CHAPTER- VI

LEGAL REGULATION OF DISASTER MANAGEMENT IN STATE OF KERALA - A COMPARATIVE APPROACH OF STATE LAWS
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The Kerala State is traditionally vulnerable to natural disasters due to unique geoclimatic conditions. Kerala is classified as a multi-hazard prone state with regard to the earthquake vulnerability it falls in Zone III. 96.90% of the state is falling in coastal zone and as a result of it, 3/4 of the land area is prone to cyclones, tsunami, floods etc. Apart from the natural disasters human induced disaster like chemical disasters, industrial disasters, epidemics, pest attack etc have affected the population in the state.

In order to reduce the risk of disasters it is effective to invest in mitigation than relief and rehabilitation expenditure. With this in mind UNDP and Government of Kerala (here in after referred as GOK) have undertaken the Disaster Management Risk Programme.

The key components of the UNDP programme are

(i) Capacity building
(ii) Community based early warning system
(iii) Emergency Operation Centre (EOC)
(iv) IndisData –collection and collation
(v) Techno –Legal regime.

Following the DMA, 2005 the State of Kerala was asked to constitute state level rules for effective functioning of Disaster Management Rules, 2007. The objective of this rule is sustainable reduction of disaster risk in the Kerala State and develops the capacities of Government institutions, local self government and communities in disaster mitigation, preparedness and recovery.

The Government of Kerala has constituted the State Disaster Management Authority (KSDMA) with Chief Minister as its Chairman. The authority comprises members with
experts and scientists from diverse fields. The Chief Secretary and Principle Secretaries of Revenue and Home are its members.\textsuperscript{10} The Authority would prepare the State’s disaster management policy and co-ordinate the activities of various departments connected with disaster management. The Authority has been formed as mentioned in the National Disaster Management Act.\textsuperscript{11} The term of the members of State Authority,\textsuperscript{12} their qualification,\textsuperscript{13} resignation manner,\textsuperscript{14} the quorum of meeting\textsuperscript{15} etc are clearly mentioned in the rule.

\textbf{Table No.6.1}

\begin{center}
\textbf{Ministries Responsible for various Categories of Disasters in State of Kerala}
\end{center}

\begin{tabular}{|l|l|l|}
\hline
Sl.n & Types of Disasters & Departments \\
\hline
1 & Hydro meteorological and Geological Disasters & Department of Revenue and Disaster Management \\
\hline
2 & Man-made and Human induced disasters including air and rail accidents & Department of Home \\
\hline
3 & Chemical, (health related), Biological, Radiological & Department of Public Health \\
\hline
4 & Industrial accidents & Department of Factories and Boilers \\
\hline
5 & Pest attack & Department of Agriculture \\
\hline
6 & Epidemics in cattle & Department of Animal Husbandry \\
\hline
7 & Dam burst and major building collapse & Department of water Resources and Public Works \\
\hline
8 & Forest Fire & Department of Forest \\
\hline
\end{tabular}

\begin{center}
Source: Kerala State Policy, 2010 www.kerala.gov.in
\end{center}
The State Authority may also constitute an advisory committee consisting of experts in the field of disaster management. The statutory authority will be the nodal agency of plan, coordinate and monitor disaster management plan.

The first meeting of KSDMA was held on 5th July 2007. The following decisions were taken in the meeting.

(i) 10% provision for purchase of disaster related equipment for Fire and Rescue services, police under CRF

(ii) Steps shall be initiated to include disaster management as a subject in the school curriculum

(iii) It was decided to initiate steps to setup an office and appoint necessary staff for the functioning of the Kerala State Disaster Management Authority

(iv) Steps shall be initiated to set up District level Disaster Management Authority.

The Chief Secretary of the State heads a State Level Committee which is in overall charge of the relief operations in the state. The Secretary presides over the meeting and they shall meet at once in three months. The Disaster Management Department within Revenue Department constituted immediately after the occurrence of Tsunami and coordinates the activities at the State level.

The Central Act purposes for the establishment of a network of early warning units Emergency control rooms, mobile hospitals, quick response teams etc. The Kerala Government has formed Rapid Action Force (RAF) to face any disasters. The state have also upgraded its emergency operation centre with modern equipments (with the help of UNDP programme).

Rule 14 (1) of the KSDM says about the constitution of District Level Disaster Management Authority (DDMA). It is headed by the collector who coordinates all activities pertaining to prevention to response and relief. The collector has the power to preside over the meeting and also exercise and discharge his powers and functions as the District Authority may delegate to him.
The districts are further divided into sub-division each of which is under the administrative control of sub-divisional officer. At their level these sub-divisional Officers are responsible. At the Taluk level activities are coordinated by Tahasildar as administrative head of Taluk, Village Officers are the Officers who directly communicate with the public and carry out the field level activities.

The local bodies can play a vital role in Disaster Management. Realizing this, the State Government has issued guidelines to local bodies to prepare decentralized disaster management plans that can be integrated into the District level preparedness exercise. Local bodies will have identified prevention and mitigation measures for each type of disaster and prepare an action plan, based on the availability of resources.

At the grass root level Disaster Management activities are to be revamped by introducing Disaster Management Committee (herein after referred as DMC) at ward level with elected representative of local self government as Chairman and representatives of NGO’s, Local authorities, Doctors, Primary School Teachers as other members of the committee. There is Disaster Management Team at the grass root level. This consists of members of youth organizations like Nehru Yuva Kendra Sangathan (here in after referred as NYKS) and National Service Scheme (here in after referred as NSS) and other NGOs as well as volunteers from the village are to be formed for better response. The community based Disaster Management Plan should be reviewed at least once in a year.

In 2010 the Kerala State propose to constitute a State Disaster Response Force to carry out rescue and relief operations during natural and man-made disasters. It comprised of personals drawn from the police, home guard and fire and rescue services. This force consists of 20 well trained skilled persons in each district and each 5 persons in city corporations.

The State recommended to the Centre to recognize lightning as a natural disaster because the criteria fixed by the Central Government were make it difficult for the State to compensate the victims of disasters like lightning, which were not recognized as a disaster yet.
Financial Arrangements

The financial matter of the Disaster Management is regulated by the Kerala Famine Relief Fund in 1965. This fund was established for meeting expenditure on preventive and remedial measures related to famine and scarcity conditions or for relief of distress caused by serious draught, flood, fire or other natural calamities in the state. The Central Government has also constituted National Calamity Contingency Fund and Calamity Relief Fund for providing support during natural calamities.

The State of Kerala has constituted a State Disaster Relief Fund by renaming the Calamity Relief Fund. This fund has been formed by framing the Kerala State Disaster Response Rules, 2010. It shall become into force with effect from the financial year 2010-11 and will be operative till the end of the financial year 2014-15. This fund shall be used only for meeting the expenditure for providing immediate relief to the victims of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanches, cloud burst, and pest attack. In this fund the government of India shall contribute 75% of the total yearly allocation in the form of a non-plan grant and the balance 25% amount shall be contributed by the State Government.

The Kerala State has constituted State Disaster Mitigation Fund in 2011 as an exclusive fund for taking up disaster management mitigation projects in an effective and useful manner. It is visible step of paradigm shift from relief and response centric fund provisions of disaster management. Recently the State Government made recommendation for the contribution of 25% of allocation of fund by the Centre and 75% by the State respectively.

Dr. Shekar L. Kuriakose opined that no other State in India has constituted Hazard, Vulnerability and Disaster Risk Cell except the State of Kerala. The Cell became fully operational in March 2012. They conduct and regularly update the hazard, vulnerability and risk assessment of the State; implement hazard early warning system; create and maintain the disaster database of the State; undertake research projects on topic relevant to disaster risk reduction etc. it could give comment and suggestions to the government directly.
Kerala is among the few states where electricity has reached every nook and corner of the state. Therefore the Kerala State Electricity Board takes necessary mitigation measures to deal with disasters. As a part of fine tuning of Disaster Management system, the Board has ordered the constitution of disaster Management cell in all electrical circles to meet any eventuality.

The Cell consists of an Assistant Engineer as Convenor and two other Assistant Engineers as Joint Convenors and five Engineers as members. The convenor on receipt of the intimation reach the spot and take steps to avoid any shock hazards (He shall call for an assistance of other members of the Cell if necessary31). The Cell shall act in close laison with the police, personal and the District Administration. The members of the cell are undertaken their duty in addition to their normal duty without any additional payment, neither the Board nor its Employees shall be answerable for any lapse in their activities.

He also admits the reality of the scarcity of skilled persons in this field. More over there is lack of awareness programmes among the community at grass root level.

There is lack of coordination between the departments of police, fire force, forests, health when a disaster strikes. It is suggested that the department must be coordinated and equip them to tackle the situation effectively by providing human resources as well as equipments. In most cases the executive face lack of funds. So make a provision of fixed amount of money to handle the situation32.

For the effective disaster management the Kerala State has allocated 6 crores in state budget. With in the light of recent tremors in the vicinity of Mullaperiyar dam and the emergency situation existing in the area and downstream the Kerala State has proposed to implement a Mullaperiyar Crisis Management Plan (here in after referred as MCMP) under the auspices of the KSDMA33. The plan consist of three components.

(i) Technical Component

(ii) Incident Response System and

(iii) Community Plan
(i) **Technical Component**

Under the technical component, safe sports for evacuation in the event of a dam break have to be identified by utilizing the inundation map prepared by the Center for Earth Sciences (CESS). For this employment of technical staffs, purchase of equipments is necessary. The Revenue and Disaster Management Department ensure the availability of cameras, local deployment, capacity building etc is necessary. Procedure for early warning, construction of temporary shelters at safe sports and purchase of emergency equipments will also be looked into.

(ii) **Incident Response System**

It is intended to coordinate activities undertaken by various departments on field in the event of a disaster. Workshops have to be organized involving all stakeholder departments for orientation and preparation of departmental response plans as part of emergency support functions.

(iii) **Community Plan**

The third component is community plan. The KSDMA purposes to implement a Community Based Disaster Risk Management (CBDRM) programme focusing on enhancing the capacity of the community in the event of earthquakes or flooding (in the case of dam failure). The State Government gives sanction to KSDMA to open a Flood Mapping Unit in the District Collectorate, Idukki and constitute a Purchase Committee to purchase materials and equipments.

But these documents fail to implement and it only remains as letter.

Prior to the enactment of Disaster Management Act, 2005 some State like Gujarat, Bihar, Uttar Pradesh, and Uttaranchal had passed legislations to deal with disaster viz

(1) The Gujarat State Disaster Management Act, 2003
(2) The Bihar Disaster Management Act, 2004
(3) The Uttar Pradesh Disaster Management Act 2005 and
(4) The Uttaranchal Disaster Mitigation and Prevention Act, 2005

The Gujarat and Uttar Pradesh Acts have stunning similarities. It can be seen that the Uttar Pradesh Act is the replica of Gujarat Act. On the other hand Bihar Disaster Management Act is based on the model recommendation of High Power Committee. The Uttaranchal Act contemplates constitution of a Disaster Mitigation and Management Centre.
Table No. 6.2

Comparison of State Disaster Management Laws

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<thead>
<tr>
<th>Sl No.</th>
<th>Parameters</th>
<th>Gujarat</th>
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<tbody>
<tr>
<td>1</td>
<td>Name of the Act</td>
<td>The Gujarat State Disaster Management Act, 2003</td>
<td>The UP Disaster Management Act, 2005</td>
<td>The Bihar Disaster Management Act, 2004</td>
<td>The Uttaranchal Disaster Management &amp; Prevention Act, 2005</td>
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<tr>
<td>2</td>
<td>Definition of Disaster</td>
<td>An act or imminent event whether natural or otherwise occurring in any part of the state which causes, or threatens to cause all or any of the following section Sec 2(h) of the Act</td>
<td>Same of Gujarat Act Sec 2 (h) of the Act</td>
<td>See Sec 2 (i)</td>
<td>See Sec 2 (a)</td>
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<td>3</td>
<td>Definition of Disaster Management</td>
<td>See Sec 2 (i)</td>
<td>Same of Gujarat Act. See Sec 2 (i)</td>
<td>No specific definition</td>
<td>Similar to Gujarat Act. See Sec 2 (e)</td>
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<td>4</td>
<td>Authorities for Disaster Management</td>
<td>(a) The State Government, (b) The Gujarat State Disaster Management Authority, (c) Heads of Government Departments, (d) Commissioner, (e) Collector of a district, (f) Local authorities (Sec.3).</td>
<td>Same as Gujarat Act, except for substitution of Uttar Pradesh Disaster Management Authority in place of GSDMA, District Magistrate for Collector and addition of “Any agency, organization or body authorized by the Authority” (Sec.3).</td>
<td>(a) The State Government (b) Standing Technical Committee (STC) (c) State Relief Commissioner (SRC) (d) District Relief Commissioner (DRC) (Sec.3)</td>
<td>(a) The State Government (b) Standing Technical Committee (STC) (c) State Relief Commissioner (SRC) (d) District Relief Commissioner (DRC) (Sec. 3)</td>
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<td>5</td>
<td>Whether any provision for formation of ‘Crisis Management Group’ or such other entities?</td>
<td>Yes. [Sec.4(2)(b)]</td>
<td>Yes. [Sec.4(2)(b)]</td>
<td>No. It provides for constitution of a Standing Technical Committee for the purpose of facilitating procurements related to disaster management. [Sec.4(3)]</td>
<td>No specific provision</td>
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<td>6</td>
<td>Responsibility for data collection</td>
<td>Departments of the State Government to assist other Authorities (Sec.5(1)) GSDMA to take steps to collector cause to be collected data on all aspects of disasters and disaster management, to analyze such data and to cause and conduct research and study relating to effects of disasters (Sec.13) GSDMA to be repository of all information concerning disasters (Sec.14)</td>
<td>Same as Gujarat Act (samesections also)</td>
<td>No specific provision</td>
<td>Section 16 of the Act envisages the creation of a Disaster Mitigation and Management Center. One of the core functions of this Center is ‘Data Collection and Research’. [Sec. 17(1)].</td>
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<td>7</td>
<td>Responsibility for capability building and training</td>
<td>Departments of the State Government to assist other authorities [Sec.5(1)(a)] GSDMA to advise and train the community, and stakeholders with a view to increasing their capacity to deal with potential disasters [Sec.16(1)]</td>
<td>Same as Gujarat Act (samesections also)</td>
<td>No specific provision</td>
<td>Disaster Mitigation and Management Center has been assigned the responsibility. [Sec.17(4)].</td>
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</table>
### Responsibility for awareness generation

GSDMA to promote general education and awareness on disaster management, emergency planning and response [Sec.12(2)(d)]. GSDMA to do so by publishing guidelines, facilitating access to its electronic database, coordinating the integration of methodologies for awareness and preparedness with development plans etc. [Sec.16(1)]. Collector to facilitate community training, awareness programmes. [Sec.24 (1)(f)].

### Role of Collector/District Administration

Collector to issue directions to the officers of the departments of the State Government and the local authorities in the affected areas to provide emergency preparedness.

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<td>8</td>
<td>Responsibility for awareness generation</td>
<td>GSDMA to promote general education and awareness on disaster management, emergency planning and response [Sec.12(2)(d)]. GSDMA to do so by publishing guidelines, facilitating access to its electronic database, coordinating the integration of methodologies for awareness and preparedness with development plans etc. [Sec.16(1)]. Collector to facilitate community training, awareness programmes. [Sec.24 (1)(f)].</td>
<td>Same as Gujarat Act (same sections also)</td>
<td>No specific provision</td>
<td>Disaster Mitigation and Management Center has been assigned the responsibility. Sec. 17(4)].</td>
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<td>9</td>
<td>Role of Collector/District Administration</td>
<td>Collector to issue directions to the officers of the departments of the State Government and the local authorities in the affected areas to provide emergency preparedness.</td>
<td>Same as Gujarat Act (same sections also)</td>
<td>To supervise, coordinate and discharge the responsibilities and perform functions as prescribed. To prepare disaster management plan</td>
<td>District Magistrate with the assistance of the local authorities shall prepare a disaster management plan for the district by anticipating the types of</td>
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<td>relief in accordance with the disaster management plans. [Sec. 23(1) &amp; (2)]</td>
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<td>disaster that may occur and their possible effects and identifying the communities and properties at risk. He shall provide for appropriate prevention and mitigation strategies and promote capacity building. (Sec. 22). At the time of disaster, to conduct search and rescue operations, provide alternate shelters, food and medicines etc. [Sec. 19(2)]. To take action in accordance with prescribed guidelines. (Sec. 20).</td>
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<td>10</td>
<td>Role of local bodies</td>
<td>Subject to directions given by GSDMA and under the supervision of the Collector, local authorities shall: (a) carry out relief operations in</td>
<td>Same as Gujarat Act (same section also)</td>
<td>Each Municipal Local Body and panchayat to prepare a Disaster Management Plan to meet adequately the requirements of the</td>
<td>To assist the district magistrate in preparation of disaster management plan for the district [Sec. 22(1)]. In disaster affected areas, local au</td>
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<td>the affected area subject to the directions of the Commissioner(b) carry out reconstruction and rehabilitation work in accordance with the guidelines framed by GSDMA (c) prepare disaster management plans suitable for the local area, clearly defining the role and responsibilities of the local authority etc. [Sec. 25(1)]</td>
<td>locality concerned in their respective jurisdiction. They shall be responsible for effective implementation of the plan drawn up by them in this behalf. [Sec. 8 (1) &amp; (3)].</td>
<td>To assist the USDMA, the State Commissioner for Disaster Management and the District Magistrate. Also to provide training to the staff and ensure that all building in their local area comply with laid down specifications. [Sec. 21 (1)].</td>
<td>No specific provision</td>
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</table>

11 Role of general public Citizens to assist the Commissioner and the Collector in prevention, response, warning, emergency operation, evacuation and recovery activities. (Sec. 31). Same as Gujarat Act (same section also) To assist the State and/or District Relief Commissioner in prevention, mitigation, response, rescue etc. (Sec. 11). |
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<td>12</td>
<td>Duties of private bodies</td>
<td>Community groups, youth organizations to assist the Authorities. (Sec.28) Similarly, each Factory as defined under the Factories Act, 1948 shall assist the Commissioner and the Collector and prepare a disaster management plan. Each private and public sector entity shall provide assistance to GSDMA, the Commissioner and the Collector. (Sec.29). All voluntary agencies, including non-governmental organizations, which desire to participate in disaster management activities may provide assistance to the Commissioner and the Collector. (Sec.30).</td>
<td>Same as Gujarat Act (same sections also)</td>
<td>Each Factory as defined under the Factories Act, 1948, and each of the undertakings and enterprises, as may be prescribed shall have a disaster management plan in conformity with the plan of local authorities/ district administration. They shall be responsible for its effective implementation. [Sec.8 (1)&amp; (2)].</td>
<td>No specific provision</td>
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<td>13</td>
<td>Whether any provision for issuing direction to a person or authority for purpose of a voiding or mitigation of effects of disaster?</td>
<td>Yes.[Sec.4(3)]</td>
<td>Same as Gujarat Act (same section also)</td>
<td>Yes, general powers. [Sec. 4(6)].</td>
<td>Yes. [Sec. 4 (3)].</td>
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<td>14</td>
<td>Whether any provision for suspending operation of any executive order which prevents, hinders or delays necessary action in coping with disaster?</td>
<td>Yes.[Sec.4(4)]</td>
<td>Same as Gujarat Act (same section also)</td>
<td>No specific provision</td>
<td>Yes. [Sec. 4(4)].</td>
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<td>15</td>
<td>Relief works</td>
<td>Departments of the State Government to carry out relief operations under the supervision of the Commissioner and the Collect</td>
<td>Same as Gujarat Act (same sections also)</td>
<td>Responsibility of State Relief Commissioner and District Relief Commissioner. (Sec. 6 &amp; 7)</td>
<td>USDMA to assist the State Government in formulation of policy relating to emergency relief. Revenue Department and</td>
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<td>tor [Sec.5 (1) (b)] GSDMA to assist the State Government in formulation of policy relating to emergency relief not withstanding that the implementation of the same shall be the responsibility of the Revenue Department and other departments of the State Government. [Sec.12(2)(b)]. Where GSDMA is of the opinion that relief provided by the Commissioner or the Collector is not adequate, it shall recommend modifications in the prescribed norms [Sec.18(2)]</td>
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<td>other departments of the State Government to implement emergency relief.[Sec. 11(1)(b)]. State Commissioner for Disaster Management to make arrangement for release and use of resources for providing relief [Sec. 14(2)] and to development and appropriate relief implementation strategy taking into account unique features of each district. [Sec.15 (1)(b)]. District Magistrate is responsible for relief works in the district. [Sec. 19].</td>
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<td>16</td>
<td>Disaster Management Plans</td>
<td>GSDMA to develop or cause to be developed guidelines for the preparation of such plans and assist departments, local authorities and persons specified by it in preparation of such plans. [Sec.15(1)] Collector to ensure that district disaster management plans are prepared, revised and updated. [Sec.24 (1)(d)]. Each department of the State Government in a district shall prepare a disaster management plan for the district and the Collector shall ensure that these are integrated into the plan for the whole district. (Sec.26).</td>
<td>Same as Gujarat Act (samesections also)</td>
<td>State Government may prepare a disaster management policy [Sec. 4 (2)(a)]. DRC may prepare a district management plan, and Local Bodies and other Agencies may prepare a Disaster Management Plan in accordance with the district plan (Sections 6 &amp; 8).</td>
<td>USMDA to act as central planning body [Sec. 11(1)(a)]. State Commissioner for disaster management to prepare, review and update district or divisional level emergency plans. [Sec.15(1)(c)]. District Magistrate to prepare disaster management plan for the district [Sec. 22(1)].</td>
</tr>
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<td>17</td>
<td>Whether any provisions for offences and penalties?</td>
<td>Yes. (Sec.38)</td>
<td>Yes. (Sec.38)</td>
<td>Yes. (Sections 13 and 14).</td>
<td>Yes. (Sec. 29 to 31).</td>
</tr>
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</table>

Comparison of State Disaster Management Laws

The State laws like Gujarat State Disaster Management Act, 2003 the Uttar Pradesh Disaster Management Act, 2005, Bihar State Disaster Management Act, 2004 and Uttaranchal Disaster Management Act, 2005 is analysed. Most of the provisions of these laws were similar. Regarding the definition clause each State has their own definition especially the Uttar Pradesh Act has the same provisions of the Gujarat Act except for substitution of Uttar Pradesh in the place of Gujarat. The authorities which specified in the Act are State Disaster Management Authorities. There is a provision in the Acts for formation of crisis management groups except in Bihar and Uttaranchal laws. The Act specifies the responsibility for data collection by Department of State Government as the Gujarat and Uttar Pradesh Act and the Disaster Mitigation and Management Centre at Uttaranchal Act but there was no specific provision in Bihar Act. the role of collector/magistrate is specified in all Acts. The States like Gujarat, Uttar Pradesh and Bihar gave power to the district collector while the Uttaranchal Act gave provision to district magistrate. The role of local bodies is specified in Gujarat, Uttar Pradesh and Bihar Act. But the Uttaranchal Act silent about this provision. Disaster management plans and offences relating to disasters are specified in each Act.

Conclusion

In recent time, Disasters has emerged 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. This may be because of the systematic preventive and preparedness measures adopted by the developed countries. Though the subject has been given wide importance at the international level by providing an adequate legal coverage even long back, our national effort on the same topic was hardly any till very recently. 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 a comprehensive legislation, which was so far a need greatly felt by the Government and a resultant factor of the traumas suffered by Indians.

A proper understanding of the consequences of disasters and their devastating impact 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 out the legal, institutional and financial arrangement for disaster management.

India in recent years has made significant development in the area of disaster management through the enactment of Disaster Management Act. A New culture of preparedness, quick response, strategic thinking and prevention is being ushered. The entire process bill centre stage the community and will be provided momentum and sustenance through the collective efforts of all Government agencies. However these efforts are made to satisfy our national mission to build a safer and disaster resilient India. However the victims of disaster have to face human rights violation during this period. Internationally there was no regulation to deal with natural disasters. The existing human rights instruments and judiciary play a vital role in this situation.

**End Note**

1. Kerala, ‘the God’s own Country’ is blessed with forests, rivers, backwaters and many other natural resources. Kerala is located between north latitudes 8 degree 18 and 12 degree 48 and east longitude 74 degree 52 and 72 degree 22, the State has a coast of length 580 km. the State of Kerala consists of 14 districts, 63 taluks, 21 revenue divisions, 152 rural blocks, 999 panchayats and 1452 villages. see [www.sdma.kerala.gov.in](http://www.sdma.kerala.gov.in) accessed on 12th July 2012 at 12.57 pm.

2. The State experiences heavy rainfall and flood during the South West monsoon: in recent times drought condition have also become more frequent during the pre-monsoon period, sometimes due to failure of South West and or North East monsoon, coastal erosion is very severe. Incidents of biological disasters such as epidemics are also on the raise. Fatalities in road and rail accidents, man made accidents, death due to lightning strikes and tragedies due to capsizing of boats are very high in the State. Landslides or landslip is another hazard of the hilly region of the State. The tsunami that struck the Kerala coast in 2004 has added a new dimension to the hazard profile of the State. The State is also vulnerable to cyclones and experiences high winds due to the West ward movement of cyclone storms crossing the Tamil Nadu coast. The fact that Kerala falls under earthquake zone III makes the State vulnerable to earthquakes. Chemical and industrial disasters and disasters like dam burst cannot be ruled out. Global warming and its resultant climatic variations such as interseasonal variations in rainfall, environmental issue and rise in sea level intensify the vulnerability and

3 Capacity building means equip the people to mitigate against the disaster. It includes giving orientation programme to the politicians, SDMA members, PRI members, NGOS and giving training programme to the people at grass root level as a part of capacity building.

4 This includes strengthening early warning system and hazard mapping. The Kerala state had done it in four districts like Thiruvananthapuram, Kollam, Alleppey and Ernakulum to assist the risk and vulnerability.

5 This includes construct and strengthen the Emergency Operation Centres (EOC) and make linkage between the EOC and the district control rooms.

6 This includes collect and codifies the past disasters, and its losses for geospatially mapping disaster risk trends.

7 The Techno-legal regime the Kerala State have reaffirmed its early disaster management codes, shifted the Relief and Rehabilitation Department to Disaster Management Department. The Kerala Government have framed Kerala State Disaster Management Rules, 2007.

8 Sec 78 of DMA reads: “The state Government may, by notification in the official Gazette, make rules to carry out the provisions of the Act”.

9 G.O (P) No 71/2007/DMD.

10 Rule 3 of KSDM reads “the KSDMA shall consist of the following members namely Chief Minister as Chairperson, Revenue Minister as Vice Chairperson, The Chairperson of State Executive Committee, Principal Secretary of Revenue Department, Principal Secretary of Home Department. One faculty from the Institute of Land and Disaster Management: Three scientists of Disaster Management as convenor. see also G.O (P) No 154/2007/DMD, G.O (P) 407/2010/DMD and G.O (P) 5/2011/DMD.


12 Rule 4 of KSDM reads: “The term of office of the members of State Authority other than ex-offico members, shall be three years, from the date of their assuming charge”.

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Rule 4 (1) of KSDM reads: “No person shall be a member of State Authority who (i) is or at any time has been adjudged insolvent or; (ii) declared to be of unsound mind by a competent court; (iii) is or has been convicted of an offence which in the opinion of the State Government involves more turpitude; (iv) is or has been removed or dismissed from the service of Government or body corporate owned or controlled by the state or central Government”.

Rule 5 of KSDM reads: “Any member of the state Authority may, by writing under his hand, addressed to the Chairperson of the State Authority, resign from his office and such resignation shall take effect on the day the same is accepted by the Chairperson”.

Rule 7 of KSDM reads: “The quorum of the meeting of State Authority will be one third of its members”.

Rule 10 of KSDM reads: “The 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 of different aspects of disaster management”. see G.O(P) No.339/2007/DMD.

Rule 11(1) of KSDM reads: “Government shall constitute a State Executive Committee (SEC) to assist the State Authority in the performance of its functions and to co-ordinate action in accordance with the guidelines laid down by the SDMA and ensure the compliance of directions issued by the State Government, under the Act”. The firsts meeting of the Executive Committee of Kerala State Disaster Management was held in 6th Nov 2007. The agenda items of the meeting were (i) Discussion on Draft of Disaster Management Policy and also see Sec 20 of Disaster Management Act, 2005. (ii) Formulation of State level and District level plans.

Rule 11(2) of KSDM reads: “The State Executive Committee shall consist of

(i) Chief Secretary of the State Government, Chairperson
(ii) Secretary, Revenue Department
(iii) Secretary, Finance Department
(iv) Secretary, Home Department
(v) Secretary, Health Department

Rule 12(3) of KSM reads:” The Chairperson of the State Executive Council shall preside over the meetings of SEC”. G.O.(P) 339/2007/DMD.
20 Rule 12(5) of KSDM reads: “The state Executive Council shall meet as often as necessary, but at least once in three months”. see Natural Hazards, IIInd Report, State of Environment 2(2007).

21 Rule 14(1) of KSDM reads: “Government may constitute a District Disaster Management Authority for each district in the State”. The Kerala Government has enacted 14 DMA in allover Kerala State. For more details see G.O (p) No.303/2008/DMP.

22 Rule 14(2) KSDM reads: “The DA shall consists of the Chairperson and the following other members, namely:-

(i) The District Collector of the concerned district as Chairperson
(ii) President of District Panchayat as co-Chairperson
(iii) The Chief Executive Officer of the District Authority
(iv) The Chief Medical Officer of the district
(v) Two other district level officers are to be appointed by the State Government.


24 The preparedness plan includes an inventory of human recourses, transport facilities for emergency deployment, workshops and fuel depots and a list of equipment and stores for rescue and relief operations.

25 See G.O (Ms)No.284/2007/DMD.

26 See Sec 48(1)(a) of Disaster Management Act, 2005 and G.O(P) No. 498/2010/DMD.

27 A state level Committee to constitute Calamity Relief Fund. G.O (Ms) No. 178/2006/ DMD.

28 See Sec 48(1)(c) of Disaster Management Act, 2005 and G.O(P) No 660/2011/DMD.

29 An interview was conducted with Dr. Shekar L. Kuriakose, Associate professor, Disaster Management Centre; Head (Scientist), Hazard, Vulnerability and Disaster Risk Cell & Research Office, KSDMA, Department of Revenue and Disaster Management, Government of Kerala at Institute of Land and Disaster Management, TVM on 18th July 2012 at 1.30pm.

30 It currently has staff in disaster management centres of five city corporations and sub office in Idukki district, where the disaster risk reduction programme has been implemented. GO (Rt) No.2267/2011/DMD.
31 The convenor shall have certain limitation to utilize the money. He have the owe to spend a maximum of Rs.2000/- for arranging the requirements necessary for the situation. The total expenditure so made for the circle shall not exceed Rs.10000/- annually.

32 An interview was conducted with Sri Jose Prakash, IAS, Administrative Officer, Institute of Land and Disaster Management, PTP Nagar, TVM on 18th July 2012 at 3 pm.

33 G.O.(Rt) No.5884/2011/DMD.

34 This committee headed by the Commissioner of Land Revenue (ex-officio Secretary, KSDMA) with representatives of Finance Department, Store Purchase Department, Senior Finance Officer of Commissionerate of Land Revenue, Director of the Institute of Land and Disaster Management shall be constituted for this purpose.

35 An interview with Sri Shine.A.Haque, Section officer, Disaster Management (Revenue-K) Department, Kerala State Secretariat, TVM. This interview is conducted in 6th Aug 2012 at 11am.