CHAPTER-V

LEGAL ASPECTS OF DISASTER MANAGEMENT IN INDIA
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INTRODUCTION

The experience from the past disasters especially the natural disasters like Orissa cyclone, 1999, Gujarat earthquake, 2001 and the giant tsunami, 2004 and the prospect of more disasters (both natural and manmade) clearly illustrated the need for multi hazard prevention, response, and recovery plans for these hazards inorder to minimize the threat of human life and property.

As in many years of human endeavor, laws response to disaster and its aftermath in our country has been inadequate. In the area of legislation there is no comprehensive, enacted legislations to deal with the issue arising out of disasters. As a result this would require strengthening of the existing legal framework, removal of loopholes, ensuring an effective coordination mechanisms and an administrative structure with unity of command and will defined responsibilities at all levels. Taking the institutional reform process, the union government decided to formulate comprehensive disaster management legislation, providing for a legal and institutional framework of disaster management at all levels in the country.

The parliament enacted Disaster Management Act, 2005 (here in after referred as DMA) by invoking entry 23 namely ‘social security and social insurance, employment and unemployment’ in the Concurrent List. On 23rd Dec 2005, the Government of India (here in after referred as GOI) took a defining step towards a holistic and an agile disaster management by enacting the DMA. The Act aims for covering all aspects of prevention, mitigation, preparedness rather than rehabilitation, reconstruction and recovery (see Appendix - 7).

Profile of Disasters in India

India has been traditionally vulnerable to natural disasters because of its unique geo-climatic conditions. The history of disasters has demonstrated the multi-hazard
scenario in the country. The main hazards that are experienced in the parts of the country include earthquakes, cyclones, floods, tsunamis, landslides, fire forests, droughts etc. Due to its geo-climatic conditions, India has been vulnerable to various natural disasters. About 60% of its landmass is prone to earthquakes, over 40 million hectares is prone to floods of 75,00 Km of coast line close to 5,700 Km is prone to, cyclones and 68% of area is susceptible to drought. The tsunami disaster, which struck five coastal states/UTs in India in Dec 2004, has further highlighted the vulnerability of coastal areas. Fire incidents, industrial accidents and other manmade disasters involving chemical, biological and radioactive materials are additional hazards which have underscored the need for strengthening mitigation, preparedness and response measures.

Ancient period- India is endowed with extraordinary natural and civilizational resources. From ancient period itself disasters have been an integral part of human history. The rise and fall of the Indus valley civilization was testimony to this. Over the centuries, local communities have developed their own indigenous survival mechanisms to tackle the disasters. The most elaborate provisions regarding to tackle these crises are to be found in Kautilyas Arthrashastra. Gupta’s has categorized these provisions and in brief these provisions say that it is the duty of the king to protect their subjects from any crisis situations.

British Period- Recurrent crises in the form of widespread famine and scarcity became a frequent event during the supremacy of British Rule in India. Moreover millions of people died because of epidemics due to famine. But the government in early stages did not adopt any relief measures effectively to mitigate the situation. Rather the company’s servants made enormous profits from the scarcity situation by selling food grains in high price. The government did not interferer to the speculation of food grains during famine was in pursuance of the policy of laisser-faire. It was only after the devastating famine, of 1876-78; the government changed its policy of “non-interference” and undertook concrete measures and steps to fight famine. To the first step they constituted a famine commission under the presidenship of Sir Richard Strachey in 1878. The recommendation of this commission was embodied in the famine code and scarcity relief division under the Agricultural Ministry was constituted to address.
famine. Most probably as a relief measure the commission suggested for offering employment at the cost of the State, dig wells, irrigational construction, giving gratuitous relief to unable persons, poor workers etc. But the Indian famine of 1896 proved that these measures were inadequate to tackle the future calamity. Therefore the second famine commission was constituted in 1898\textsuperscript{18}, but the commission adhered in the main to the recommendation of more liberal wages to match the increase in crises and a free extension of gratuitous relief and also made specific recommendation for the relief of hilly and tribal people. The commission point out that the dependents on agriculture is the main cause of the disastrous consequences of famine and they give recommendation that the situation can be remedied only by the development of industries other than agriculture.

Following the 1896 famine, Indian famine attacked in 1899. This remains a large number of persons on relief than before, mortality of both human and cattle was for in excess of any previous famine. Even though the British Authorities failed to tackle the situation and finally they refused to open famine relief works in the early stages of famine. In order to study the situation a famine commission\textsuperscript{19} was constituted to assess the relief experience and of the administration of relief during the period. The famine codes were amended during these periods with the recommendation of the second and third famine commission and a new irrigation policy evolved with the irrigation commission of 1903. The commission recommended for extending the irrigation facility by reducing the dependency of the monsoon in agricultural production and cope the agricultural labours to increase the power of resistance to the consequences of variations in climatic conditions. Moreover the rail transportation in India helps to transport the food grains form one part to another part. But the Bengal famine in 1942 worsens the situations and 2\textsuperscript{nd} World war also responsible for this. The govt. pathetically failed to tackle the situation. Later the government changed its attitude of non-interference to preventive measures because the political climate of the country has changed and they realize that heavy cost has spent in the name of relief measures. They adopted two kinds of preventive measures The first one is the extension of irrigation by reducing the dependency of monsoon in crop production and by improve the economic condition of the poorer classes of agriculturists to enable them to withstand the vicissitudes of the season.
Unfortunately the British government was too late to come up with the preventive measures in India. To be followed this, since independence India have developed stringent measures to tackle the drought situation. It reflects in our five year plans programmes too i.e. this includes early warning, preparedness, response, mitigation etc. By 1960’s with the onset of green revolution the necessity of famine relief work declined and a holistic longterm and short term drought management programme was taken in the form of the Drought Prone Area Programme (DPAP), Desert Development Programme (DDP), and National Watershed Development Programme (NWDP) etc. Besides banking and cooperative credit societies sectors also provide help for making available financial credit to the farmers to their own easy terms.

Legal Regulation on Disaster Management in India

Indian Constitution

Indian constitution, the Magna Carta of fundamental rights for Indians, guarantees protection of life and security with the purpose of ensuring a welfare state. But the subject of disaster management does not find mention in any of the three lists in the seventh schedule of Indian Constitution\textsuperscript{20}. Even though, the basic rights have been guaranteed to all citizen under Article 21 of the Indian constitution. The Supreme of India has given a wider interpretation to the scope of this article to include the rights to have a clean and healthy environment\textsuperscript{21}. The scope of the right to life has been further widening by the Supreme Court of India to include the right to sustainable development\textsuperscript{22}. The SC also pronounced disaster management activities should be integrated with the development activities and the disaster management cannot be separated from the sustainable development\textsuperscript{23}.

The Constitution also states about the states obligation in the matter of protecting environment through sustainable development. The welfare states are obliged to preserve the environment for protecting their people from the disasters. The preservation of environment means the protection from hazard risk i.e. disasters. Every right implies the existence of correlative duty and therefore it is the duty of every citizen to preserve the environment from any kind of pollution\textsuperscript{24}.
The Indian constitution specifically speaks about free legal aid to the victims of disasters. It is the right of every victim for free legal aid. But unfortunately the victims of Bhopal gas tragedy were not aware about their rights and there was no sign of giving legal aid to the poor victims.

After independence India began a process of rapid industrialization. Before the Bhopal tragedy the industries were regulated by Workman’s compensation Act, Factories Act, 1948 and Explosive Act, 1884. But the Bhopal gas incidence proved that these Acts were not sufficient to tackle disaster. Bhopal disaster increased the level of public awareness on manmade disasters, and brought to the fore, the pressing need for framing proper policies to prevent and mitigate such manmade disasters in future. It also increased the awareness of general public on the need to protect the environment and people from uncontrolled industrial activities and thus there is a need for a holistic approach to technological disaster management.

After the Bhopal gas tragedy, the state felt a concern for the functioning and location of hazardous industries. As a result to this the parliament has enacted a series of laws to protect the environment and make a control for the starting of hazardous industries in order to safeguard the people from disasters. Some of them are

**The Environment Protection Act, 1986 (here in after referred as EPA)**

In order to protect and improve the environment from pollution, the Indian parliament has enacted the Environmental Protection Act, 1986. As per the act the central government has the power to control and abate the environmental pollution. This act laid down strict standards of hazardous emission, made the company liable in the case of emission of pollutants in excess of prescribed standard. The EPA imposes obligation on the persons handling any hazardous substances to follow prescribed procedure and comply with prescribed safeguards.

Under Section 3 of EPA, a notification was issued by the central government in 1994 mandating on the part of all industrial units, and those with indent to modernize or expand to submit on Environmental Impact Assessment (EIA) statement for the purpose of obligeing clearance from the central government for setting up industrial projects.
The EIA statement should contain a detailed report on the potential adverse impact on the environment by 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 by the central government while granting permission to start a project.

**Hazardous Waste (Management and Handling) Rules, 1989 (here in after referred as HW(MH)R)**

As per the HW(MH)R, the industries had to take steps necessary to ensure that the hazardous waste are being managed in a way to protect against any adverse effects, that may result from such wastes. It is mandatory for an occupier to identify the major hazards posed by the unit and at the same time, taking steps to prevent and limit the consequences of an accident and inform and trained the workers in occupational safety.

**Manufacture, Storage and Import of Hazardous Chemical Rules, 1989**

The central government under the EPA framed the Manufacture, Storage and Import of Hazardous Chemical Rules. The objective of this rule is to prevent major accidents arising from industrial activity, limit 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. This rule imposed a duty on the pollution control authorities to inspect industrial establishments to ensure that while carrying on their industrial activities, they do not pollute or do anything detrimental to the environment. The industrial establishments are also submitting safety audit report on off site and on site emergency disaster management plans.

**Public Liability Insurance Act, 1991 (here in after referred as PLI)**

The PLI Act was enacted to provide prompt and immediate relief to the persons affected by accidents occurring while handling hazardous substances. The Act gave statutory recognition to ‘no fault’ liability and provided that on the occasion of death or injury to any person or damage to property from hazardous substances, the owner of the establishment would provide relief in the form of prescribed sum. The Act imposes a duty on the part of the industrial unit to take up insurance policies to compensate the
victims in the event of industrial disasters. It also provide 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.

Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 (Here in after Chemical Accident Rules)

This rule prescribed for four tier crises management system at local, District, State and Central level. The central crisis group is the apex body in the country to deal with and provide expert guideness for planning and handling of chemical accidents in the country. This crisis group continuously monitors the post accident situation and suggests measures for prevention of reoccurrence of such accidents. They meet once in six months and respond to queries from state crisis groups and districts groups. The central crisis group gives information regarding prevention, preparedness and mitigation of chemical accidents.

The Coastal Regulation Zone Notification 2011 (CRZ)

The approach adopted by the first notification ie Coastal Regulation Notification 2009 was to define the High Tide Line (here in after referred as HTL) and Coastal Regulation Zone (here in after referred as CRZ) and thereafter specify the activities permitted and restricted in the vicinity of the CRZ. This regulation zone was further divided into four categories (CRZ I-IV) as per permitted land use and widened the definition of CRZ by including the land area from HTL to 500 m on the landward side from protection of cyclone, floods and tsunami. As per this notification a new category called area ‘requiring special consideration’ has been created for protecting the coastal areas from hazards. This notification prohibits new construction of industries and expansion of existing industries. The new concept of Coastal Regulation Management Plan has been introduced for regulating coastal development activities. This helps to regulate and protect the encroachment to these areas from mining and other illegal activities.


National Health Bill, 2009

The Bill particularly aims the state and local bodies to provide essential services during the time of emergencies. The Bill demands cooperation between centre and state governments for providing essential public health services for responding to emergencies. The Bill confers a separate chapter for protection from environmental disasters, protection from outbreak of epidemics and other public health emergencies. The National Public Health Board was constituted for providing financial, technical and human resource assistance in emergency situation and for lay down guidelines for preventing and controlling communicable diseases. At the same time the State Health Board identify and prevent epidemics, outbreak of diseases etc.

Disaster Management in India

India with its federal system of government has specific roles for the central and state governments. The country has administrative machinery for managing disasters at national, State, District and Sub districts levels. But the basic responsibility of undertaking rescue, relief and rehabilitation measures in the event of natural disasters left with the concerned state government. However the central government provides the logistic and financial support and assistance to buttress relief efforts in the wake of major natural disasters. The dimension of the response at the central government is determined in accordance with the existing policy like

(i) The gravity of natural disasters

(ii) The scale of the relief operation necessary and

(iii) The requirements of central assistance for augmenting the financial resources at the disposal of the emergency situation of the state government

Till recently, the Department of Agriculture and Cooperation held the nodal responsibility for managing disasters. After the Gujarat earthquake in 2001, this responsibility has been shifted to the Ministry of Home Affairs. However, in view of this highly technical and specific nature of certain disaster events such as aviation disasters, rail accidents, chemical disasters and biological disasters etc; the ministries dealing with the particular subject have the nodal responsibility for handling the particular type of disaster. They are
Table No: 5.1

Ministries Responsible for Various Categories of Disasters

<table>
<thead>
<tr>
<th>Types of Disasters</th>
<th>Ministries/ Departments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthquake and Tsunami</td>
<td>Ministry of Home Affairs (MoHA)/ Ministry of Earth Science/Indian Meteorological Department(IMD)</td>
</tr>
<tr>
<td>Flood</td>
<td>MoHA/Ministry of Water Resources/ Central Water Commission(CWC)</td>
</tr>
<tr>
<td>Cyclone</td>
<td>MoHA/ Ministry of earth Science/IMD</td>
</tr>
<tr>
<td>Drought</td>
<td>Ministry of Agriculture</td>
</tr>
<tr>
<td>Biological Disasters</td>
<td>Ministry of Health and Family Welfare</td>
</tr>
<tr>
<td>Nuclear Disasters</td>
<td>Ministry of Atomic Energy</td>
</tr>
<tr>
<td>Air Accidents</td>
<td>Ministry of Civil Aviation</td>
</tr>
<tr>
<td>Railway Accidents</td>
<td>Ministry of Railways</td>
</tr>
</tbody>
</table>

Source: NIDM

The Ministry of Home Affairs is the nodal ministry for all matters concerning natural disasters. The relief Commissioner functions as the nodal officer to coordinate relief operations for all natural disasters. The Central relief Commissioner receives information relating to forecast or warning of the natural calamity from the Director General of Indian Meteorological Department (IMD) or from the Central Water Commission (CWC). The relief commissioner makes interaction with the concerned ministries, Prime Minister and cabinet to take measures to mitigate or respond to these disasters. Apart from coordinating relief operations the relief commissioner review the contingency plans formulated by the central ministries and take measures required for dealing with natural disasters51. Various other committees working at national level for disaster management as follows:
Cabinet Committee

At the apex level there are two cabinet committees viz Cabinet Committee on Natural Calamity (CCNC) and Cabinet Committee on Security (CCS). All major issues concerning natural disasters are placed before the CCNC and the calamities which can affect internal security or may be caused due to the nuclear, biological and chemical weapons etc are placed before the CCS. The committee may set up for effective implementation of relief measures in the wake of disasters.

National Crisis Management Committee (NCMC)

The NCMC has been constituted in the cabinet secretariat under the chairmanship of cabinet secretary. The other member of this committee includes the secretaries of the concerned departments. The main function of this committee is to give direction to the crisis management group and other ministries for specific action needed for meeting the crisis situation. They coordinate the working of different departments of GOI, in times of crisis.

Crisis Management Group (CMG)

The Central relief Commissioner is the chairman of CMG. It consist of nodal officers from the concerned ministries as members. The function of CMG is to review every year contingency plan formulated by the central ministries, to review the measures required for dealing with the natural disaster, coordinate the activities of the central ministries and the state governments in relation to disaster relief and to obtain information from the nodal officers on measures relating to the above. The CMG meets every six months and however in event of any disasters it frequently meets to review the relief operations and explore all possibilities to render help to the affected region.

State

The entire structure of disaster administration in the state government has been oriented from the very beginning towards post disaster relief and rehabilitation. The basic responsibility to undertake rescue, relief and rehabilitation measures in the event of natural disasters rests with the state governments. The state governments are autonomous in organizing relief operation in the event of natural disasters and in the long term rehabilitation measures.
The state has a relief commissioner, who is in charge of the relief and rehabilitation measures in the respective state. At the level of the state government, natural disasters are usually the responsibility of the Revenue Department or the Relief Department. The chief secretary is the head of the state administration. The state headquarters has in addition, a number of secretaries, heads of the various departments handling specific subjects under the overall supervision and coordination of the chief secretary. While important policy decisions are taken at the state headquarters by the cabinet of the state headed by the chief Minister, day to day decisions involving policy matters are taken or exercised by the secretary in the department. There is a Crisis Management Committee (CMC) under the chairmanship of chief secretary, consisting of secretaries in charge of concerned departments. The function of CMC is to review crisis situations on day to day basis at the time of crisis, Coordinate the activities of all departments and provide decision support system to the district administration.

**State Crisis Management Group (SCMG)**

There is a crisis management group under the chairmanship of the relief commissioner. They may also constitute a sub group depending upon the requirements of the situation. The SCMG consider the institutions and guidance from GOI and formulate actions plans for dealing with different types of natural calamities. The SCMG also have district level plans for relief formulated by collectors/deputy commissioners.

The states are further divided into districts. The district collector has the responsibility for overall management of disasters in the district especially for the relief measures for disasters and for preparedness of district plans. All departments of the state governments including the police, fire force, public work, irrigation etc work in a coordinated manner under the leadership of the collector during disasters.

The collector shall also maintain close liaison with the central government authorities to request for assistance from the army, air force and navy, who could supplement the efforts of the district administration in the rescue and relief operations. The collector shall take steps for enlistment of voluntary efforts and channelizing the non government organization to respond natural calamities. The collector may have close
interaction with different implementation agencies and furnish information on a daily basis to the state relief commissioner on the implementation of rescue and relief measures\textsuperscript{67}.

The relief measures are revised by the district level committee consisting of officials and non officials and members including the local legislators and the members of parliament. At the district level, the control room shall be set up in the wake of natural calamities for day to day monitoring of the rescue and relief operations\textsuperscript{68}.

**A Paradigm Shift**

In the past decades, India was carrying out only response, relief and rehabilitation mechanisms and had a well oiled system to carry out these activities. Recently the country had faced with tremendous increase in disasters (both natural and manmade) which occurred heavy loss of life, property, economy etc. As a result, the GOI have brought about a paradigm shift in approach from a relief centric approach to a holistic approach and focused in a policy which emphasizes mitigation, prevention and preparedness. The approach proceeds from the conviction that, development cannot be sustained unless disaster mitigation is build in the development process. This result to put in place a necessary mechanism for drawing up and monitoring the implementation of disaster management plans, ensuring measures by various wings of government for preventing and mitigating the effects of disasters and for undertaking a holistic, coordinating and prompt response to any disasters. The new vision adopted for disaster management comprises of the following concerns\textsuperscript{69}.

- Preparedness rather than post disaster management
- Coordinate participatory approach rather than state responsibility (participatory approach between centre and state)
- Information, especially effective early warning system as a tool for disaster management
- Recognition of linkages between natural disasters and development and include disaster management as a continuous and integrated part of developmental process.
■ Emphasis on forecasting and warning system by using advanced technology
■ Preparedness and mitigation through specific plan programmes

Initiatives behind the enactment of Disaster Management Act, 2005

International Initiatives

The Yokohama Strategy emanating from the International Decade for Natural Disaster Reduction (IDNDR) in 1994 underlined a need for an emphatic shift in the strategy for disaster mitigation. It emphasized that prevention, mitigation and preparedness are better than disaster response in achieving the objectives of vulnerability reduction.

World Conference on disaster reduction held in Kobe, 2005 threw up a framework for action for the decade 2005 to 2015. The priority set for the decade include enactment of international and regional cooperation, emphasis on an integrated multi hazard approach to risk reduction, promotion of the culture of prevention and recognition that every disaster is an opportunity and disaster risk reduction is a cross cutting issue.

For attaining all these aims it is necessary to have a holistic legislation with preparedness and preventive measures as its motto. National government (GOI) expected to pay special attention to deal with natural disasters in a manner designed to minimize their occurrence and to mitigate hardship if they do occur. The efforts took concrete shape in India in 1999 with the constitution of HPC on disaster management.

National Initiatives

India together a signatory to the Yokohama Strategy, 1994 failed to enact any national law in spite of its obligation under the Yokohama Strategy and disturbed with the increasing frequency and fatal consequences of natural disasters like Orissa Super Cyclone, 1999 GOI set up a HPC for disaster management in 1999. It was the first attempt in India towards drawing up a systematic, comprehensive and holistic approach towards disasters. The HPC submitted its interim report in July 2000 and subsequently in February 2001.

The HPC was established for the formulation of disaster management plans by assessing the present codes, manuals, and plans at national, state and district level. This
committee gave priority for mitigation and preparedness rather than relief and rehabilitation. The Committee drafts a comprehensive legislation called National Calamity Management Bill. The draft Bill aimed at ensuring efficacy and effective management of natural and other calamities and achieving greater coordination and responsiveness with respect to prevention and mitigation of disasters. So as to provide better relief and rehabilitation of victims of disasters. Similarly the said committee suggested the enactment of State Disaster Management laws by each of the state. The committee also came out with a large number of recommendations dealing with constitutional and legal framework, institutional mechanisms, and Structural mechanisms in overall disaster management system of the country.75

The National Committee on Disaster Management (NCDM) was set up after the Gujarat earthquake, 2001 under the chairmanship of Prime Minister and with representatives of national and state level political parties, for catalyzing and enabling the preparation of disaster management plans and suggesting effective mitigation mechanisms.76

Following the Gujarat earthquake, the GOI took important policy decisions for revamping the disaster management system in the country. These are

- The Ministry was moved from the purview of ministry of Agriculture to the Ministry of Home Affairs
- The Relief and Rehabilitation Department is recognized as a separate Disaster Management Department
- State Government’s were advised to constitute State Disaster management Authority under the Chairmanship of State Chief Ministries and a Disaster Management Committee under the Chairmanship of District Collector
- Constitute a specialized force known as National Disaster Response Force (NDRF) to respond various natural and manmade disasters
- An advanced Emergency Operation Centre would be set up at national, state and district level
The National Institute of Disaster Management was set up for training, research, capacity building.

The GOI constituted the Second Administrative Reforms Commission (ARC) to revamp the public administration system. The scope of the term of reference of ARC is large, it does include crisis management. The commission critically examined the aspects related to constitutional and legal framework, institutional mechanisms, funding and infrastructure support system, preparedness measures etc. its recommendation aims not only having more efficient systems of governance but also at innovative ways of capacity building and empowerment of all stakeholders at all levels including panchayats and the community, strategical application of science and technology etc. Each of these tasks is a challenge and calls for a careful strategy of planning and implementation coupled with coordinated efforts of a variety of players both with in and outside the governmental structures. The National Institute of Disaster Management has been asked to carry out a study about various aspects of natural and man made disasters within particular reference to identification of areas prone to crises, prevention and preparedness measures, early warning system, mitigation measures, emergency response systems and relief and rehabilitation measures etc.

**Legal and Techno Legal Framework**

**Techno- Legal Framework**

The central government advice the state government to convert their relief codes into disaster management codes for drawing up disaster management and mitigation plans as well as elements of preparedness. Apart from this, a national core group on earth quake mitigation was constituted after the Gujarat earthquake in 2001 and a committee was constituted to develop building by laws and to review town and country planning statutes and for zoning regulation.

**Legal Framework**

The Disaster Management Act, 2005(DMA), a quite voluminous document, is apparently a comprehensive law covering most aspects of disaster management. It has
76 sections spread in 11 chapters covering both natural and manmade disasters. The objectives of the Act are to establish requisite institutional mechanisms from the central, state, district and local levels. It aims for drawing up and monitoring the implementation of disaster management plans, ensuring measures by various wings of the government for prevention and mitigation efforts of disaster and for prevention and mitigation efforts of disasters and for understanding a holistic, coordinated and prompt response to any disaster situation

**Disaster Management Act at Glance**

The centre of gravity stands visibly shifted to preparedness, prevention and planning simultaneously as the national response is improved. The new act provides that

- There shall be a National, State and District Disaster Management Authority (DMA) with Prime Minister, Chief Minister and District Collector as chairperson respectively
- There shall be an institution to study and do research in science and development technologies to manage the disasters. i.e. National Institute of Disaster Management (NIDM)
- There shall be a Disaster Management Fund available to the union, state and district authorities to meet the immediate needs for providing rescue and relief to the victims of disasters.

**Institutional Framework**

**Disaster Management Authority**

The act envisaged the creation of National Disaster Management Authority (NDMA) under the Prime Minister of India as its chairman. The concept of the authority is based on disaster divisions – cum secretariat system. Each member of the authority heads a specific division for disaster and functional domains. Each member has also been given the responsibility of specified states and Union Territories for close interaction and coordination. For effective functioning of the NDMA the secretariat is headed by a secretary, and is proposed to have a two disaster management wings under the secretariat. They are
Disaster Management I: dealing with mitigation, preparedness, plans, reconstruction, community awareness and dealing with financial or administrative aspects

Disaster Management II: This wing is proposed to carry out the tasks of capacity development, training and knowledge management. The skilled and expertise specialists are extensively used to constitute an advisory committee called National Advisory Committee to assist the NDMA. The central government provides officers, consultants and employees to National Authority for carrying out its function.

In order to assist the National Authority, an advisory committee called National Executive Committee (NEC) has constituted. This committee is headed by the secretary of home affairs as chairperson and other members consisting of secretaries of GOI from the concerned ministries. The NEC, as it considers necessary may constitute one or more sub-committees for the efficient discharge of its function.

**Powers and Function of NDMA**

The Disaster Management Act mandates the NDMA to lay down policies, plans and guidelines for effective disaster management and help the state authorities to draw their plans. In essence the NDMA will concentrate on prevention, mitigation, preparedness, rehabilitation and reconstruction and also formulate an appropriate policies and guidelines for effective and synergized national disaster response and relief. It will coordinate the enforcement and implementation of polices and plans.

The authority approves the plans prepared by the NEC and the plans prepared by various ministries or departments concerned. The state authority follows the guidelines prepared by the national authority for framing their state plans. The authority also concentrates on the coordination and enforcement of the activities laid down in the national plan. The authority support the countries affected with major disasters and inorder to make transparency the authority prepare an annual report of disaster management.
### Table No:5.2

**Powers and Functions of National Authority**

<table>
<thead>
<tr>
<th>Sl no</th>
<th>Powers and Functions</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Approve the national policies and plans prepared by NEC and different ministries</td>
<td>6(2)(a)(b) &amp; (c)</td>
</tr>
<tr>
<td>2</td>
<td>Lay down guidelines for State Authority for preparing the state plan</td>
<td>6(2)(d)</td>
</tr>
<tr>
<td>3</td>
<td>Coordinate, enforce and implement the national disaster management plan</td>
<td>6(2)(f)</td>
</tr>
<tr>
<td>4</td>
<td>Give assistance to the countries affected by major disasters</td>
<td>6(2)(h)</td>
</tr>
<tr>
<td>5</td>
<td>Lay down policies and guidelines for National Institute of Disaster Management</td>
<td>6(2)(j)</td>
</tr>
</tbody>
</table>

### Figure No:5.1

**Powers and Functions of National Authority**

- Approval of national policies and plans
- Prepare guidelines for state plans
- Powers and Functions of NDMA
- Enforce national disaster management plan
- Give assistance to disaster affected countries
- Prepare policies and guidelines for NIDM
- Powers and Function of NEC

The NEC lay down the guidelines and give directions to the concerned ministries at the central and state level with regard to the measures taken by them for responding to
any threatening disaster situation or disasters. The NEC may provide men or material resources to national Authority or State Authority for the purpose of emergency response, rescue and relief. It is the Executive Committee implement and executes functions for emergency relief and response mechanism. In toto it is the Executive Committee duplicating the role of National Crisis management Committee to a great extent.

Table No:5.3

Powers and Functions of NEC

<table>
<thead>
<tr>
<th>Sl no:</th>
<th>Powers and Functions</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Act as a monitoring body for disaster management</td>
<td>10 (2)(a)</td>
</tr>
<tr>
<td>2</td>
<td>Prepare and implement national plan</td>
<td>10 (2)(b)(f)</td>
</tr>
<tr>
<td>3</td>
<td>Implement the national policy and guidelines prepared by the National Authority</td>
<td>10 (2)(c)(g)</td>
</tr>
<tr>
<td>4</td>
<td>Guide the ministries and State Authorities for preparing their disaster management plans</td>
<td>10 (2)(d)</td>
</tr>
<tr>
<td>5</td>
<td>Power to give directions and evaluate the disaster management i.e. preparedness, mitigation and response mechanisms taken by different ministries</td>
<td>10 (2)(h)(i)</td>
</tr>
<tr>
<td>6</td>
<td>Power to plan for giving training programmes in disaster management to the officers of different levels</td>
<td>10 (2)(j)</td>
</tr>
<tr>
<td>7</td>
<td>Power to give advice to the activities of ministries, State Authorities, governmental and nongovernmental organizations engaged in disaster management</td>
<td>10 (2)(m)</td>
</tr>
</tbody>
</table>
Figure No: 5.2

Powers and Functions of NEC

- Monitor disaster management
- Implement national plans and policy
- Guide & advice the ministries for disaster management plans
- Give training programmes

State Disaster Management Authority (SDMA)

At the State level, the state government is to establish a SDMA\(^95\). It is headed by the Chief Minister of the concerned state as its chairperson and such number of other members not exceeding nine is appointed by the Chief Minister\(^96\). It is the replica of NDMA. The State Authority is also given power to constitute an advisory committee for its robust functioning. This committee consists of experts in the fields of disaster management\(^97\). The objectives of this committee is to ensure the mitigation and preparedness as the joint responsibility of all the departments concerned and disaster management are mainstreamed into every state programmes.

Before the DMA, at the state level the work of the post calamity relief was being handled by the Department of Relief and Rehabilitation. The GOI is working with the state government to restructure the Department of Relief and Rehabilitation into the Department of Disaster Management with an enhanced area of responsibility to include mitigation and preparedness apart from their previous responsibility of relief and rehabilitation. This change over has already happens in eleven States/Union Territories (UT)\(^98\). The States are also asked to restructure the officers and staff within the departments of disaster management for definite function to pursue the holistic approach to disaster management, The four functional group with specific tasks are\(^99\)

(i) Functional Group I: Hazard Mitigation

(ii) Functional Group II: Preparedness and Capacity Building
(iii) Functional Group III : Relief and Response

(iv) Functional Group IV : Administration and Finance

The SEC is constituted to assist the State Authority\textsuperscript{100}. This committee consists of the chief secretary of the state government as its chair person and other four secretaries of the state government\textsuperscript{101}. The SEC shall also constitute one or more sub committees when it considers necessary\textsuperscript{102}.

**Powers and Function of SDMA\textsuperscript{103}**

Powers and Function of SDMA includes lay down and implement the state disaster management policy and state plan respectively in accordance with the guidelines laid down by the National Authority. They approve the disaster management plans prepared by the different departments of the state government. The state authority may review the developmental plans and mitigate measures taken by different departments of state government and give guidelines as may be necessary\textsuperscript{104}. The authority lay down the guidelines for giving standards of relief to the victims of disasters in that particular state\textsuperscript{105}.

**Table No: 5.4**

<table>
<thead>
<tr>
<th>Sl no:</th>
<th>Powers and Functions</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lay down state disaster management policy and guidelines for the departments and implement the state plan</td>
<td>182(a)(d)</td>
</tr>
<tr>
<td>2</td>
<td>Approve the disaster management plans made by different departments of state government</td>
<td>182(b)(c)</td>
</tr>
<tr>
<td>3</td>
<td>Recommend funds for mitigation and preparedness measures</td>
<td>182(f)</td>
</tr>
</tbody>
</table>
4. Review the developmental plans and mitigation measures taken by different departments of state government

5. Lay guidelines for giving gracious relief to the persons affected in disaster

\[182(g)(h)\]

\[19\]

**Figure No: 5.3**

**Powers and Functions of SDMA**

- Lay down state disaster management policy
- Give approval & review the disaster management plans
- Recommend funds for mitigation and preparedness
- Lay guidelines for giving gracious relief to the victims of disaster

**Powers and Function of SEC**

At the state level the SEC implement the national and state plan and act as a monitoring body for managing disasters\textsuperscript{106}. They coordinate the activities of the state, district and local bodies and examine the disaster prone areas in the state to take specific preventive and mitigative measures to cope the disaster situation.

They give direction to the district and local authorities and help the department of state governments and district authorities for preparing their plans. They evaluate the developmental projects taken by the concerned departments of states and provide technical assistance to the district and local authorities. They provide general education and conduct awareness and training programmes with regard to the different forms of disasters and equip the community to cope with the disaster situation\textsuperscript{107}.

All the financial matters of disaster management are controlled by the Executive committee. They inform the National Authority with different aspects of disaster management and take measures with regard to it\textsuperscript{108}.
The SEC have assigned wider powers and functions during the disaster situation. It is the executive committee assists the community affected with disasters and give directions to the concerned departments of the state and district authority to take measures for reducing the vulnerable situation.

The SEC is empowered to control and restrict the vehicles to and from or within the vulnerable or affected areas and also control and restrict the entry of any person, his movement and departure from the vulnerable or affected area. The EC have the power to remove the debris, conduct search and rescue operations, provide essential services like shelter, food, drinking water, health care etc within the standards laid down by the National Authority and State Authority.

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<thead>
<tr>
<th>Sl no:</th>
<th>Powers and Functions</th>
<th>Sections</th>
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<tbody>
<tr>
<td>1</td>
<td>Control the vehicle and persons movement within and departure from affected area</td>
<td>24(a)&amp;(b)</td>
</tr>
<tr>
<td>2</td>
<td>Conduct search and rescue operation and provide more experts</td>
<td>24(c)&amp;(g)</td>
</tr>
<tr>
<td>3</td>
<td>Provide essential services and take reconstruction works successfully</td>
<td>24(d)&amp;(i)</td>
</tr>
<tr>
<td>4</td>
<td>Give information to the public for taking safety measures</td>
<td>24(k)</td>
</tr>
<tr>
<td>5</td>
<td>Give direction to the concerned departments of the state and district Authority to take immediate measures for rescue, relief and evacuation for saving the lives or property and give direction to the required departments of the state to get make availability of resources for the purpose of emergency response, rescue and relief</td>
<td>24(e)&amp;(f)</td>
</tr>
</tbody>
</table>
District Disaster Management Authority (DDMA)

The DMA envisaged the establishment of DDMA. It is chaired by the collector and an elected member of local authority as the co-chair person and other five members as ex–officials. The chair person shall preside over the meeting and discharge functions as the district authority may delegate to him. In emergencies, the collector shall exercise all or any of the powers of the district authority subject to the expost ratification of the District Authority.

For efficient functioning the District Authority may constitute one or more advisory committee.

The district coordination and relief committee is being reconstituted into DDMA. Because of the enhanced mandate of mitigation and prevention, the district heads and departments are engaged in development will added to the authority. So the mitigation and prevention is mainstreamed into the district plan. The DDMA have already been constituted in several districts and are in process of being constituted in the remaining multi-hazard prone districts.

Power and Functions of District Authority and Local Authority

The District Authority as an implementing body for disaster management takes all measures for competing the disaster situation successfully. In order to overcome the disasters the District Authority may lay down guidelines and monitor the implementation of disaster management plans prepared by them. The district authority makes sure that
the guidelines prepared by the national and state authority are followed by the governmental departments at the district and local levels. They direct the district level departments to include the preventive and mitigative measures in their projects and the developmental plans to upgrade their responding capacity. It is the District Authority, who gives technical assistance to the local authorities for effective disaster management. The District Authority coordinates the activities of the state government and other Districts for disaster response, and set up district level early warning system for proper management of disasters. The authority may perform such other functions as the state government or State Authority may assign to it118.

District Authority is responsible for responding to the disaster situation in the districts. The District Authority has wide powers and huge functions in the event of the disaster situation. It is the District Authority give immediate assistance, protection and emergency relief to the victims and it is the replica of the SEC. Most of all powers and functions of District Authority is to identify the places and buildings for relief centres or camps, make arrangements for the unclaimed dead bodies etc. The District Authority performs such other functions as the State Government and state Authority may assign to it119.

**Table No:5.6**

**Powers and Functions of District Authority**

<table>
<thead>
<tr>
<th>Sl no:</th>
<th>Powers and Functions</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lay down guidelines and monitor the implementation of disaster management plans</td>
<td>30 (2)(i)&amp;(ii)</td>
</tr>
<tr>
<td>2</td>
<td>Identify the area prone to disaster in district and take preventive and mitigative measures at the district level departments and local authorities</td>
<td>30 (2)(iii)</td>
</tr>
<tr>
<td>3</td>
<td>Give directions to the District and Local Authorities and give guidelines for mitigating these disasters</td>
<td>30 (2)(v)&amp;(vi)</td>
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<tr>
<td>4</td>
<td>Review the capabilities of the state for responding to any disasters and give directions to the District and Local Authorities according to it</td>
<td>30 (2)(x)</td>
</tr>
<tr>
<td>5</td>
<td>Facilitate and organize the community training and awareness programmes</td>
<td>30 (2)(xii)&amp;(xiii)</td>
</tr>
<tr>
<td>6</td>
<td>Identify the building and places for use as relief centres or camps during disaster situations</td>
<td>30 (2)(xxiv)</td>
</tr>
</tbody>
</table>

**Figure No: 5.5**

**Powers and Functions of District Authority**

- Monitor the implementation of disaster management plans
- Identify the area prone to disaster in district and give guidelines for mitigating these disasters
- Organize the community training programmes
- Identify places as relief centres during postdisaster

Subject to the direction of the District Authority, the Local Authority takes measures for mitigating the disasters. At the local level Disaster Management Committees\(^{120}\) and Teams\(^{121}\) are being constituted. Each village in multiple hazard prone districts has a disaster management plan. The plan encompasses prevention, mitigation and preparedness measures and the committee reviews the plans at least once in a year. The local authorities shall ensure training of its officers and employees and maintenance of its resources so as to be ready available for the use in the event of disaster. It shall ensure that all construction projects under it confirm to the standards and specifications lay down by...
the National, State and District Authorities. It is the duty of the local authorities to carry out relief, rehabilitation and reconstruction activities in affected areas within its jurisdiction.

Table No: 5.7

Function of Local Authorities

<table>
<thead>
<tr>
<th>Sl no:</th>
<th>Functions</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ensure training of its officers and employees and maintain the resources to be ready available for the use in the event of disasters</td>
<td>41(a)&amp;(b)</td>
</tr>
<tr>
<td>2</td>
<td>Ensure the construction projects under it conform the standard for prevention of disasters</td>
<td>41(c)</td>
</tr>
<tr>
<td>3</td>
<td>Carry out relief, rehabilitation and reconstruction activities in the affected area within its jurisdiction</td>
<td>41(d)</td>
</tr>
</tbody>
</table>

Figure No: 5.6

Functions of Local Authorities

- Give training to officers and employees
- Carry out relief, rehabilitation and reconstruction activities
- Ensure construction projects

Human Resource Development

National Institute of Disaster Management (NIDM)

NIDM has been set up by the central government, a premier national organization working for human resource development at national level in the area of disaster mitigation and management. NIDM also work as a think thank for the government.
by providing policy advice and facilitating capacity building services including strategic learning, research, training etc and expertise promotion for effective disaster preparedness and mitigation\textsuperscript{124}.

The institute consists of a President, Vice President and other members from different ministries having administrative control on disaster management\textsuperscript{125}. For effective execution of the functioning of National Institute, a governing body shall be constituted by the NIDM\textsuperscript{126}. It consists of a Chairman, who shall be the Vice Chairman of the National Authority and secretary to the ministry of Home Affairs as Vice Chairperson and other members from different ministries as ex officio members\textsuperscript{127}. These governing bodies carry out all decisions in the National Institute and have the power to comply the policies and guidelines for the institute. They approve the new activities of the institute and also have the power to constitute committees and sub committees for discharging its function.

The functions assigned to the NIDM includes development of exhaustive national level information base on disaster management policies, prevention mechanisms, mitigation measures and providing consultancy to various states in strengthening their disaster management system and capacities as well as preparation of disaster management plans and strategy for hazard mitigation and response\textsuperscript{128}. It also incorporated elements of disaster management in the training curricula of civil services from 2004-05\textsuperscript{129}.

Training facilities for government personals involving in disaster management are conducted at the national level by the National Centre for Disaster Management (NCDM) i.e. before the constitution of NIDM and now it is the NIDM carry out these functions and act as a nodal institution in the county for training, research and documentation of disasters. At the state level, Disaster Management Cells operating within the state Administrative Training Institutes (ATIs) provide the necessary training, Workshops, online training programmes etc\textsuperscript{130}

**Response Measures**

The emergency response phase can be divided into two categories of activities. The first is rescue and the second is the relief. The immediate response to any disaster should be launching of rescue operations which have primary aim of saving human lives.
The rescue operations have been carried out a short period of time as the window of opportunity is usually small ranging from a few hours to a few days\textsuperscript{131}.

There are several agencies which have an important role in disaster management. Some of them are following

**Civil Defence (CD)\textsuperscript{132}**

It has been increasingly felt that CD has an important role to play in disaster relief as community is often the first to respond to any disaster situation. During times of war and emergencies, the CD organizations have the vital role of guarding the hinterland, supporting the armed forces, mobilizing the citizens and helping civil administration for saving life and property, minimizing damages etc. The existing strength and power has not so far been associated with disaster mitigation, preparedness and response functions. Therefore there is a need to revamp the civil defence organization to enable them to discharge a key responsibility in all facets of disaster management including preparedness. Within this view, GOI set up a committee under the chairmanship of the member of NDMA in 2006\textsuperscript{133}. The 13\textsuperscript{th} finance Commission recommended for the upgradation of National Civil Defence College (NCDC), Nagpur to Institution of excellence at National level to train professional cadres of trainers for disaster response and recovery management\textsuperscript{134}.

**Police, Home Guard and Fire Services**

The police are among the first responders in any disasters. Their immediate responsibility is to communicate the information and mount rescue and relief efforts with whatever resources are available with them. It is essential therefore, that policeman is sufficiently trained. The training need not be generic but specific to the types of crisis anticipated in an area\textsuperscript{135}. More importantly, they should be fully involved in the preparation of local disasters and they should be fully conversant with the area.

The home guard can play a vital role in disaster management. They are to serve as an auxiliary to the police in maintenances if internal security to the police in maintenance of internal security, help the community in any kind of emergency (air, fire, cyclone, earthquake etc) help in maintenance of essential services.
Figure No: 5.7

NATIONAL DISASTER MANAGEMENT STRUCTURE

GOVT OF INDIA

CABINET COMMITTEE ON MANAGEMENT OF NATURAL CALAMITIES

HIGH LEVEL COMMITTEE

CABINET COMMITTEE ON SECURITY

PLANNING COMMISSION

NDMA

NEC

NATIONAL INSTITUTE OF DISASTER MANAGEMENT

NATIONAL DISASTER RESPONSE FORCE

NATIONAL DISASTER MITIGATION RESOURCE CENTRES

MINISTRIES & DEPARTMENTS OF GOVT OF INDIA

MHA

MINISTRIES & DEPARTMENTS OF GOVT OF INDIA

ARMED FORCES

CENTRAL PARAMILITARY FORCES

HOME GUARDS

CIVIL DEFENCE

NCC, NSS & NYKS

STATES

SDMAs

SECs

DISTTs

DDMAs

LOCAL AUTHORITIES

COMMUNITY

ACADEMIC INSTITUTIONS

SCIENTIFIC ORGANISATIONS

TECHNICAL INSTITUTIONS

COMMUNITY

PROFESSIONAL BODIES

CORPORATE SECTORS

NGO's
The fire services have been playing a crucial role in all types of disasters, especially the fire related crisis. The National Fire Service College (NFSC) at Nagpur is a national level institution mandated to train the personnel of state fire services/brigades in all spheres of fire engineering. A scheme for upgradation of NFSC was launched in June 2010 to enhance the capacity of the College to meet the requirements of specialized professional training in all aspects of emergency management, especially fire. There is an urgent need to train and equip the fire services to handle all types of crisis in line with international best practices where they have been modernized as multi-hazard forces.

**National Disaster Response Force (NDRF)**

The DMA has mandated for the constitution of a specialist response force to combat the threatening disaster situation. This force will function under the NDMA. The general superintendence, direction and control of the force shall be vested and exercised by the National Authority and the command and supervision of the force shall vest in an officer to be appointed by the central government as the Director General of the NDR Force.

This will be a multi-disciplinary, multi-skilled high-tech forces for all types of disasters capable of insertion of air, sea and land. Based on the vulnerable profile of different regions of the country, specialist battalions have been stationed at judiciously selected places only.

The central government has advised the state governments to set up their own specialist teams for responding to disasters. The Central Government (Ministry of Home Affairs) will provide assistance to the training of state trainers. Many states have taken initiative action for setting up of specialized search and rescue units. The central government also allowed utilizing ten percent of the annual inflow into the Central Relief Fund. It can be used for the procurement of search and rescue equipment and communication equipment. States are also asked to include training in search and rescue in the training of state armed police.

**Financing Mechanisms**

The scheme of financing the relief expenditure is based on the recommendations of the successive Finance Commission (FC). The FC makes recommendation with regard
to devolution of funds between the central and state governments. The twelfth FC i.e. from 2005-06 to 2009-10 mandated to look at the requirements for prevention and mitigation apart from its existing mandate of looking at relief and rehabilitation and also recommended continuation of the scheme of Calamity Relief Fund (CRF) and National Calamity Contingency Fund (NCCF)\(^\text{141}\).

With regard to Five Year Plan, the Tenth Five Year Plan (FYP) for the first time recognized disaster management as a development issue because it is prepared in the backdrop of Orissa Super cyclone and Gujarat Earth Quake in India. The 10\(^{th}\) plan devoted a separate chapter to disaster management and made a number of important prescriptions to mainstream disaster risk reduction into the process of development\(^\text{142}\). The 10\(^{th}\) plan prescription on disaster management can be broadly divided into three categories

(i) policy guidelines at macro level to inform and to guide the preparation and implementation of development plans

(ii) Operational guidelines for integrating disaster management practices into development plans

(iii) Specific developmental schemes for prevention and mitigation of disasters.

**Calamity Relief Fund (CRF)**

The CRF has been set up under each state for meeting the expenditure for providing relief to the victims of natural calamities. The size of the CRF has been fixed by the FC after taken into account the expenditure on relief and rehabilitation over the past years. The CRF is contributed by the GOI and the state government in the ratio3:1 i.e. 75 percent of the total yearly allocation in the form of a no-plan grant, and the balance amount is contributed by the state government concerned\(^\text{143}\). At the state level a committee is headed by the chief Secretary, authorized to decide all matters relating to financing of relief expenditure from CRF, in accordance with the items and norms approved by GOI\(^\text{144}\).

**National Calamity Contingency Fund (NCCF)\(^\text{145}\)**

In the event of a calamity of severe nature, in which if the requirement of funds for relief operations is beyond the funds available in the state’s CRF account, additional central assistance is provided from NCCF\(^\text{146}\).
Allocation of Funds under Disaster Management Act

DMA provides for the constitution of the National Disaster Response Fund (NDRF). As per the Act, NDRF is to be made available to the NEC, which has been constituted under the chairmanship of Union Home Secretary. As name indicates itself, NDRF is used to meet the expenditure for emergency response, relief and rehabilitation.

The state and district also provides for the constitution of State Disaster Response Fund (SDRF) and the District Disaster Response Fund (DDRF) respectively. The merger of the CRF with SDRF will also be affected on the recommendation of the 13th FC. Besides these funds there is also a mitigation fund at the National, State and District level respectively and these funds may be available to National Authority, State Authority and District Authority respectively.

Disaster Management thought Five Year Plans

The five year plan documents in the past have not specifically addressed for disaster management, but GOI has a long history of using funds from the plan for mitigating natural disasters. However realizing the impact of major disasters cannot be mitigated by the provision of immediate relief alone, which is the primary focus of calamity relief efforts. Major disasters like Orissa super cyclone, Gujarat earthquake revealed that disasters have devastating effects and can significantly set back development efforts of a country and therefore the development process needs to be sensitive towards disaster prevention and mitigation aspects. Hence the 10th 5 year plan(2002-07) prepared in the backdrop of these above mentioned disasters and at the end of International Decade for Natural Disaster Reduction, recognized disaster management as a development issue for the first time. The 11th 5year plan made a footstep to the 10th five year plan.

Funds

Disaster Management Act, 2005 provides for the constitution of National Disaster Response Funds (NDRF). As per the Act NDRF is to be made available to the NEC, which has been constituted under the chairmanship of Union Home Secretary. As name indicates itself NDRF is used to meet the expenditure for emergency response, relief and rehabilitation.
<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Country</th>
<th>Parameters</th>
<th>USA</th>
<th>Indonesia</th>
<th>South Africa</th>
<th>India</th>
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<tbody>
<tr>
<td></td>
<td>Name of the Act</td>
<td>Stafford Act, 2007</td>
<td>Indonesian Disaster Management Act 2005</td>
<td>Disaster Management Act 2002</td>
<td>National Disaster Management Act 2005</td>
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<tr>
<td></td>
<td>Definition of Disaster</td>
<td>Major disaster means any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or regardless of cause, any fire, flood, or explosion in any part of US, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in</td>
<td>Disaster shall mean an event or a series of events threatening and disturbing the community life and livelihood, caused by natural and/or non natural as well as human factors resulting in human fatalities, environmental damage, loss of material possessions, and psychological impact. (Article 1) they also disaster as Natural disaster, Non natural disaster, and Social disaster (see articles 2, 3 and 4)</td>
<td>South Africa has classified disasters into national disaster and local disaster. It is said in Section 1 (definition clause) of the Act. a common definition is also defined in the act. Disaster means a progressive or sudden, widespread or localized, natural or human-caused occurrence which (a) causes or threatens to cause (i) death, injury or disease; (ii) damage to property, infrastructure or the environment; or (iii) disruption of the life of a community; and (b) is of</td>
<td>Disaster means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of nature or magnitude as to be beyond the coping capacity of the community of the affected area (Sec 2 (d) of the Act)</td>
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<td>Sl.No.</td>
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<td>2</td>
<td>alleviating the damage, loss, hardship, or suffering caused thereby (Sec 102 (2) and Sec 601 of Stafford Act)</td>
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<td></td>
<td>a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources; (Sec 1)</td>
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<tr>
<td>3</td>
<td>Definition of Disaster Management</td>
<td>Nil</td>
<td>Disaster management means a series of efforts encompassing policies on development with disaster risk, disaster prevention, emergency response, and rehabilitation (article 5)</td>
<td>Disaster management means a continuous and integrated multi-sectoral, multi-disciplinary process of planning and implementation of measures aimed at: (a) preventing or reducing the risk of disasters; (b) mitigating the severity or consequences of disasters; (c) emergency preparedness; (d) a rapid and effective response to disasters; and (e) post-disaster</td>
<td>Disaster management as a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary or expedient for: Prevention of danger or threat of any disaster or its severity or consequences; Mitigation or reduction of risk of any disaster or its severity or consequences; Capacity building; Preparedness to deal with any disaster; Prompt</td>
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<td>4</td>
<td>Institutional Arrangement at National Level</td>
<td>FEMA utilize its resources for response &amp; recovery; Coordinate all disaster relief assistance; provide the equipments, personals &amp; other resources; Distribute essential services to the disaster victim; provide early warning and conduct search &amp; rescue (Sec 402 and 403 of the Act)</td>
<td>National Disaster Management Agency provide guidelines and legislation on disaster management and policy for handling, Communicate information to the community refugees, Give report to the President on disaster management, Give account for the use of state budget and for international and national aids, Coordinate disaster management activities</td>
<td>National Disaster Management Centre classify the mode and intensity of disasters, Monitor functions of state organs and act as a repository of giving information concerning disasters, Give recommendations for drafting legislations, Conduct training and educational recovery and rehabilitation (Sec 1)</td>
<td>response to any threatening disaster reduction or disaster; Assessing the severity or magnitude of effects of any disaster; Evacuation, rescue and relief; Rehabilitation and reconstruction (Sec 2(e) of the Act)</td>
<td>National Disaster Management Authority approve national policies and plans prepared by NEC and different ministries; Lay down guidelines for State Authority for preparing the state plan; Coordinate, enforce and implement the national disaster management plan; Give assistance to the countries</td>
</tr>
<tr>
<td>Sl.No.</td>
<td>Name of the country Parameters</td>
<td>USA</td>
<td>Indonesia</td>
<td>South Africa</td>
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<tr>
<td>5</td>
<td>Institutional Arrangement at State Level</td>
<td>Nil</td>
<td>Regional Disaster Management Agency Carry disaster management in its territory; Formulate disaster management policy and guidelines &amp; handle refugees in a quick manner; Prepare disaster prone area maps and fixed procedures for handling disasters; Submit monthly report to the local government; Give account to the use of budget (See Article 20 and 21 of the Act)</td>
<td>Provincial disaster management Centre declare disasters, Emphasis on prevention and mitigation, act as a repository, advisory and consultative body, make recommendation to the relevant organ of the state for fund raising and for drafting legislation (Sec 30, 31,32)</td>
<td>State Disaster Management Authority lay down state disaster management policy; Give approval &amp; review the disaster management plans; Recommend funds for mitigation and preparedness; Lay guidelines for giving gracious relief to the victims of disaster (Sec 18 (1) (a) to (h) and Sec 19 of DMA)</td>
<td></td>
</tr>
<tr>
<td>Sl.No.</td>
<td>Name of the country Parameters</td>
<td>USA</td>
<td>Indonesia</td>
<td>South Africa</td>
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<tr>
<td>6</td>
<td>Institutional Arrangement at Local level</td>
<td>Nil</td>
<td>Nil</td>
<td>MDMC Give direction for the implementation of disaster management policy and legislation Provide support to NDMC and PDMC (Sec 42 and 43)</td>
<td>Monitor the implementation of disaster management; Identify the area prone to disaster in district Give guidelines for mitigating these disasters. Organize the community training programmes.</td>
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<td>7</td>
<td>Technical Arrangement at National Level</td>
<td>A National Advisory council is constituted under the Homeland Security Act (Sec 508)</td>
<td>Disaster Management Executive Committee is accountable to NDMA head for disaster management and this committee shall comprised of a Chief Secretariat; Deputy for prevention and alertness; emergency Management; Rehabilitation and Reconstruction Logistics and Equipment; Chief inspector;</td>
<td>National Disaster Management Advisory Forum make recommendations concerning the national disaster management framework to the Intergovernmental Committee on Disaster Management and may advise any organ of state, statutory</td>
<td>National Executive Committee monitor disaster management; Implement national plans and policy; Guide &amp; advice the ministries for disaster management plans; Give training programmes (Sec 22 (1) of DMA Sec 22 (2) (a) to (q))</td>
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<td>Sl.No.</td>
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<td>8</td>
<td>Technical Arrangement at State and Local Level</td>
<td>Nil</td>
<td>RDMEC is the replica of the NDMEC. Instead of national government, the procedures like establishment, functions, tasks, organizational structures etc are governed by a regional regulation (Article 27 of the Act).</td>
<td>There is Provincial and Municipal Advisory Forum. The duties and functions of these forums are same as NDMAF (Sec 37 and 51 of the Act)</td>
<td>SEC Conduct search and rescue operation; Control the vehicle within from disaster affected area; Provide essential services; Give information to the public (Sec 24 of DMA reads a) to (i) of Sec 24 of DMA)</td>
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<td>9</td>
<td>Response Measures</td>
<td>President constituted an Emergency Support and Response Team headed by the federal coordinating officer and is responsible for responding disasters, apart from this team there is also Nuclear Emergency Support Team, Foreign Emergency Support Team, National Response Team and Disaster</td>
<td></td>
<td></td>
<td>Civil Defence, Police, Home Guard and Fire Services has an important role to play in disaster relief as community. A National Disaster Response Force, a specialist response force is constituted under the Act of to combat the threatening disaster</td>
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<td>Sl.No.</td>
<td>Parameters</td>
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<td>10</td>
<td>Financial Arrangement</td>
<td>Stafford Act prescribes granting of federal financial assistance to state and local government. The president has the power to grant financial assistance up to seventy five percentage and maximum of ninety percent to the small impoverished communities. (Sec 203 (f) and (g))</td>
<td>Contingency fund for pre-disaster alertness, ready fund (Sec 61 of the Act)</td>
<td>When a disaster situation occurs, the financial assistance is contributed by the National, Provincial and Municipal organ of the state (Sec 56 (2) of the Act)</td>
<td>Calamity Relief Fund and National Calamity Contingency Fund provides funds for disaster management under this act (Sec. 46 (1&amp;2)). At the state level and local level there are SDRF and DDRF respectively (Sec 48 of DMA)</td>
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The state and district also provides for the constitution of State Disaster Response Fund and the District Disaster Response Fund respectively. The merger of CRF with SDRF will also be effected on the recommendation of the 13th Finance Commission. Besides these funds there is also a mitigation fund at national, state and district level respectively and this fund may be available to National Authority, State Authority and District Authority respectively\textsuperscript{152}.

The above table shows the comparative perspective of national legislations like USA, Indonesia, South Africa and India. Regard to the definition clause of disaster these nations agreed with same title loss of life, destruction of property and degradation of environment. But with classification of disaster only the state of USA includes tsunami as disaster and they fails to give definition to disaster management. Each state have constituted their own institutions for better working of disaster risk at national, state/federal and local level. In USA it is FEMA, National Disaster Management Agency in Indonesia, National Disaster Management Centre at South Africa and National Disaster Management Authority in India. At the State level/federal USA Act did not specify such institution. But institutions like Regional Disaster Management Agency, Provincial Disaster Management Centre and State Disaster Management Authority in Indonesia, South Africa and India respectively. At the local level South Africa constituted Municipal Disaster Management Centre and India District Disaster Management Centre and the countries like USA and Indonesia constituted such kind of institutions. Regarding the technical arrangements at National level USA constitute a National Advisory Council and National Disaster Management Forum and National Executive Committee by Indonesia, South Africa and India respectively. Regional Disaster Management Agency at Indonesia and Provincial and Municipal Advisory Forum and State Executive Committee constituted at the State level. The USA has not constituted such kind of authority. As a responding measure the USA constituted Emergency Support and Response Team and Civil Defence, police, home guard and fire service in India. Indonesia and South Africa does not specify such responding mechanism in the Act. Every State has their own financial arrangements to reduce the disaster risk. USA and Indonesia have their own contingency fund and South Africa have contributed by the National, Provincial and Municipal organ of the State and India have Calamity Relief Fund and Calamity Contingency Fund at National and State level.
Disaster Management Act – A critique

The DMA, 2005 defines disaster as natural or manmade event. The scope of this definition does not cover a variety of other crisis situations that may or may not culminate in a disaster. Section 4 of the Act says about the NDMA and its meeting, ie the chairperson of NDMA can conduct meeting as he may think fit. But in this section it is not clear that why the Act does not specify the minimum number of meetings, place of meetings, and the quorum of meetings which to be have satisfied etc. It is a drawback to this Act. Here the National Act comes very close to the Gujarat Disaster management Act and it is suspected that there will be a problem of coordination among these new agencies. Moreover it is also not known about the type of new mechanisms that is proposed to increase the flow of relief and support between communities and citizens; The funding mechanisms under Sec 46 deals national, State and District level mechanisms. But the idea to constitute the functioning of these funding requirements are vague and not clearly mentioned because the Act does not specify how these authorities get their financial assistance; It simply mentioned that the authority will be responsible for arranging funds for the purpose of mitigation measures, preparedness and response mechanisms. This is going to be a real challenge as financial dependency is certainly going to resist the effectiveness and functioning of the new authority. In the present situation the NDMA needs to ensure its own financial sustainability and mechanisms for financial accountability but in practical sense it is too difficult; Moreover the Act has been prepared to protect and promote the interests of the disaster victims. However, either it does not define ‘victims’ or identifies ‘vulnerable population’. It is very essential because during the post disaster period the relief packages are meant for poor victims and hence it is essential to have some broad definitions to identify them. But here the Act fails to do so.

The Act has not emphasized the special needs of women, tribal disabled persons and isolated vulnerable sections of Indian society. Special needs of women such as protection, care during pregnancy and so on are not highlighted. There s a need to give special attention to such groups, who suffer more than others. The agencies which are working among these disadvantaged groups for their welfare must be identified and included in the Act to serve this purpose. The Act must also make provision for a women
and child development officer of the state in the district advisory committee for the welfare of the women and children;. The role of NGOs and civil society is not defined in the act. It should include NGOs working at district level along with leaders of the village Panchayats and district Panchayat to carry out effective operations at the grass root level because regional authorities as well as local communities are the first responders to any disaster. Therefore there is a need to identify the local groups, empower them and make them responsible for disaster management at local level. This particular Act fails to make clarity of disaster management at the local level. It is a drawback because the first responders to disaster are not given much importance and the roles of the local bodies are not mentioned clearly. There is a need to insert new provisions to overcome this deficiency. There for the role of the local bodies should be clearly mentioned.

There is a lacuna that who will monitor and measure the performance of NDMA, SDMA and NDRF and other committee. It is also not clear how NDMA will relate to the Cabinet secretary, who is the most important person in the central administration etc.

The Act fails to give punishment to the officers who fail to do his duty at the times of disasters. The punishment period granted under Section 56 of the Act is only maximum period of one year imprisonment or with fine .If an officer fails to comply his duty, the cost of destruction is indefinite and more destruction of life loss can be happened. At that juncture the punishment granted under the Act is too low. Moreover there arose a question who will take action against him. For removing this drawback a committee should be constituted and this Committee looks after the actions of prescribed officer during disasters and if he fails to do so then the committee has the power to take action against him according to the destruction caused by him and have the power to force the officer to comply his duty.

The Act fails to make any employment guarantee scheme to the victims those who are at unorganized sector, because it is very urgent otherwise there may increase the incidents of child labor, prostitution, sale of girl child, forced labor etc. Therefore the Act should specifically focus on the recovery of unorganized sector workers and granted employment opportunities to them.
The funds allocated for the poor victims of disasters should give early as possible. The act does not specify the time limit for the allocation of such relief funds. The poor victims have no alternatives and they are the only dependence of such relief funds. Therefore, insert a new section for giving time allocation for relief funds for the victims of disasters. Thus they can get relief funds on time. The National Disaster Management Committee has inherent advantages of ensuring quick decision making and immediate implementation. But the NEC, the parallel body of pre existing, trespassing on each other and creates confusion and blurring of responsibilities during disaster situations. In order to overcome this NEC should be given power as the NDMC enjoys or vice versa

The role of local authorities are basically limited to carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State and District plans i.e. PRIs or local authorities have no power to do in deciding the disaster management plan for their respective area; The DMA enacted with the concentration of powers at the central level because the power to issue directions to the government authorities, organizations and statutory bodied to facilitate and assist in disaster management have been vested in the Central Government.

The present composition of the calamity relief fund is 75:25. It is not clear how the State Government or State DMA will be financed to raise their share of calamity relief funds. In many cases the Central government will be requested put in extra money. In this sense the Act fails to create a monitoring body how the unspent money or the expenditure pattern are functioning and utilized. The DMA fails to make a provision to track the funds which the agencies mobilized from the public in the name of relief, rescue and long term recovery after major disasters. The Act does not specifically mentions for the punishment of unorganized agencies that collect money fraudulently.

The Act fails to mention the duties of corporate bodies in disaster management and the role of general public in disaster management. The roles of police, Fire service, they are the first responders to the disasters but their role is not mentioned in the Act. The officer in charge to disaster management, their duties, maintenance of colleagues etc are not mentioned. In order to carry out the function of NDMA the central government
is expected to provide an adequate number of officers, consultants and employers without specifying the details of the staff requirements and other administrative details.

The right to rehabilitation of victims does not get any specific consideration under the Act. This Act contains only vague provisions with regard to the rehabilitation of the victims and this is evident from the absence of definition for rehabilitation itself.

The Act does not provide for any mechanisms to oversee the utilization of funds, which includes relief materials. The victims have the right over those funds which are provided for them from various spheres. So in order to prevent the misuse of funds, proper mechanisms are necessary in this regard.

**Conclusions**

In recent times disasters have emerged as a serious threat to life on earth and human security due to their inherent devastating effect. Like any other country India has been a victim to various kinds of disasters from time immemorial. The destruction and devastation are very high compared to developed countries. Though the subject has been given wider importance at the intentional level, our national efforts on the same topic were hardly any till very recently. Till only a few years ago, the issue of disaster management was regarded as a part of national legal regime. Consequently the subject has got a momentum in the direction of comprehensive legislation, which was so far a need greatly felt by the government and a resultant factor of the trauma suffered by Indians.

A proper understanding of the consequences of disasters and their devastating impacts is necessary to learn from our faults, minimize our weakness and to build on our strengths in order to develop an effective and time bound system for disaster management, to set our legal, institutional and financial arrangement for disaster management.

India in recent years has made significant development in the area of disaster management. Testimony to this is the enactment of DMA, 2005. A new culture of preparedness, quick response, strategic thinking and prevention is being ushered. The entire process will centre stage the community and will be provided momentum and substances through the collective efforts of all governmental agencies. However these
efforts are made to satisfy our national vision to build a safer and resilient India. The basic responsibility to undertake the disaster management programmes is vested with the state government. For realizing this, the Disaster Management Act, 2005 recommended the constitution of State Disaster Management Authority in each state under Section 14 of chapter III of Disaster Management Act, 2005. In order to analyze the functioning of State’s Disaster Management Authority this work concentrated on the study of Kerala State Disaster Management Authority and its regulation. However a comparative approach of State Disaster Management Authority’s like State of Gujarat, Andhra Pradesh, Arunachal Pradesh and Uttar Pradesh is also undertaken.

End Notes

1 Orissa super cyclone on 29 and 30th of October, 1999 hit the Jagatsinghpur district in the state with heavy rainfall continued for 36 hours. This block lying near the coastline was ravaged during the Super Cyclone by three 10- metres high tidal waves. It killed 8,765 people and cost damage evaluating at Rs 5,400 crores The Hindu, “The Super Cyclone of Orissa”.

2 On January 26, 2001, a devastating earthquake measuring 6.9 on the Richter scale shook the entire state of Gujarat causing death and destruction in many parts of the state. The epicenter of this strong earthquake being located 0 Km to the north of Bhuj, the damage caused in the Katchh was more severe. Although thousands of people died immediately in the earthquake, thousands other were trapped alive in the rubble. www.disasterindia.co.in accessed on 25th Feb 2009 at 2pm.

3 The massive earthquake in the Indian Ocean, off the coast of the Indonesian Island Sumatra, on December 26, 2004 triggered a series of lethal tsunami hit the coastal regions of Indonesia, Thailand, Malaysia, Bangladesh, India, Sri Lanka and Maldives in South/South-east Asia and coasts of Somalia, Kenya and Tanzania in eastern Africa. The combined death toll in this unprecedented disaster was above 2,30,000 even by conservative estimates and over 10 lakh people in these countries were homeless. In India the tsunami caused devastation in the coastal areas of three southern states like Andhra Pradesh, Tamil Nadu and Kerala, and the Union territories like Andaman & Nicobar islands and Puducheri.

4 Even before the Bhuj earthquake in Gujarat the union government circulated the draft of National Calamity Management Bill for effective management of natural and manmade
disasters. But after the Gujarat earthquake the draft Bill appears to be totally inadequate because there is no provision in the Bill that equip the state to face situation like Bhuj in the legislation. Neeraj Chowdhury, Exposed, Ministry Rewrites Disaster Management Draft, www.IndiaExpressNewspaper.com, accessed on 6th May 2009 at pm.


7 Sandeep Parkhi, India- Background Information http://siteresources.worldbank.org accessed on 18th July 2008 at 2pm.

8 The 10th Five Year Plan www.planningcommission.org accessed on 12th Sep 2010 at 11am.

9 Supra n 6.


11 Sec 78 of Kautilya Arthasastra says different kinds of calamities in chapter 3 (Remedial Measures during Calamities). The calamities like fire, floods, disease, famine, drought etc. During summer the villagers are forced to cook outside, to protect them from fire as a preventive measure and full moon day they should offer and worship the fire god. During the rainy season (flood situation) the villagers who live near water should live away from the level of floods and they should carry wooden planks, bamboos and boats as a kind of preventive measure and on the full moon day they have make worship to rivers with offerings. If in the case of drought the villagers should worship the river goddesses and mountain and the king should make a store of seeds and food stuffs to his subjects. In the case of epidemics the villagers should take sacred bathing and milk the cow in cremation ground, burning of effigies and have night festivals in honour of god.

12 See Sec 52 of Kautilya Arthasastra.

13 Few of the great famines during the British period were the great Bengal Famine (1769-70), Skull Famine of 1791 – 92, Orissa famine 1866, Rajputana Famine of 1869, Bihar Famine of 1873-74, Great Famine of Sultan India, Indian famine of 1896-97, the last but not least during the British period in India was the Bengal Famine of 1943 in these famines
millions of mortalities were reported and epidemics also a common feature to these famine. People even with their entire family seek a less cruel death by drowning themselves in the rivers.

14 See Epidemics Disease Act, 1897.

15 The first major famine that took place under British rule was the Bengal famine of 1770. During this period the East India Company raise the taxes disastrously coincided with the famine. During this famine Lord Lytton has introduced ‘Famine Insurance Grant’ and they assumed that the problem of famine has been solved forever.

16 The first famine commission was constituted under the Presidenship of Sir Richard Strachey in 1878 and submitted its report in 1880. The commission recommended that the best means and the most useful kind of alms consist in providing means of earning to the victims by giving employment to the able workers and give gratuitous relief to the unable workers. In order to regulate relief, the commission prescribed the constant inspections of the people in their villages. The commission also suggested for giving loans to the landowners in proportionate to their failure crops. The commission suggested to change the non interference policy of the government in very exceptional conditions of appears when there may be evidence that without such interference the supply of food will not be maintained. For more details see Usha Murthy, “Famine Relief Administration in Madras Presidency 1800-1900” in All India Symposium on Drought Prone Areas in India. (Ed.)N .B.K Reddy 84 (Rayalaseema Geographical Society , 1979).

17 In 1880, the draft of the code was presented in both the houses of parliament. The aim of the code was to preserve the life of the victims by giving relief to extreme sufferings and to combat any future drought.

18 The second famine was constituted under the chairmanship of Sir James B Lyall Inorder to investigate the effectiveness of relief administration during the famine. The commission submitted its report in 1898, adhered in the main to the recommendations of the earlier commission. For more details see Kuldeep Mathur Nirajir G. Jayal, Drought policy and politics in India ,30 (Saga publication, 1993)

19 The famine commission was headed by Sir A.P. Mac Donnell in 1990 and it submitted its report in 1901.
The ministry of agriculture made a plea to the National Commission to Review the Working of the constitution (NCRWC) to recommend the insertion of any entry on the subject in the concurrent list. The HPC also recommended that a conscious view needs to be taken to make an appropriate mention of the subject of disaster management in one of the lists. As a result of this NCRCW ultimately made the recommendation that the management of natural and manmade be included in the list three i.e. the concurrent list of the seventh schedule of the Indian constitution.

Article 21 of the Indian Constitution reads: “No person shall be deprived of his life or personal liberty according to the procedure established by law”. The SC interpreted the word procedure established by law in *Maneka Gandhi v. UOI* (1978) 1 SCC 248. In this case both the procedural and substantive legal requirements of fairness, justness and reasonableness were recognized, this coupled with the fact that many of the traditionally recognized social and economic rights like the right to shelter, education and health have now been construed as being an integral part of the right to life and therefore enforceable as such makes it possible to take disaster related issues to court under Art 32 and 226 on Indian Constitution. S. Muralidhar, ‘Human Rights Issues in India’ Parasuraman and Unnikrishan (Ed) *Indian Disasters Report* 31 (Oxford University Press, 2000).

The first case on which the apex court had applied the doctrine of Sustainable development is *Velore Citizen Welfare Forum v. UOI* (1996) 5 SCC 647. In this case the SC tried to keep a balance between ecology and development.


Art 51 A (g) of the Indian Constitution reads: “…to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures”.

Art 39 A of the Indian Constitution reads: “…Equal Justice and Free Legal Aid”

There is no semblance of legal aid in Bhopal. No serious efforts are made by the state government to give legal aid to the victims. The victims of mass disasters have only very little awareness about their rights to compensation or the right to a just and fair hearing. see *Supra* 21 at p 31.

The Bhopal tragedy is considered as one of the infamous industrial disasters in the world. Thousands of people have died and many are living with inadequacies even now. The
compensation provided for them are insufficient for their medical aid, livelihood etc. The above said Acts are inadequate to tackle the situation like this and even though these Acts are not mentioned about the prevention, preparedness and relief measures like compensation measures to the victims of disaster.


29 See Sec 3(1) of EPA.

30 See Sec 3 (2) (iii) & Sec 3(2) (iv) of EPA and Sec 32 and Sec 47 of Water Act, 1947 and Sec 40 of Air Act, 1981.

31 See Sec 8 of EPA.

32 Before 1994, EIA clearance from the central government was only an administrative requirement for most categories of industries. The Ministry of Environment and Forests promulgated a notification on 27th January 2004 making environmental clearance mandatory for expansion or modernization of any activity or for setting up new projects listed in schedule of the notification. The EIA notification was amended in 1997 to make public hearing mandatory. see Dr Francis Julian, ‘Legal Aspects of Disaster Management and Rehabilitation’ in Vishnu kanoorayer and Jaya V.S (Ed) Disaster Management and Law, 84 (Shivam Publication, 2006)

33 Ibid.


35 See Rule 16 of HW(MH)R.

36 The Central Government under Sec 6, 8 and 25 of the EPA, 1986 has framed the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989. This rule has been amended in 1994 and 2000.


38 See Rule 4,7,10,13 and 14 of Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.

See Sec 4 of PLI Act.

See Sec 7A of PLI Act.

See Sec 3, 6, 8 and 10 of Chemical Accident Rule.

See sec 5 of Chemical Accident Rules.

See Sec 3(3) and 13(2) of Chemical Accident Rule.

The CRZ Notification 1991 was amended subsequently in 2002 and 2003. This notification was notified under Sec 3(1) and Sec 3 (2) (v) of the EPA, 1986 and Rule 5 (3) (d) of the EP Rule, 1986. This CRZ notification mainly aimed for regulating the prohibited activities in the coastal areas within 500 m of High Tide Line.

On February 19, 1991, the Ministry of Environment and Forests ("MOEF") issued a notification under Section 3 of the Environment Protection Act of 1986, seeking to regulate development activity on India’s coastline. There have been about 25 amendments to this notification between 1991 and 2009, some of which have been based on the directions of the Supreme Court.

The concept of classification of CRZ into four zones has continued in the 2011 notification with the following delineation:

1. CRZ I- ecologically sensitive areas such as mangroves, coral reefs, salt marshes, turtle nesting ground and the inter-tidal zone.
2. CRZ II- areas close to the shoreline and which have been developed.
3. CRZ III- Coastal areas that are not substantially built up, including rural coastal areas.
4. CRZ IV- water area from LTL to the limit of territorial waters of India.

See Para 3 of Coastal Regulation Notification, 2011.

See Para 8 of Coastal Regulation Notification, 2011.

See Para 5 of Coastal Regulation Notification, 2011.

Vinod K Sharma, Functioning of Disaster Management Organization and Methodology to Cope with Disasters in India http://nidm.gov.in/chapter2htm accessed on 26th June 2009 at 2 pm.

53 Ibid.

54 All natural disasters except drought deals with the Ministry of Home Affairs; Drought deals with Ministry of Agriculture; Biological disasters with Ministry of Health and Family Welfare; Nuclear disaster with Ministry of Atomic Energy; Air Accidents with Ministry of Civil Aviation and Railway accidents with Ministry of Railways.

55 Supra n. 41.

56 Rajdeep Das Gupta Disaster Management and Rehabilitation, 258 (Mittal Publication, 2007).

57 Ibid.

58 The NCMC includes the secretary of Home Ministry, Defence, Agriculture along with the Director of Intelligence Bureau and an officer of Cabinet Secretariat.


60 Dr Narpat Singh Rathore and Narender Verma, India Disaster Management—Some Issues http://www.aars.acrs.org accessed on 18th May 2009 at 4pm.

61 Supra n 55.

62 Supra n 41.

63 Ibid.

64 In the absence of State relief commissioner, the chief secretary or an officer nominated by him is in overall charge of the relief operation in the concerned state. It is the duty of the relief commissioner to establish an Emergency operation centre (EOC) or central room as soon as disaster develops. According to the institution or information from the EOC the relief commissioner makes contacts with concerned ministries with regard to the disaster situation.
Ayaz Ahmad, *Disaster Management Through the New Millennium*, 179 (Anmol Publication., 2004).

The SCMG consist of senior officers from the Department of Revenue and Relief, Home, Civil Supplies, Power, Irrigation, Water Supply.

*Supra n 61.*

The contingency plans prepared by the collector / magistrate approved by the state government. He exercise, coordinating and supervisory powers over functionaries of all departments at the district level. During actual operations for disaster relief or rehabilitation, the power of the collector are considerably enhanced, generally by standing instructions or orders on the subject, or by specific government orders, if so required. Sometime the administrative culture of the state concerned permits, although informally, the collector to exercise higher powers in emergency situations and the decisions are later ratified by the competent authority.

*Supra n 41.*


The present document has been prepared in accordance by the General Assembly resolution A/RES/56/195. It was proposed to undertake the review of Yokohama Strategy and Plan of Action *see* [www.org/wcdr/intergover/official-doc](http://www.org/wcdr/intergover/official-doc) accessed on 14th December 2008 at 11am.
The HPC was constituted in 1999 under the chairmanship of Shri J.C Panth. The members of the Committee were drawn from the Ministries, States, NGOs and experts drawn from relevant fields see [www.preventionweb.net](http://www.preventionweb.net) accessed on 21st May 2009 at 5 pm.

The aim of the committee is to understand a comprehensive study of all aspects of natural disasters and its consequences. Later, in 2000 the scope of reference was enlarged by including manmade disasters like chemical, industrial and nuclear disasters. Finally, the HPC submitted its report in 2001 outlining a vision to create a disaster free India through adherence to the culture of preparedness, quick response, strategic thinking and prevention. For more details see [http://www.nidm.net/HPChome/home.html](http://www.nidm.net/HPChome/home.html) accessed on 22nd March 2009 at 5 pm.

In this meeting the opposition party put forward certain suggestions for effective disaster management mechanisms. They also pointed out that there was a lack of coordination between the Union government and State government on the eve of disasters. It is reflected in most of all disasters especially in the Gujarat earthquake. This was a shortcoming and therefore there is a need for effective coordination system with relief, rescue, and rehabilitation system. The opposition leaders also suggested for the toning up of the administrative system for disaster management in India. See also Interviews with members of Parliament ‘How the Parliament debates Disaster Issues’ in Parasuraman and Unnikrihnan (Ed) *India Disaster Reports* 118 (Oxford University Press, 2000)


With the recommendation of HPC, a committee was constituted under the Executive Director, National Institute of Disaster management has drafted a Modal Disaster Management Codes which is being circulated to the states so as to assist them in the process.
The central government set up a National Core Group after the Gujarat earth quake in 2001. This group consists of experts in earthquake engineering and administration. The objective of the group is to study and make appropriate recommendation on earthquake resistant construction. This was assigned with the task of drawing up a strategy and plan of action for mitigating the impact of earthquakes, providing advice and guidance to the state on various aspects of earthquake mitigation, design earthquake construction etc. For more details see Supra 48 at23.

On the recommendation of the Core group, model building bylaws and town and country planning statutes and Zoning regulation committee was constituted. It submitted its report in 2004 with appropriate amendments to the existing Town and country Planning Acts, Land Use Zoning Regulation, Development Control Regulation and Building By laws of the respective state government s in terms of natural hazard prone areas. The commission also suggested incorporation of revised building codes in terms of the latest Bureau of Indian Standards for the construction of buildings in natural hazard prone areas.

A committee was constituted on 11th January 2005 by the GOI to draft the Disaster Management Bill. The bill was introduced in the Rajya Sabha on 11th May 2005. It was referred to the Parliament standing committee for examination and the report was presented to the GOI on 25 the August 2005. The Rajya Saba passed the bill with amendments on 28th November 2005 and Lok Sabah did so on the 12-13th December2005. President of India signed the bill on 23rd December 2005 and the bill became the National Disaster Management Act.

The Honourable Prime Minister Dr Manmohan Singh visit the tsunami hit Andaman & Nicobar island in 2005 have announced the setting up of the NDMA. This authority was constituted on July 2005 i.e. before the commencement of the Disaster Management Act. Sec 3 of DMA reads: ‘with effect from date as may, by notification in the official gazette appoint in this behalf, there shall be established a NDMA’.

Sec 3(2) of DMA reads: “…the constitution of NDMA. The Authority shall consist of a chairperson and a vice chairman, and Eight other members nominated by the Chairperson of National Authority. The Authority consists of Dr Manamohan Singh as Chairperson and M.S. Hasidharan Reddy as the Vice-chairman, B.Bhattacharjee, J.K Singh, K.M Singh, Maj. Gen J.K Bansal, T.Nandan Kumar, Dr. Muzaffar Ahmed and Prof. Harsh K. Gupta as its members.
Sec 7 of DMA reads: “… The National Disaster Management Authority may constitute an advisory committee consisting of experts in the field of disaster management and having practical experience in disaster management at the national, State, or district, level to make recommendations on different aspects of disaster management”. The allowances of the members of the advisory committee shall be paid according to the Disaster Management (Terms of Office and Conditions of Service of Members of the National Authority and Payment of Allowances to Members of Advisory Committee) Rules, 2006.

Sec 5 of the DMA reads: “… The central government shall provide the National Authority with such officers, consultants and employees, as it considers necessary for carrying out the functions of the National Authority”.

Sec 8 (1) of DMA reads: “… The central government has constituted a NEC to assist the National Authority in the performance of its functions under this act”.

Sec 8 (2) of DMA reads: “… The NEC shall consists of the following members namely (a) the secretary of the GOI in charge of the ministry or department of the central government having administrative control of the disaster management, who shall be chairperson, ex-officio. (b) The secretaries of the GOI in the ministries or the departments having administrative control of the Agriculture, Atomic energy, Defence, Drinking Water, Environment and Forests, Finance, Health, Power, Rural Development, Science and Technology, Space, Telecommunication, Urban Development, Water Resources and the Chief of the integrated Defence, staff of the chief of the staff committee”.

Sec 9 of the DMA reads: “… The NEC may, as and when it considers necessary, constitute one or more sub committees, for the efficient discharge of its function”.

Sec 6 of DMA reads: “… The National Authority has the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster”.

See Sec 6(2) of DMA, 2005.

Sec 10 of DMA reads: “… The NEC assists the National Authority in discharging its functions and have the responsibility for implementing the policies and plans of the National Authority
and ensure the compliance of directions issued by the central government for the purpose of disaster management in the country”.

98 See Sec 10(2) (a) to (q) of DMA, 2005.

99 Sec 14 of DMA reads: “…Every state government shall, establish a SDMA for the state with such name as may be specified in the notification of the state government”.

100 Sec 14 (2) of DMA reads: “… A State Authority shall consist of the chairperson and such number of other members, nor exceeding nine, as may be prescribed by the state government and unless the rules otherwise provide, the State Authority shall consists of the following members namely:

(a) The Chief Minister of the State, who shall be chairperson, ex-officio

(b) Other members, not exceeding eight, to be nominated by the chairperson of the State Authority and

(c) The chairperson of the Sate Executive Committee

101 Sec17 (1) of DMA reads: “…A State Authority may, as and when it considers necessary, constitute an advisory committee, consisting of experts in the field of disaster management and having practical experience of disaster management to make recommendations on different aspects of disaster management”.

102 The States and Union Territories like Andra Pradesh, Arunachl Pradesh, Bihar, Himachal Pradesh, Kerala, Rajasthan, Tamil Nadu, Uttaranchal, Nagaland, Andaman & Nicobar, Sikkim and Lakshadweep have their own Department for disaster management.

103 See Supra 24 at 42.

104 Sec 20 (1) of DMA reads: “…The state government shall constitute a SEC to assist the state Authority in the performance of its function and to coordinate action in accordance with the guidelines laid down by the State Authority and ensure the compliance of directions issued by the state government under this Act”

105 Sec 20 (2) of DMA reads: “… The SEC shall consist of the following members namely:

(a) The chief Secretary of the State government, Chairperson

(b) Four secretaries to the government of the state of such departments as the state government may think fit”. 

233
Sec 21 (1) of DMA reads: “…The SEC may, as and when it considers necessary, constitute one or more subcommittees, for efficient discharge of its function”.

Sec 18 (1) of DMA reads: “…The State Authority shall have the responsibility for laying down policies and plans for disaster management in the state”.

See Sec 18 (2) (a) to (h) of DMA, 2005.

Sec 19 of DMA reads: “…The state authority shall lay down detailed guidelines for providing standards of relief to persons affected by disaster in the state: provided that such standards shall in no case be less than the minimum standards in the guidelines laid down by the national authority in this regard”.

Sec 22 (1) of DMA reads: “…The SEC shall have the responsibility for implementing the National Plan and State Plan and act as the coordinating and monitoring body for management of disasters in the state”.

See Sec 22 (2) (a) to (q) of DMA, 2005.

Ibid.

Sec 24 of DMA reads: “…For the purpose of assisting and protecting the community affected by disaster or providing relief to such community or, preventing or combating disruption or dealing with the effects of any threatening disaster situation”.

See (a) to (i) of Sec 24 of DMA, 2005.

Sec 25 of DMA reads: “…Every state government shall establish a DDMA for every district in the state with such name as may be specified in the notification”.

Sec 25 (2) of DMA reads: “…The District Authority shall consist of the chairperson and such number of other members, not exceeding seven, as may be prescribed by the state government and unless the rules otherwise provide, it shall consist of the following namely:

(a) The Collector/District magistrate/Deputy Commissioner as the case may be, of the district who shall be chairperson, ex-officio

(b) The Elected Representative of the local authority who shall be the Chairperson, ex-officio

(c) The Chief Executive Officer of the District Authority
(d) The Superintendent of Police
(e) The Chief Medical Officer of the District
(f) Not exceeding two other District Level Officers, to be appointed by the state government.

117 Sec 6 (1) of DMA reads: “… The Chair Person of the District Authority shall, in addition to presiding over the meetings of the District Authority, exercise and discharge such powers and functions of the District Authority as the District Authority may delegate to him”.

118 Sec 26 (2) of DMA reads: “… The Chairperson of the District Authority shall, in the case of an emergency, have power to exercise all or any of the powers of the District Authority but the exercise of such power shall be subject to ex-post facto ratification of the District Authority”.

119 Sec 28 (1) of DMA reads: “… The District Authority may, as and when it considers necessary, constitute one or more advisory committees and other committees for the efficient discharge of its functioning”.

120 Supra 41 at 26.

121 Sec 30 (1) of DMA reads: “… The District Authority shall act as the district planning; coordinating and implementing body for disaster management and take all measures for the purpose of disaster management in the district in accordance with the guidelines laid down by the National Authority and the State Authority”.

122 See Sec 30 (1) (i) to (xxix) of DMA, 2005.

123 See Sec 34 (a) to (m) of DMA, 2005.

124 The Disaster Management Committees consist of elected representatives at the village level, local authorities, government functionaries including doctors/ paramedics of primary health centres located in the village, primary school teachers etc.

125 The Disaster Management Team consists of members of Youth organizations (Nehru Yuva Kendra) and other non- governmental organizations etc. The team members are provided with basic training in evacuation, search and rescue, first aid trauma counseling etc.

126 See Sec 31 of DMA, 2005.
Sec 42(1) of DMA reads: “…With effect from such date as the central government may, by notification in the official gazette appoint in this behalf, there shall be constituted an institute to be called the NIDM”. It came into existence as an independent institute by upgrading the NCDM under the Indian Institute of Public Administration in the control of Ministry of Home Affairs in October 2003. After the enactment of DMA, NIDM has been notified as a statutory body under the Act with effect from October 30, 2006. The first meeting of the institute was held on April 19, 2007 under the chairmanship of Union Home Minister, President of the Institute. The first meeting of the governing body of the institute was held on June 20, 2007 under the chairmanship of Vice Chairperson of NDMA.

http://www.nidm.net accessed on 15th June 2009 at 5 pm.

See Rule 3 of The Disaster Management (National Institute of Disaster Management) Rules, 2006.

Rule 6 (2) of the Disaster Management (National Institute of Disaster Management) Rules reads: “… The governing body shall be the executive committee of the institute and shall exercise such powers and perform such functions as the institute may, by regulations made in this behalf, confer or impose upon it”.


See Sec 42 (9) (a) to 42 (9) (k) of DMA, 2005.


The institute has organized training Programmes on different aspects of disaster management from April 2007. In addition to these training programmes it organized several workshops like community based disaster management, urban flood case studies, National Drought Manual, humanitarian emergency and disaster management etc. They have also conducted online training programmes like comprehensive disaster risk management; Community based risk management, financial strategies for managing the economic impact of disasters etc. The institute has also joined for a collaborative project on capacity building in climate change adaptation with the Ministry of Environment and Forests. For more details see www.satp.org accessed on 20th June 2009 at 4pm.
Dhanush Senanayake ‘Timely Intervention for Disaster Risk Reduction’ in Pradeep Sahni, Mahavi Malayoda and Aryabandu (Ed) *Disaster Risk Reduction in South Asia* 172(Prentice Hall Ltd, 2003)

The CD policy of the GOI till the declaration of emergency in 1962 was confined to making the states and UTs conscious of the need for civil protection measures. The Chinese aggression of 1962 and the Indo–Pak conflict in 1965 led to considerable rethinking about the policy and scope of CD. As a result, the CD policy as it exists today was evolved and CD legislation was enacted in the parliament in 1968. The country was subjected to further hostile attacks in 1971. When the CD organization acquitted itself commendably. For more details see [http://dgcal.nic.in](http://dgcal.nic.in) accessed on 21st June 2009 at 2 pm.


The financial allocation for civil defence activities is very inadequate. As a result an outlay of hundred core rupees has been earmarked in the eleventh five year plan for revamping the Civil Defence. The NCDC is a centre for radiological, nuclear, biological and chemical emergency response.

*Supra* n 41 at 85.

Initially the NDRF had been trained only to the manmade disasters like nuclear and chemical disaster. But during the Kosi breach in Bihar in August, 2008, which was declared as national calamity by Prime Minister Manmohan Singh, NDRF personnel actively engaged themselves in rescue operations and relief duties on a war footing in Bihar’s Supaul, Madhepura, Araria and Purnia districts. About 780 NDRF personnel trained in flood rescue operations along with 153 high capacity inflatable boats and other rescue equipments were deployed in the flood-hit areas. The swift and highly skilled operations of NDRF saved more than 100,000 people trapped in swirling waters of river Kosi. Later in 28th March 2011 following the Fikushima disaster a 46 member team deployed in Japan for search and rescue of people. this was the first deployment abroad and their work has been
appreciated by the Japanese government and their people. For more details see [http://mea.gov.in](http://mea.gov.in) accessed on 03rd June 2012 at 4pm.

141. The NDRF, has been constituted by upgradation of eight standard battalions of the Central Police Force (CPF) i.e. two from each Border Security Force (BSF), Indo-Tibetan Border Police (ITBP), Central Industrial Security Force (CISF) and Central Reserve Police Force (CRPF). Each battalion will provide 18 self-contained specialists search-and-rescue teams of 45 personnel each. see [www.claws.com](http://www.claws.com) accessed on 03rd June 2012 at 4.15 pm.

142. The central government has equipped and trained eight battalions of Central Para-military forces (CPMFs) as specialized teams. Each team consists of 45 personnel including doctors, paramedics, structural engineers, etc., and there will be 144 specialist search and rescue teams in the earmarked eight battalions. Training of trainers has been completed and 43 Specialist Response Teams have been trained to respond to natural disasters. 72 of these 144 specialist response teams are also being trained and equipped for responding to nuclear, biological and chemical and terrorism related emergencies. One team in each battalion is also being trained in deep sea during the purpose of search and rescue during flood and cyclones. NDRF is being equipped with global standards.

143. The NDRF got the impetus after the Tsunami giant wave. Its focus also shifted somewhat to handling the natural disaster too. Initially it was perceived to be largely a force to tackle nuclear, chemical and biological emergencies. The officers of these units were selected and trained in specialized courses in Israel, US and UK. They also underwent training at the Bhabha Atomic Research Centre to respond to nuclear disasters and these officials in turn have been training their subordinates in disaster management. Most of the training related to counterterrorism and was carried out in close cooperation with Israel. Some courses especially those dealing with nuclear warfare, were conducted in US and part of the training to handle natural calamities like earthquake was in UK. The trained eight battalions would be stationed at Tamil Nadu, Orissa, Uttar Pradesh, West Bengal, Guwahati, Pune, Vijayawada, Noida, Mundali and Gandhinagar. For more details see [www.indiaexpress.com/oldstory/84887](http://www.indiaexpress.com/oldstory/84887) accessed on 22nd August 2009 on 4 pm.

144. The States like Maharashtra, Orissa, Gujarat and Delhi have trained their own search and rescue teams.
The TFC recognized calamities as avalanches, cloud burst, landslides and pest attack as natural calamities besides cyclone, droughts, earthquake, fire, flood and hailstorm.

Till the period of 10th FYP the perception has been limited to the idea of calamity relief, which is seen essentially as a non plan item of expenditure. The FYP has given importance to various scheme of GOI i.e. special measures for eradicating poverty, communicable diseases, flood control, drought management etc. Thus GOI has a long history of using funds from the plan for mitigating disasters.

The central share is released in two equal installments i.e. in June and December every year. In case of severe calamities sometimes advance release are also made. For more details see Bhagad Singh, “Role of the Government : Responsibilities and Performance” in Parasuraman and Unni krishanan (Ed) India Disaster Reports 96 (Oxford Press, 2000).

With the recommendation of the 11th FC, apart from the CRF, a NCCF scheme came into force with effect from the financial year 2000-01 i.e. 10th FYP see http://www.planningcommission.nic.in accessed on 10th May 2009 at 12 pm.

In order to get the NCCF, the state government is required to submit a memorandum indicating the damage and requirement of funds. Then at the central, an Inter- Ministerial central team is constituted after the receipt of such memorandum. The central team visits the concerned state and makes a report and this report is considered by the Home secretary. Thereafter, the high level committee (comprising of agricultural Minister, Home Minister, Finance Minister and Deputy Chairman of Planning Commission) considers the request of thee state government in the light of the report of the central team, recommendations of IMG, norms of assistance and balance available in the states CRF and approves the quantum of assistance to be released from NCCF.

Sec 46 (1) of DMA reads: “… The central government may, by notification in the official gazette, constitute a fund to be called NDRF for meeting any threatening disaster situation or disasters and there shall be credited there to

(a) An amount which the central government may, after due appropriation made by parliament by law in this behalf prove: and

(b) Any grants that may be made by any person or institution for the purpose of disaster management.
Sec 46 (2) of DMA reads: “…The NDRF shall be made available to the NEC to be applied towards meeting the expenses for emergency response, relief, and rehabilitation in accordance with the guideline laid down by the central government in consultation with National Authority”.

The government has approved the constitution of NDRF on November 2007 with the initial corpus of hundred core rupees. The existing scheme of NCCF will be parallel operation with NDRF till the duration of the award of the 13th FC, 2010. The issue of merger of NCCF with NCRF has been included in the terms of reference of the 13th FC.

Sec 48 of DMA reads: “…The state government shall, immediately after notification issued for constituting the State Authority and District Authority, establish for the purpose of this Act. The following funds are

(a) The funds to be called SDRF
(b) The funds to be called DDRF

The 10th plan prescription on disaster management can be broadly divided into three categories (a) policy guidelines at macro level to inform and to guide the preparation and implementation of development plans ie the community should be cope up with the disasters whether it may be natural or mankind and the society should go along with the comprising prevention, preparedness and response measures on one hand and development efforts aimed at risk reduction on the other hand (b) operational guidelines for integrating disaster management practices into development plans and (c) specific developmental schemes for prevention and mitigation of disasters i.e. the next two prescription on disaster management says that the disaster management and development should go hand in hand. The guidelines prepared for disaster management should be considered the development plans of a country and vice versa. In order to fulfilling this there needs a streamlining institutional arrangements for disaster response for e.g. establishment of quick response team, build culture of prevention by introducing disaster management in the school curriculum, professional course etc. Moreover involve people at grassroots level, establish of control room etc is a part of this. For more details see 11th Five Year Plan at p.2,9 and 210.

The Government of India has notified the constitution of the NDRF vide its Gazette notification, Extraordinary Part-II-Section-3-Sub-Section (ii)No. 1995 dated 28.09.2010. The Thirteenth Finance Commission has made provision for funds for SDRF.
in its recommendations which has been accepted by the Government of India. For more details see State Level Programme for Strengthening Disaster Management in India, MoHA, 2011 http://ndmindia.nic.in/NPDM-/01209.pdf and Thirteenth Finance Commission Report, Ministry of Finance, GoI http://fincomindia.nic.in accessed on 24th march 2012 at 4 pm.

157 See Sec 2 (d) of DMA 2005.

Reference


(ii) See 10th and 11th five year plan at www.planningcommission.nic.in

(iii) Parasuraman and Unnikrihnan (Ed) India Disaster Reports 102 (Oxford University Press, 2000).


(v) S.L Goel and RamKumar (Ed) Disaster Management (Deep and Deep Publucation, 2001).
