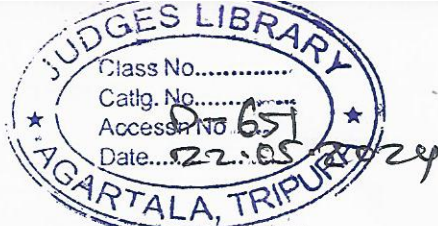


Book No.....15  
Page No.....7



# The Disaster Management Act, 2005

## CONTENTS

### Sections

### Pages

#### CHAPTER I PRELIMINARY

1. Short title, extent and commencement .....	5
2. Definitions .....	6

#### CHAPTER II THE NATIONAL DISASTER MANAGEMENT AUTHORITY

3. Establishment of National Disaster Management Authority .....	8
4. Meetings of National Authority .....	9
5. Appointment of officers and other employees of the National Authority .....	9
6. Powers and functions of National Authority .....	9
7. Constitution of advisory committee by National Authority .....	10
8. Constitution of National Executive Committee .....	10
9. Constitution of sub-committees .....	10
10. Powers and functions of National Executive Committee .....	11
11. National Plan .....	12
12. Guidelines for minimum standards of relief .....	13
13. Relief in loan repayment, etc .....	13

#### CHAPTER III STATE DISASTER MANAGEMENT AUTHORITIES

14. Establishment of State Disaster Management Authority .....	13
15. Meetings of the State Authority .....	14
16. Appointment of officers and other employees of State Authority ..	14
17. Constitution of advisory committee by the State Authority .....	14
18. Powers and functions of State Authority .....	15
19. Guidelines for minimum standard of relief by State Authority ....	15
20. Constitution of State Executive Committee .....	15
21. Constitution of sub-committees by State Executive Committee ....	16
22. Functions of the State Executive Committee .....	16

## Sections

## Pages

23. State Plan .....	17
24. Powers and functions of State Executive Committee in the event of threatening disaster situation .....	18

## CHAPTER IV

## DISTRICT DISASTER MANAGEMENT AUTHORITY

25. Constitution of District Disaster Management Authority .....	19
26. Powers of Chairperson of District Authority .....	19
27. Meetings .....	20
28. Constitution of advisory committees and other committees .....	20
29. Appointment of officers and other employees of District Authority .....	20
30. Powers and functions of District Authority .....	20
31. District Plan .....	22
32. Plans by different authorities at district level and their implementation .....	23
33. Requisition by the District Authority .....	24
34. Powers and functions of District Authority in the event of any threatening disaster situation or disaster .....	24

## CHAPTER V

## MEASURES BY THE GOVERNMENT FOR DISASTER MANAGEMENT

35. Central Government to take measures .....	24
36. Responsibilities of Ministries or Departments of Government of India .....	25
37. Disaster Management plans of Ministries or Departments of Government of India .....	26
38. State Government to take measures .....	27
39. Responsibilities of departments of the State Government .....	28
40. Disaster management plan of departments of State .....	29

## CHAPTER VI

## LOCAL AUTHORITIES

41. Functions of the local authority .....	29
--	----

## CHAPTER VII

## NATIONAL INSTITUTE OF DISASTER MANAGEMENT

42. National Institute of Disaster Management .....	30
43. Officers and other employees of the National Institute .....	31

## CHAPTER VIII

## NATIONAL DISASTER RESPONSE FORCE

44. National Disaster Response Force .....	31
45. Control, direction, etc .....	32

## Sections

## Pages

CHAPTER IX  
FINANCE, ACCOUNTS AND AUDIT

46. National Disaster Response Fund .....	32
47. National Disaster Mitigation Fund .....	32
48. Establishment of funds by State Government .....	32
49. Allocation of funds by Ministries and Departments .....	33
50. Emergency procurement and accounting .....	33

CHAPTER X  
OFFENCES AND PENALTIES

51. Punishment for obstruction, etc .....	33
52. Punishment for false claim .....	34
53. Punishment for misappropriation of money or materials, etc .....	34
54. Punishment for false warning .....	34
55. Offences by Departments of the Government .....	34
56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act .....	34
57. Penalty for contravention of any order regarding requisitioning ....	34
58. Offence by companies .....	34
59. Previous sanction for prosecution .....	35
60. Cognizance of offences .....	35

CHAPTER XI  
MISCELLANEOUS

61. Prohibition against discrimination .....	35
62. Power to issue direction by Central Government .....	35
63. Powers to be made available for rescue operations .....	36
64. Making or amending rules, etc., in certain circumstances .....	36
65. Power of requisition of resources, provisions, vehicles, etc., for rescue operations, etc .....	36
66. Payment of compensation .....	37
67. Direction to media for communication of warnings, etc .....	38
68. Authentication of orders or decisions .....	38
69. Delegation of powers .....	38
70. Annual report .....	38
71. Bar of jurisdiction of court .....	38
72. Act to have overriding effect .....	39
73. Action taken in good faith .....	39
74. Immunity from legal process .....	39

<i>Sections</i>	<i>Pages</i>
75. Power of Central Government to make rules .....	39
76. Power to make regulations .....	40
77. Rules and regulations to be laid before Parliament .....	40
78. Power of State Government to make rules .....	41
79. Power to remove difficulties .....	41

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# The Disaster Management Act, 2005<sup>1</sup>

[Act 53 of 2005]

[23rd December, 2005]

*An Act to provide for the effective management of disasters and  
for matters connected therewith or incidental thereto*

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India  
as follows:—

**Statement of Objects and Reasons.**—The Government have decided to enact a law on disaster management to provide for requisite institutional mechanisms for drawing up and monitoring the implementation of the disaster management plans, ensuring measures by various wings of Government for prevention and mitigating effects of disasters and for undertaking a holistic, coordinated and prompt response to any disaster situation.

2. The Disaster Management Bill, 2005 provides for setting up of a National Disaster Management Authority under the Chairmanship of the Prime Minister, State Disaster Management Authorities under the Chairmanship of Chief Ministers and District Disaster Management Authorities under the Chairmanship of District Magistrates. The Bill also provides for concerned Ministries or Departments to draw up departmentwise plans in accordance with the National Disaster Management Plan. It provides for constitution of a National Disaster Response Force and setting up the National Institute of Disaster Management. The Bill provides for the constitution of the National Fund for Disaster Response and the National Fund for Disaster Mitigation and similar Funds at the State and District levels. The Bill provides for specific role for Local Bodies in disaster management including Panchayati Raj Institutions as well as Urban Local Bodies like Municipalities.

3. The proposed enactment will facilitate effective steps for the mitigation of disasters, prepare for and coordinate effective response to disasters, as also matters connected therewith or incidental thereto.

4. The Bill seeks to achieve the above objects.

**CASE LAW ► Compliance of the provisions of the Act.**—Necessity of prompt enforcement of all provisions of the Act, emphasized, *MCD v. Uphar Tragedy Victims Assn.*, (2011) 14 SCC 481 : (2013) 1 SCC (L&S) 305 : (2013) 2 SCC (Cri) 555 : (2013) 1 SCC (Civ) 897.

Urgency of implementation Disaster Management Act, 2005, emphasized, in light of unprecedented flood and landslide disaster occurring in Uttarakhand in 2013 leading to widespread damage to life, limb and property, *Gaurav Kumar Bansal v. Union of India*, (2017) 6 SCC 730.

## CHAPTER I PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Disaster Management Act, 2005.

(2) It extends to the whole of India.

1. Received the assent of the President on 23-12-2005 and published in the Gazette of India, Extra., Part II, Section 1, dated 26-12-2005, pp. 1-29, No. 64.



(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates<sup>2</sup> 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.

**CASE LAW ► Preventive measures against fire.**—Direction issued for preventive measures against fire at public places and need emphasised for prompt disaster management. Suggestions given to Government for consideration and implementation in the light of lessons learnt from Uphaar cinema tragedy in Delhi on 13-6-1997. Alertness and preparedness at all times, held, are key to efficient disaster management, *MCD v. Uphaar Tragedy Victims Assn.*, (2011) 14 SCC 481 : (2013) 1 SCC (L&S) 305 : (2013) 2 SCC (Cri) 555 : (2013) 1 SCC (Civ) 897.

**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 to be acquired or created;
  - (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;

2. 28-7-2006 on which Sections 2 to 6, 8, 10, 12, ~~75~~ and 79 came into force [vide S.O. 1216(E), dated 28-7-2006]  
 30-10-2006 on which Sections 7, 9, 11 to 13, 35 to 37, 42, 43, 49, 50, 70(1) and 76 came into force [vide S.O. 1861(E), dated 30-10-2006].  
 1-8-2007 on which Sections 14 to 34, 38 to 41, 48, 51 to 69, 70(2), 71 to 74, 78 and 79 came into force, [vide S.O. 722(E), dated 7-5-2007].  
 17-3-2008 on which Sections 44 and 45 came into force [vide S.O. 517(E), dated 17-3-2008].  
 18-10-2011 on which Section 46(1) and (2) came into force [vide S.O. 2397(E), dated 18-10-2011]  
 5-2-2021 on which the provisions of sub-section (1) of Section 47 came into force [vide S.O. 564(E), dated 5-2-2021]



- (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 (1) 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 effect 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.

**CASE LAW ▶ "Disaster".**—Scope of "Disaster", discussed. Subsequent effects of disaster and aftermath of disaster resulting in death, destruction, misery and trauma also highlighted, *Gaurav Kumar Bansal v. Union of India*, (2016) 16 SCC 530.

## CHAPTER II

## THE NATIONAL DISASTER MANAGEMENT AUTHORITY

**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-section (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.

**CASE LAW ▶ National Disaster Management Guidelines.**—National Disaster Management Guidelines, 2009 has been framed under the Act. Effect and relevance for issue as to whether KKNPP should be closed down or not, also discussed, *G. Sundarrajan v. Union of India*, (2013) 6 SCC 620.

**▶ 2015-2016 Drought in India.**—Relevant principles for declaration of drought, explained. Three-pronged strategy advocated by National Disaster Management Guidelines of September 2010, i.e., prevention, preparedness and mitigation rather than erstwhile relief-centric approach, approved. Directions issued for proper implementation and interpretation of DM Act to combat multi-dimensional impact of drought. Union of India directed to constitute National Disaster Response Force as mandated under Section 44, to establish a National Disaster Mitigation Fund as mandated under Section 47, to formulate a National Plan as mandated under Section 11 and to revise and update Drought Management Manual. Relevant factors for consideration while revising Manual, stated, *Swaraj Abhiyan v. Union of India*, (2016) 7 SCC 498.

**▶ Scope of judicial review.**—Issues requiring to be decided by experts and policy decisions, held, cannot be interfered with, (a) Determination of percentage of crop loss which would entitle a farmer for relief on account of crop loss, a matter for experts, not court, (b) Quantum of monetary relief to be given to a farmer for crop loss, a matter of policy, (c) Issues relating to establishment of fodder banks and restructuring of bank loans or extent to which restructuring should be carried out are matters of policy, court cannot interfere, *Swaraj Abhiyan v. Union of India*, (2016) 7 SCC 498.

**▶ Obligation of State.**—In the matter of deaths of farmers in Tamil Nadu, deaths are due to famine and other natural causes and also due to immense financial problem. State, as guardian, is required to see how to solve these problems or to meet problems by taking curative measures treating it as a natural disaster. State standing on a position of a *loco parentis* to the citizens should act in a society where agriculture is of



paramount importance and most farmers exclusively depend upon agriculture for sustenance. Silence is not the answer. *Amicus Curiae*, appointed for assistance of Court. Notice issued to State in the matter, *T.N. Centre for Public Interest Litigation v. State of T.N.*, (2017) 6 SCC 734.

**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.

**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.

**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-section (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.

**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 recommendation 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.

**8. Constitution of National Executive Committee.**—(1) The Central Government shall, immediately after issue of notification under sub-section (1) of Section 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.

**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-section (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.



**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-section (1), the National Executive Committee may—

- (a) act as the coordinating and 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 Ministries 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) advise, 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.

**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-sections (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.

**CASE LAW ► Bursting of Mullaperiyar Dam.**—As far as safety measures of Mullaperiyar Dam are concerned, directions issued by Supreme Court in *State of T.N.*, (2014) 12 SCC 696 would be binding and provisions of 2005 Act implemented. Further held, greater degree of disaster management and better preparedness to face any kind of disaster caused by dam is to be ensured since life without basic needs and liberty replete with fear is meaningless, *Russel Joy v. Union of India*, (2018) 3 SCC 179.

► **Mullaperiyar Dam.**—Considering gravity of situation, directions issued for effective disaster management and management of cataclysm and calamities after bringing down water level, *Russel Joy v. Union of India*, (2018) 18 SCC 173.



**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.

**CASE LAW ► Monetary compensation.**—Ex gratia monetary compensation to families of deceased who have succumbed to pandemic of COVID-19 : Word “shall” used in Section 12, held, cannot be interpreted and considered as “may”. It is mandatory for National Authority to recommend guidelines for minimum standards of relief to be provided to persons affected by disasters including ex gratia assistance on account of loss of life. However, held, Court cannot issue writ directing Central Government/National Authority/State Governments to pay a particular amount by way of ex gratia assistance, *Reepak Kansal v. Union of India*, (2021) 9 SCC 251.

**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 disaster on such concessional terms as may be appropriate.

**CASE LAW ► COVID-19 Pandemic.**—It cannot be said that NDMA has failed to perform its duty cast under Section 13 re the COVID-19 Pandemic. Word used in Section 13 is “may” and not “shall”. Only in a case where the NDMA is satisfied that the reliefs which are already announced are not sufficient and/or no steps are taken at all with respect to the reliefs mentioned in Section 13, the National Authority may recommend the reliefs in repayment of loans, etc. Therefore, it cannot be said that the National Authority has failed to perform its duty as cast under Section 13 of the Act, *Small Scale Industrial Manufacturers Assn. v. Union of India*, (2021) 8 SCC 511.

### CHAPTER III

#### STATE DISASTER MANAGEMENT AUTHORITIES

**14. Establishment of State Disaster Management Authority.**—(1) Every State Government shall, as soon as may be after the issue of the notification under sub-section (1) of Section 3, by notification in the Official Gazette, establish a State Disaster Management Authority for the State with such name as may be specified in the notification of the State Government.

(2) A State Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the State Government and, unless the rules otherwise provide, the State Authority shall consist of the following members, namely:—

- (a) the Chief Minister of the State, who shall be Chairperson, ex officio;
- (b) other members, not exceeding eight, to be nominated by the Chairperson of the State Authority;

(c) the Chairperson of the State Executive Committee, ex officio.

(3) The Chairperson of the State Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the State Authority.

(4) The Chairperson of the State Executive Committee shall be the Chief Executive Officer of the State Authority, ex officio :

Provided that in the case of a Union Territory having Legislative Assembly, except the Union Territory of Delhi, the Chief Minister shall be the Chairperson of the Authority established under this section and in case of other Union territories, the Lieutenant Governor or the Administrator shall be the Chairperson of that Authority :

Provided further that the Lieutenant Governor of the Union Territory of Delhi shall be the Chairperson and the Chief Minister thereof shall be the Vice-Chairperson of the State Authority.

(5) The term of office and conditions of service of members of the State Authority shall be such as may be prescribed.

**CASE LAW ► Matters in respect of which powers under the Act may be exercised.**—There is no indication in the 2005 Act, that in the name of mitigating measures, the disaster management plan may comprehend issuance of direction in respect of economic aspects of legitimate subsisting contracts or transactions between two private individuals with which the State has no direct causal relationship, and especially when the determination of compensation/cost/fees is the prerogative of the supplier or manufacturer of the goods or service provider of the services, *Indian School v. State of Rajasthan*, (2021) 10 SCC 517.

**15. Meetings of the State Authority.**—(1) The State Authority shall meet as and when necessary and at such time and place as the Chairperson of the State Authority may think fit.

(2) The Chairperson of the State Authority shall preside over the meetings of the State Authority.

(3) If for any reason, the Chairperson of the State Authority is unable to attend the meeting of the State Authority, the Vice-Chairperson of the State Authority shall preside at the meeting.

**16. Appointment of officers and other employees of State Authority.**—The State Government shall provide the State Authority with such officers, consultants and employees, as it considers necessary, for carrying out the functions of the State Authority.

**17. Constitution of advisory committee by the State Authority.**—(1) A State Authority may, as and when it considers necessary, constitute an advisory committee, consisting of experts in the field of disaster management and having practical experience of disaster management to make recommendations on different aspects of disaster management.



(2) The members of the advisory committee shall be paid such allowance as may be prescribed by the State Government.

**18. Powers and functions of State Authority.**—(1) Subject to the provisions of this Act, a State Authority shall have the responsibility for laying down policies and plans for disaster management in the State.

(2) Without prejudice to the generality of provisions contained in sub-section (1), the State Authority may—

- (a) lay down the State Disaster Management Policy;
- (b) approve the State Plan in accordance with the guidelines laid down by the National Authority;
- (c) approve the disaster management plans prepared by the departments of the Government of the State;
- (d) lay down guidelines to be followed by the departments of the Government of the State for the purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefore;
- (e) coordinate the implementation of the State Plan;
- (f) recommend provision of funds for mitigation and preparedness measures;
- (g) review the development plans of the different departments of the State and ensure that prevention and mitigation measures are integrated therein;
- (h) review the measures being taken for mitigation, capacity building and preparedness by the departments of the Government of the State and issue such guidelines as may be necessary.

(3) The Chairperson of the State Authority shall, in the case of emergency, have power to exercise all or any of the powers of the State Authority but the exercise of such powers shall be subject to ex post facto ratification of the State Authority.

**19. Guidelines for minimum standard of relief by State Authority.**—The State Authority shall lay down detailed guidelines for providing standards of relief to persons affected by disaster in the State :

Provided that such standards shall in no case be less than the minimum standards in the guidelines laid down by the National Authority in this regard.

**20. Constitution of State Executive Committee.**—(1) The State Government shall, immediately after issue of notification under sub-section (1) of Section 14, constituting a State Executive Committee to assist the State Authority in the performance of its functions and to coordinate action in accordance with the guidelines laid down by the State Authority and ensure the compliance of directions issued by the State Government under this Act.

(2) The State Executive Committee shall consist of the following members, namely:—

- (a) the Chief Secretary to the State Government, who shall be Chairperson, ex officio;
- (b) four Secretaries to the Government of the State of such departments as the State Government may think fit, ex officio.

(3) The Chairperson of the State Executive Committee shall exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the State Authority.

(4) The procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the State Government.

**21. Constitution of sub-committees by State Executive Committee.**—(1) The State Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for efficient discharge of its functions.

(2) The State Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (1).

(3) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed by the State Government.

**22. Functions of the State Executive Committee.**—(1) The State Executive Committee shall have the responsibility for implementing the National Plan and State Plan and act as the coordinating and monitoring body for management of disaster in the State.

(2) Without prejudice to the generality of the provisions of sub-section (1), the State Executive Committee may—

- (a) coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan;
- (b) examine the vulnerability of different parts of the State to different forms of disasters and specify measures to be taken for their prevention or mitigation;
- (c) lay down guidelines for preparation of disaster management plans by the departments of the Government of the State and the District Authorities;
- (d) monitor the implementation of disaster management plans prepared by the departments of the Government of the State and District Authorities;
- (e) monitor the implementation of the guidelines laid down by the State Authority for integrating of measures for prevention of disasters and mitigation by the departments in their development plans and projects;
- (f) evaluate preparedness at all governmental or non-governmental levels to respond to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;



- (g) coordinate response in the event of any threatening disaster situation or disaster;
- (h) give directions to any Department of the Government of the State or any other authority or body in the State regarding actions to be taken in response to any threatening disaster situation or disaster;
- (i) promote general education, awareness and community training in regard to the forms of disasters to which different parts of the State are vulnerable and the measures that may be taken by such community to prevent the disaster, mitigate and respond to such disaster;
- (j) advise, assist and coordinate the activities of the Departments of the Government of the State, District Authorities, statutory bodies and other governmental and non-governmental organisations engaged in disaster management;
- (k) provide necessary technical assistance or give advice to District Authorities and local authorities for carrying out their functions effectively;
- (l) advise the State Government regarding all financial matters in relation to disaster management;
- (m) examine the construction, in any local area in the State and, if it is of the opinion that the standards laid for such construction for the prevention of disaster is not being or has not been followed, may direct the District Authority or the local authority, as the case may be, to take such action as may be necessary to secure compliance of such standards;
- (n) provide information to the National Authority relating to different aspects of disaster management;
- (o) lay down, review and update State level response plans and guidelines and ensure that the district level plans are prepared, reviewed and updated;
- (p) ensure that communication systems are in order and the disaster management drills are carried out periodically;
- (q) perform such other functions as may be assigned to it by the State Authority or as it may consider necessary.

**23. State Plan.**—(1) There shall be a plan for disaster management for every State to be called the State Disaster Management Plan.

(2) The State Plan shall be prepared by the State Executive Committee having regard to the guidelines laid down by the National Authority and after such consultation with local authorities, district authorities and the people's representatives as the State Executive Committee may deem fit.

(3) The State Plan prepared by the State Executive Committee under sub-section (2) shall be approved by the State Authority.

(4) The State Plan shall include,—

- (a) the vulnerability of different parts of the State to different forms of disasters;

- (b) the measures to be adopted for prevention and mitigation of disasters;
- (c) the manner in which the mitigation measures shall be integrated with the development plans and projects;
- (d) the capacity-building and preparedness measures to be taken;
- (e) the roles and responsibilities of each Department of the Government of the State in relation to the measures specified in clauses (b), (c) and (d) above;
- (f) the roles and responsibilities of different Departments of the Government of the State in responding to any threatening disaster situation or disaster.

(5) The State Plan shall be reviewed and updated annually.

(6) Appropriate provisions shall be made by the State Government for financing for the measures to be carried out under the State Plan.

(7) Copies of the State Plan referred to in sub-sections (2) and (5) shall be made available to the Departments of the Government of the State and such Departments shall draw up their own plans in accordance with the State Plan.

**24. Powers and functions of State Executive Committee in the event of threatening disaster situation.**—For the purpose of, assisting and protecting the community affected by disaster or providing relief to such community or, preventing or combating disruption or dealing with the effects of any threatening disaster situation, the State Executive Committee may—

- (a) control and restrict, vehicular traffic to, from or within, the vulnerable or affected area;
- (b) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;
- (c) remove debris, conduct search and carry out rescue operations;
- (d) provide shelter, food, drinking water, essential provisions, healthcare and services in accordance with the standards laid down by the National Authority and State Authority;
- (e) give direction to the concerned Department of the Government of the State, any District Authority or other authority, within the local limits of the State to take such measure or steps for rescue, evacuation or providing immediate relief saving lives or property, as may be necessary in its opinion;
- (f) require any department of the Government of the State or any other body or authority or person in charge of any relevant resources to make available the resources for the purposes of emergency response, rescue and relief;
- (g) require experts and consultants in the field of disasters to provide advice and assistance for rescue and relief;
- (h) procure exclusive or preferential use of amenities from any authority or person as when required;



- (i) construct temporary bridges or other necessary structures and demolish unsafe structures which may be hazardous to public;
- (j) ensure that non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;
- (k) disseminate information to public to deal with any threatening disaster situation or disaster;
- (l) take such steps as the Central Government or the State Government may direct in this regard ~~or take such other steps as are required or warranted~~ by the form of any threatening disaster situation or disaster.

#### CHAPTER IV

##### DISTRICT DISASTER MANAGEMENT AUTHORITY

**25. Constitution of District Disaster Management Authority.**—(1) Every State Government shall, as soon as may be after issue of notification under sub-section (1) of Section 14, by notification in the Official Gazette, establish a District Disaster Management Authority for every district in the State with such name as may be specified in that notification.

(2) The District Authority shall consist of the Chairperson and such number of other members, not exceeding seven, as may be prescribed by the State Government, and unless the rules otherwise provide, it shall consist of the following, namely:—

- (a) the Collector or District Magistrate or Deputy Commissioner, as the case may be, of the district who shall be Chairperson, ex officio;
- (b) the elected representative of the local authority who shall be the co-Chairperson, ex officio:  
Provided that in the Tribal Areas, as referred to in the Sixth Schedule to the Constitution, the Chief Executive Member of the district council of autonomous district, shall be the co-Chairperson, ex officio;
- (c) the Chief Executive Officer of the District Authority, ex officio;
- (d) the Superintendent of Police, ex officio;
- (e) the Chief Medical Officer of the district, ex officio;
- (f) not exceeding two other district level officers, to be appointed by the State Government.

(3) In any district where zila parishad exists, the Chairperson thereof shall be the co-Chairperson of the District Authority.

(4) The State Government shall appoint an officer not below the rank of Additional Collector or Additional District Magistrate or Additional Deputy Commissioner, as the case may be, of the district to be the Chief Executive Officer of the District Authority to exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the District Authority.

**26. Powers of Chairperson of District Authority.**—(1) The Chairperson of the District Authority shall, in addition to presiding over the meetings of the

District Authority, exercise and discharge such powers and functions of the District Authority as the District Authority may delegate to him.

(2) The Chairperson of the District Authority shall, in the case of an emergency, have power to exercise all or any of the powers of the District Authority but the exercise of such powers shall be subject to ex post facto ratification of the District Authority.

(3) The District Authority or the Chairperson of the District Authority may, by general or special order, in writing, delegate such of its or his powers and functions, under sub-section (1) or (2), as the case may be, to the Chief Executive Officer of the District Authority, subject to such conditions and limitations, if any, as it or he deems fit.

**27. Meetings.**—The District Authority shall meet as and when necessary and at such time and place as the Chairperson may think fit.

**28. Constitution of advisory committees and other committees.**—(1) The District Authority may, as and when it considers necessary, constitute one or more advisory committees and other committees for the efficient discharge of its functions.

(2) The District Authority shall, from amongst its members, appoints the Chairperson of the Committee referred to in sub-section (1).

(3) Any person associated as an expert with any committee or sub-committee constituted under sub-section (1) may be paid such allowances as may be prescribed by the State Government.

**29. Appointment of officers and other employees of District Authority.**—The State Government shall provide the District Authority with such officers, consultants and other employees as it considers necessary for carrying out the functions of District Authority.

**30. Powers and functions of District Authority.**—(1) The District Authority shall act as the district planning, coordinating and implementing body for disaster management and take all measures for the purposes of disaster management in the district in accordance with the guidelines laid down by the National Authority and the State Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1), the District Authority may—

- (i) prepare a disaster management plan including district response plan for the district;
- (ii) coordinate and monitor the implementation of the National Policy, State Policy, National Plan, State Plan and District Plan;
- (iii) ensure that the areas in the district vulnerable to disasters are identified and measures for the prevention of disasters and the mitigation of its effects are undertaken by the departments of the Government at the district level as well as by the local authorities;



- (iv) ensure that the guidelines for prevention of disasters, mitigation of its effects, preparedness and response measures as laid down by the National Authority and the State Authority are followed by all departments of the Government at the district level and the local authorities in the district;
- (v) give directions to different authorities at the district level and local authorities to take such other measures for the prevention or mitigation of disasters as may be necessary;
- (vi) lay down guidelines for prevention of disaster management plans by the department of the Government at the districts level and local authorities in the district;
- (vii) monitor the implementation of disaster management plans prepared by the Departments of the Government at the district level;
- (viii) lay down guidelines to be followed by the Departments of the Government at the district level for purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor;
- (ix) monitor the implementation of measures referred to in clause (viii);
- (x) review the state of capabilities for responding to any disaster or threatening disaster situation in the district and give directions to the relevant department or authorities at the district level for their upgradation as may be necessary;
- (xi) review the preparedness measures and give directions to the concerned departments at the district level or other concerned authorities where necessary for bringing the preparedness measures to the levels required for responding effectively to any disaster or threatening disaster situation;
- (xii) organise and coordinate specialised training programmes for different levels of officers, employees and voluntary rescue workers in the district;
- (xiii) facilitate community training and awareness programmes for prevention of disaster or mitigation with the support of local authorities, governmental and non-governmental organisations;
- (xiv) set up, maintain, review and upgrade the mechanism for early warnings and dissemination of proper information to public;
- (xv) prepare, review and update district level response plan and guidelines;
- (xvi) coordinate response to any threatening disaster situation or disaster;
- (xvii) ensure that the Departments of the Government at the district level and the local authorities prepare their response plans in accordance with the district response plan;
- (xviii) lay down guidelines for, or give direction to, the concerned Department of the Government at the district level or any other authorities within the local limits of the district to take measures to respond effectively to any threatening disaster situation or disaster;



- (xix) advise, assist and coordinate the activities of the Departments of the Government at the district level, statutory bodies and other governmental and non-governmental organisations in the district engaged in the disaster management;
- (xx) coordinate with, and give guidelines to, local authorities in the district to ensure that measures for the prevention or mitigation of threatening disaster situation or disaster in the district are carried out promptly and effectively;
- (xxi) provide necessary technical assistance or give advise to the local authorities in the district for carrying out their functions;
- (xxii) review development plans prepared by the Departments of the Government at the district level, statutory authorities or local authorities with a view to make necessary provisions therein for prevention or disaster or mitigation;
- (xxiii) examine the construction in any area in the district and, if it is of the opinion that the standards for the prevention of disaster or mitigation laid down for such construction is not being or has not been followed, may direct the concerned authority to take such action as may be necessary to secure compliance of such standards;
- (xxiv) identify buildings and places which could, in the event of any threatening disaster situation or disaster, be used as relief centers or camps and make arrangements for water supply and sanitation in such buildings or places;
- (xxv) establish stockpiles of relief and rescue materials or ensure preparedness to make such materials available at a short notice;
- (xxvi) provide information to the State Authority relating to different aspects of disaster management;
- (xxvii) encourage the involvement of non-governmental organisations and voluntary social-welfare institutions working at the grassroots level in the district for disaster management;
- (xxviii) ensure communication systems are in order, and disaster management drills are carried out periodically;
- (xxix) perform such other functions as the State Government or State Authority may assign to it or as it deems necessary for disaster management in the District.

**31. District Plan.**—(1) There shall be a plan for disaster management for every district of the State.

(2) The District Plan shall be prepared by the District Authority, after consultation with the local authorities and having regard to the National Plan and the State Plan, to be approved by the State Authority.

(3) The District Plan shall include—

- (a) the areas in the district vulnerable to different forms of disasters;



- (b) the measures to be taken, for prevention and mitigation of disaster, by the Departments of the Government at the district level and local authorities in the district;
- (c) the capacity-building and preparedness measures required to be taken by the Departments of the Government at the district level and the local authorities in the district to respond to any threatening disaster situation or disaster;
- (d) the response plans and procedures, in the event of a disaster, providing for—
  - (i) allocation of responsibilities to the Departments of the Government at the district level and the local authorities in the district;
  - (ii) prompt response to disaster and relief thereof;
  - (iii) procurement of essential resources;
  - (iv) establishment of communication links; and
  - (v) the dissemination of information to the public;
- (e) such other matters as may be required by the State Authority.

(4) The District Plan shall be reviewed and updated annually.

(5) The copies of the District Plan referred to in sub-sections (2) and (4) shall be made available to the Departments of the Government in the district.

(6) The District Authority shall send a copy of the District Plan to the State Authority which shall forward it to the State Government.

(7) The District Authority shall, review from time to time, the implementation of the Plan and issue such instructions to different departments of the Government in the district as it may deem necessary for the implementation thereof.

**32. Plans by different authorities at district level and their implementation.**—Every office of the Government of India and of the State Government at the district level and the local authorities shall, subject to the supervision of the District Authority,—

- (a) prepare a disaster management plan setting out the following, namely:—
  - (i) provisions for prevention and mitigation measures as provided for in the District Plan and as is assigned to the department or agency concerned;
  - (ii) provisions for taking measures relating to capacity-building and preparedness as laid down in the District Plan;
  - (iii) the response plans and procedures, in the event of, any threatening disaster situation or disaster;
- (b) coordinate the preparation and the implementation of its plan with those of the other organisations at the district level including local authority, communities and other stakeholders;
- (c) regularly review and update the plan; and
- (d) submit a copy of its disaster management plan, and of my amendment thereto, to the District Authority.

**33. Requisition by the District Authority.**—The District Authority may by order require any officer or any Department at the district level or any local authority to take such measures for the prevention or mitigation of disaster, or to effectively respond to it, as may be necessary, and such officer or department shall be bound to carry out such order.

**34. Powers and functions of District Authority in the event of any threatening disaster situation or disaster.**—For the purpose of assisting, protecting or providing relief to the community, in response to any threatening disaster situation or disaster, the District Authority may—

- (a) give directions for the release and use of resources available with any Department of the Government and the local authority in the district;
- (b) control and restrict vehicular traffic to, from and within, the vulnerable or affected area;
- (c) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;
- (d) remove debris, conduct search and carry out rescue operations;
- (e) provide shelter, food, drinking water and essential provisions, healthcare and services;
- (f) establish emergency communication systems in the affected area;
- (g) make arrangements for the disposal of the unclaimed dead bodies;
- (h) recommend to any Department of the Government of the State or any authority or body under that Government at the district level to take such measures as are necessary in its opinion;
- (i) require experts and consultants in the relevant fields to advise and assist as it may deem necessary;
- (j) procure exclusive or preferential use of amenities from any authority or person;
- (k) construct temporary bridges or other necessary structures and demolish structures which may be hazardous to public or aggravate the effects of the disaster;
- (l) ensure that the non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;
- (m) take such other steps as may be required or warranted to be taken in such a situation.

## CHAPTER V

### MEASURES BY THE GOVERNMENT FOR DISASTER MANAGEMENT

**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-section (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 Authorities, 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.

**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 effected area;
- (h) take such other actions as it may consider necessary for disaster management.

**37. Disaster Management plans of Ministries or Departments of Government of India.**—(1) Every Ministry or Department of 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 specifications 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-section (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-section (1) to the National Authority, as and when required by it.

**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-section (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 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 a 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.

**39. Responsibilities of departments of the State Government.**—It shall be the responsibility 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 regulations 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 Authority 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.

**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 Section 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-section (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-section (1).

## CHAPTER VI

### LOCAL AUTHORITIES

**41. Functions of the local authority.**—(1) Subject to the directions of the District Authority, a local authority shall—

- (a) ensure that its officers and employees are trained for disaster management;

- (b) ensure that resources relating to disaster management are so maintained as to be readily available for use in the event of any threatening disaster situation or disaster;
  - (c) ensure all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disasters and mitigation by the National Authority, State Authority and the District Authority;
  - (d) carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State Plan and the District Plan.
- (2) The local authority may take such other measures as may be necessary for the disaster management.

## CHAPTER VII

### NATIONAL INSTITUTE OF DISASTER MANAGEMENT

**42. National Institute of Disaster Management.**—(1) With effect from such date<sup>3</sup> as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be constituted an institute to be called the National Institute of Disaster Management.

(2) The National Institute of Disaster Management shall consist of such number of members as may be prescribed by the Central Government.

(3) The term of office of, and vacancies among, members of the National Institute of Disaster Management and manner of filling such vacancies shall be such as may be prescribed.

(4) There shall be a governing body of the National Institute of Disaster Management which shall be constituted by the Central Government from amongst the members of the National Institute of Disaster Management in such manner as may be prescribed.

(5) The governing body of the National Institute of Disaster Management shall exercise such powers and discharge such functions as may be prescribed by regulations.

(6) The procedure to be followed in exercise of its powers and discharge of its functions by the governing body, and the term of office of, and the manner of filling vacancies among the members of the governing body, shall be such as may be prescribed by regulations.

(7) Until the regulations are made under this section, the Central Government may make such regulations; and any regulations so made may be altered or rescinded by the National Institute of Disaster Management in exercise of its powers.

(8) Subject to the provisions of this Act, the National Institute of Disaster Management shall function within the broad policies and guidelines laid down by the National Authority and be responsible for planning and promoting training

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3. 30-10-2006 [vide Noti. No. S.O. 1862(E), dated 30-10-2006].



and research in the area of disaster management, documentation and development of national level information base relating to disaster management policies, prevention mechanisms and mitigation measures.

(9) Without prejudice to the generality of the provisions contained in sub-section (8), the National Institute, for the discharge of its functions, may—

- (a) develop training modules, undertake research and documentation in disaster management and organise training programmes;
- (b) formulate and implement a comprehensive human resource development plan covering all aspects of disaster management;
- (c) provide assistance in national level policy formulation;
- (d) provide required assistance to the training and research institutes for development of training and research programmes for stakeholders including Government functionaries and undertake training of faculty members of the State level training institutes;
- (e) provide assistance to the State Governments and State training institutes in the formulation of State level policies, strategies, disaster management framework and any other assistance as may be required by the State Governments or State training institutes for capacity-building of stakeholders, Government including its functionaries, civil society members, corporate sector and people's elected representative;
- (f) develop educational materials for disaster management including academic and professional courses;
- (g) promote awareness among stakeholders including college or school teachers and students, technical personnel and others associated with multi-hazard mitigation, preparedness and response measures;
- (h) undertake, organise and facilitate study courses, conferences, lectures, seminars within and outside the country to promote the aforesaid objects;
- (i) undertake and provide for publication of journals, research papers and books and establish and maintain libraries in furtherance of the aforesaid objects;
- (j) do all such other lawful things as are conducive or incidental to the attainment of the above objects; and
- (k) undertake any other function as may be assigned to it by the Central Government.

**43. Officers and other employees of the National Institute.**—The Central Government shall provide the National Institute of Disaster Management with such officers, consultants and other employees, as it considers necessary, for carrying out its functions.

## CHAPTER VIII

### NATIONAL DISASTER RESPONSE FORCE

**44. National Disaster Response Force.**—(1) There shall be constituted a National Disaster Response Force for the purpose of specialist response to a threatening disaster situation or disaster.

(2) Subject to the provisions of this Act, the Force shall be constituted in such manner and, the conditions of service of the members of the Force, including disciplinary provisions therefor, be such as may be prescribed.

**45. Control, direction, etc.**—The general superintendence, direction and control of the Force shall be vested and exercised by the National Authority and the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director General of the National Disaster Response Force.

## CHAPTER IX FINANCE, ACCOUNTS AND AUDIT

**46. National Disaster Response Fund.**—(1) The Central Government may, by notification in the Official Gazette, constitute a fund to be called the National Disaster Response Fund for meeting any threatening disaster situation or disaster and there shall be credited thereto—

- (a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide;
- (b) any grants that may be made by any person or institution for the purpose of disaster management.

(2) The National Disaster Response Fund shall be made available to the National Executive Committee to be applied towards meeting the expense for emergency response, relief and rehabilitation in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.

**47. National Disaster Mitigation Fund.**—(1) The Central Government may, by notification in the Official Gazette, constitute a Fund to be called the National Disaster Mitigation Fund for projects exclusively for the purpose of mitigation and there shall be credited thereto such amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide.

(2) The National Disaster Mitigation Fund shall be applied by the National Authority.

### NOTIFICATION

**Ministry of Home Affairs, Noti. No. S.O. 563(E), dated February 5, 2021.**—In exercise of the powers conferred by sub-section (1) of Section 47 of the **Disaster Management Act, 2005** (53 of 2005), the Central Government hereby constitutes the National Disaster Mitigation Fund for projects exclusively for the purpose of mitigation.

**48. Establishment of funds by State Government.**—(1) The State Government shall, immediately after notifications issued for constituting the State Authority and the District Authorities, establish for the purposes of this Act the following funds, namely:—

- (a) the fund to be called the State Disaster Response Fund;
- (b) the fund to be called the District Disaster Response Fund;
- (c) the fund to be called the State Disaster Mitigation Fund;
- (d) the fund to be called the District Disaster Mitigation Fund.



(2) The State Government shall ensure that the funds established—

- (i) under clause (a) of sub-section (1) is available to the State Executive Committee;
- (ii) under sub-clause (c) of sub-section (1) is available to the State Authority;
- (iii) under clauses (b) and (d) of sub-section (1) are available to the District Authority.

**49. Allocation of funds by Ministries and Departments.**—(1) Every Ministry or Department of the Government of India shall make provisions, in its annual budget, for funds for the purposes of carrying out the activities and programmes set out in its disaster management plan.

(2) The provisions of sub-section (1) shall, *mutatis mutandis*, apply to the departments of the Government of the State.

**50. Emergency procurement and accounting.**—Where by reason of any threatening disaster situation or disaster, the National Authority or the State Authority or the District Authority is satisfied that immediate procurement of provisions or materials or the immediate application of resources are necessary for rescue or relief,—

- (a) it may authorise the concerned department or authority to make the emergency procurement and in such case, the standard procedure requiring inviting of tenders shall be deemed to be waived;
- (b) a certificate about utilisation of provisions or materials by the controlling officer authorised by the National Authority, State Authority or District Authority, as the case may be, shall be deemed to be a valid document or voucher for the purpose of accounting of emergency, procurement of such provisions or materials.

## CHAPTER X

### OFFENCES AND PENALTIES

**51. Punishment for obstruction, etc.**—Whoever, without reasonable cause—

- (a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

**52. Punishment for false claim.**—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend of two years, and also with fine.

**53. Punishment for misappropriation of money or materials, etc.**—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

**54. Punishment for false warning.**—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

**55. Offences by Departments of the Government.**—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.**—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

**57. Penalty for contravention of any order regarding requisitioning.**—If any person contravenes any order made under Section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

**58. Offence by companies.**—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be



deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly :

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purpose of this section—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

**59. Previous sanction for prosecution.**—No prosecution for offences punishable under Sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

**60. Cognizance of offences.**—No court shall take cognizance of an offence under this Act except on a complaint made by—

- (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or
- (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

## CHAPTER XI MISCELLANEOUS

**61. Prohibition against discrimination.**—While providing compensation and relief to the victims of disaster, there shall be no discrimination on the ground of sex, caste, community, descent or religion.

**62. Power to issue direction by Central Government.**—Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Central Government to issue direction in writing to the Minister or Departments of the Government of India, or the National Executive Committee or the State Government, State Authority, State Executive Committee, statutory

bodies or any of its officers or employees, as the case may be, to facilitate or assist in the disaster management and such Ministry or Department or Government or Authority, Executive Committee, statutory body, officer or employee shall be bound to comply with such direction.

**63. Powers to be made available for rescue operations.**—Any officer or authority of the Union or a State, when requested by the National Executive Committee, any State Executive Committee or District Authority or any person authorised by such Committee or Authority in this behalf, shall make available to that Committee or authority or person, such officers and employees as requested for, to perform any of the functions in connection with the prevention of disaster or mitigation or rescue or relief work.

**64. Making or amending rules, etc., in certain circumstances.**—Subject to the provisions of this Act, if it appears to the National Executive Committee, State Executive Committee or the District Authority, as the case may be, that provisions of any rule, regulation, notification, guideline, instruction, order, scheme or bye-laws, as the case may be, are required to be made or amended for the purposes of prevention of disasters or the mitigation thereof, it may require the amendment of such rule, regulation, notification, guidelines, instruction, order, scheme or bye-laws, as the case may be, for that purpose, and the appropriate department or authority shall take necessary action to comply with the requirements.

**65. Power of requisition of resources, provisions, vehicles, etc., for rescue operations, etc.**—(1) If it appears to the National Executive Committee, State Executive Committee or District Authority or any officer as may be authorised by it in this behalf that—

- (a) any resources with any authority or person are needed for the purpose of prompt response;
- (b) any premises are needed or likely to be needed for the purpose of rescue operations; or
- (c) any vehicle is needed or is likely to be needed for the purposes of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, rehabilitation or reconstruction,

such authority may, by order in writing, requisition such resources or premises or such vehicle, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

(2) Whenever any resource, premises or vehicle is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such resource, premises or vehicle is required for any of the purposes mentioned in that sub-section.

(3) In this section,—

- (a) “resources” includes men and material resources;
- (b) “service” includes facilities;



- (c) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
- (d) "vehicle" means any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise.

**66. Payment of compensation.**—(1) Whenever any Committee, Authority or officer referred to in sub-section (1) of Section 65, in pursuance of that section requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

- (i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality;
- (ii) if as consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the thirty days to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Central Government or the State Government, as the case may be, to an arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, for determination, and shall be determined in accordance with the decision of such arbitrator.

*Explanation.*—In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under Section 65 immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever any Committee, Authority or officer, referred to in sub-section (1) of Section 65 in pursuance of that section requisitions any vehicle, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Central Government or the State Government, as the case may be, on the basis of the fares or rates prevailing in the locality for the hire of such vehicle :

Provided that where the owner of such vehicle being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine :

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Central Government or the State Government, as the case may be, in this behalf may decide.

**67. Direction to media for communication of warnings, etc.**—The National Authority, the State Authority, or a District Authority may recommend to the Government to give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisors regarding any threatening disaster situation or disaster, and the said means of communication and media as designated shall comply with such direction.

**68. Authentication of orders or decisions.**—Every order or decision of the National Authority or the National Executive Committee, the State Authority, or the State Executive Committee or the District Authority, shall be authenticated by such officers of the National Authority or the National Executive Committee or, the State Executive Committee, or the District Authority, as may be authorised by it in this behalf.

**69. Delegation of powers.**—The National Executive Committee, the State Executive Committee, as the case may be, by general or special order in writing, may delegate to the Chairperson or any other member or to any officer, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

**70. Annual report.**—(1) The National Authority shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament within one month of its receipt.

(2) The State Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the State Government and that Government shall cause the same to be laid before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

**71. Bar of jurisdiction of court.**—No court (except the Supreme Court or a High Court) shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken, orders made, direction, instruction or guidelines issued by the Central Government, National Authority, State Government, State Authority or District Authority in pursuance of any power conferred by, or in relation to its functions, by this Act.



**72. Act to have overriding effect.**—The provisions of this Act, shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

**CASE LAW ► Overriding effect of the Act.**—Section 72 of the Act conferring overriding status to provisions of the 2005 Act comes into effect only if it is found that the statutory authorities under the 2005 Act have power to deal with the subject in question in the first place, *Indian School v. State of Rajasthan*, (2021) 10 SCC 517.

**73. Action taken in good faith.**—No suit or prosecution or other proceeding shall lie in any court against the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any officer or employee of the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any person working for on behalf of such Government or authority in respect of any work done or purported to have been done or intended to be done in good faith by such authority or Government or such officer or employee or such person under the provisions of this Act or the rules or regulations made thereunder.

**74. Immunity from legal process.**—Officers and employees of the Central Government, National Authority, National Executive Committee, State Government, State Authority, State Executive Committee or District Authority shall be immune from legal process in regard to any warning in respect of any impending disaster communicated or disseminated by them in their official capacity or any action taken or direction issued by them in pursuance of such communication or dissemination.

**75. Power of Central Government to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the composition and number of the members of the National Authority under sub-section (2), and the term of office and conditions of service of members of the National Authority under sub-section (4), of Section 3;
- (b) the allowances to be paid to the members of the advisory committee under sub-section (2) of Section 7;
- (c) the powers and functions of the Chairperson of the National Executive Committee under sub-section (3) of Section 8 and the procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions under sub-section (4) of Section 8;
- (d) allowances to be paid to the persons associated with the sub-committee constituted by the National Executive Committee under sub-section (3) of Section 9;

- (e) the number of members of the National Institute of Disaster Management under sub-section (2), the term of the office and vacancies among members and the manner of filling such vacancies under sub-section (3) and the manner of constituting the Governing Body of the National Institute of Disaster Management under sub-section (4) of Section 42;
- (f) the manner of constitution of the Force, the conditions of service of the members of the Force, including disciplinary provisions under sub-section (2) of Section 44;
- (g) the manner in which notice of the offence and of the intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government or the other authority or officer under clause (b) of Section 60;
- (h) the form in which and the time within which annual report is to be prepared under Section 70;
- (i) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

**76. Power to make regulations.**—(1) The National Institute of Disaster Management, with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) powers and functions to be exercised and discharged by the governing body;
- (b) procedure to be followed by the governing body in exercise of the powers and discharge of its functions.
- (c) any other matter for which under this Act provision may be made by the regulations.

**77. Rules and regulations to be laid before Parliament.**—Every rule made by the Central Government and every regulation made by the National Institute of Disaster Management under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised of one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.



**78. Power of State Government to make rules.**—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the composition and number of the members of the State Authority under sub-section (2), and the term of office and conditions of service of the members of the State Authority under sub-section (5) of Section 14;
- (b) the allowances to be paid to the members of the advisory committee under sub-section (2) of Section 17;
- (c) the powers and functions of the Chairperson of the State Executive Committee under sub-section (3), and the procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions under sub-section (4) of Section 20;
- (d) allowances to be paid to the persons associated with the sub-committee constituted by the State Executive Committee under sub-section (3) of Section 21;
- (e) the composition and the number of members of the District Authority under sub-section (2), and the powers and functions to be exercised and discharged by the Chief Executive Officer of the District Authority under sub-section (3) of Section 25;
- (f) allowances payable to the persons associated with any committee constituted by the District Authority as experts under sub-section (3) of Section 28;
- (g) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House before that House.

**79. Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government or the State Government, as the case may be, by notification in the Official Gazette, make order not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty :

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or the Legislature, as the case may be.





# भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 29th March, 2025/Chaitra 8, 1947 (Saka)*

The following Act of Parliament received the assent of the President on the 29th March, 2025 and is hereby published for general information:—

### THE DISASTER MANAGEMENT (AMENDMENT) ACT, 2025

No. 10 OF 2025

[29th March, 2025.]

An Act to amend the Disaster Management Act, 2005.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Disaster Management (Amendment) Act, 2025.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



Amendment of  
section 2.

2. In section 2 of the Disaster Management Act, 2005 (hereinafter referred to as the principal Act),—

53 of 2005.

(i) in clause (d), the following *Explanation* shall be inserted, namely:—

*‘Explanation.—*For the removal of doubts, it is hereby clarified that the expression “man made causes” does not include any law and order related matter or situation, or any situation arising from a law and order related matter or situation;’;

(ii) after clause (d), the following clause shall be inserted, namely:—

*‘(da) “disaster database” means a database which includes disaster assessment, fund allocation detail, expenditure, preparedness and mitigation plan, risk register according to type and severity of risk and such other relevant matters, in accordance with such policy, as may be determined by the Central Government;’;*

(iii) in clause (e),—

(a) in sub-clause (viii), for the words “rehabilitation and reconstruction”, the words “rehabilitation, recovery and reconstruction” shall be substituted;

(b) the following *Explanation* shall be inserted, namely:—

*‘Explanation.—*For the purposes of this clause, the expression “disaster management” is inclusive of “disaster risk reduction”, that is, the practice of reducing disaster risk through systematic effort to analyse and manage the causal facts of disaster through—

(i) reduced exposure to hazard;

(ii) reduced vulnerability of people, property, infrastructure, economic activity, environmental and natural resource; and

(iii) improved preparedness, resilience and capacity to manage and respond to adverse event;’;

(iv) after clause (e), the following clause shall be inserted, namely:—

*‘(ea) “disaster risk” means the potential loss of life, injury, destroyed or damaged property, infrastructure and assets, economic and social disruption and environmental degradation, which could occur to a system, society or a community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity.*

*Explanation.—*For the purposes of this Act, the expression “infrastructure” refers to physical structures, facilities, networks, systems and assets, which provide services that are essential to the social, ecological and economic functioning of a community or society;’;

(v) after clause (g), the following clauses shall be inserted, namely:—

*‘(ga) “evacuation” means moving people or assets temporarily to safer places before, during or after the occurrence of a hazardous event;*

*(gb) “exposure” means the situation of people, buildings, infrastructure, production capacities and other tangible human assets, the environment and natural resources located in hazard-prone areas.*

*Explanation.—*For the purposes of this clause, the expression “hazard-prone areas” means those locations where different hazards are known to have occurred or likely to occur;

(gc) “hazard” means a process or phenomenon relating to a disaster that may cause—

- (a) loss of life;
- (b) injury or other health impacts;
- (c) damage to property, buildings and infrastructure;
- (d) social and economic disruption; or
- (e) environmental degradation;

(gd) “High Level Committee” means the Committee constituted under section 8B;’;

(vi) in clause (h), after the words “Zila Parishad”, the words “or Autonomous District Council” shall be inserted;

(vii) in clause (i), after the word “situation”, the words “including the provisioning of disaster-resilient infrastructure” shall be inserted;

(viii) after clause (j), the following clause shall be inserted, namely:—

‘(ja) “National Crisis Management Committee” means the Committee constituted under section 8A;’;

(ix) after clause (l), the following clause shall be inserted, namely:—

‘(la) “National Policy” means a statement of guiding principles, and broad course of actions adopted by the Government at the national and state level in pursuit of,—

- (a) national objectives of reducing disaster risk and loss;
- (b) improving preparedness; and
- (c) ensuring resilient recovery from disaster;’;

(x) for clause (m), the following clause shall be substituted, namely:—

‘(m) “preparedness” means the knowledge and capacity of Government, response and recovery organisation, community and individual to anticipate, respond to and recover from threatening disaster situation or disaster;’;

(xi) after clause (n), the following clause shall be inserted, namely:—

‘(na) “prevention” means activity and measure to avoid potential adverse impact of disaster;’;

(xii) for clause (o), the following clauses shall be substituted, namely:—

‘(o) “reconstruction” means rebuilding and restoration of infrastructure, service, building and facility required for the functioning of a community affected by a disaster;

(oa) “recovery” means the restoration or improvement of economic, physical, social, cultural and environmental assets, system and activity, of a disaster-affected community;

(ob) “rehabilitation” means the restoration of basic service, facility and capacity for the functioning of a disaster-affected community;

(oc) “resilience” means the ability of a system, community or society exposed to hazards to resist, absorb, respond to and recover from the effects of a hazard in a timely and efficient manner and the expression “resilient” shall be construed accordingly;’;



(xiii) after clause (p), the following clause shall be inserted, namely:—

“(pa) “response” means the action taken directly before, during or after a disaster in order to save lives, reduce injury and health impact, ensure public safety and meet the basic subsistence needs of the people affected;”;

(xiv) after clause (t), the following clauses shall be inserted, namely:—

“(u) “Urban Authority” means the Urban Disaster Management Authority constituted under sub-section (1) of section 41A;

(v) “Urban Plan” means the plan for disaster management, prepared by the Urban Authority under sub-section (4) of section 41A;

(w) “vulnerability” means the conditions determined by physical, social, economic and environmental factor or process which increase the susceptibility of an individual, a community, asset, infrastructure or system to the impact of hazard.’.

Amendment of section 3.

3. In section 3 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) The day-to-day functions of the National Authority shall be performed by the Vice-Chairperson and in the absence of the Vice-Chairperson, by a member designated by the Chairperson or, as the case may be, the Vice-Chairperson, of the National Authority.”.

Substitution of new section for section 5.

4. For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. (1) The National Authority may, with the previous approval of the Central Government, specify the number, nature and category of officers and other employees, as is necessary to carry out its functions.

(2) The National Authority may also appoint experts and consultants as necessary to perform its functions.

(3) The salaries and allowances payable to, and other terms and conditions of service of officers, other employees, experts and consultants of the National Authority, shall be such as may be prescribed by the Central Government.”.

Appointment of officers and other employees of National Authority.

Amendment of section 6.

5. In section 6 of the principal Act, in sub-section (2),—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) coordinate the preparation and approval of the National Plan;”;

(ii) in clause (i), after the words “take such other measures”, the words “which includes providing technical guidance to State Governments and State Authorities” shall be inserted;

(iii) after clause (j), the following clauses shall be inserted, namely:—

“(k) coordinate and monitor the implementation of the National Policy;

(l) lay down guidelines for preparing disaster management plan by different Ministries or Departments of the Central Government and the State Authorities;

(m) provide necessary technical guidance to the State Governments and the State Authorities for preparing their disaster management plans in accordance with the guidelines laid down by it;

(n) provide necessary advice and technical guidance to different Ministries or Departments and agencies of the Government of India, and the State Governments regarding mitigation, preparedness, and recovery and reconstruction measures;

(o) take stock of the entire range of disaster risks in the country periodically, including emerging disaster risks, and issue updated guidance for their mitigation.

*Explanation.*—For the purposes of this clause, it is hereby clarified that the expression “emerging disaster risks” refer to risks of those disasters that may not have taken place, but may occur in future due to extreme climate events and other factors as may be determined by the National Authority;

(p) plan and coordinate specialised training programmes for disaster management for different levels of officers, employees and voluntary rescue workers;

(q) provide necessary technical guidance or give advice to the State Authorities, District Authorities and Urban Authorities for carrying out their functions under this Act;

(r) promote general education and awareness in relation to disaster management;

(s) monitor the implementation of the guidelines laid down by the National Authority for integrating disaster prevention and mitigation measures in the development plans and projects of Ministries or Departments of the Government of India;

(t) undertake disaster preparedness assessment of each State periodically, in line with the National Plan and the guidelines laid down by it;

(u) undertake in the aftermath of severe disaster in any State, post disaster audit of preparedness and response activities of the State;

(v) create a national disaster database in accordance with such policy as may be determined by the Central Government;

(w) recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which may 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 provision 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; and

(iv) such other reliefs as the National Authority may deem appropriate.’.

6. After section 8 of the principal Act, the following sections shall be inserted, namely:—

“8A. (1) The National Crisis Management Committee constituted by the Government of India prior to the commencement of the Disaster Management (Amendment) Act, 2025, shall be the National Crisis Management Committee for the purposes of this Act and act as the nodal body to deal with the major disasters which have serious or national ramifications.

Insertion of new sections 8A and 8B.

National Crisis Management Committee.



(2) The National Crisis Management Committee referred to in sub-section (1) shall consist of the Cabinet Secretary as Chairperson and such other members as may be notified by the Central Government.

(3) The Chairperson of the National Crisis Management Committee may invite any other officer of the Central Government or a State Government for taking part in any meeting of such Committee and shall exercise such powers and perform such functions as the Central Government may determine.

(4) The procedure to be followed by the National Crisis Management Committee, in exercise of its powers and discharge of its functions, shall be such as may be prescribed by the Central Government.

High Level  
Committee.

8B. (1) The High Level Committee constituted by the Government of India prior to the commencement of the Disaster Management (Amendment) Act, 2025, shall be the High Level Committee for the purposes of this Act which shall provide the financial assistance as envisaged under section 46 to the State Governments in the event of a disaster and approve the financial assistance for mitigation needs under section 47.

(2) The High Level Committee referred to in sub-section (1) shall consist of the Minister in-charge of the Ministry or Department of the Central Government having administrative control over the disaster management as the Chairperson and such other members as may be notified by the Central Government.”.

Amendment of  
section 10.

7. In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

‘(2) Without prejudice to the generality of the provisions contained in sub-section (1), the National Executive Committee may,—

(a) act as the coordinating body for disaster management;

(b) monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Government of India;

(c) monitor, coordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the Government of India;

(d) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening disaster situation or disaster and provide necessary advice, where necessary, for enhancing such preparedness;

(e) coordinate response in the event of any threatening disaster situation or disaster;

(f) lay down guidelines, or give directions to, Ministries or Departments of the Government of India, the State Governments and the State Authorities concerned regarding measures to be taken by them in response to any threatening disaster situation or disaster;

(g) require any Ministry or Department or agency of the Government to make available to the Central Government or State Government such men or material resources as are available with it for the purposes of emergency response, rescue and relief;

(h) advise, assist and coordinate the activities of the Ministries or Departments of the Government of India, State Governments, statutory bodies, other governmental or non-governmental organisations and others engaged in disaster management;

(i) in the event of a disaster or a threatening disaster situation affecting more than one State, issue directions for:—

- (i) coordination between the States concerned;
- (ii) containment measures as deemed necessary;
- (iii) monitoring and forecasting the effects of the disaster across multiple States;
- (iv) deployment of specialised teams, material resources and equipment;
- (v) requisitioning of necessary resources and technical capacities from public and private entities and their deployment towards reducing the impact of the disaster;
- (vi) adequate public awareness measures; and
- (vii) coordination of support to individuals and communities affected by containment measures; and

(j) perform such other functions as it may deem appropriate.

*Explanation.*—For the purposes of this section, it is hereby clarified that the expression “containment measures” means the actions and strategies adopted at the individual, community, district, State, multi-State or national levels aimed at controlling or slowing the spread of a disaster from its initial focal area.’.

8. In section 11 of the principal Act,—

Amendment of  
section 11.

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The National Authority shall coordinate, in consultation with the Central Government and the State Governments and other stakeholders in the field of disaster management, for preparation and approval of the National Plan having regard to the National Policy.”;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The National Authority shall review the National Plan once in every three years and update at least once in every five years.”.

9. Sections 12 and 13 of the principal Act shall be omitted.

Omission of  
sections 12 and 13.

10. In section 18 of the principal Act, in sub-section (2),—

Amendment of  
section 18.

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) coordinate the preparation, and approve the State Plan in accordance with the guidelines laid down by the National Authority;”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(ca) approve the District Plan and Urban Plan, prepared by the District Authorities and Urban Authorities respectively, in accordance with the National Plan and State Plan;”;

(iii) after clause (h), the following clauses shall be inserted, namely:—

“(i) take stock of the entire range of disaster risks in the State, periodically including emerging disaster risks, and take necessary measures for their mitigation;

(j) coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan;



(k) lay down guidelines for preparation of disaster management plan by the Departments of the Government of the State, the District Authorities and the Urban Authorities;

(l) promote general education, awareness and community training in regard to the forms of disasters to which different parts of the State are vulnerable and the measures that may be taken by such community to prevent the disaster, mitigate and respond to such disaster;

(m) provide necessary technical assistance or give advice to the District Authorities, local authorities and Urban Authorities for carrying out their functions effectively;

(n) provide information to the National Authority relating to different aspects of disaster management;

(o) lay down guidelines for standards of relief to persons affected by disasters in the State:

Provided that such standards shall in no case be less than the minimum standards in the guidelines laid down by the National Authority in this regard;

(p) maintain the State disaster database and provide inputs to the National disaster database.”.

Omission of  
section 19.

Amendment of  
section 20.

**11.** Section 19 of the principal Act shall be omitted.

**12.** In section 20 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(c) the Director General of Police of the State shall be member of the State Executive Committee, *ex officio*.”.

Amendment of  
section 22.

**13.** In section 22 of the principal Act, in sub-section (2),—

(i) clauses (a) and (c) shall be omitted;

(ii) in clause (d), for the words “and District Authorities”, the words “, the District Authorities and the Urban Authorities” shall be substituted;

(iii) clause (i) shall be omitted;

(iv) in clause (j), after the words “District Authorities”, the words “, Urban Authorities,” shall be inserted;

(v) clause (k) shall be omitted;

(vi) in clause (m), for the words “District Authority or the local authority”, the words “District Authority, Urban Authority or the local authority” shall be substituted;

(vii) clause (n) shall be omitted.

Amendment of  
section 23.

**14.** In section 23 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The State Authority shall coordinate the preparation of the State Plan having regard to the National Plan and guidelines laid down by the National Authority, and in consultation with local authorities, District Authorities, Urban Authorities and the people’s representatives as the State Authority may deem fit.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The State Plan shall be approved by the State Authority.”;

(iii) in sub-section (4), for clause (a), the following clause shall be substituted, namely:—

“(a) the exposure of different parts of the State to different hazards and vulnerability of its people, assets, infrastructure, livelihood and economic activity to those hazards;”;

(iv) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) The State Authority shall review the State Plan once in every three years and update atleast once in every five years.”.

**15.** In section 24 of the principal Act, in clause (e), after the words “any District Authority”, the words “, any Urban Authority” shall be inserted.

Amendment of section 24.

**16.** In section 25 of the principal Act, in sub-section (2), for clause (f), the following clause shall be substituted, namely:—

Amendment of section 25.

“(f) not exceeding two other Members to be appointed by the State Government who may be taken from other district level officers, disaster management experts and civil society organisation.”.

**17.** In section 31 of the principal Act, in sub-section (4), for the word “annually”, the words “at least once in every two years or earlier as necessary” shall be substituted.

Amendment of section 31.

**18.** In section 35 of the principal Act, in sub-section (2),—

Amendment of section 35.

(i) in clause (a), for the words “coordination of actions”, the words “coordinate and monitor actions” shall be substituted;

(ii) clauses (b) and (d) shall be omitted;

(iii) after clause (h), the following clause shall be inserted, namely:—

“(ha) notify the Ministries or Departments of the Government of India which shall have the responsibility for monitoring, early warning, prevention, mitigation, preparedness and capacity building with regard to disasters arising from various hazards;”.

**19.** In section 36 of the principal Act,—

Amendment of section 36.

(i) for clause (f), the following clause shall be substituted, namely:—

“(f) provide assistance to the National Authority and State Government for drawing up mitigation, preparedness and response plans, capacity building, data collection and identification and training of personnel in relation to disaster management;”;

(ii) in clause (g), after sub-clause (v), the following sub-clauses shall be inserted, namely:—

“(vi) carrying out rescue and relief operations in the affected area;

(vii) assessing the damage from any disaster; and

(viii) carrying out the rehabilitation and re-construction;”.

**20.** In section 38 of the principal Act, in sub-section (2),—

Amendment of section 38.

(i) in clause (a),—

(a) after the words “District Authorities”, the words “, Urban Authorities” shall be inserted;

(b) for the words “local authority”, the words “local authorities” shall be substituted;



(ii) in clause (b), for the words “and the District Authorities”, the words “the District Authorities and the Urban Authorities” shall be substituted;

(iii) in clause (d), for the words “and the District Plans”, the words “, the District Plans and the Urban Plans” shall be substituted;

(iv) in clause (i), for the words “and the District Authorities”, the words “, the District Authorities and the Urban Authorities” shall be substituted;

(v) after clause (i), the following clause shall be inserted, namely:—

“(ia) notify State-specific hazard-wise nodal Departments, which shall have the responsibility for monitoring, early warning, prevention, mitigation, preparedness and capacity building with regard to disasters arising from those State-specific hazards;”;

(vi) in clause (j), for the words “or the District Authorities”, the words “, the District Authorities or the Urban Authorities” shall be substituted;

(vii) for clause (k), the following clause shall be substituted, namely:—

“(k) provide recovery and reconstruction assistance to the victims of any disaster; and”.

Amendment of  
section 39.

**21.** In section 39 of the principal Act,—

(a) in clause (f), for the words “and District Authorities”, the words “District Authorities and Urban Authorities” shall be substituted;

(b) in clause (g), after the words “authorities at the district level”, the words “and the Urban Plan by the Urban Authorities” shall be inserted;

(c) in clause (h), after the words “District Authorities”, the words “or the Urban Authorities” shall be inserted.

Amendment of  
section 41.

**22.** In section 41 of the principal Act, in sub-section (I), after clause (d), the following clause shall be inserted, namely:—

“(e) prepare a disaster management plan as referred to in section 32.”.

Insertion of new  
section 41A.

**23.** After section 41 of the principal Act, the following section shall be inserted, namely:—

Urban Disaster  
Management  
Authority.

‘41A. (I) The State Government may, by notification in the Official Gazette, constitute a separate Urban Disaster Management Authority for their State capitals and all cities having a Municipal Corporation, except for the National Capital Territory of Delhi and Union territory of Chandigarh.

(2) The Urban Authority constituted under sub-section (I) shall consist of the following, namely:—

(i) the Municipal Commissioner—Chairperson, *ex officio*;

(ii) the District Collector of the District concerned—Vice Chairperson, *ex officio*; and

(iii) such other members, with such pay and allowances as may be determined by the State Government—members.

(3) The Urban Authority may have a separate Secretariat at such place in the district as may be determined by the State Government.

(4) The Urban Authority shall be responsible for preparation of Urban Plan, which shall be approved by the State Authority.

(5) The Urban Authority shall be responsible for coordinating the implementation of the Urban Plan.

(6) The other functions and powers and such other matters relating to the Urban Authority shall be such as may be prescribed by the State Government.

*Explanation.*—For the purposes of this section, the expression “Municipal Corporation” means a Municipal Corporation as referred to in clause (c) of article 243Q of the Constitution.’.

24. For section 43 of the principal Act, the following section shall be substituted, namely:—

“43. (1) The Central Government shall provide the National Institute of Disaster Management with such officers, other employees and consultants, as it considers necessary, for carrying out its functions.

(2) The National Institute may recruit experts as per norms approved by the Central Government to perform such functions as provided in sub-section (9) of section 42.

(3) The salaries, allowances payable to officers and employees and the other terms and conditions of their service shall be such as may be prescribed.”.

25. In Chapter VIII of the principal Act, for the heading, the heading “DISASTER RESPONSE FORCE” shall be substituted.

26. After section 44 of the principal Act, the following section shall be inserted, namely:—

“44A. (1) The State Government may, by notification in the Official Gazette, constitute a State Disaster Response Force for the purpose of specialist response to a threatening disaster situation or disaster.

(2) Subject to the provisions of this Act, the State Disaster Response Force shall be constituted in such manner, with such functions and the terms and conditions of service of the members of such Force shall be such as may be prescribed by the State Government concerned.”.

27. In section 46 of the principal Act,—

(i) in sub-section (1), for the words “for meeting any threatening disaster situation or disaster”, the words “for meeting different aspects of disaster management” shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Fund constituted under sub-section (1), shall be applied in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.”.

28. In section 47 of the principal Act,—

(i) in sub-section (1), for the words “for projects exclusively for the purpose of mitigation”, the words “for meeting disaster mitigation needs” shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Fund constituted under sub-section (1), shall be applied in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.”.

29. In section 48 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Substitution of new section for section 43.

Officers, employees, experts and consultants of National Institute.

Amendment of Chapter VIII.

Insertion of new section 44A.

State Disaster Response Force.

Amendment of section 46.

Amendment of section 47.

Amendment of section 48.



“(2) The State Government shall ensure that the funds established—

(i) under clauses (a) and (c) of sub-section (1) are available to the State Executive Committee and the State Authority respectively and are applied as per the guidelines issued by the Central Government in consultation with the National Authority;

(ii) under clauses (b) and (d) of sub-section (1) are available to the District Authority.”.

Amendment of  
section 50.

**30.** In section 50 of the principal Act,—

(i) in the opening portion, after the words “or the District Authority”, the words “or the Urban Authority” shall be inserted;

(ii) in clause (b), after the words “or District Authority”, the words “or Urban Authority” shall be inserted.

Amendment of  
section 51.

**31.** In section 51 of the principal Act,—

(i) in clause (a), after the words “or District Authority”, the words “or Urban Authority” shall be inserted;

(ii) in clause (b), after the words “or the District Authority”, the words “or the Urban Authority” shall be inserted.

Amendment of  
section 52.

**32.** In section 52 of the principal Act, for the words “or the District Authority”, the words “, the District Authority or the Urban Authority” shall be substituted.

Amendment of  
section 56.

**33.** Section 56 of the principal Act shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding any action under sub-section (1), it shall be lawful for the State Government on its own or on the directions given by the Central Government to take such disciplinary action under the relevant rules, against any officer who ceases or refuses to perform or withdraws himself from the duties of his office or on grounds of insubordination or dereliction of duty during a disaster:

Provided that the action taken by the State Government shall not be inconsistent with the directions given by the Central Government.”.

Amendment of  
section 59.

**34.** In section 59 of the principal Act, for the word and figures “and 56”, the words, brackets and figures “and sub-section (1) of section 56” shall be substituted.

Amendment of  
section 60.

**35.** In section 60 of the principal Act, in clause (a) and clause (b), after the words “the District Authority”, the words “, the Urban Authority” shall be inserted.

Insertion of new  
section 60A.

**36.** After section 60 of the principal Act, the following section shall be inserted, namely:—

Power of Central  
Government or  
State  
Government to  
take action in  
relation to nature  
of hazard and  
punishment for  
its  
contravention.

“60A.(1) The Central Government or the State Government may, by notification in the Official Gazette, require any person to take any action or refrain from taking any action, in relation to the nature of the hazard, which in the opinion of the Central Government or the State Government, as the case may be, is required for reducing the impact of a disaster.

(2) Any notification issued under this section shall be valid for a period specified therein or six months, whichever is earlier.

(3) Whoever contravenes the provisions of this section shall be liable to pay a penalty as specified in the notification of the Central Government or the State Government, as the case may be:

Provided that the penalty referred to in this sub-section shall not exceed ten thousand rupees.”.

**37.** In section 61 of the principal Act, the words “compensation and” shall be omitted.

Amendment of section 61.

**38.** In section 63 of the principal Act, after the words “or District Authority”, the words “or Urban Authority” shall be inserted.

Amendment of section 63.

**39.** In section 64 of the principal Act, after the words “or the District Authority”, the words “or the Urban Authority” shall be inserted.

Amendment of section 64.

**40.** In section 65 of the principal Act,—

Amendment of section 65.

(i) in sub-section (1), in the opening portion, after the words “or District Authority”, the words “or Urban Authority” shall be inserted;

(ii) in sub-section (3), for clause (a), the following clause shall be substituted, namely:—

“(a) “resources” includes human and material resources, and equipment;”.

**41.** In section 67 of the principal Act, for the words “or a District Authority”, the words “, a District Authority or an Urban Authority” shall be substituted.

Amendment of section 67.

**42.** In section 68 of the principal Act, for the words “or the District Authority” occurring at both the places, the words “, a District Authority or an Urban Authority” shall be substituted.

Amendment of section 68.

**43.** In section 69 of the principal Act, after the words “State Executive Committee”, the words “National Authority, State Authority, District Authority or Urban Authority” shall be inserted.

Amendment of section 69.

**44.** In section 71 of the principal Act, for the words “or District Authority”, the words “, District Authority or Urban Authority” shall be substituted.

Amendment of section 71.

**45.** In section 73 of the principal Act, after the words “the District Authority” occurring at both the places, the words “or the Urban Authority” shall be inserted.

Amendment of section 73.

**46.** In section 74 of the principal Act, for the words “or District Authority”, the words “, District Authority or Urban Authority” shall be substituted.

Amendment of section 74.

**47.** In section 75 of the principal Act, in sub-section (2),—

Amendment of section 75.

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) the salaries, allowances and other terms and conditions of service of officers, other employees, experts and consultants of the National Authority under sub-section (3) of section 5;”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(ca) the procedure to be followed by the National Crisis Management Committee in exercise of its powers and discharging of its functions under sub-section (4) of section 8A;”;

(iii) after clause (e), the following clause shall be inserted, namely:—

“(ea) the salaries, allowances and the other terms and conditions of service of officers and other employees of the National Institute under sub-section (3) of section 43;”.



Insertion of new  
section 76A.

**48.** After section 76 of the principal Act, the following section shall be inserted, namely:—

Power of  
National  
Authority to  
make  
regulations.

“76A. Without prejudice to the provisions of section 76, the National Authority, with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations, other than regulations made under section 76, consistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act.”.

Amendment of  
section 77.

**49.** In section 77 of the principal Act, after the words “National Institute of Disaster Management”, the words “and the National Authority” shall be inserted.

Amendment of  
section 78.

**50.** In section 78 of the principal Act, in sub-section (2), after clause (f), the following clauses shall be inserted, namely:—

“(fa) the powers, functions and other matters relating to Urban Authority under sub-section (6) of section 41A;

(fb) the manner of constitution of State Disaster Response Force, its functions and the terms and conditions of service of members of such Force under sub-section (2) of section 44A;”.

Amendment of  
section 79.

**51.** In section 79 of the principal Act, after sub-section (1) and the proviso thereunder, the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), if any difficulty arises in giving effect to the provisions of this Act as amended by the Disaster Management (Amendment) Act, 2025, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this sub-section after the expiry of a period of three years from the date of commencement of the Disaster Management (Amendment) Act, 2025.”.

DR. RAJIV MANI,  
*Secretary to the Govt. of India.*