CHAPTER I

INTRODUCTION

1.1 INTRODUCTION

India is one of the most disaster prone countries of the world. It has had some of the world’s most severe droughts, famines, cyclones, earthquakes, chemical accidents, rail accidents, and road accidents. India is also one of the most terrorist prone countries. Disaster is unlike anything else in human experience. Its strikes quickly, it changes the lives of all that it touches and its effects are felt long after the event and perhaps more important, its forces are largely outside the control of the people whom it most affects.

According to sec 2 (d) of Disaster Management Act 2005 "disaster” means a catastrophe, mishap, calamity or grave occurrence in any area arising from natural or manmade causes or by accident or negligence which results in substantial loss of life or human suffering or damage to detoriation of property or damage to or degradation of, environment and is of such a nature or magnitude as to be beyond the copying capacity of community of the affected area.1

According to sec 2 (e) of Disaster Management Act 2005 “disaster management” means a continuous and integrated process of planning, organizing coordinating and implementing measures which are necessary or expedient for

(i) Prevention of danger and any threat of disaster

(ii) Mitigation or reduction of risk of any disaster or its severity or consequences

(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

1 Disaster management Act, 2005, sec 2(d)
vii) Evacuation, rescue and relief

vii) Rehabilitation and reconstruction.2

A disaster is a perceived tragedy, being either a natural calamity or manmade catastrophe. It is a hazard which has come to fruition. A hazard in turn, is a situation which poses a level of threat to life, health, property or that may deleteriously affect society or an environment. A disaster is defined as a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society. Disasters interrupt the societies by claiming lives, creating victims and destroying infrastructures and houses. By striking disasters, funds and budgets that have been assigned for development purposes are diverted to responding to disaster and recovering the quality of life to its normal. Disasters have negative impact on environment as they affect natural resources. Therefore, considering society, economy and environment as three main components of sustainable development, disasters have negative impacts on them and hence negative impact and delay on sustainable development3. With this in mind, appropriate management on disasters can contribute to reduce its negative impacts on development activities,

Environmental legislation is one of the major components of environmental management. The environmental law governs the man-nature relationship and thus the quality of human life. In the past, man considered nature as the sources of immediate satisfaction without considering long term perspectives and welfare of future generation. The earlier concept of “touch-me-not” has changed into “use-me-wisely”. Man is considered custodian rather than the conqueror of nature. Law is an

2 id Sec 2(e)
essential tool for the sound management of the environmental resources through ensuring proper implementation of appropriate policies\textsuperscript{4}.

Human Right has become a major concern of modern society. United Nations has established a Human Rights Commission. Several countries like India have moved in tune with the United Nations to setup their own Human Rights Commissions. A number of global, national and local level institutions have been formed to keep a watch at Human Right violations in different parts of the world. If right to life is the most basic of the human rights, and life depends on ecological balance and environmental quality, then any action that destroys ecology and environment is against human rights. Each individual and community has a right over the natural environment. This right is the most fundamental one. None can trample it without injuring the interests of other human beings. Thus for the survival of humanity, the maintenance of ecological balance is a must.

Laws are quite effective instruments to protect human rights. They might be international conventions, local panchayat rules, constitutions or parliamentary enactments. In the recent past, several international treaties have been signed and national governments have enacted laws to protect the environment. Agenda 21 signed by the members of the United Nations at Rio in 1992 and a plethora of laws to check air, water, land, noise, biosphere pollutions have been passed by the national governments\textsuperscript{5}. Developing countries suffer the greatest costs when a disaster hits more than 95 percent of all deaths caused by disasters occur in developing countries and losses due to natural disasters are 20 times greater in developing countries than in industrialized countries.\textsuperscript{6}

\textsuperscript{6} Available at www.awid.org visited on 12.06.2012 at 2.30 p.m
1.2 BACKGROUND OF THE STUDY

Disasters have existed ever since the existence of mankind. The ‘Hindu philosophers’ and ‘Greek philosophers’ presumed that universe consists of five elements, earth, fire, air, sun and water, from there comes the manifestation of violence like earthquakes, volcanoes, cyclones and floods. The focus of nature has been relentlessly violent and natural disasters have been called the greatest destroyer of lives and property⁷.

With the development of chemical process and manufacturing industry, “Nuclear Bomb Explosion” in 1945, “Bhopal Gas Tragedy” in India on 3rd December 1984 and “Terrorist Attack” on Word Trade Center in USA on 11th September 2001 and continuity technological advances, it is inevitable that biological and chemical disasters are just round the corner and community must prepare themselves for these disasters. The growing terrorism in the world over has added to ever increasing list and severity of man-made disasters⁸.

1.2.1 Ancient History

Long before there was in America, Red Cross and Federal Emergency Management Administration (FEMA), people were learning to deal with disasters. The Japanese have been keeping accurate records of earthquakes and tsunami’s long before contact with Europeans. Some of these records even have been used to help estimate the disasters and its effects.

For a long time in America, disasters were thought of as act of God, events that mankind had no power to prevent. Moreover, political manipulation prevented many from understanding the true nature of hazards. Real estate moguls in California

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⁷ Akthar, Making of a Disaster, Economic and Political weekly, vol-41, Feb, 2006, p 9
⁸ Employment News10-16, Jan, 2004
made sure the great San Francisco earthquake of 1906 was called ‘The Great Fire’ in newspapers\(^9\).

People could understand fires, they were common place. But for most, to think that the ground wasn’t always going to remain still was much harder to relate to. Instead of advocating for better building codes or using science to better understand the hazard, the real danger was covered up and dismissed as something completely out of human control.

The idea that disasters are punishment for human sin on simply acts of God that we have no influence over has been replaced by management, policy and politics based on geological and metrological science. Legislation in the United States that established the Federal Emergency Management Administration set precedence for federal government taking authority in major disasters\(^{10}\).

With FEMA in place, once a governor asked for and was approved a presidential declaration of disasters, the resources of the federal government and the National Guard could then be sent to aid in recovery. The Stafford Act of 1988 further cemented FEMA’s rights and responsibilities by giving it the fiscal power to review and grant disaster relief loans. In 2000, the Disaster Mitigation Act helped encourage preventative measures by reimbursing a portion of state’s expenditures on disaster planning\(^{11}\). Although having cohesive emergency management practices remains vital to saving lives during a disaster, newer methods of handling disasters attempt to reduce or even eliminate some of the risks long before the earthquakes or rivers flood. Disaster risk reduction attempts to look back at the root causes of risk and

9 Williams Christopher, Environmental Victims, Earth Scan Publishers, 1998, p15
10 Alexander David, Confronting Catastrophe-New Perspectives on Natural Disasters, Oxford University Press, 2000, p3
11 FEMA Stafford Act Amendments
vulnerabilities in a society, state, town or even a single household. Factors can be broad or specific, depending on the scope of risk and vulnerability assessments\textsuperscript{12}.

Volunteering to serve the needs of others has existed for thousands of years, across many different cultures and faiths. For Example: - Historical records show that as far back as 2000 B.C, an ancient Babylonian King wrote to his subjects that they must see that justice be done to widows, orphans and the poor, volunteerism has always been an important part of U.S. history, helping this country survive many wars, illness and plagues, social problems and natural and manmade disasters. By the early 1900’s community involvement clubs, Rotary club, Lions club had developed. By the world war I, the boy scouts of America had become the preeminent boy’s organization in the U.S. in 1905, the American Red Cross received a congressional charter that mandated the organization to provide disaster relief in the U.S, when the World War - I was officially declared, American women again mobilized extensive support systems.

After the World War – II, new federal laws were enacted that offered pensions, maternity and dependency assistance, low cost housing and subsidized school and health programmes were launched for the people\textsuperscript{13}. Upon American entry into World War – II, the American Red Cross recruited more than 71,000 registered nurses for military duty. The American people further supported the Red Cross through contributions. During World War – II Adventist community services established warehouses in New York.

\textbf{1.2.2 Greek philosophy}

Aristotle is a famous person in ancient Greek philosophy, making contributions to logic, metaphysics, mathematic, physics, biology, botany, ethics, politics, agriculture, medicine, dance and theatre. He was a student of Plato who in

turn studied under Socrates. “The concept of ‘Ethics’ was introduced by Socrates and defined as a philosophical discipline by Aristotle”. Today this discipline tries to set up criteria for ‘good’ and ‘bad’ behaviors and to evaluate the motives for these actions and the consequences.

In all health care work, and particularly in work with persons, exposed to injustice and human rights, violation, a clear awareness of ethical codes, standards and principles is quite necessary14. The philosophers highlighted the ethics in connection with different topics like, health ethics, equity and human dignity, medical ethics, ethics and mental health, ethics and human rights ethics and disasters, ethics and organization.

The Disaster Management Ethics addresses some of the ethical issues and dilemmas faced by the humanitarian assistance community as it seeks to respond to human need in the context of natural and human caused disasters. The formal simulates a discussion which aims to foster concentration and interaction. It brings together the voices of fifteen practitioners and scholars to discuss five ethical issues in humanitarian assistance. The World Health Organization has in 2002 launched its ethics and health initiative now carried on by the department of ethics, trade and human rights, and they planned steps taken to minimize the effects of a disasters15.

1.2.3 Indian Perspectives

- Ancient days:

  We can say Natural and manmade disasters are the bane of India since time immemorial. We can see many references in Indian ancient literature, there are references to natural disasters such as droughts, floods, storms, landslides, cyclones and forest fires. These disasters were generally converted into an evil spirit. Including these disasters, India is facing nuclear, biological and chemical disasters and terrorism

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is increasing day by day. Approximately 58.6 percent of the total area of the country is vulnerable to earthquakes of moderate to very high intensity, over 12 percent of land is prone to floods and river erosion, around 68 percent of cultivable area is vulnerable to drought and about 8.5 percent of land long coastline of the country is prone to cyclones and tsunamis.

According to the Kautilya’s Arthashastra disaster management was a main duty of the state. The state has to provide relief, when the disasters hits. In India drought is a frequent natural calamity which finds in all the great epics of the country, one of the earliest droughts in India has been referred in ‘Vayupurana’. In Ramayana also, there is description of drought during the period of King Dasaratha. Written records also give evidence of occurrence of several famines like the one which occurred about 160 years before Mahabharata war during the period of King Shantanu, the ruler of Hastinapur, and King Chandragupta Maurya’s region was also witness to a serious famine.

In India in the history of human civilization, there were a large number of examples of severe natural disasters, as a result of which many centers of civilization were obliterated. Disaster means simply an adverse or unfortunate event, in the process of the evolution of the earth’s surface, series of natural events have been occurring continuously and they happened even before the advent of man on the earth’s surface. With the help of science, we have come to know that nature follows certain rules as a result of which the natural environment has been continuing to be habitable for mankind, even though from time to time, happening of some events led to the evolutionary and revolutionary changes on the face of the earth. At the time of structural change and readjustment of isotopic balance, natural disasters have been

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16 Available at www.ifrc.org/ethics-in-disaster-respons visited on 25-01-2011 at 5pm
created and the people living within the areas of natural disasters had to face extreme calamity 17.

As the people in the ancient times were helpless in the face of natural disasters and did not know how to be escaped from such calamities, so also the present day people, in spite of the spectacular development of science and technology, are helpless against natural disasters and have not been able to device such a technology by which they may be saved from the disasters.

• **Pre Independence Period:**

India has witnessed drought in its rainy season from time immemorial and from the ancient period, policy was always in place to mitigate the adverse impacts of drought on availability of food, even the local community and individual family mechanisms had traditionally evolved to support a community or a family from the misery of a drought situation.

It was in the 19th Century in the British Period, when the incidence of regional, all India droughts increased in which socio-political conditions might have also contributed, that the British government, with recommendations of the three Famine Commissions during 1880-1901, put in place a policy to combat famine or scarcity conditions, the government took upon itself the responsibility to save lives and reduce starvation deaths by offering gratuitous relief and providing short term employment on public works as far as possible hear the habitat of the affected population” 18.

“By the beginning of the 20th century, famine code was in place and efforts were made to undertake major irrigation works as well as use rail transportation on large scale to move food from surplus areas to scarcity areas. The mitigation efforts undertaken by the government also began to be documented but the approach was mainly relief oriented. According to ‘Indian Famine Commission’-1888, Droughts

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17 Singh R.B, *Disaster Management in India*, Rawath Publishers ,2000, p2
18 Famine commission 1880-1901
were the root cause of the devastating famines of the 19th century in India”. In a nutshell, we could say that India was then and still is vulnerable to almost every type of natural disasters.

In Pre-Independence period the large catastrophic effect of frequent droughts and famine caught the attention of the British rules in the 19th century when a series of famine commission and an Irrigation Commission were setup to go into the various aspects of the problem and to suggest suitable measures to mitigate the distress of the people. Indian Famine Commission in 1880 has mentioned occurrence of severe famine and drought conditions in the North-West province and Punjab. In 1942-1944, the Bengal Famine occurred.

During the Pre-Independence period, industrial relations policy of the British Government was one of the laissez faire and also of selective intervention. There were hardly any labor welfare schemes. After independence, labor Legislations has formed the basis for industrial relations and social security. These legislations have also provided machinery for bipartite and tripartite consultation for settlement of disputes. In the early 1990’s, the process of economic reforms was set in motion when the government introduced a series of measures to reduce control on industries, particularly large industries.

- **Post Independence Period:**

  The World is becoming increasingly vulnerable to disasters. From earthquakes to floods and famines, mankind is even more threatened by the forces of nature. Disasters can strike at anytime at any place. Nearly three million people worldwide may have killed in past 20 years due to natural disasters such as landslides, earthquakes, floods, snow avalanches, cyclones and etc.

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19 Indian Famine commission 1888
We may cite some examples of disasters occurred during the last four decades, such as the devastating flood of Bangladesh in 1970, when about two lakh people died, the earthquake of Tangsen of China, that occurred in 1976 causing death of about two lakh 42 thousand people, the earthquake Gilan province in Iran that occurred in 1990 causing death of 50 thousand people and in the earthquake of Luzon island of Philippines occurred in 1990, two thousand people died. The earthquake Gilan province in Iran that occurred in 1990 causing death of 50 thousand people died\textsuperscript{22}.

Severe damage to houses and different properties besides the loss of thousands of people were made in the earthquake of Uttarkashi in 1991, Latur in 1993 and Jabalpur in 1997. The catastrophic earthquake of Bhuj in Gujarat that happened in 2001 causing destruction of the buildings and other properties besides loss of thousands of people in Bhuj city is still fresh in our memory, on October 8, 2005 the devastating earthquakes occurred in Jammu and Kashmir and Pak-occupied Kashmir as a result of which thousands of people died, who can forget the great Tsunami of 2004 that happened in south Asia extending from Sumatra to the East coastal region of India, causing the death of more than 1.5 lakh people, rendering several million homeless, besides extensive damage to houses and other property in Indonesia, Srilanka and Tamilnadu in India. Terrorist attack happened in Mumbai in 2008\textsuperscript{23}.

In recent years, the focus of disaster management community is increasingly moving on to more effective utilization of emerging technologies. Based on recommendations on Ninth Finance Commission, The Calamity Relief Fund (CRF) was created in 1990 for each state. In 2002, through an amendment to Business Allocation Rules, the mandate of disaster management was transferred to Ministry of

\textsuperscript{22} Supra Note 20 p.3
Home affairs from the Ministry of Agriculture. Only drought remained under Ministry of Agriculture and epidemics remained under the Ministry of Health. This brought a broader scope to disaster management in India.

The existing National Centre for Disaster Management which was established in 1995 as a response to the International Decade for Natural Disaster Reduction (IDNDR) and in October 2003 was upgraded to form the National Institute of Disaster Management (NIDM). To provide the effective management of disasters, ‘The Disaster Management Act’ was enacted by the Parliament on 23rd December 2005.\textsuperscript{24} The act lays down institutional and co-ordination mechanisms for effective disaster management at the National, State and District levels and the following laws and regulations are playing an important role in the disaster management\textsuperscript{25}.

The maximum increase in the number of natural disasters world at large in recent years has encouraged the federation to give more attention to disaster preparedness activities. These are making national societies and communities more aware of the emergency they face, how to reduce their vulnerability and how to cope when disaster strikes. Disaster management is one of the front running of themes among contemporary global issues. Disaster control and mitigation measures have been gradually attaining a level where it could be called a subject to be extensively taught or practiced. The UN general assembly has declared the decade of nineties (1990) as the International Decade for Natural Disaster Reduction (IDNDR). UN and other associated agencies have called for a global concerted action for reduction of occurrences of natural disasters and for minimization of adverse impacts of such hazards to the maximum level\textsuperscript{26}.

\begin{footnotesize}
\textsuperscript{24} Disaster Management Act 2005
\textsuperscript{25} Id
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The UN resident coordinator is responsible for forming and leading the UN Disaster Management Team (UNDMT) in each disaster and emergency prone country. The team is a mechanism for coordination providing a forum for information exchange, discussion and seeking consensus on disaster related initiatives. The primary purpose of the UNDMT is to ensure a prompt effective and concerted country level support to government response in the event of a disaster, at the central state and sub-state levels, to coordinate UN assistance to government with respect to long term recovery, disaster mitigation and preparedness and to coordinate all disaster related activities technical advice and material assistance provide by UN agencies, as well as to take steps for optimal utilization or resources by UN agencies.

Beginning in 1989, all UNDP (United Nations Development Programme) offices in disaster and emergency prone countries were requested to set up UNDMTs. In consultation with the host Government and the UN Country Team, the UN residence coordinator heads the UNDMT, consisting of UN agencies concerned with response to humanitarian emergencies. The UN Resident coordinator acts also as the focal point for disaster reduction and mitigation, as well as ensures the effective dovetailing of relief assistance into rehabilitation and reconstruction programmes.

In India, the UNDMT was established in the 1990’s; the UNDMT plays a crucial coordination role in emergencies. In September 2007, a fulltime staff member was hired to facilitate the work of the UNDMT. The UNDMT is currently very active in the country in disaster preparedness, response and risk reduction with respect to natural disasters. The UN-SPIDER (United Nations Platform for Space-based Information for Disaster Management and Emergency Response) was established in 2006 by the United Nations. It is a programme implemented by the United Nations Office of Outer Space Affairs (UNOOSA) and aims to fulfill the following mandate. Ensure that all countries and international and regional organizations have access to
and develop the capacity to use all types of space-based information to support the full disaster management cycle\textsuperscript{27}.

The Red Cross and Red Crescent national societies, supported by the International Federation, work with communities to reduce risk, mitigate the effects of prepare to respond, respond to and recover from disaster. “Disaster management can be defined as the organization and management of resources and responsibility for dealing with all humanitarian aspects of emergencies, in particular preparedness response and recovery in order to lessen the impact of disasters”\textsuperscript{28}. When the capacity of a community or country to respond and recover from a disaster is overwhelmed, and upon request from the national society, the International Federation uses its regional and international networks, assets and resources to bring assistance to the communities and national Red Cross society which is assisting them. At an international level the International Federation advocates with governments, international organizations and humanitarian donors for better practice and accountability in disaster management and greater respect of the dignity of the vulnerable people.

**1.3 LIMITATIONS**

The theses will emphasis on economic, social and cultural problems of disasters affected people. It critically restricts its limits by complies with national and international conventions. This study will be dealt on multi dimension, multi views and cross cultural problems of affected people. Moreover, the basic aspects of the study would be move on economic and social barriers of wise people.

\textsuperscript{27} Available at www.earthzine.org/un-spider-supporting-disastermanagement-from-space visited on 14-3-2011 at 11pm.

\textsuperscript{28} Disaster Management Act2005
1.4 JUSTIFICATION

The study will be a valuable source in promoting awareness on the dangers and risks of disasters and how to alert people to react in case of disaster. The study will be helpful to government to conduct place and improve the efficiency of disaster management and to alert communities currently living near the cost, as the research could educate the people on what they should do and what help are available when disasters occurred. The research studies about the new problems and hypothesis that helpful to additional research. The study may also serve as a useful reference tool for future studies; overall it may help the growth of disaster management research.

1.5 REREVIEW OF LITERATURE

A literature review is a critical and in depth evaluation of previous research. It is a summary and synopsis of a particular area of research, allowing anybody reading the paper to establish why you are pursuing this particular research program. A good literature review expands upon the reasons behind selecting a particular research question.

It is not a chronological catalog of all of the sources, but an evaluation, integrating the previous research together, and also explaining how it integrates into the proposed research program. All sides of an argument must be clearly explained, to avoid bias, and areas of agreement and disagreement should be highlighted. A good literature review should also have some evaluation of the quality and findings of the research. Evaluating the credibility of sources is one of the most difficult aspects, especially with the ease of finding information on the internet.

Systematic review of relevant literature of the previous work is an integral part of any legal research. It is the main function, apart from determining the work done before the delineation of problem area, are to provide an insight into the main concepts and provide a strong basis for logical interpretation of findings. Some
specific review of literature has been incorporated in the relevant parts of this research in order to make meaning full use.

Goel in his *Encyclopedia of Disaster Management Vol-1- Policy and Administration*, 2006, explained that A disaster is a perceived tragedy, being either a natural calamity or manmade catastrophe. It is a hazard which has come to fruition. A hazard in turn, is a situation which poses a level of threat to life, health, property or that may deleteriously affect society or an environment.

Emil Minchev explained in *Transition and sustainability* 2006, how the Disaster management and Environment relate to the sustainable development. "Considering society, economy and environment as three main components of sustainable development, disasters have negative impacts on them and hence negative impact and delay on sustainable development. With this in mind, appropriate management on disasters can contribute to reduce its negative impacts on development activities, with other talk by facilitating disaster management, achievement of sustainable development can be facilitated for nations and societies.

According to Akthar *Making of a Disaster*, Economic and Political weekly, vol-41, Feb, 2005 Disasters have existed ever since the existence of mankind. The ‘Hindu philosophers’ and ‘Greek philosophers’ presumed that universe consists of five elements, earth, fire, air, sun and water, from there comes the manifestation of violence like earthquakes, volcanoes, cyclones and floods. The focus of nature has been relentlessly violent and natural disasters have been called the greatest destroyer of lives and property.

The idea that disasters are punishment for human sin on simply acts of God that we have no influence over has been replaced by management, policy and politics based on geological and metrological science. Legislation in the United States that established the Federal Emergency Management Administration set precedence for
federal government taking authority in major disasters. It is the view of Williams Christopher in his Environmental Victims, 1998; the author explained how the Disasters were in ancient days and how gradually started to manage disasters by government.

According to Alexander Devid Information lays an important role in empowering the personal involved in disaster management, explained in *Confronting Catastrophe- New Perspectives on Natural Disasters* 2000; Disaster is a catastrophic disruption of life in a society caused by nature a situation. Disaster Management encompasses activities directed towards meeting such situations. Many countries prone to various types of disasters due to its geological dimensions. “Information is what information does” utility of any information is its timely dissemination to the right persons.

The Oxford English dictionary states that the word disaster derives from the 16th century French word “disastre”. The definition given by the OED is anything that befalls that ruinous or distressing nature; a sudden is great misfortune, mishap or misadventure a calamity. P.C Sinha says in his Introduction to Disaster Management “An event which affects a community the consequence of which are beyond the immediate financial material are emotional resources of the community”. George Santayan said –“I think not, but what we can do is to learn from the past so we do not repeat our mistakes. Those who cannot remember the past are condemned to repeat it”.

The increasing realization that disasters are a core ‘Development Concern’, has driven the concentrated effort of International agencies, non Governmental organization, local and national governments around the world to implement Strategic and Practices to reduce the impact of hazards.
The ‘Hyogo Framework for Action’ (2005-2015) agreed upon by the 168 governments worldwide at the world conference on Disaster Reduction in 2005, symbolizes the Strong Commitment of the international community to engage in a well defined, results Oriented Plan of action to promote a Strategic and Systematic approach at the National level to address risk to natural and to reduce Hazards explained by Ammann Water J, Lessons from the International Disaster Reduction Conference IDRC davos 2007.

Internationally the generally accepted definition is – “An occurrence arising with little or no warning, which causes or threatens serious disruption of life, and perhaps death or injury to large numbers of people and requires therefore a mobilization of effort in excess of that normally provided by the statutory emergency services”, so information technology plays an important role viewed by Gupta Alok in Information Technology and Natural Disaster Management in India, Risk Management, 2007.

Definitions of disasters also can be compared at International and National level, where organizations develop their own working definitions of Disasters. The definitional of disaster utilized by the WHO focuses on the health outcomes of Disasters, adopting the terminology “Health Action in Crises”, while the definition of International Red Cross focuses on the “Disruption to Communities” caused by an event.

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international community to engage in a well defined, results Oriented Plan of action “to promote a Strategic and Systematic approach at the National level to address risk to natural and to reduce Hazards”.

In ancient History like Greek philosophy, Hindu philosophy, in ancient America many books and information written by the many philosophers are helping to manage the disasters and many Acts and regulations enacted to manage the disasters. Literature is a very important document which helps and gives the information disasters and disasters management.

1.6 OBJECTIVES

1. To overview of existing laws and governing capacities, design, construction and administrative controls based on the National laws or the International conventions.

2. To find out solutions whether existing system or policies helpful to disaster management.

3. To evolve an integrated approach by improving or amending the existing system or exploring better alternative mechanism and approaches.

4. To create a holistic understanding of disaster management activities in India.

5. To understand how knowledge of science helps in understanding our surroundings better.

6. To analyze the problems systematically by compliance with empirical study.

1.7 RESEARCH QUESTIONS

To exhibit the purpose of the study, the following research questions are stated.

1. What are the socio economical impacts of the disasters?

2. What are the disaster management activities, before and after the disasters?
3. What is the role of National mechanisms and International organizations towards the disasters management?

4. What are the problems in existing policies and perspectives?

5. Is Indian system self sufficient enough to address the disaster situation?

6. What actually lacks in the system and what can be done?

7. How in what manner this problem would be resolved and reformed?

1.8 PROBLEMS

Major emergencies and disasters, natural or chemical releases, have occurred across the globe and as the population grows and resources become more limited, communities are increasingly vulnerable to the hazards that cause disasters. Emergencies and disasters do not affect only the health and also the property and large number of people are displaced, killed or injured. A disaster is an occurrence that causes damage, ecological disruption, loss of human life or deterioration of health and health services on a scale sufficient to warrant an extraordinary response from outside the affected community or area. Rapid industrialization and new technologies have produced new hazards.

It is really an unfortunate and undesirable situation that in our country where more than 6 crore people are affected by disasters every year. We have no strict policy on disaster management, only after a disaster strikes the wheels of the government, move in center and state that too very slowly.

- Inadequate Early Warning System

The monitoring and warning systems are neatly stated on paper, but in practice the warnings are not early enough and they do not reach all which likely to be affected. In case of Tsunami, 2004, Bhuj earthquake etc for example, communication
and early warning facilities which could have resulted in better they could reduce the damage to life and property.

- **Lack of Pre-disaster Preparedness**

  With regularity of disasters in India, there should be a plan to find out the disaster and reduce its impact. There is no planed information system as to what needs to be done when faced with an emergency. For example, during Tsunami, 2004, dead body laid floating in water for many days due to the unavailability or lack of required equipment to meet the need of the time/emergency.

- **Inadequate and Slow Relief.**

  Relief is a very important aspect of the disaster management to provide help to the affected people and reduce their sufferings. It should be in quick manner and efficiency should be there, to provide food, medicine, to reduce the suffering of the affected people. But they addressed and met improperly. In some cases even many days after the disasters many people could not provided with safe drinking water, temporary shelter and medicines.

- **Lack of Co-ordination.**

  Disaster management requires co-ordination and encouragement from Central Government, State Government, NGOs, International agencies and Private sectors etc. Because of the lack of co-ordination, relief material is not distributing properly among the people. Even worst happens when they are miss-utilized and are not distributed uniformly.

- **Poor Administration.**

  If quick assessment of the extent of the damage is made then the relief and rehabilitation work can be plan properly. However, it was happened that even many months after the Bhuj earthquake, Tsunami of 2004, Floods in 2009 the government was very slow to finish the preliminary survey of assessing the total impact of
damage. Apart from this, poor administration discouraged the best intentions and efforts of private initiatives. The greatest challenge to efficient humanitarian efforts especially when host governments lack a single unified body for disaster response and have poor understanding of international assistance.

- **Financial Risk.**

  Disaster reduction is now considered as a major component of national development in developing and under developed countries, the cost of flood control measures are too high for annual government budgets. Generally the state government will utilize the Calamity Relief Fund for emergency disaster relief. But the CRF is not has the sufficient fund to cover the losses, when disaster strikes, the state government requests additional financial support from the centre. If the central government is not able to supply funds, than it seeks help from bilateral and multilateral agencies. It has to accept the loan conditions which are not in the line with national or state capacity. So, it will be the financial risk for the country like India.

- **Low awareness of Laws.**

  Gaps in the use of quality accountability standards, with even well known guidelines, such as the disaster relief code of conduct, after having limited impact. Disasters affected countries often have low awareness of potentially helpful international laws yet better understanding of national policies whose bureaucracy, inflexibility and lack of standards hamper relief operations.

- **Population Growth.**

  Continued population growth in the already heavily populated countries are making the countries in to risk by increasing the number and size of large cities, placing more & more people and assets are resulting in natural disasters like geology related hazards that land degradation, desertification, faulty land use practices, mismanagement of irrigation system, food demands are the other major disasters
which pose serious threat to the country. Apart from natural disasters, some major man made environmental disasters resulting from chemicals, hazardous wastes, industrial accident, and transport of inflammable materials have had devastating effects on human health in some areas, often killing many people and resulting in great economic losses.

- **Delay in Decision making.**

  Disaster response is dynamic and decision makers need to be updated on latest emergency situation by regular collection of information on emergency situation. Disaster response is also time sensitive with little allowance on delay in decision making and response operations. Therefore any problem or delay in data collection, access usage and dissemination has negative impacts on quality of disaster response. Approaches to disaster management have failed to address specific local needs of vulnerable communities ignored the potential of natural and human resources and capacities and in many cases even increase people’s vulnerability.

- **Discrimination.**

  Guidelines for Minimum standards of Relief were stated under the Sec-12 of Disaster Management Act. Existing Laws, policies and guidelines are not effective enough to capture the sensitive issue like caste based discrimination in emergencies the implementing measures are biased. Therefore a transformation should be there at the policies and legislations levels, to ensure the same in practice.

- **Gender Inequality.**

  Gender inequality is social, economic and political problem results in vast differences between men and women in emergency communication, among other areas of concern in disaster relief. Women and children are particularly affected by disasters accounting for more than 75% of displaced persons. In addition to the effects of natural disasters and lack of health care women are vulnerable to reproductive and
sexual health problems and increased rates of sexual and domestic violence, and post
disaster stress symptoms.

- **No potentiality in the Authorities of disaster management**

  A detailed structure from the central to the local levels, there are some issues
which need serious consideration. As both the NDMA and the SDMA shall consist of
certain number of members nominated by the prime minister and the chief minister,
no qualification prescribed for them. Being an authority at the national level, this is
unfortunate. Surprisingly, regarding the DDMA, certain eligibilities have been laid
down to become members of the same; even the some of the state acts have also done
the same.

1.9 HYPOTHESES

- Restructure the National Policy on Disaster Management giving the correct
  approach involving prevention, mitigation and preparedness in pre disaster
  stage with the additional fiscal power.

- Creation of awareness is urgently needed not only for the people who situated
  in disaster prone area but also among policy makers, decision makers,
administrations, professionals, financial institutions, NGO and voluntary
organizations. Engage the leaders and stake holders through consultation and
clarity of vision and direction.

- Appropriate amendments in the legislative and regulatory instrument and
  strengthen the enforcement mechanisms at different levels.

- Engage women as equal partners in disaster planning and give the importance
  for women at the highest levels of planning and decision making and employ
women as primary distributors of emergency reliefs.

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30 Section 3 of Disaster Management Act, 2005
• Hospital preparedness is very important to disaster response system. Each hospital should have an emergency preparedness plan with mass casualty and doctors trained for the emergency.

• The high powered committee on disaster management has to incorporate quick mechanism for quick response mechanism. The response and mitigation should be without loss of valuable time.

1.10 METHODOLOGY

For the completion of this work the doctrinal and also the non doctrinal method of research has been followed. So far as doctrinal method is concern, sources of data would be collected from text books, journals and internet. The primary data are national legislations and international conventions. Also the non doctrinal method research has been follow by compliance with steps that are taken place under research methodology. In this research work an attempt has been made to find out whether the existing laws are sufficient to disaster management and to study what are the problems in the policies and perspectives. For example questionnaire, observation and interview are followed for data collection. Analytical, critical, and descriptive and observations were considered and I took 100 samples to shape the thesis.

1.12 Chapteraisation

Chapter-1

This chapter deals with the introduction, historical overview of disaster management. In this chapter the objectives, problems are presented, questions and hypothesis are stated, the scope, limitation of the study and the methodology to be used are discussed.
Chapter-II

This chapter deals with the meaning of disasters and disaster management and this chapter discusses the difference between natural and manmade disasters, factors and impacts of disasters and also discusses the emerging issues and developments relating to disasters.

Chapter-III

This chapter analysis with the evolution of disaster management in India and discusses the institutional framework in central, state and district level and the role of Finance Commission and also discusses the disaster management plans through five year plans.

Chapter-IV

This chapter focuses on the role of judiciary, and discusses the national laws and policies and the role of insurance policies against disasters and also discusses the relationship between disaster management and sustainable development.

Chapter-V

This chapter critically examines the international conventions on disaster management and discusses the relationship between human rights and environment and also focuses the role of Red Cross Society in disaster management. Along with the continuity of the above, it also finds the role NGO’s in identifying the problem of disaster affected areas in India.

Chapter-VI

This chapter specifically speaks on the women related issues in disaster management. It finds that there may be chance to have gender discrimination while a state in extending its protection to women. The analysis of this task is to see the
consequences of vulnerable section of the society. It attains by compliance with the international conventions as well as legislation passed by the government.

Chapter-VII

This chapter is focusing on the non doctrinal research. Since the chapter has been dealing with this task, it will be dealt with certain steps that taken place under research methodology. For the purpose of data collection, of course, questionnaire, observation, interview and etc would be considered. This chapter has focused on empirical research. The collected data have been analyzed systematically and meticulously.

Chapter-VIII

This chapter is dealt with conclusion, in this way chapters of the thesis have been reviewed once again. It focuses on review of chapters, testing of hypothesis, findings, suggestions and bibliography.