Chapter-5

LEGAL FRAME WORK FOR DISASTER MANAGEMENT IN INDIA

5.1 Introduction

India has been traditionally vulnerable to natural disasters on account of its unique geo climatic conditions. Floods, droughts, cyclones, earthquakes and landslides have been recurrent phenomena. About 60% of the landmass is prone to earthquake of various intensities; over 40 million hectares is prone to floods; about 8% of the total area is prone to cyclones and 68% of the area is susceptible to drought. In the decade 1990 – 2000, an average of about 4344 people lost their lives and about 30 million people were affected by disaster every year\(^1\). The loss in terms of private, community and people assets has been astronomical.

At the global level, there has been considerable concern over natural disasters. Even though substantial scientific and material progress is made, the loss of lives and property due to disasters has not decreased. In fact, the human toll and economic losses have mounted. It was in this background that the United Nations General Assembly, in 1989, declared the decade 1990 – 2000 as the International Decade for Nature Disaster Reduction with the objective to reduce loss of lives and

\(^1\) International Federation of Red Cross, 2011.
property and restrict socio–economic damage through concerned international action, especially in developing countries.

The super cyclone in Orissa in October, 1999 and the Bhuj earthquake in Gujarat in January, 2001 underscore the need to adopt a multi dimensional endeavor involving diverse scientific, engineering, financial and social processes; the need to adopt multi disciplinary and multi sectoral approach and incorporation of risk reduction in the development plans and strategies.

Disaster management occupies an important place in this country’s policy framework as it is the poor and the under–privileged who are worst affected on account of calamities/disasters. Disasters retard socio–economic development, further impoverish the impoverished and lead to diversion of scarce resources from development to rehabilitation and reconstruction.

The steps being taken by the Governments emanate from the approach outlined above. The approach has been translated into a National Disaster Framework [a roadmap] covering institutional mechanisms, disaster prevention strategy, early warning system, disaster mitigation, preparedness and response and human resource development. The expected inputs, areas of intervention and agencies to be involved at the National, State and District levels have been identified and listed in the roadmap. This roadmap has been shared with all the State Governments and Union Territory Administrations. Ministries and Departments of Government of India, and the State Governments/UT Administrations have been advised to develop their respective roadmaps taking the national roadmap as a broad guideline. There is, therefore, now a common strategy underpinning the action being taken by all the participating organizations/stakeholders.
5.2 Disaster Risks in India

India is vulnerable, in varying degrees, to a large number of natural as well as man–made disasters. 58.6 per cent of the landmass is prone to earthquake of moderate to very high intensity; over 40 million hectares (12 per cent of land) is prone to floods and river erosion; of the 7,516 km long coastline, close to 5,700 km is prone to cyclones and tsunamis; 68 per cent of the cultivable area is vulnerable to drought an hilly areas are at risk from landslides and avalanches. Vulnerability to disasters/emergencies of Chemical, Biological, Radiological and Nuclear (CBRN) origin also exists. Heightened vulnerabilities to disaster risks can be related to expanding population, urbanization and industrialization, development within high risk zones, environmental degradation and climate change.

In the context of human vulnerability to disasters, the economically and socially weaker segments of the population are the ones that are most seriously affected. Within the vulnerable groups, elderly persons, women, children – especially women rendered destitute, children especially women rendered destitute, children orphaned on account of disasters and differently abled persons are exposed to higher risks.

5.2.1 Paradigm Shift in Disaster Management (DM)

Over the past couple of years, the Government of India have brought about a paradigm shift in the approach to disaster management. The new approach proceeds from the conviction that development cannot be sustainable unless disaster mitigation is built into the development process. Another cornerstone of the approach is that mitigation has to be multi–disciplinary spanning across all sectors of development. The new policy also emanates from the belief that
investments in mitigation are much more cost effective than expenditure on relief and rehabilitation.

On 23 December 2005, the Government of India (GOI) took a defining step by enacting the Disaster Management Act, 2005, (hereinafter referred to as the Act) which envisaged the creation of the National Disaster Management Authority (NDMA), headed by the Prime Minister, State Disaster Management Authorities (SDMAs) headed by the Chief Ministers, and District Disaster management Authorities (DDMAs) headed by the District Collector or District Magistrate or Deputy Commissioner as the case may be to spearhead and adopt a holistic and integrated approach to DM. There will be a paradigm shift, from the erstwhile relief – centric response to a proactive prevention, mitigation and preparedness – driven approach for conserving development gains and to minimize loss of life, livelihood and property. A disaster refers to a catastrophe, mishap, calamity or grave occurrence from natural or man – made causes, which is beyond the coping capacity of the affected community. DM involves a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary of expedient for:

- Prevention of danger or threat of any disaster.
- Mitigation or reduction of risk of any disaster or its severity or consequences.
- Capacity building including research and knowledge management.
- Preparedness to deal with any disaster.
- Prompt response to any threatening disaster situation or disaster.
- Assessing the severity or magnitude of effects of any disaster.
- Evacuation, rescue and relief.
- Rehabilitation and reconstruction.
5.2.2 Approach

A holistic and integrated approach will be evolved towards disaster management with emphasis on building strategic partnerships at various levels. The themes underpinning the policy are:

- Community based DM, including last mile integration of the policy, plans and execution.
- Capacity development in all spheres.
- Consolidation of past initiatives and best practices.
- Cooperation with agencies at National and International levels.
- Multi – sectoral synergy

5.2.3 Objectives

The main objectives are:-

- Promoting a culture of prevention, preparedness and resilience at all levels through knowledge, innovation and education.
- Encouraging mitigation measures based on technology, traditional wisdom and environmental sustainability.
- Mainstreaming disaster management into the development planning process.
- Establishing institutional and techno legal frameworks to create an enabling regulatory environment and a compliance regime.
- Ensuring efficient mechanism for identification, assessment and monitoring of disaster risks.
Developing contemporary forecasting and early warning systems backed by responsive and fail – safe communication with information technology support.

- Ensuring efficient response and relief with a caring approach towards the needs of the vulnerable sections of the society.

- Undertaking reconstruction as an opportunity to build disaster resilient structures and habitat for ensuring safer living.

- Promoting a productive and proactive partnership with the media for disaster management.

5.3 - Institutional and Policy Framework

The institutional and policy mechanisms for carrying out response, relief and rehabilitation have been well - established since Independence. These mechanisms have proved to be robust and effective insofar as response, relief and rehabilitation are concerned. However, the increasing frequency and ferocity, the rising extent and sweep as well as the mounting human and economic toll has necessitated a reappraisal and re – orientation of existing institutional and policy frameworks along with creation of newer frameworks for holistic disaster management. The changed policy/approach mandates a priority to pre – disaster aspects of mitigation, prevention and preparedness and new institutional mechanisms are being put in place to address the policy change.

Although, the primary responsibility for disaster management is of the concerned State Governments, the Central Government plays a key role by providing financial and logistic support in case of major disasters and co – ordinate the effort of all Central Ministries/Departments/Organizations. At the apex level,
the Cabinet Committee on Drought Management has been reconstituted and converted into a Cabinet Committee on natural Calamities. The scope of the Committee has been enlarged so as to address mitigation and preparedness measures also. A High Level Committee of Ministers under the Chairmanship of State Government from the National Calamity Contingency Fund, if the funds available with the State Governments under Central Relief Fund are not adequate. The matters relating to nuclear, biological and chemical emergencies are looked after by the Cabinet Committee on Security.

Cabinet Secretary, who is the highest executive officer, heads the National Crisis Management Committee (NCMC). Secretaries of all the concerned Ministries/Departments as well as organizations are the members of the Committee. The NCMC gives direction to the Crisis Management Group as deemed necessary. The Secretary, Ministry of Home Affairs is responsible for ensuring that all developments are brought to the notice of the NCMC promptly. The NCMC can give directions to any Ministry/Department/Organization for specific action needed for meeting the crisis situation.

The Central Relief Commissioner in the Ministry of Home Affairs is the Chairman of the Crisis Management Group (CMG) consisting of senior officers (called nodal officers) from various concerned Ministries. The CMG’s functions are to review every year contingency plans formulated by various Ministries/Departments/Organizations in their respective sectors, measures required for dealing with a natural disaster, coordinate the activities of the Central Ministries and the State Governments in relation to disaster preparedness and relief and to obtain information from the nodal officers on measures relating to above. The CMG, in the event of a disaster, meets frequently to review the relief operations and extend all possible assistance required by the affected States to
overcome the situation effectively. The Resident Commissioner of the affected State is also associated with such meetings.

Mitigation, preparedness and response are multi-disciplinary functions, involving a number of Ministries/Departments. Institutional mechanisms which would facilitate this inter-disciplinary approach is being put in place. It is proposed to create Disaster/Emergency Management Authorities, both at the National and State levels, with representatives from the relevant Ministries/Departments to bring about this coordinated and multi-disciplinary approach with experts covering a large number of branches. The National Emergency Management Authority is proposed to be constituted. The organization will be multi-disciplinary with experts covering a large number of branches. The National Emergency Management Authority is proposed as a combined Secretariat/Directorate structure – a structure which will be an integral part of the Government while, at the same time, retaining the flexibility of a field organizations. The Authority will be headed by an officer of the rank of Secretary/Special Secretary to the Government in the Ministry of Home Affairs with representatives from the Ministries/Departments of Health, Water Resources, Environment & Forest, Agriculture, Railways, Atomic Energy, Defence, DRDO, External Affairs, Space, Information and Broadcasting, chemicals, science & technology, telecommunication, urban employment and poverty alleviation, rural development and Indian meteorological department as members. The authority would meet as often as required and view the Status of warning systems, mitigation measures and disaster preparedness. When a disaster strikes, the Authority will coordinate disaster management activities.

### 5.3.1 Disaster Management Policy:
Disaster management is a multi-disciplinary activity involving a number of Departments/agencies spanning across all sectors of development. Where a number of Departments/agencies are involved, it is essential to have a policy in place, as it serves as a framework for action by all the relevant departments/agencies. A National Policy on Disaster Management has been drafted, and is in the process of being finalized. After inter ministerial consultations, it will be submitted to the Cabinet for approval. In the line with the changed focus, the policy proposes to integrate disaster mitigation into development planning. The policy shall inform all spheres of Central Government activity and shall enjoin upon all existing sectoral policies. The broad objectives of the policy are to minimize the loss of lives and social, private and community assets because of natural or man-made disasters and contribute to sustainable development and better standards of living for all, more specifically for the poor and vulnerable section by ensuring that the development gains are lost through natural calamities/disaster.

The policy notes that State Governments are primarily responsible for disaster management including prevention and mitigation, which the Government of India provides assistance where necessary as per the norms laid down from time to time and proposes that this overall framework may continue. However, since response to a disaster requires coordination of resources available across all the Departments of the Government, the policy mandates that the Central Government will, in conjunction with the State Governments, seek to ensure that such coordination mechanism is laid down through an appropriate chain of command so that mobilization of resources is facilitated.

The broad features of the drafted National Policy on Disaster Management are enunciated below:-
i) Adoption of a holistic and proactive approach towards prevention, mitigation and preparedness.

ii) Incorporation of mitigation measures in the ongoing schemes/programmes.

iii) Each Ministry/Department of the Central/State Government will set apart an appropriate quantum of funds under the Plan for specific schemes/projects addressing vulnerability reduction and preparedness.

iv) Where there is a shelf of projects, projects addressing mitigation will be given priority.

v) Each project in a hazard prone area to have mitigation as an essential term of reference and to include a statement indicating as to how the project addresses vulnerability reduction.

vi) Community involvement and awareness generation, particularly the of the vulnerable segments of population and women has been emphasised as necessary for sustainable disaster risk reduction. This is a critical component of the policy since communities are the first responders to disasters and, therefore, unless they are empowered and made capable of managing disasters, any amount of external support cannot lead the optimal results.

vii) Interaction with the corporate sector, the non-governmental organization and the media in the national efforts for disaster prevention/vulnerability reduction.

viii) Building up institutional structures/appropriate chain of command and imparting appropriate training to disaster managers at various levels to ensure coordinated and quick response and development of inter – State arrangements for sharing of resources during emergencies.
ix) Inculcating a culture of planning and preparedness at all levels for capacity building measures.

x) Formulation of Standard Operating Procedures (SOPs) and disaster management plans at state and district levels as well as by relevant central government departments.

xi) Compliance with construction designs laid down in relevant India Standards.

xii) Evaluation and, where necessary, retrofitting of lifeline buildings in seismic zones III, IV & V – hospitals, railways stations, airports/airport control towers, fire station buildings, communication network, major administrative buildings.

xiii) Conversion of relief codes into disaster management codes for institutionalizing the planning process.

xiv) Promotion of internal cooperation in the area of disaster response preparedness and mitigation in tune with national strategic goals objectives.

Disasters disrupt progress and destroy the hard–earned fruits of painstaking developmental efforts, often pushing nations, in quest for progress, back by several decades. Thus, efficient management of disasters, rather than mere response to their occurrence, has in recent times, received increased attention both within India and abroad. This is as much a result of the recognition of the increasing frequency and intensity of disasters, as it is an acknowledgement that good governance in a caring and civilized society, needs to deal effectively with devastating impact of disasters.
Indian disaster policy is geared to make a paradigm change from response and calamity relief to disaster prevention, preparation and mitigation. Another significant change is to move from disaster management largely from government to public private partnership, and community disaster management. In this regard, significant changes have been made, but the authoritarian attitude of the government officials is the main stumbling block.

The Great Famine of 1876-1878 lead to constitution of the Famine Commission of 1880 and eventual adoption of Famine Relief Code. India probably has the world’s oldest disaster relief code which started in 1880. This relief code provides details of the relief to be given by the government to the affected people.

The India Disaster Report\(^2\) provides the nature of disaster response by the government of India. It identifies key issues with respect to the availability of and access to disaster-related information and its quality, the absence of coherent disaster preparedness and response policy, and urgent actions and interventions needed. It shows that significant advances in health and social and economic development have been repeatedly interrupted and reversed by disasters.

India has been following five year national plans, although they are not on a rolling basis. The earlier five year plans did not mention disaster management. The Tenth Five-Year Plan 2002-2007 for the first time had a detailed chapter entitled “Disaster Management: The Development Perspective”. The plan emphasized the fact that development cannot be sustainable without mitigation being built into the development process. Disaster mitigation and prevention were adopted as essential component of the development strategy.

5.4 – Legal and Techno Legal Framework

5.4.1 Indian Constitution and Natural Disasters

Indian Constitution, the Magna Carta of Fundamental Rights for Indians guarantees protection of life and security with the purpose of ensuring a welfare State. Not only the laws and regulations framed by the Central and State Governments have to be in conformity with the Constitutional provisions, but also the authorities have a duty under the Constitution to safeguard and protect the Fundamental Rights. The scope and applicability of these Fundamental Rights and the validity of the laws passed by the legislatures and the executive actions of the government are often the subject matter of various decisions by the Supreme Court of India.

Disaster Management\(^3\) includes an integrated and interdisciplinary approach to mitigate the effects of disasters affecting the masses. In India, we had no such plans as part of our existing legal regime till the recent Tsunami struck the Indian continent. The Government of India has come up with legislation with the objective to provide for requisite institutional mechanisms for drawing up and monitoring the implementation of the disaster management plans to ensure measures by various wings of Government for undertaking a holistic, co-ordinate and prompt response any disaster situation.\(^4\) The Supreme Court of India has given a wider interpretation to the scope of Article 21 to include the Right to have a clean and healthy environment.\(^5\) The scope of the Right to life has been further widened

\(^3\) ‘Disaster Management’ means all the aspects of planning, coordinating and implementing all measures which are necessary nor desirable to prevent, minimize, overcome or to stop the spread of a disaster upon the people or any property and includes all stages of rescue and immediate relief.

\(^4\) Disaster Management Act, 2005

\(^5\) Supreme Court has held in *Vellore Citizens welfare Forum V. Union of India* reported in (1996) Vol. 5 Supreme Court Case p. 647 as follows; “The Constitutional and statutory provisions protect a persons right to
by the Supreme Court of India to include the Right to Sustainable Development.\(^6\) In Tehri Dam case involving construction of a dam across a river in the mountain ranges in the Himalayas, the Supreme Court of India has held that disaster management is part of the Right to Sustainable Development.\(^7\) Thus, the Constitution of India imposes a constitutional duty on the part of the Central and State Governments to formulate proper disaster management policies and programmes a part of their efforts to attain sustainable development. This position emerged from their efforts to attain sustainable development. This position emerged from the Judiciary’s tryst with several tragedies including the man-made disaster in Bhopal.

In the year 1984, several thousands of people were either killed or injured by the poisonous gas that emanated from the Union Carbide Chemical disaster tragedy causing death and serious injury to several thousands of helpless people in Bhopal had generated widespread public concern, increased the level of public awareness on man-made disasters, and brought to the force, the pressing need for framing proper policies to prevent and mitigate such general public on the need to protect the environment and people from uncontrolled industrial activities, and to have programmes and policies to rehabilitate the victims in the event of such man-made disasters. The Bhopal gas leak tragedy had also brought about the need to

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\(^6\) The right to sustainable development as part of clean environment has been recognized by the Supreme Court of India in several decisions. See Vellore Citizens Welfare Forum; Also see., M.C.Mehta V. Union of India (1997)SCC715.

\(^7\) The Supreme Court stated as follows:"Disaster Management" means all aspects of planning coordinating and implementing all measures which are necessary or desirable to prevent, minimize, overcome or to stop the spread of a disaster upon the people or any property and includes all stages of rescue and immediate relief.
enact appropriate laws to protect the environment from various hazardous activities, both industrial and otherwise.\(^8\)

### 5.4.2 The Environment Protection Act, 1986

After the Bhopal Gas Leak Tragedy, the Indian Parliament enacted the Environment (Protection) Act (EPA), 1986 for the purpose of safeguarding and protecting the environment from unregulated industrial or other activities.\(^9\) Under the EPA, the central Government is entrusted with responsibility to take all the measures for protecting and improving the quality of the environment and preventing controlling and abating environmental pollution.\(^10\) It prohibits persons carrying on any industry, operation or process from discharging or emitting any environmental pollutants in excess of prescribed standards.\(^11\) The EPA imposes obligations on persons handling any hazardous substance to follow prescribed procedure and comply with prescribed safeguards.\(^12\)

### 5.4.3 Environment Impact Assessment Statement

In the year 1994, a notification was issued by the Central Government under Section 3 of EPA making it mandatory on the part of all new industrial units and those with intent to modernize or expand to submit an Environment Impact Assessment (EIA) Statement for the purpose of obtaining clearance from the Central Government for setting up industrial projects.\(^13\) The EIA Statement should

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\(^8\) See article by Dr. Madabhushi Sridhar at [http://www.legalservicesindia.com//articles/bhopal.htm](http://www.legalservicesindia.com//articles/bhopal.htm).

\(^9\) The EPA came into force in the whole of India on 19 November, 1986 vide Notification No. G.S.R. 1198(E) dated 12-11-86 published in the Gazette of India No. 525 dated 12-11-86.

\(^10\) Section 3 &6 of EPA

\(^11\) Section 7 of EPA

\(^12\) Section 8 of EPA

\(^13\) Before 1994, EIA clearance from the Central Government was only an administrative requirement for most categories of industries. The Ministry of Environment and Forests (MoEF) promulgated a notification on 27 Jan, 2004 making environmental clearance mandatory for expansion or modernization of any activity or for setting up new projects listed in Schedule I of the notification. The EIA notification was amended in 1997 to
contain a detailed report on the potential adverse impact on the environment by the setting up of the proposed industrial unit. It also requires that along with the EIA Report, the industries should submit a detailed disaster management plan, which should be approved of by the Central Government while granting permission to start a project.

5.4.4 The ‘Manufacture, Storage and Impact of Hazardous Chemical Rules’, 1989

In the Year 1989, the Central Government framed the ‘Manufacture, Storage and Import of Hazardous Chemical Rules’, 1987 under the EPA. The principal objective of the rules is the prevention of major accidents arising from industrial activity, the limitation of the effects of such accidents both on humans and the environment, and the harmonization of the various control measures and the agencies to prevent and limit major accidents. These Rules imposed a duty on the pollution control authorities to inspect industrial establishments to ensure that while carrying on their manufacturing activities, they do not pollute or do anything detrimental to the environment. Similarly, an Industrial establishment is required, under these rules to submit safety audit reports, and off-site and on-site emergency disaster management plans.

5.4.5 The Coastal Regulation Zone (CRZ) Notification, 1991.

In the year 1991, with a view to protect the fragile ecosystem of the coastal areas in India from unregulated developmental activities, the Government of India make public hearing mandatory while preparing the EIA. See, Subrato Sinha, TERI information Monitor 3 (1), p.1-7.

14 An important feature of the Rules is that the storage of hazardous chemicals not associated with the process is treated differently from those coming under process use for which a different list of hazardous chemicals and their manufacture and storage procedure applies.
issued Coastal Regulation Zone (CRZ) Notification under the EPA to control the developmental activities within 500 meters of high tide line (HTL). The notification classified Coastal Zones into four categories, viz.,

CRZ-I (Sensitive and inter tidal)

CRZ-II (Urban or developed)

CRZ-III (Rural or undeveloped)

CRZ-IV (Andaman Nicobar & Lakshadweep islands)

The notification prohibited certain activities, while permitting essential activities, within the above categories according to the nature of the development undertaken. Releasing the importance, fragility and productivity of coastal resources and habitat, as well as the greater pressure of population on them, the Government of India appointed Dr. Swaminathan to go into the whole question and submit concrete proposals for the proper management of the coastal Regulation zone Notification, 1991. The Commission has submitted its recommendations which came to be accepted by the Central Government of India but is yet to become legislation.

5.4.6 The Public Liability Insurance Act, 1991


16 The prohibited activities include setting up of new industries and the expansion of existing industries, the manufacture and handling or storage and handling of hazardous substances(except specified petroleum products in port areas), fish processing units, disposal of wastes and effluents, mining of sands, rocks and other rare minerals and the mechanized drawing of ground water. The permissible activities include those activities that require water front and foreshore facilities, such as, construction activities related to defense requirements for which foreshore facilities are essential (e.g. slipways, jetties, etc.), operational constructions for ports and harbors and the construction of hotels and resorts in specified areas.

17 See the report of the Central human committee chaired by Prof. Swaminathan to review the coastal regulation zone notification, 1991 published by Ministry of Environment and Forests, New Delhi
The parliament also enacted the ‘Public Liability Insurance Act, 1991’ to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accidents occurring while handling hazardous substances. The Act imposes on the person, who has control over handling any hazardous substance, the liability to give the relief specified in the Act to all the victims of any accident, which occurs while handling such substance.\(^\text{18}\) For that purpose the Act imposes a duty on the part of the industrial units to take up insurance policies to compensate the victims in the event of industrial disasters.\(^\text{19}\) It would be the duty of every industry to take necessary insurance policies to discharge his liabilities. The Act also provides for a mechanism to invite claims from the affected people in the event of an industrial disaster and for the determination of compensation and distribution of the amount determined towards compensation and distribution of the amount determined towards compensation. The Collector of the district is thus empowered to receive claim statements from the claimants and process the same and pass an award for the actual compensation which the claimants are entitled to and direct the insurer to pay the same.\(^\text{20}\) It also provides for the establishment of a Calamity Relief Fund to provide compensation to victims. The owner of the industrial establishment has to pay contribution to the fund.\(^\text{21}\)

Thus though, in the context of man-made disasters at the national level the Indian Parliament and the Central Government have initiated several legislative measures in the direction of disaster management to protect the environment and the people by way of prevention, mitigation and relief and rehabilitation of the

\(^{18}\)This liability is a strict liability imposed by the Act. The claimant need not be required to plead and establish that the death, injury or damage in respect of which the claim has been made was due to any wrongful act, neglect or default of any person. See section 3 of the Act.

\(^{19}\) See Section 4 of the Act.

\(^{20}\) See Section 6 of the Act.

\(^{21}\) See Section 7A of the Act.
victims, these measures are not adequate to manage natural hazards. Mishaps, whether it would be the result of a natural phenomenon or negligent human activity, will always bring about long term consequences with far reaching effect. India due to its peculiar socio-climatic conditions is more prone to disasters which may be called as vis-major as to man-made disasters. Taking in to account these factors the government had decided to come up with a law, which would comprehensively cover the issues of disaster management and the present Disaster Management Act, 2005 to a certain extent has fulfilled its objectives.  

5.4.7 The National Environment Appellate Authority Act, 1997

This Act has been enacted to provide for the establishment of a National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or process or class of industries, shall not be carried out subject to certain safeguards under the EPA. The Appellate Authority consisting of retired judicial officers have powers to hear appeals on orders granting environmental clearance in the areas in which any hazardous industries or processes shall not be carried out. Keeping in view the guidelines in the Master Plan envisaged for the purpose of relocating hazardous industries from the environmentally restricted or protected areas the Appellate Tribunal can make appropriate orders for the same.

5.4.8 The Natural Disaster Management Act, 2005

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22 The Disaster Management Act, 2005 is an exhaustive legislation containing eleven chapters and seventy six sections covering various aspects of disaster management and related issues.
23 Section 5(1) of the National Environment Appellate Authority Act, 1997 which reads, “A Person shall not be qualified for appointment as a chairperson unless he has been” (a) A Judge of the Supreme Court; or, (b) The Chief Justice of the High Court
24 Id, at Section 11
25 M.C.Mehta v. Union of India decided on 7.05.2004 by Y.k.Sabharwal and B.N.Aggarwal JJ.
The Disaster Management Act, 2005\textsuperscript{26} seeking for an effective management authorities have been constituted at the National, State and at the District level. The National Disaster Management Authority (National Authority), which is to be chaired by the Prime Minister of India is entrusted with the responsibilities for laying down the policies on disaster management, and approve plans at the national level for disaster management.\textsuperscript{27} The National Authority is also entrusted with the duty to lay down guidelines to be followed by the State Authorities for preparing plans at the State Levels and co-ordinate the policies at different levels. The National Authority is also empowered to arrange and oversee the provision of funds for mitigation measures, preparedness and response and to provide support for other countries affected by disasters.\textsuperscript{28}

In carrying out its functions the National Authority is assisted by a National Executive Committee (NEC), which has been entrusted with the responsibility to implement the programs and policies of the National Authority and carry out the directions of the Central Government in this regard. The NEC has also has the duty to draw up a National Plan containing measures to be taken for prevention and mitigation of disasters, for integration of mitigation plans with the development plans, and for preparedness and capacity building to effectively respond to disasters.\textsuperscript{29}

The National Authority has also the duty to lay down the guidelines to provide for the minimum standard of relief to the effected persons. The Act contains similar provisions for constituting State Disaster Management authority with similar

\textsuperscript{26} Bill No. LV of 2005 introduced in the Rajya Sabha
\textsuperscript{27} Clause 3 of the Act
\textsuperscript{28} Clause 6 of the Act.
\textsuperscript{29} Clause 8 of the Act.
powers and functions at the State level. A State level Executive Committee has been constituted under the Bill entrusted with the responsibility to carry out the policies at the State level and to draw up a State level Plan. The Bill also provides for District level Disaster management authorities to draw district level plans and implement them in co-ordination with National and State Plans.

The Act also contains also provides for detailed responsibilities of various departments at the centre and the State Governments and the local authorities of a disaster management and their duty to formulate policies and implement them at their respective levels. It also provides for the setting up of National Institute on Disaster Management for planning and promoting training and research in the area of disaster management. The Act also provides for the constitution of a National Disaster Response Force for the, purpose of specialist response for a threatening disaster situation or disaster. The Act also contemplates creation of Disaster Response Funds and Disaster Mitigation Funds at the National, State and District Levels respectively. The Act lays down institutional, legal, financial and coordination mechanisms at the National, State, District and Local levels. These institutions are not parallel structures and will work in close harmony. The new institutional framework is expected to usher in a paradigm shift in DM from relief centric approach to a proactive regime that lays greater emphasis on preparedness, prevention and mitigation.

- National Disaster Management Authority (NDMA)

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30 Clause 14 of the Act
31 Clause 25 of the Act.
32 Clause 42 of the Act
33 Clause 44 of the Act
34 Clause 46 of the Act.
The NDMA, as the apex body for disaster management, is headed by the Prime Minister and has the responsibility for laying down policies, plans and guidelines for DM and coordinating their enforcement and implementation for ensuring timely and effective response to disasters. The guidelines will assist the Central ministries, Departments and States to formulate their respective DM plans. It will approve the National Disaster Management Plans and DM plans of the Central Ministries/Departments. It will take such other measures, as it may consider necessary, for the prevention of disasters, or mitigation, or preparedness and capacity building for dealing with a threatening disaster situation or disaster. Central Ministries/Departments and State Governments will extend necessary cooperation and assistance to NDMA for carrying out its mandate. It will oversee the provision and application of funds for mitigation and preparedness measures. NDMA has the power to authorize the Departments or authorities concerned, to make emergency procurement of provisions or materials for rescue and relief in a threatening disaster situation or disaster. The general superintendence, direction and control of the National Disaster Response Force (NDRF) are vested in and will be exercised by the NDMA. The National Institute of Disaster Management (NIDM) works within the framework of broad policies and guidelines laid down by the NDMA.

The NDMA is mandated to deal with all types of disasters; natural or man – made. Whereas, such other emergencies including those requiring close involvement of the security forces and/or intelligence agencies such as terrorism (counter – insurgency), law and order situations, serial bomb blasts, hijacking, air accidents, CBRN weapon systems, mine disasters, port and harbor emergencies, forest fires, oilfield fires and oil spills will continue to be handled by the extant mechanism i.e., National Crisis Management Committee (NCMC).
NDMA may, however, formulate guidelines and facilitate training and preparedness activities in respect of CBRN emergencies. Cross-cutting themes like medical preparedness, psycho-social care and trauma, community based disaster preparedness, information and communication technology, training, preparedness, awareness generation etc., for natural and man-made disaster will also engage the attention of NDMA in partnership. Resources available with the disaster management authorities at all levels, which are capable of discharging emergency support functions, will be made available to the nodal Ministries/Agencies dealing with the emergencies at times of impending disaster(s).

- **National Executive Committee (NEC)**

The NEC comprises the Union Home Secretary as Chairperson, and the Secretaries to the Government of India, in the Ministries/Departments of Agriculture, Atomic Energy, defense, Drinking Water Supply, Environment and Forests, Finance (Expenditure), Health, Power, Rural Development, Science & Technology, Space, Telecommunication, Urban Development, Water Resources and the Chief of the Integrated Defence Staff of the Chiefs of Staff Committee members. Secretaries in the Ministry of External Affairs, Earth Sciences, Human Resource Development, Mines, Shipping, Road Transport & Highways, and the Secretary, NDMA will be special invitees to the meetings of the NEC.

The NEC is the executive committee of the NDMA, and is mandated to assist the NDMA in the discharge of its functions and also ensure compliance of the directions issued by the Central Governmental. The NEC is to coordinate the response in the event of any threatening disaster situation or disaster. The NEC
will prepare the National Plan for Disaster Management based on the National Plan for Disaster Management based on the National Policy on Disaster Management. The NEC will monitor the implementation of guidelines issued by NDMA. It will also perform such other functions as may be prescribed by the Central Government in consultation with the NDMA.

➢ **State Disaster Management Authority (SDMA)**

At the State level, the SDMA, headed by the Chief Minister, will lay down policies and plans for DM in the State. It will, inter alia approve the State Plan in accordance with the guidelines laid down by the NDMA, coordinate the implementation of the State Plan, recommended provision of funds for mitigation and preparedness measures and review the developmental plans of the different Departments of the State to ensure the integration of prevention, preparedness and mitigation measures.

The State Government shall constitute a State Executive Committee (SEC) to assist the SDMA in the performance of its functions. The SEC will be headed by the Chief Secretary to the State Government and coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan. The SEC will also provide information to the NDMA relating to different aspects of DM.

➢ **District Disaster Management Authority (DDMA)**

The DDMA will be headed by the District Collector, Deputy Commissioner or District Magistrate as the case may be, with the elected representative of the local authority as the Co-Chairperson. The DDMA will act as the planning, coordinating and implementing body for DM at the District level and take all necessary measures for the purposes of DM in accordance
with the guidelines laid down by the NDMA and SDMA. It will, inter alia prepare the District DM plan for the District and monitor the implementation of the National Policy, the State Policy, the National Plan, the State Plan and the District Plan. The DDMA will also ensure that the guidelines for prevention, mitigation, preparedness and response measures laid down by all the Departments of the State Government at the District level and the local authorities in the District.

- Local Authorities

For the purpose of this Policy, local authorities would include Panchayat Raj Institutions (PRI), Municipalities, District and Cantonment Boards, and Town Planning Authorities which control and manage civic services. These bodies will ensure capacity building of their officer and employees for managing disasters, carry out relief, rehabilitation and reconstruction activities in the affected areas and will prepare DM Plans in consonance with the guidelines of the NDMA, SDMA and DDMAs. Specific institutional framework for dealing with disaster management issues in mega cities will be put in place.

- National Institute of Disaster Management (NIDM)

The NIDM, in partnership with other research institutions has capacity development as one of its major responsibilities, along with training, research, documentation and development of a National Level information base. It will network with other knowledge-based institutions and function within the broad policies and guidelines laid down by the NDMA. It will organize training to
trainers, DM officials and other stakeholders. The NIDM will strive to emerge as a ‘Centre of Excellence’ in the field of Disaster Management.

- **National Disaster Response Force (NDRF)**

For the purpose of specialized response to a threatening disaster situation or disasters/emergencies both natural and man-made such as those of CBRN origin, the Act has mandated the constitutional of a national Disaster Response force (NRDF). The general superintendence, direction and control of this force shall be vested in and exercised by the NDMA 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 Civic Defence and National Disaster Response Force. Presently, the NDRF comprises eight battalions and further expansion may be required. NDRF units will maintain close liaison with the designated State Governments and will be available to them in the event of any serious threatening disaster situation. While the handling of nature disasters rests with all the NDRF battalions, four battalions will also be equipped and trained to respond to situations arising out of CBRN emergencies. Training centers will be set up by respective paramilitary forces to train personnel from NDRF battalions of respective Forces and will also meet the training requirements of State/UT Disaster Response Forces. The NDRF units will also impart basic training to all the stakeholders identified by the State Government in their respective locations. Further, a National Academy will be set up to provide training for trainers in disaster management and to meet related National and International commitments.

5.5 **Other Existing Institutional Arrangements**
5.5.1 Cabinet Committee of Management of Natural Calamities (CCMNC) and the Cabinet Committee on Security (CCS)

CCMNC has been constituted to oversee all aspects relating to the management of natural calamities including assessment of the situation and identification of measures and programmes considered necessary to reduce its impact, monitor and suggest long – term measures for prevention of such calamities, formulate and recommend programmes for public awareness for building up society’s resilience to them. The CCS deals with issues related to defence of the country, law and order and internal security, policy matters concerning foreign affairs that have internal or external security implications, and economic and political issues impinging on National security.

5.5.2 High Level Committee (HLC)

In the case of calamities of severe nature, Inter – Ministerial Central Teams are deputed to the affected States for assessment of damage caused by the calamity and the amount of relief assistance required. The Inter-Ministerial Group (IMG), headed by the Union Home Secretary, scrutinizes the assessment made by the Central Teams and recommends the quantum of assistance to be provided to the States from the National Calamity Contingency Fund (NCCF). However, assessment of damages by IMG in respect of drought, hailstorm and pest attack will continue to be headed by the Secretary, Ministry of Agriculture and Cooperation. The HLC comprising the Finance Minister as Chairman and the Home Minister, Agriculture Minister, and Deputy Chairman of the planning commission as members approves the central assistance to be provided to the
affected states based on the recommendations of the IMG. The constitution and composition of HLC may vary from time to time. The Vice Chairman, NDMA will be a special invitee to the HLC.

5.6.4 Central Government

In accordance with the provisions of the Act, the central government will take all such measures, as it deems necessary or expedient, for the purpose of DM and will coordinate actions of all agencies. The central ministries and departments will take into consideration the recommendations of the state government departments while deciding upon the various pre–disaster requirements and for deciding upon the measures for prevention and mitigation of disaster. It will ensure that the central ministries and departments integrate measures for the prevention and mitigation of disasters into their developmental plans and projects, make appropriate allocation of funds for pre–disaster requirements and take necessary measures for preparedness and to effectively respond to any disaster situation or disaster. It will have the power to issue directions to NEC, State Governments/SDMAs, SECs or any of their officers or employees, to facilitate or assist in DM, and these bodies and officials shall be bound to comply with such directions. The Central Government will extend cooperation and assistance to the State Governments as required by them or otherwise deemed appropriate by it. It will take measures for the deployment of the Armed Forces for disaster management. The Central Government will also facilitate coordination with the UN Agencies, international organizations and governments of foreign countries in the field of disaster management. The ministry of external affairs in coordination with the ministry of home affairs (MHA) will facilitate external coordination/cooperation. As disaster management is a multi-disciplinary process,
all central ministries and departments will have a key role in the field of disaster management. The nodal ministries and departments of the Government of India (i.e., the ministries of Agriculture, Atomic Energy, Civil Aviation, Earth Sciences, Environment & Forests, Home Affairs, Health, Mines, Railways, Space, and Water Resources etc.) will continue to address specific disasters are assigned to them.

The National Crisis Management Committee (NCMC) comprising high level officials of the Government of India headed by the Cabinet Secretary will continue to deal with major crises which have serious of national ramifications. It will be supported by the Crisis Management groups (CMG) of the central nodal ministries and assisted by NEC as may be necessary. The secretary, NDMA may be a member of this Committee. The primary responsibility for disaster management rests with the states. The institutional and district levels will help the states manage disasters in an effective manner.

5.5.4 Disaster Management Code

In line with the changed approach, the State Governments have also been advised to convert their Relief Codes into Disaster Management Codes by building into it the process necessary for drawing disaster management and mitigation plans as well as elements of preparedness apart from response and relief. A committee constituted under the Executive Director, national institute of disaster management has drafted a model disaster management code which is being circulated to the states so as to assist them this process. Some states have constituted committees to revise the codes as GOI guidelines. The revised codes will ensure that the process of drawing disaster management plans and mitigation and preparedness measures institutionalized.
5.6 Techno legal Framework

5.6.1 Revision of Municipal Regulations

In view of the construction boom and rapid urbanization, municipal regulations such as development control regulations, building bye – laws and structural safety features need to be revisited. These regulations will be reviewed periodically to identify safety gaps from seismic, flood, landslide and other disasters and suitable modification will be made to align them to the revised building codes of the Bureau of Indian Standards (BIS). Undesirable practices compromising safety during disasters, that tend to crop up from time to time, will need to be addressed in the regulations. The utilization of unsuitable areas for construction, without necessary safeguards further enhances vulnerability and needs to be guarded against through appropriate compliance mechanisms. Similarly, the introduction of suitable regulations for rural areas will also be emphasized. Where required, local bodies will be provided with suitable financial incentives for the reparation of appropriate regulations. This process will involve an all inclusive exercise involving due sensitization of governmental organizations at all levels, local authorities and the community at large to accrue maximum results thereof.

5.6.2 Land Use Planning

Central ministries and departments concerned in consultation with scientific institutions will carry out analysis of environmental and hazards data for formulation of alternative land use plans for different geographical and administrative areas with a holistic approach. This is more relevant to mega cities, metros and high – density urban settlements for safer location of habitat and other critical facilities. A review of master plans and their compliance, on priority, will
be essential and regarded as the paramount responsibility of the States/Uts. At the macro-level, there is a need for preparation of land use planning based on the inventory database of various uses. As far as urban settlements are concerned, the future land use is to be assessed keeping in view the anticipated intensity of development.

5.6.3 Safe Construction Practices

Hazards like earthquakes and cyclones do not kill people but inadequately designed and badly constructed buildings do. Ensuring safe construction of new buildings and retrofitting of selected lifeline buildings, as given in the Earthquake guidelines, is a critical step to be taken specification of houses being constructed, under the Indira Awas Yojana (IAY) and other government welfare and development schemes, will also be reexamined to ensure hazard safety. Building codes will be updated every five years as a mandatory requirement and also put in the public domain. Observance of the national building code should be made mandatory in all the State/municipal buildings bye-laws.

5.6.4 Compliance Regime

There is a need for putting in place a sound compliance regime, with binding consequences, to ensure the effectiveness of techno – legal and techno-financial provisions. It is important to ensure that monitoring, verification and compliance arrangements are in place both at the national and State level. It will be the responsibility of all stakeholders concerned, to implement these provisions. Adoption of best management practices like self – certification, social audit, and an
external compliance regime including audit by professional agencies, need to be encouraged through development and design of tools such as IT-enabled monitoring software to suit the DM systems in India, in consultation with various stakeholders and knowledge institutions for adoption after due trial and validation.

After having put the techno–legal and compliance system in place, the States/UTs will also ensure their enforcement by establishing an effective enforcement by establishment an effective mechanism, under the provisions of the Act.

Conceptually, the Armed forces are called upon to assist the civil administration only when the situation is beyond their coping capability. In practice, however, the Armed form an important part of the Government’s response capacity and are immediate responders in all serious disaster situations. The Central Paramilitary Forces (CPMFs), which are also the Armed Forces of the Union, play a key role at the time of immediate response to disasters. Besides contributing to the NDRF, they will develop adequate disaster management capabilities within their own forces and respond to disasters which may occur in the areas where they posted. The local representatives of the CPMFs may be co-opted/invited in the executive committee at the State level. The State Police Forces and the Fire Services are crucial immediate responders to disasters. The Police Forces will be trained and the Fire Services upgraded to acquire multi-hazard rescue capability. Civic Defence and Home Guards, the mandate of the civil defence and the home guards will be redefined to assign an effective role in the field of disaster management. They will be deployed for community preparedness and public awareness. A culture of voluntary reporting to duty stations in the event of any disaster will be promoted.
State Disaster Response Force (SDRF), States will be encouraged to create response capabilities from within their existing resources. To state with, each State may aim at equipping and training one battalion equivalent force. They will also include women members for looking after the needs of women and children. NDRF battalions and their training institutions will assist the States/UTs in this effort. The States/UTs will also be encouraged to include DM training in their respective Police Training Colleges and basic and in-service courses, for gazette and non-gazette officers. Role of National Cadet Corps (NCC), National Service Scheme (NSS) and Nehru Yuva Kendra Sangathan (NYKS). Potential of these youth based organizations will be optimized to support all community based initiatives and DM training would be included in their programmes. Disasters do not recognize geographical boundaries. Major disasters may often simultaneously affect several countries. It will be the National endeavor to develop close cooperation and coordination at the International level in all spheres of DM.

5.7 Management of Natural Disasters in India

In India, traditionally, relief in the wake of a natural disaster has been treated as the primary responsibility of the States. Successive finance commissions have also reiterated this position. Even though States are primarily responsible for relief activities, the central government associates itself with measures aimed at ameliorating the sufferings of the people on account of natural calamities. Towards this end, the central government does provide help and assistance to buttress relief in the wake of major natural disasters. The dimensions of the response at the level of the central government are determined in accordance with the existing policy of financing relief expenditures.

5.7.1 Disaster Prevention Mitigation
Unlike man-made disasters, natural hazards like floods, earthquakes, and cyclones cannot be avoided. However, with mitigation measures along with proper planning of developmental work in the risk prone area, these hazards can be prevented from turning into disasters. A multi-pronged approach needs to be adopted to undertake mitigation measures:

- Building mitigation measures into all development projects.
- Initiating of National level mitigation projects by the NDMA, in high priority areas, with the help of the Central Ministries and departments concerned and the States.
- Encouraging and assisting State level mitigation projects in accordance with the guidelines.
- Indigenous knowledge on disaster and coping mechanisms adopted by various States will be given due weight age with special focus on protection of heritage structures.

Hazard zones, mapping and vulnerability analysis in a multi – hazard framework will be carried out utilizing Geographic information (GIS) based databases such as the national database for emergency management (NDEM) and national spatial data infrastructure (NSDI). As a first step towards addressing disaster vulnerabilities, Central ministries and departments, national agencies, knowledge – based institutions and DM authorities at the state and district levels need to carry out risk and vulnerability assessment of all disaster prone areas. Hazard zonations mapping and vulnerability analysis based on GIS and remote sensing data, needs to mandatorily include a group check component. Hazard and Consequence mapping on GIS platforms will be prepared for all chemical accident prone districts.
The increasing use of GIs, remote sensing and applications of Global Positioning Systems (GPS) in DM, has made it imperative to set up a mechanism for sharing thematic and spatial data through a designated electronic clearing house. The NSDI has been set up by the Survey of India, to collect, compile, analyze and prepare value-added maps for use by various agencies in the field of DM for management of natural resources, industrial applications etc. the NSDI need to work towards interoperability of data and information sharing protocols to facilitate effective policy analysis a two – way interoperable link will be established link will be established between NSDI and the proposed national disaster emergency communication network for easy and quick sharing. The programme designed to have spatial and non – spatial database in a secure environment under the NDEM will derive the data sets through NEDM will derive the data sets through NSDI for addressing the information needs for disaster management.

States/UTs have to accord the highest priority at all levels will be made in consonance with the guidelines and provisions in the DM Act, 2005. While the National Plan will be prepared by the NEC, the disaster and domain – specific plans will be made by the respective central ministries and departments. State and district plans will be prepared for their specific disaster related vulnerabilities in accordance with the guidelines issued by the NDMA. New institutional mechanisms may have to be built specifically in those sectors of DM where none of the existing agencies are working towards the building of required capacities.

The plans prepared by central ministries and departments, States and districts will incorporate the inputs of all stakeholders for integration into the planning process. The participation of all stakeholders, communities and institutions will inculcate a culture of preparedness. A bottom – up approach needs to be adopted for better understanding and operationalisation of these plans. The subject of DM will
be included as a ‘standing item’ in the agenda of the Inter State council and zonal council and as a ‘reporting item’ in the national development council.

It is most essential to establish, upgrade and modernize the forecasting and early-warning systems for all types of disasters. The nodal agencies responsible for monitoring and carrying out surveillance, for specific natural disasters, will identify technological gaps and formulate projects for their upgradation/establishment of meteorological observation systems. Partnerships with the world meteorological organization (WMO), pacific tsunami warning system and other regional and global institutions may also used for data receptions, forecasting and timely dissemination.

**5.7.3 Response**

Prompt and effective response minimizes loss of life and property. A caring approach for the special needs of vulnerable sections is also important. The existing and the new institutional arrangements need to ensure an integrated, synergized and proactive approach in dealing with any disaster. This is possible through contemporary forecasting and early warning systems, fail – safe communication and anticipatory deployment of specialized response forces. A well – informed and prepared community can mitigate the impact of disasters. The NEC will coordinate response in the event of any threatening disaster situation or disaster. While disaster specific guidelines will be formulated by NDMA, NEC may give directions to the concerned ministries/departments of the Government of India, the State governments and the State authorities regarding measures to be taken by them in response to any specific threatening disaster situation or disaster.

**5.7.4 Role of the Nodal and Other Central Ministries and Departments.**
For the various types of disasters, the nodal Ministry concerned will chart out detailed. Response Plans which will be integrated into the national response plan. The NEC may coordinate response in the event of any threatening disaster situation or disaster. The NEC will coordinate response in the event of any threatening disaster situation or disaster. While disaster specific guidelines will be formulated by NDMA, NEC may give directions to the concerned ministries/departments of the Government of India the State governments and the state authorities regarding measures to be taken.

**5.7.5 Role of State, District and Local authorities**

Section 23 of the DM Act 2005 provides that there shall be a DM plan for every State. It outlines the broad coverage of the plan as well as the requirements of consultation in the preparation of the State plans. It also provides for annual review and updating of the State plan, and to enjoin upon the State governments to make provisions for financing the activities to be carried out under the State plans. It provides for the departments of the State governments to draw up their own plans in accordance with the State plan. The state plans shall be prepared by the SEC in conformity with the guidelines to be issued on related matters by the SDMA having regard to the guidelines laid down in this regard by the NDMA, and after such consultation with local and district authorities and the people’s representatives as the SEC may deem fit. The State plan prepared be SEC shall be approved by the SDMA.

It is the primary responsibility of the State governments/SDMAs to monitor and assess any developing situation and keeps the NDMA and NEC apprised of the same. They will also be responsible to constantly evaluate their own capabilities to handle evaluate their own capabilities to handle that situation and project the
anticipated requirements for the central resources well in time. Inter – State assistance and cooperation will be encouraged. The States/UTs will also be responsible to develop their own response potential progressively and complete the process at the earliest. This will comprise training and equipping of State response forces, community preparedness, training and creation of response caches at the District level. District level preparations will provide the cutting edge to all response activities. Local authorities, PRIs and ULBs will play a significant role in the entire process, particularly in response and rescue operations, relief and rehabilitation, awareness generation and disaster preparedness, restoration of livelihood options and coordination with NGOs and civil society.

All central ministries, State governments, district authorities and other stakeholders will prepare SOPs in consonance with the National and State Plans. SOPs will be prescribed for activities like search and rescue, medical assistance and casualty management, evacuation, restoration of essential services and communication at disaster sites, etc. The other important activities are provision of food, drinking water, sanitation, clothing and management of relief camps. Detailed SOPs will also be devised by all concerned for dispatch, receipt and deployment of central resources.

The enunciation of this policy represents merely the first step in the new journey. It is an instrument that hopes to build the overarching edifice within which specific actions need to be taken by various institutions and individuals at all levels. A destination has been described, and hopefully, a direction shown. The stage has been set, and the roadmaps now need to be rolled out. This document has endeavored to capture, in its essence, the vigorously enabling environment, which the body politic has put it place through an Act of Parliament that heralds the onset of a different approach in dealing with disasters that have, in the past taken a heavy
toll of lives and properties and crippled the economic base of communities. It also illustrates realization of the fact that disasters not only cause a setback to economic and developmental growth, but also seriously affect the national security environment.

The central theme is the belief that a disaster intelligent and resilient community, duly empowered by a newly created DM Structure, working in cohesion multi-sectorally will help realize the national vision. This is also an expression of the firm conviction of the national leadership to make necessary financial allocations for prevention, preparedness and mitigation rather than fruitlessly incur post-disaster expenditure year after year. This policy will have served its purpose, if those that are charged with the responsibility of carrying the task forward, find that their hands have received from it, the strength and direction that they need.

There is paradigm shift in India from reactive approach of responding and calamity relief after the disaster to proactive approach of disaster prevention, preparedness, and mitigation. The enactment of Disaster Management Act, 2005, establishment of National Disaster Management Authority with the Prime Minister as its Chairperson, and disaster management training by the National Institute of Disaster Management along with the Disaster Management Cells of the State Administrative Training Institutes will help in India becoming disaster resilient.

The establishment of so many committees and authorities does not seem to have a strong logical foundation. Overlapping duties are found among various authorities in the Act which are bound to confuse people. Further the coordination among these bodies appears to be cumbersome. The Act refers to several policies, disaster
management plans of the departments of the Government, a national plan, a state
plan, a district plan including a district response plan. The district authority is
entrusted with the task of coordinating and monitoring the implementation of all
the plans and policies mentioned in the Act. It is difficult to comprehend the
practical implication of such a provision as there is always a high probability of
contradiction in the provisions laid down in the plans and policies.