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On December 23, 2005, the President of India approved the act. There are 79 sections and 11 chapters in the Disaster Management Act of 2005. The Act also calls the Ministry of Home Affairs the nodal ministry overseeing the nation's comprehensive disaster management. The Act also includes provisions for monetary systems, such as establishing funds for disaster relief and other urgent situations.

The Act creates a number of agencies and organizations for the efficient handling of catastrophes at the national, state and district levels. Additionally, it offers a “plan” for every level.

**20.1****Objectives of the Disaster Management Act 2005**

The objectives of the Disaster Management Act of 2005 (DM act 2005) are given as follows:

- The act aims to establish an efficient disaster management system for the country in the event of natural and man-made calamities.
- The legislation empowers the central government to declare all or a portion of the nation impacted by a disaster and to develop preparations for mitigating the disaster's “risks, consequences, and effects.”
- This Act also gives the federal and state governments the authority to create various authorities at respective levels to seek out such management in the event of a disaster to achieve this goal.
- It covers other things like capacity-building, relief measures, and mitigation methods.

**20.2****National Disaster Management Authority (NDMA)**

- Section 6 – In Section 6, the NDMA act 2005 is given authority to create national plans for disaster management. It also ensures that the state's disaster management agencies carry out the strategy.
- Section 10 gives the National Executive Committee (NEC) the authority to direct governments in actions that should be taken.
- Section 33 states that the District Authority may direct any district-level officer, department, or local authority to take such actions to prevent or lessen the effects of disaster. The department or officer in question is required to follow the directive.
- The following are the members of the authority:
  - The DM Act 2005 mandates the creation of the National Disaster Management

Authority (NDMA act 2005), which the Prime Minister of India would head.

- Apart from the Chairperson, it can consist of other members, at most nine, as the central government prescribes. These nine members include the Vice-Chairperson (which would be designated by the Chairperson).
- The term of the members would be five years.
- The authority would meet as and when required by the Chairperson.
- The authority can also constitute an advisory committee consisting of experts in the field of disaster management to make various recommendations on different aspects of disaster management.

### **Function and Duties of the National Disaster Management Authority (NDMA)**

The act outlines the authority and duties of National Disaster Management Authority, which are as follows:

- Creating disaster management policies,
- Approving the national plan,
- Approving plans from other central departments and ministries,
- Establishing standards for state agencies, ministries, and departments,
- Coordinating the application and execution of a disaster management plan,
- To suggest money for mitigation,
- To assist other nations suffering from comparable calamities,
- Should take additional steps for disaster preparedness, mitigation, prevention, and capacity building,
- Establishing rules for the National Institute of Disaster Management's operation.
- Under Section 6 of the Disaster Management Act, it is responsible for laying down guidelines to be followed by the State Authorities in drawing up the State Plans.

## **20.3**

### **National Executive Committee**

Under Section 8 of the Disaster Management Act of 2005, a National Executive Committee is established to assist the National Authority in fulfilling its duties.

The National Executive Committee comprises various members, including:

- The Secretary to the Government of India is responsible for the Ministry or Department overseeing disaster management and serves as the Chairperson.
- The Chief of the Integrated Defence Staff of the Chiefs of Staff Committee and other Central or State Government officials.
- The Secretaries to the Government of India in the relevant Ministries or Departments are also part of the committee.

## **Functions and Duties of the National Executive Committee**

The functions and duties of the National Executive Committee are outlined in section 10 of the Act, which includes:

- As a body responsible for Coordinating and monitoring disaster management,
- Putting together the National Plan for National Authority approval,
- Monitoring how the National Policy is being implemented,
- Lay down guidelines for preparing disaster management plans by different Ministries or Departments of the Government of India and the State,
- To promote general education and awareness of disaster management, among other things, and to carry out any other duties that the National Authority may assign.
- To advise, assist, and coordinate actions of the relevant authorities, NGOs, and others engaged in disaster management.
- Provide technical support to state governments and authorities to carry out their duties,
- Keeping track of how the National Plan and other plans created by Central Government departments and ministries are being implemented,
- Assessing the level of readiness of the government at all levels,
- A specialized training programme for disaster management should be organized.
- To demand that the Government give the National Authority such personnel and material resources in the event of an emergency reaction, rescue, and relief.
- The national executive committee can also constitute one or more sub-committees to help effectively discharge its functions.

### **20.4**

## **State Disaster Management Authority**

Section 14 of the legislation requires all state governments to create a state disaster management authority (SDMA). According to Section 22, the State Executive Committee is responsible for creating the State Disaster Management Plan and carrying out the National Plan.

- It consists of the following members:
  - The State Authority's ex-officio Chairperson is the Chief Minister of the State (in case of states) or the Lieutenant Governor (in case of Union Territories),
  - Other members must be proposed by the Chairperson of the State Authority, not to exceed eight
  - One of these nominees to serve as the State Authority's Vice-Chairperson,
  - The Chief Executive Officer of the State Authority is also the Chairperson of the State Executive Committee.

## **Functions of State Disaster Management Authority**

The functions and duties of the State Disaster Management Authority are detailed in Section 18 of the Act, which are:

- Establishing the state’s disaster management strategy,
- Approval of the state plan and other departments’ plans,
- Establishing rules for several state departments,
- Coordinating the state’s disaster management plan’s implementation,
- Funds for mitigating measures are advised,
- Examining the state’s various departments’ growth strategies,
- Review the steps the state departments take for preparedness, capacity building, and mitigation, and provide any required directives.

**20.5**

### **District Disaster Management Authority**

The District Disaster Management Authority may be established by Section 25 of the Act.

- It must include the following individuals:
  - The Collector, District Magistrate, or Deputy Commissioner of the district would act as the ex-officio Chairperson,
  - The local authority’s elected representative would be the co-chairperson,
  - The District Authority’s chief executive officer,
  - The Police Superintendent,
  - The district’s chief medical officer,
  - The state government will choose a maximum of two more district-level officers.

The punishments under the Disaster Management Act of 2005 are elaborated in a table for better understanding.

<b>Section</b>	<b>Offence</b>	<b>Punishment</b>
<b>Section 51</b>	Refusing to follow instructions or obstructing an officer.	A fine or a term of up to one year's imprisonment, or both. If a life is lost or there is immediate danger, the sentence could be increased to two years.
<b>Section 52</b>	Making a fraudulent claim in order to receive benefits such as relief and help.	A fine and a sentence of up to two years in jail.
<b>Section 53</b>	The misappropriation of funds or resources,	A fine and a sentence of up to two years in jail.
<b>Section 54</b>	False alert or warning that causes fear.	Imprisonment that might last up to one year or a fine.
<b>Section 56</b>	Failure to perform a duty as an officer or his complicity in a violation of this Act's provisions.	Punishment that might include a fine or up to a year in jail.
<b>Section 57</b>	Violation of a requisitioning order issued under Section 65.	Imprisonment for up to a year, together with a fine or both.