under (S.37) ; (b) annually review and update the plan referred to in clause (a); and (c) furnish a copy of the plan referred to in clause (a) or clause (b), as the case may be, to the State Authority; (2) Every department of the State Government, while preparing the plan under sub-sec. (1), shall make provisions for financing the activities specified therein. (3) Every department of the State Government shall furnish an implementation status report to the State Executive Committee regarding the implementation of the disaster management plan referred to in sub-sec.(1)