



Webinar on

The Disaster Management Act, 2005

(53 of 2005)

with

- The Disaster Management National Executive Committee (Procedure and Allowances) Rules, 2006
- The Disaster Management (National Institute of Disaster Management) Rules, 2006
- The Disaster Management (Term of Office and Conditions of Service of Members of the National Authority and Payment of Allowances to Members of Advisory Committee) Rules, 2006
- The National Institute of Disaster Management Regulations, 2006
- The Disaster Management (Annual Report of National Authority) Rules, 2006
- The Disaster Management (Notice of Alleged Offences) Rules, 2007
- The Disaster Management (National Disaster Response Force) Rules, 2006
- Important Notifications
- The Disaster Management (Removal of Difficulties) Order, 2006
- Establishment of National Disaster Management Authority

The Disaster Management Act, 2005



04 JULY 2020



11:30 AM – 01:30 PM



06 JULY 2020



03:30 PM – 05:30 PM



Keynote Address by

Maj. Gen. Manoj Kumar Bindal
Executive Director, NIDM



Moderator and Coordinator

Prof. Santosh Kumar
Head, GiDRR Division, NIDM



Co-Coordinator

Dr. Anuradha Maurya
Young Professional, NIDM



Participation by Invitation only

2016

Organized by : National Institute of Disaster Management
Ministry of Home Affairs, Govt. of India



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सत्यमेव जयते

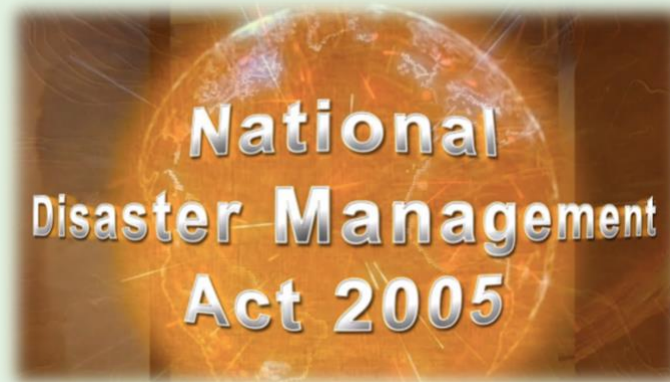
Brochure

nidm
Resilient India - Disaster Free India

Webinars

**4TH JULY
2020**

**11:30 hrs -
13:30 hrs**



**6th JULY
2020**

**15:30 hrs -
17:30 hrs**



**NATIONAL INSTITUTE OF DISASTER MANAGEMENT
MINISTRY OF HOME AFFAIRS.
GOVERNMENT OF INDIA
NEW DELHI**

CONCEPT NOTE

The Disaster Management Act, 2005, is an important milestone in the evolution of a legal framework for disaster management in India. For the first time, a comprehensive law on disaster management at the national level was enacted with the passage of the Disaster Management Act in December 2005, although a few states had enacted their own disaster management laws earlier, and several legislations already existed in regard to environmental damage, building structure safety and fire hazards.

Disaster Management Act, 2005, has proved to be a momentous milestone, for it provides a legal basis for disaster management activities related to mitigation, preparedness, response, recovery and reconstruction across sectors. The Act also outlines organisational structures and financing arrangements at the national, state, district and local levels.

DM Act 2005 and Pandemic

COVID 19 pandemic has given rise to many challenges across the globe and leaders are struggling to find a positive solution to this uncertainty. India too is fighting the new challenges enveloped with uncertainties. National Disaster Management Act 2005, became the base for fighting Covid-19. Government of India imposed three lockdowns while referring section-disaster management Act. It was enforced for the first time in the history of disaster response in India. It's now going to be 15 years after the enactment of the DM Act 2005. Many states are also using the provision of the DM Act, 2005 for the management of COVID-19. Prior to the COVID-19, there are many instances that have been in the country where the state government had demanded to the central government for the declaration of national emergency. This was very prominent in Uttarakhand /Kedarnath floods, Cyclone Phailin in Odisha and many others. Covid-19 has been the most expensive disaster of the world. There is now a need where much more clarity is required.

DM ACT And Institutions

As envisaged by the Disaster Management Act, 2005, several new organisations/entities have been created at the national, state, and district levels. Some of them have done well. For example, the National Disaster Management Authority has issued comprehensive guidelines for disaster mitigation and preparedness. The National Disaster Response Force has created an impact in regard to search and rescue operations in disaster situations. National Institute of Disaster Management is working on capacity building research and training. The State Disaster Management Authorities in some states have significant achievements to their credit. But, the fact remains that the functioning of these entities at all levels is constrained by a lack of clarity on their roles as well as by structural anomalies, the dearth of human resources and inadequate infrastructure. Also, some of the Act's provisions themselves have given rise to implementation problems. During the pandemic, DM institutions were not effectively put to use. Focal Ministry/department (Health) was in the driving seat. The DM Act 2005 was enforced with the Pandemic Act for governing the pandemic. In this governance framework, it is important to discuss the relevance of DM institutions when disasters are of different nature - chemical and industrial disaster, forest fire, pandemic and epidemics etc.

The Enforcement

Even today, State Disaster Management Authorities and District Disaster Management Authorities are not strengthened as per the proviso of the DM Act 2005. State and district level institutions are still struggling to get strengthened. The main reasons could be that either state governments are not on the board as to what is there in the Act or they do not feel the need to do so. National Task Force also gave its recommendations for its amendments. Ministry of Home Affairs also constituted a committee for their deliberations on the amendments of the Act.

DM Act and Task Force

In the course of the Act's implementation, several states drew the attention of the Union Ministry of Home Affairs towards certain constraints and bottlenecks. Hence, the Government of India constituted a Task Force on December 23, 2010, to review the Disaster Management Act, 2005. According to the Terms of Reference, the Task Force was required to suggest necessary amendments, if any. The last chapter of the report brings together all the recommendations of the Task Force in a consolidated manner which may enable the users to access any recommendation.

The Task Force constituted to study the Act and suggest relevant amendments, taking into consideration the findings of a study on disaster management legislation of countries such as Australia, South Africa, Sri Lanka, Thailand, Indonesia, the Philippines, Japan, USA, New Zealand, and St. Lucia.

Most countries favour a dual structured model of disaster management, based on the principle of separation of powers. A national council/ committee chaired by the President or Prime Minister or a Minister is responsible for policy-making, monitoring and providing guidelines, while the executive wing, with full-time professionals, is in-charge of implementation and operation. This structure is replicated at provincial and other levels.

Almost all the Acts have a provision for the declaration of a disaster which triggers a post-disaster response, both in terms of rescue and relief, followed by reconstruction.

In the light of a pandemic of today and the problem of tomorrow, it is important to strengthen our legal process for the future. Ministry of Home Affairs has also constituted a committee to study and give the report to the Ministry for further consultations.

Constitution of Committee

Government of India has constituted a committee under the chairmanship of Mr Kamal Kishore, Member, NDMA for finalizing the key points for the amendment of Disaster Management 2005. Proposed webinars are intending to provide inputs to the committee for their considerations.

The Webinar

NIDM is proposing to organise **Two National Webinars (4th & 6th July 2020)** to get the valuable inputs from the various stakeholders which can be shared with the committee constituted for the amendment of the act. It is proposed to have a discussion of the basic proviso of the Act 2005, recommendations of the task force, deliberations of the committee and independent views of experts representing the private sector, government, judiciary, academia, DM practitioners, civil society, state governments, training, capacity building and research organisations etc.

Key questions to be discussed:

- *Has the DM Act 2005 been successfully implemented by the central ministries?*
- *Has the DM Act been implemented fully by the States and UTs?.*
- *What is the most important reason for its non-execution?*
- *Is that overall framework of the Act is in the true spirit of strengthening cooperative federalism for pre, during and post-disaster?*
- *Do you have any discrete views on the task force recommendation constituted for the amendment of the Act 2005?*
- *How do you see a new framework of definition to be covered in the act for DM - urban fire, forest fire, pandemic, road accidents, etc ?*
- *What is the provision could you recommend for making it an inclusive Act ?*
- *How the provision of the financing given in the act could be re-casted for he inclusion 15 th FC recommendation?*
- *How the provision of the DM act can accommodate other financial options - insurance, reinsurers, micro insurance, risk pooling etc. in the DM act?*
- *Whom do you think the organisation of importance be included in the act for police, forest, ISRO, IMDs etc?*
- *How the other acts (Industrial, environmental, pandemic etc) could be integrated with the DM Act?*

Participants

Ministry of Law & Justice, Ministry of Home Affairs, Members of the Task Force, Private sector, government, judiciary, academia, DM practitioners participated in consultation of the task force, National Disaster Response Force, National Institute of Disaster Management, civil society, state governments, State ATIs, State SDMAs, DDMA, training, capacity building and research organisations etc.

Date and Time

First Webinar of 2 hrs (11:30 hrs - 13:30 hrs) is on 4th July 2020.

Second Webinar of 2 hrs (15:30 hrs - 17:30 hrs) is on 6th July 2020

Supervision & Guidance



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