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LEGISLATION TRACKER

Disaster Management Act, 2005

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SUBJECTS COVERED

POLITY

CURATED & WRITTEN BY

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ACT NUMBER	YEAR ENACTED
Act No. 53 of 2005	2005

KEY PROVISIONS

- 1 Establishment of National Disaster Management Authority (NDMA) chaired by the Prime Minister (Section 3)
- 2 Establishment of State Disaster Management Authorities (SDMA) chaired by the Chief Minister (Section 14)
- 3 Establishment of District Disaster Management Authorities (DDMA) chaired by the District Magistrate (Section 25)
- 4 Creation of National Disaster Response Force (NDRF) for specialist disaster response (Section 44)
- 5 National Plan, State Plans, and District Plans for disaster management (Sections 11, 23, 31)
- 6 National Institute of Disaster Management (NIDM) for capacity building and training (Section 42)
- 7 Power to issue binding directions and requisition resources during disasters (Sections 35-39)

BACKGROUND

The Disaster Management Act, 2005 (DM Act) was enacted on 23 December 2005 to provide for the effective management of disasters in India. The Act established a comprehensive institutional and legal framework for disaster management at the national, state, and district levels. It was a direct response to the devastating Indian Ocean Tsunami of 26 December 2004, which killed over 10,000 people in India (primarily in Tamil Nadu, Andaman & Nicobar Islands, and Andhra Pradesh) and exposed the absence of a unified disaster management framework.

Before this Act, disaster management in India was handled in an ad hoc manner. The primary legislation used during disasters was the Relief Code (a colonial-era revenue administration tool) and the Epidemic Diseases Act, 1897. The National Crisis Management Committee under the Cabinet Secretary coordinated disaster

response, but without statutory authority. The Tenth Finance Commission (1995-2000) had recommended creation of a National Centre for Calamity Management, and the High Powered Committee on Disaster Management (1999) under J.C. Pant recommended comprehensive legislation.

The Act draws upon India's experience with the Odisha Super Cyclone (1999), Gujarat Earthquake (2001), and the 2004 Tsunami. It shifted the paradigm from a relief-centric approach to a holistic one encompassing prevention, mitigation, preparedness, response, and recovery. The Act applies to the whole of India and covers all types of disasters — natural and man-made.

KEY CONCEPTS

- **Disaster (Section 2(d)):** 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.
- **National Disaster Management Authority (NDMA) (Section 3):** The apex body, chaired by the Prime Minister, with not more than 9 members appointed by the PM. It lays down policies, plans, and guidelines for disaster management; coordinates enforcement and implementation; and approves the National Plan. The PM is the ex officio Chairperson.
- **National Disaster Response Force (NDRF) (Section 44):** A specialist force constituted for the purpose of specialist response to a threatening disaster situation or disaster. Battalions are raised from the paramilitary forces (BSF, CRPF, CISF, ITBP, SSB). As of 2025, NDRF has 16 battalions with approximately 18,000 personnel stationed across the country.
- **Disaster Management Cycle:** The Act operationalises the five phases: Prevention (avoiding the hazard), Mitigation (reducing impact), Preparedness (planning and training), Response (immediate actions during disaster), and Recovery (restoration and reconstruction).
- **National Executive Committee (NEC) (Section 8):** Chaired by the Secretary to the Government of India in the Ministry of Home Affairs. It assists NDMA in performing its functions, coordinates response in the event of any threatening disaster, and monitors implementation of the National Plan.
- **Mitigation Fund and Response Fund (Section 46-47):** The Act provides for creation of National, State, and District level Disaster Response Funds and Disaster Mitigation Funds. The National Disaster Response Fund (NDRF — not to be confused with the force) and State Disaster Response Fund (SDRF) are the primary funding mechanisms.

IMPORTANT PROVISIONS

- **Section 3 — NDMA:** The National Disaster Management Authority shall be responsible for laying down policies on disaster management. It may approve the National Plan and plans prepared by ministries/departments. The Chairperson (PM) may exercise all powers of the Authority in emergency situations.
- **Section 6 — National Plan:** NDMA shall lay down a National Plan to be prepared by the NEC. The Plan shall include measures for prevention of disasters, mitigation, capacity building, and prompt response. It shall be reviewed and updated annually. All departments shall prepare their own disaster management plans in accordance with the National Plan.
- **Section 25-29 — District Disaster Management Authority (DDMA):** Chaired by the District Magistrate/Collector with an elected representative as co-chairperson. DDMA acts as the planning, coordinating, and implementing body for disaster management at the district level. It prepares the District Disaster Management Plan, coordinates with local authorities, and ensures compliance with directions from NDMA and SDMA.
- **Section 35-36 — Central Government Powers:** The Central Government may take such measures as it deems necessary for disaster management. It may give directions to any ministry or state government regarding disaster management actions. These directions are binding.
- **Section 38-39 — State and District Level Response:** The state government shall take all measures for disaster management as specified in the State Plan. The District Authority shall act as the district planning, coordinating, and implementing body and take all measures for disaster management at the district level.
- **Section 51 — Punishment for Obstruction:** Whoever, without reasonable cause, obstructs any officer or employee of the Central or State Government, or a person authorised by NDMA or SDMA, from discharging duties under this Act, or refuses to comply with any direction given under the Act, shall be punishable with imprisonment up to 1 year, or fine, or both. If obstruction results in loss of lives, imprisonment up to 2 years.

LANDMARK JUDGMENTS

- **In Re: Cognizance for Extension of Limitation (2020):** During the COVID-19 pandemic, the Supreme Court invoked its inherent powers and extended the limitation period for filing cases across all courts, recognising the pandemic as a disaster under the DM Act. This was a significant application of the Act to a health emergency and validated the use of DM Act for pandemic management.

- **Swaraj Abhiyan v. Union of India (2016):** The Supreme Court dealt with the failure of the state to provide drought relief, observing that the DM Act mandates effective disaster management including drought. The Court directed the NDMA to revise drought management guidelines and asked states to prepare drought management plans under the Act.
- **Gaurav Kumar Bansal v. Union of India (2021):** The Supreme Court directed the NDMA to formulate guidelines for dignified disposal of dead bodies during COVID-19 and for providing ex-gratia compensation to families of COVID-19 victims under the DM Act. NDMA subsequently announced Rs 50,000 ex-gratia per deceased.

RECENT AMENDMENTS / DEVELOPMENTS

- **COVID-19 and DM Act Invocation:** The DM Act was extensively used during the COVID-19 pandemic (2020-2023). The national lockdown was imposed under Section 6(2)(i) of the DM Act read with Section 10(2)(l), which empowered NDMA to issue directions to ministries and state governments. SDRF funds were released for pandemic response. This was the first time the Act was used for a health disaster at a national scale.
- **NDMA Guidelines:** NDMA has issued over 30 sets of guidelines covering specific hazards — earthquakes, floods, cyclones, chemical disasters, nuclear emergencies, biological disasters, landslides, tsunamis, urban floods, heat waves, and cold waves. These are periodically updated based on new risk assessments.
- **NDRF Expansion:** The NDRF has expanded from 8 battalions at inception to 16 battalions (each with 1,149 personnel). Battalions are drawn from BSF (3), CRPF (3), CISF (2), ITBP (2), SSB (2), and Assam Rifles (1), with presence at 68 locations including 28 Regional Response Centres and 24 Tactical Pre-positioning Locations. NDRF has conducted operations during major disasters including Kerala Floods (2018, 2019), Cyclone Amphan (2020), Cyclone Biparjoy (2023), Uttarakhand floods, and the Joshimath subsidence (2023). Teams have also been deployed internationally (Nepal Earthquake 2015, Turkey Earthquake 2023).
- **Disaster Management (Amendment) Act, 2025 (Act No. 10 of 2025):** The Disaster Management (Amendment) Bill, 2024 was introduced in Lok Sabha on 1 August 2024, passed by Lok Sabha on 12 December 2024, and by Rajya Sabha on 25 March 2025. It received Presidential assent on 29 March 2025. Key changes:
- **Plan-making authority shifted:** NDMA and SDMA will now directly prepare disaster management plans (previously done by the National Executive Committee and State Executive Committee).

- **Urban Disaster Management:** New Section 41A empowers state governments to constitute Urban Disaster Management Authorities (UDMAs) for state capitals and cities with municipal corporations, chaired by the Municipal Commissioner with the District Collector as vice-chairperson.
- **State Disaster Response Forces (SDRFs):** States now have statutory authority to constitute their own SDRFs with defined functions and terms of service, complementing NDRF.
- **Disaster Database:** Mandates creation of a comprehensive disaster database at national and state levels covering disaster assessment, fund allocation, expenditure, preparedness plans, and risk registers.
- **Statutory recognition:** Grants statutory status to pre-existing bodies like the National Crisis Management Committee (NCCM) and High-Level Committee (HLC).
- **Climate risk assessment:** Expanded NDMA and SDMA roles to include climate risk assessment, technical assistance, setting relief standards, and maintaining disaster databases.

UPSC RELEVANCE

NDMA chairperson (Prime Minister); SDMA chairperson (Chief Minister); DDMA chairperson (District Magistrate); NDRF raised from which forces (paramilitary); NEC chair (Home Secretary); DM Act year (2005); enacted after 2004 Tsunami; number of NDRF battalions (16); NDRF and SDRF (fund vs. force distinction). **Mains GS-2:** Institutional architecture for disaster management — NDMA, SDMA, DDMA; centre-state coordination during disasters; role of NDRF; lessons from COVID-19 lockdown implementation under DM Act; federalism implications of central directions to states. **Mains GS-3:** Disaster preparedness and resilience; Sendai Framework implementation in India; urban flood management; climate change adaptation and disaster risk reduction; NDMA guidelines for specific hazards. **Interview:** “During COVID-19, the DM Act was used to enforce an unprecedented national lockdown. Was this an appropriate use of the law, or should India have a separate pandemic preparedness act?”

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