

Disaster Management Act, 2005

Chapter I - Preliminary

(1) This Act may be called the Disaster Management Act, 2005.

(2) It extends to the whole of India.

(3) 1It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates2 may be appointed for different provisions of this Act and for different

States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

1. Enforcement date for the Sections 7, 9, 11, 12, 13, 35, 36, 37, 42, 43, 49, 50, Sub-section (1) of Section 70 and Section 76 of Disaster Management Act, 2005 as per notification no. SO1861(E) dated 30.10.2006, is 30.10.2006. Enforcement date for the Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 38, 39, 40, 41, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, Sub-section (2) of Section 70, Sections 71, 72, 73, 74, 78 and 79 as per Notification No. SO722(E) dated 07.05.2007, is 01.08.2007.

2. Enforcement date for the Sections 44 and 45 of Disaster Management Act, 2005 vide Notification No. SO517(E) dated 17.03.2008, is 17th day of March, 2008.

Section 2 - Definitions

In this Act, unless the context otherwise requires,--

- (a) "affected area" means an area or part of the country affected by a disaster;
- (b) "capacity-building" includes--
 - (i) identification of existing resources and resources
 - (ii) acquiring or creating resources identified under sub-clause (i);
 - (iii) organisation and training of personnel and coordination of such training for effective management of disasters;
- (c) "Central Government" means the Ministry or Department of the Government of India having administrative control of disaster management;
- (d) "disaster" means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area;
- (e) "disaster management" means a continuous and integrated process of planning, organising, coordinating and implementing measures' which are necessary or expedient for--
 - (i) prevention of danger or threat of any disaster;
 - (ii) mitigation or reduction of risk of any disaster or its' severity or consequences;
 - (iii) capacity-building;
 - (iv) preparedness to deal with any disaster;
 - (v) prompt response to any threatening disaster situation or disaster;
 - (vi) assessing the severity or magnitude of effects of any disaster;
 - (vii) evacuation, rescue and relief;
 - (viii) rehabilitation and reconstruction;
- (f) "District Authority" means the District Disaster Management Authority constituted under sub-section (f) of section 25;
- (g) "District Plan" means the plan for disaster management for the district prepared under section 31;
- (h) "local authority" includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or, with the control and management of civic services, within a specified local area;
- (i) "mitigation" means measures aimed at reducing the risk, impact or effects of a disaster or threatening disaster situation;
- (j) "National Authority" means the National Disaster Management Authority established under sub-section (1) of section 3;
- (k) "National Executive Committee" means the Executive Committee of the National Authority constituted under sub-section (1) of section 8;
- (l) "National Plan" means the plan for disaster management for the whole of the country prepared under section 11;

- (m) "preparedness" means the state of readiness to deal with a threatening disaster situation or disaster and the effects thereof;
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "reconstruction" means construction or restoration of any property after a disaster;
- (p) "resources" includes manpower, services, materials and provisions;
- (q) "State Authority" means the State Disaster Management Authority established under sub-section (1) of section 14 and includes the Disaster Management Authority for the Union territory constituted under that section;
- (r) "State Executive Committee" means the Executive Committee of a State Authority constituted under sub-section (1) of section 20;
- (s) "State Government" means the Department of Government of the State having administrative control of disaster management and includes Administrator of the Union territory appointed by the President under article 239 of the Constitution;
- (t) "State Plan" means the plan for disaster management for the whole of the State prepared under section 23.
-
-
-