



**ORIGINAL RESEARCH PAPER**

**Law**

**AN OVERVIEW OF DISASTER MANAGEMENT ACT, 2005 DURING COVID-19**

**KEY WORDS:** Disaster COVID-19 Epidemics Pandemic Preparedness Policy.Victims

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**ABSTRACT**

The Disaster Management Act, 2005 was passed in the year of 2005, in the aftermath of the Tsunami disaster which occurred on 26th December, 2004. The provision was enacted under Entry 23 of the concurrent List and seventh Schedule to the Constitution which was related to "Social security and social insurance; employment and unemployment". This article examines the robustness of the Disaster Management Act 2005 with specifically refer to Covid-19. It also relates with policies and institutional framework, focusing on pre-disaster preparedness, during-disaster preparedness, and post-disaster preparedness. In this article, the researchers highlighted what organizations and executive agencies are doing and how they are implementing the rights of disaster victims during covid 19.

**I. INTRODUCTION**

The word disaster has its root in astrology as in Greek 'dis' means bad and 'aster' means star. This signifies that when the star is in a bad position, a bad event will happen, hence disaster can be considered as the impact of natural or man-hazards that negatively affects society or environment. Disasters are tragic incidents that result from interactions between hazardous processes and vulnerable human populations which cost innumerable lives and properties in their wake. They are seen in much the same way as diseases: unpredictable, unlucky and part of everyday risk of living. There are no recognizable patterns to disasters, with each disaster event being distinct from the other. They are generally categorized as: natural or man-made; gradual or rapid; single or compound events; or, major or minor events. These categorizations are for academic rationale only, because virtually from the standpoint of a disaster victim who has experienced the trauma of calamity, these classifications serve no purpose.

**II. GENERAL PARLANCES OF COVID-19/ EPIDEMIC**

The novel coronavirus disease (COVID-19) crisis has significantly redefined the humanitarian emergency paradigm and changed our understanding of disaster management in several ways. First, the crisis is not restricted by a geographic area or a cluster or physically defined areas in which the disaster occurred — as in an earthquake, flood or cyclone. Second, effects of the disaster are so microscopic and invisible that one can easily underestimate its virulence or potency, as it happened in the early days of the pandemic. The world as we know it began to change on 31<sup>st</sup> December 2019. The covid 19 pandemic, potentially one of the most significant disasters in modern history, began when China first reported cases of pneumonia of an unknown origin in Wuhan city, Hubei province. Covid 19 an infectious disease caused by severe acute respiratory syndrome coronavirus-2 (SARS-CoV-2) spread across China through January. As cases accelerated and the death toll mounted, images of emptied cities and mask-wearing citizen filled the news.

For India, as for the rest of the world, covid-19 has been a disaster of unprecedented proportions. As of 31<sup>st</sup> may 2020, covid-19 had spread to more than 200 countries and territories, with nearly six million confirmed cases and 367,255 deaths. At this time the ministry of health and family welfare of India reported 1,82,143 confirmed cases; of which 86,984 had recovered and 5,164 had lost their lives.

**III. PROCEDURAL APPROACH OF DISASTER MANAGEMENT ACT, 2005**

Covid-19 is kind of pandemic which brought the DM Act to the front stage. in all the discussions including discussions

focusing on proficiency of the DM Act itself. It is the pan India disaster being managed after the enactment of the DM Act in 2005. Covid-19 has resulted into unpredictable steps which are also being termed rigid by a few. Various government authorities have promulgated their respective powers under the Disaster Management (DM) Act, 2005 to handle with the novel coronavirus (COVID-19) outbreak in the country.

The legislative intent of the Disaster Management, Act was to, "provide for the effective management of disasters". The ambit of this Act to make effective management preparedness pre- disaster during disaster and post disaster. The national Disaster Management Authority (NDMA) under this Act is the nodal central body for coordinating with disaster management, and Prime Minister as its Chairperson. Under this Act the NDMA lays down policies plans and guidelines for management of disaster. Simultaneously, the Disaster management Act empowers to established the disaster management authority at State, District, and Local level.

**IV. SOCIAL DISTANCING AND DISASTER MANAGEMENT ACT, 2005**

Social distancing means avoiding close physical contact so the coronavirus that causes COVID-19 cannot spread between people. Close personal contact means being within 6 feet (2 meters) of another person for at least 15 minutes over 24 hours. It is important to follow worldwide, national, and local social distancing guidelines. The guidelines help prevent the spread of the coronavirus that causes COVID-19. The NDMA has devised guidelines under the Act, to deal with various types of disasters. In July 2008, it brought out a document comprising Biological Disaster Management (BDM) guidelines. The document almost prophetically highlighted the increase in international travel as a factor that "exposes the whole world to epidemics" and acknowledges the ever-looming threat of spreading of such diseases to disastrous levels. In terms of immediate response for handling the outbreak of a pandemic, the guidelines suggest that the affected persons shall be quarantined and put under observation.

The testing strategy, as directed by the Indian Council of Medical Research (ICMR), for initial few weeks was focused only on those who had come from affected areas abroad or have been in contact with such persons. On March 20, 2020, the testing criteria was expanded to include all hospitalised patients with severe acute respiratory illness, shortness of breath and fever and cough.

**V. ADMINISTRATIVE CONTROL OF NATIONAL DISASTER MANAGEMENT AUTHORITY (NDMA) DURING COVID- 19**

The National Disaster Management Authority was constituted to carry out the objectives of the Disaster Management Act i.e., reformative steps for the extinguishing of disasters, prepare for and coordinate effective response to disasters. The Central Government, irrespective of any law in force (including over-riding powers) can issue any directions to any authority anywhere in India to facilitate or assist in the disaster management.

NDMA has taken responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective measures to disaster. the National Executive Committee (NEC) assists the NDMA in the exercise of its functions and also to make the compliance of directions issued by the Central Government for the purpose of disaster management in the country. In case of NEC, the Secretary of Home Ministry is the Chairperson, ex officio because the Home Ministry of the Central Government is the ministry having administrative control of disaster management. every Ministry or Department of the Government of India has a responsibility to take measures necessary for prevention of disasters, mitigation, preparedness and capacity building in accordance with the guidelines laid down by the National Authority.

**VI. ADMINISTRATIVE CONTROL OF STATE DISASTER MANAGEMENT AUTHORITY DURING COVID**

Importantly, any such directions issued by Central Government and NDMA must necessarily be followed the Union Ministries, State Governments and State Disaster Management Authorities. Each State Government shall take all measures specified in the guidelines laid down by the National Authority. The State Governments are also expected to cooperate and assist NDMA. The departments of the State Governments have same responsibilities. the Central Government can issue directions in writing to the State Government, State Authority, State Executive Committee (SEC), statutory bodies to facilitate or assist in the disaster management and such Government will be obliged to comply with such direction. Insofar as the provisions under the Disaster Management Act, 2005 is concerned, in the current scenario, the decision-making authority for Covid-19 emergency is NDMA. The Secretary to the Home Ministry who is also the ex officio Chairperson of NEC, is issuing the directions. Under the directions of NDMA, in the exercise of its powers, Chairperson of NEC issued directions vide order dated 24<sup>th</sup> March, 2020 to all Ministries/Department of Government of India, State Governments/Union Territories and State/Union Territory Authorities with guidelines to implement the lockdown measures.

**VII. CONCLUSION**

The lockdown is constitutionally valid, but the success of this lockdown and fight against Covid-19 depends fully on the coordination amongst various stakeholders. It includes political coordination led by the Central Government. The DM Act provides sufficient legal framework to handle all disaster situations. In fact, it came in handy in case of the epidemic due to its broad definition and already existent mechanism. We must also learn a few lessons from the countries which are facing the second wave of Covid-19. In the true spirit of DM Act and federal structure, national and state political and administrative agencies should be more collaborative and consultative. Issues like movement of migrant labourers, availability of food, arranging livelihoods to daily wagers, relief camps, entitlement of statutory minimum relief, etc. that directly affects millions in the country needs special attention. Incidentally, the 'Report of the Task Force to review DM Act'2013 suggested that the present structure of various authorities under the DM Act are not conducive for carrying out the tasks it has been mandated to perform.

Finally effective implementation of the national and state decisions under the DM Act is dependent on its ground level

implementation; district administration and local self-government institutions remains the best bet. As per mandate of DM Act, a concerted effort is required to ensure that these bodies are administratively, politically and financially empowered.

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