

# Disaster Management Law in India

Jaidev

PhD. Research Scholar, Dept. of Law, MDU, Rohtak

## INTRODUCTION

Disaster means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or manmade causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area<sup>1</sup>. Disaster management means a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary or expedient for—

- (i) prevention of danger or threat of any disaster;
- (ii) mitigation or reduction of risk of any disaster or its severity or consequences;
- (iii) capacity-building;
- (iv) preparedness to deal with any disaster;
- (v) prompt response to any threatening disaster situation or disaster;
- (vi) assessing the severity or magnitude of effects of any disaster;
- (vii) evacuation, rescue and relief;
- (viii) rehabilitation and reconstruction<sup>2</sup>

India has been traditionally vulnerable to natural disasters on account of its unique geo-climatic conditions. Floods, droughts, cyclones, earthquakes and landslides have been recurrent phenomena. About 60% of the landmass is prone to earthquakes of various intensities; over 40 million hectares is prone to floods; about 8% of the total area is prone to cyclones and 68% of the area is susceptible to drought. In the decade 1990-2000, an average of about 4344 people lost their lives and about 30 million people were affected by disasters every year. The loss in terms of private, community and public assets has been astronomical<sup>3</sup>. At the global level, there has been considerable concern over natural disasters. Even as substantial scientific and material progress is made, the loss of lives and property due to disasters has not decreased. In fact, the human toll and economic losses have mounted. It was in this background that the United Nations General Assembly, in 1989, declared the decade 1990-2000 as the International Decade for Natural Disaster Reduction with the objective to reduce loss of lives and property and restrict socio-economic damage through concerted international action, specially in developing countries<sup>4</sup>.

### Authorities under Disaster Management Act

- National Disaster Management Authority, it consists of Prime Minister as the Chairperson and other member<sup>5</sup>.
- State Disaster Management Authority, it consists of Chief Minister as the Chairperson and other member<sup>6</sup>.
- District Disaster Management Authority, it consists of the Collector or District Magistrate or Deputy Commissioner<sup>7</sup>.

As we that in India one third population is living in village, having lack of knowledge, employment, and opportunity. B. P.L. (person below poverty line) is the economically deprived section of the society. In disaster situation their situation becomes more miserable. So there should be some authority to which they can approach in disaster situation. The contingent fund, consolidated fund, is under the control of the state officer so it becomes necessary to provide duties and responsibility of the state officer, consequently the above provision come into existence.

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Jaidev, Phd. Research Scholar, Department of Law, MDU, Rohtak /jaidevshroha@gmail.com

<sup>1</sup> Sec. 2 (d) of the Disaster Management Act, 2005.

<sup>2</sup> Sec. 2 (e) of the Disaster Management Act, 2005.

<sup>3</sup> <https://www.unisdr.org/2005/mdgs-drr/national-reports/India-report.pdf>, p.3.

<sup>4</sup> <https://www.unisdr.org/2005/mdgs-drr/national-reports/India-report.pdf>, p. 3.

<sup>5</sup> Sec. 3 of the Disaster Management Act, 2005.

<sup>6</sup> Sec. 24 of the Disaster Management Act, 2005.

<sup>7</sup> Sec 25, of the Disaster Management Act, 2005.

### POWERS AND FUNCTIONS OF DISASTER MANAGEMENT AUTHORITY

- i. To lay down policies on disaster management, approve the National, State District, plans.
- ii. To approve plans prepared by the Ministries or Departments of the Government.
- iii. To lay down guidelines to be followed by the authorities.
- iv. To lay down guidelines to be followed by the different Ministries or Departments.
- v. To coordinate the enforcement and implementation of the policy and plan for disaster management.
- vi. To recommend provision of funds for the purpose of mitigation.
- vii. To provide support to other countries affected by major disasters.
- viii. To take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary<sup>8</sup>

### DISASTER PREVENTION AND PREPAREDNESS MEASURES INFORMATION AND RESEARCH NETWORK

Disaster prevention is intrinsically linked to preventive planning. Some of the important steps in this regard are:

- (a) Introduction of a comprehensive process of vulnerability analysis and objective risk assessment.
- (b) Building a robust and sound information database: A comprehensive database of the land use, demography, infrastructure developed at the national, state and local levels along with current information on climate, weather and man-made structures is crucial in planning, warning and assessment of disasters. In addition, resource inventories of governmental and non-governmental systems including personnel and equipment help in efficient mobilization and optimization of response measures.
- (c) Creating state-of-the-art infrastructure: The entire disaster mitigation game plan must necessarily be anchored to frontline research and development in a holistic mode. State-of-the art technologies available worldwide need to be made available in India for up gradation of the disaster management system; at the same time, dedicated research activities should be encouraged, in all frontier areas related to disasters like biological, space applications, information technology, nuclear radiation etc., for a continuous flow of high quality basic information for sound disaster management planning.
- (d) Establishing Linkages between all knowledge- based institutions: A National Disaster Knowledge Network, tuned to the felt needs of a multitude of users like disaster managers, decision makers, community etc., must be developed as the network of networks to cover natural, manmade and biological disasters in all their varied dimensions<sup>9</sup>.

### CAPACITY BUILDING, TRAINING & EDUCATION

Personnel involved in the exercise have to draw upon knowledge of best practices and resources available to them. Information and training on ways to better respond to and mitigate disasters to the responders go a long way in building the capacity and resilience of the country to reduce and prevent disasters. Training is an integral part of capacity building as trained personnel respond much better to different disasters and appreciate the need for preventive measures. The directions in this regard are:

- (a) The multi-sectoral and multi-hazard prevention based approach to disaster management requires specific professional inputs. Professional training in disaster management should be built into the existing pedagogic research and education. Specialized courses for disaster management may be developed by universities and professional teaching institutions, and disaster management should be treated as a distinct academic and professional discipline, something that the American education system has done successfully. In addition to separate diploma/degree courses in disaster management, the subject needs to be discussed and taught as a specific component in professional and specialized courses like medicine, nursing, engineering, environmental sciences, architecture, and town and country planning.
- (b) The focus towards preventive disaster management and development of a national ethos of prevention calls for an awareness generation at all levels. An appropriate component of disaster awareness at the school level will help increase awareness among children<sup>10</sup>

<sup>8</sup> Sec. 6,18,30, of the Disaster Management Act, 2005.

<sup>9</sup> Government of India, <https://www.unisdr.org/2005/mdgs-drr/national-reports/India-report.pdf>, p. 76.

<sup>10</sup> Government of India, <https://www.unisdr.org/2005/mdgs-drr/national-reports/India-report.pdf>, p. 77.