

# **Disaster Management Laws and Policies in India**

## **Learning Outcomes:**

- To understand the statutory laws about environmental protection.
- To analyze the provisions about disaster management and mitigation of the disaster risk through environmental legislation.
- To understand the existing policy regarding framework of Disaster Management in India.
- To understand the provisions of the Disaster Management Act, 2005 & its working.
- To understand the working of various institutional set up in India.
- To understand the roles, responsibilities & functioning of NDMA, NIRF, & NIDM

## **4.0 Introduction**

India is vulnerable to varying degrees of natural and manmade disasters. 58.6% of the landmass in India is prone to earthquakes; 40,000,000 hectares of land is prone to floods and soil erosion, 7516 kilometers along the coastline and 5700 kilometers are prone to cyclones and tsunamis. 68% of the cultivable area in India is vulnerable to droughts. The hilly areas in India are prone to landslides and avalanches. With becoming the second largest populated country in the world the vulnerability to manmade disasters is also increasing exponentially. Chemical, biological, nuclear

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disasters, and terrorism are increasing in many manifolds. Environmental degradation growing disparity in incomes, rapid urbanization, climatic changes all show a future that is going to be prone to disasters. Since the nation has been threatened with these disasters, it was found essential for a legal and legislative system to be set up in the country, so that there would be mitigation of the disaster related risk . *The vision is to build a safer disaster resilient India by developing a holistic multi-disaster and technology-driven strategy for managing the disasters.* It was assumed that this can be achieved by making a culture that emphasizes- prevention, mitigation, and preparedness and this warranted the need to have a statutory system that backs the governs all the activities needed to achieve the vision. This unit focuses on all the legislative and statutory set up in India, that deals with Disaster Management.

The first of these kinds of legislative measures were taken up in the form of the Disaster Management Act (DM Act) in 2005. It was a multi-hazard management tool. The first initiative towards formulating a systematic and comprehensive approach to all disasters was the setting up of the high-powered committee bracket (HPC) in 1999. The HPC further prepared a comprehensive model for disaster management to be done at all levels namely national state and district levels. The details of the legislative measures related to disaster management are discussed in this unit.

## **4.1 Environmental legislations related to Disaster Management in India**

A watershed moment in the history of India was the Bhopal gas tragedy. One of the worst industrial disasters that the country had ever witnessed. After this unfortunate incident, the lawmakers of the country decided on formulating stronger norms, policies, and acts to prevent further incidents. Under article 253, the Government of India brought into existence the Environment Protection Act (EPA). The Act came in because of the Bhopal gas tragedy as well as India's commitment to follow United Nations Conference on the Human Environment that took place in Stockholm in June 1972. The conference passed the Stockholm Declaration, which contained 26 principles that focused on development, the environment, and the necessity of human interaction with the environment. In the footsteps of the Stockholm Declaration, India too went about enacting - "The Environment Protection Act,1986", to improve and



protect the human environment, most importantly to prevent hazards from happening and causing damage to the ecology. The Act is an “umbrella” legislation designed to provide a framework for central government’s coordination of the activities of various central and state authorities established under previous laws, such as the Water Act and the Air Act and Disaster Management Act,2005.

Disaster Management Act,2005 provides for the institutional and operational framework for disaster prevention, mitigation, response, preparedness, and recovery at all levels. The details of the Disaster Management Act are discussed in the next section.

#### **4.1.1 Disaster Management Act,2005 (DM Act)**

On December 23<sup>rd</sup>,2005 the Indian Government took a defining step towards holistic Disaster management by enacting the ‘Disaster Management Act’. From mere relief and response-centric measures to a comprehensive proactive mindset, the Disaster Management Act was a game-changer for India. It covered aspects of the disaster management cycle starting with prevention, mitigation preparedness to rehabilitation, reconstruction, and recovery.

The Disaster Management Act of 2005 was passed by the Rajya Sabha, Upper House of Parliament. The Act has 11 chapters and 79 sections. The act is extended to the whole of the country and provides for effective management of disaster and is connected to any incident that is related to disaster management. The act is brought into existence with the focus of helping people recover from disaster and get back into their normal life. The Act designates the Ministry of Home Affairs as the nodal ministry for steering the overall national disaster management. It also has brought in an Institutional Structure and puts into place a systematic structure of institutions at the three levels:

- National Level
- State Levels
- District levels

The following governing bodies were established under the DM Act, 2005

1. National Disaster Management Authority (NDMA)
2. National Executive Committee (NEC)
3. State Disaster Management Authority (SDMA)
4. District Disaster Management Authority (DDMA)
5. National Disaster Response Force (NDRF))

The Disaster Management Act investigates the mitigation of disaster risk and also aids in relief and rehabilitation. Many of the features of the disaster management activities focus on making strategic alliances and partnerships with various organizations and people to see that there is a better way of handling the disaster. The thrust area of disaster management is

- Detailed direction to disaster management efforts.
- Better capacity development from the local level to the national level.
- Better coordination between agencies operating at community level national level and international level.
- Focused on best practices to reduce disaster-related risks.

The significance of the disaster management act of 2005 can be listed as follows:

- Better planning and implementation of disaster plans.
- Prevention and mitigation of losses due to disaster.
- Timely recovery and response to disaster events.
- Coordination and management of all disaster-affected areas.

The DM Act chapters define the disaster and disaster management concept. It ensures that the government takes up all the measures that will prevent and mitigate disaster and give an institutional mechanism for monitoring and implementing the various plants meant for disaster preparedness. The details of the various chapters and the sections are listed in Table no. 4.1.

Table No 4.1: Details of the Chapters in the DM Act 2005



Chapter	Section	Particulars
Chapter 1	1-2	Preliminary
Chapter 2	3	The National Disaster Management Authority
Chapter 3	14- 24	State Disaster Management Authority
Chapter 4	25-34	District Disaster Management Authority
Chapter 5	35 - 40	Measures by the government for disaster management
Chapter 6	41	Local authorities
Chapter 7	42	National Institute of disaster management
Chapter 8	44-45	National disaster response force
Chapter 9	46-50	Finance accounts and audit
Chapter 10	51-60	Offense and penalties
Chapter 11	61-79	Miscellaneous

## 4.2 Environmental policies & programs in India

The environmental policy has been formulated in several ways to protect human health, ensure the availability of wildlife, preserve historical monuments, and further stop degradation of the environment. The Environmental policy was formulated to provide a skeletal framework from which all environmental components such as audits, environmental management systems, assessments, and reports.

In India for the first time the importance of preserving the quality of life and promoting environmental policies along with development was stressed during the 4<sup>th</sup> -5-year plan that is between the year 1969 to 1974. But it was only after the 5<sup>th</sup> and 6<sup>th</sup>, 5-year plan that there was relevance given to the environmental policies, especially after the Stockholm Declaration. A Plethora of environmental legislations has been enacted by

the Parliament, especially after the Stockholm Declaration 1972. These legislations have direct control in the protection, preservation, conservation, and control of pollution.

The Environment Protection Act of 1986 aims to improve and protect the human environment, most importantly to prevent hazards from happening and causing damage to the ecology. The Act is an "umbrella" legislation designed to provide a framework for central government coordination of the activities of various central and state authorities established under previous laws, such as the Water Act and the Air Act.

The following legislations have been enacted in India for the prevention of biohazards and implementation of protective, eradication, and containing measures when there is an outbreak:

1. The Water (Prevention and Control of Pollution) Act, 1974
2. The Forest (Conservation) Act, 1980
3. The Air (Prevention and Control of Pollution) Act, 1981
4. The Environmental (Protection) Act, 1986 and the Rules (1986)
5. Disaster Management Act, 2005
6. The Wildlife Protection Act (1972)
7. The Public Liability Insurance Act, 1991
8. The Public Liability Insurance Rules, 1991.
9. The National Environment Tribunal Act, 1995
10. The National Environment Appellate Authority Act, 1997

Other Enactments with Environmental Concern apart from the above-mentioned acts are Rules and Notifications. There are other enactments which contain a few sections on the protection of the Environment and prevention of pollution, they are as follows

1. Code of Civil Procedure, 1908
2. The Factories Act 1948 as amended by Amendment Act, 1987
3. Industries (Development and Regulation) Act, 1951
4. Mines and Minerals (Regulation and Development) Act, 1957
5. The Merchant Shipping Act, 1958

6. Atomic Energy Act, 1962
7. The Insecticides Act, 1968
8. Monopolies and Restrictive Trade Practices Act, 1969
9. Code of Criminal Procedure, 1973
10. The Indian Coast Guards Act, 1978
11. Motor Vehicles Act, 1988
12. Central Motor Vehicles Rules, 1989

The Ministry of Environment and Forest is the nodal agency in the administrative structure of the Central Government for planning, promotion, coordination, and overseeing the implementation of environmental and forestry programs. The ministry is also a nodal agency in the country for the United Nations environmental program (UNEP). The ministry focuses on

- Conservation of flora fauna forests and wildlife prevention and control of pollution, a forest station, and regeneration of degraded areas
- Protection of the environment in the frame of legislation

Another important statutory organization that was constituted in the year 1974 was the Central Pollution Control Board (CPCB). The principal functions of CPCB are to promote cleanliness of streams and wells in different areas of the state & to improve the quality of air and to prevent, control, or abate air pollution in the country.

All the environmental policies of the country have been formulated to blend socio-economic development in such a way that there shall be no negative impact on the environment. Prevention of environmental degradation and including appropriate use of economic instruments in the policy such that development and Environmental Protection go hand in hand has been the area of focus.

### **4.3 Institutions & National Centres for Natural Disaster Mitigation:**

The Government of India (GOI), in recognition of the importance of Disaster Management as a national priority, set up a High-Powered Committee (HPC) in August 1999 and a national committee after the Gujarat earthquake, for making



recommendations on the preparation of Disaster Management plans and suggest effective mitigation mechanisms. The Tenth Five-Year Plan Document also had, for the first time, a detailed chapter on Disaster Management. The HPC prepared comprehensive model plans for DM at the national, state, and district levels. An all-party National Committee on Disaster Management (NCDM) was set up after the Gujarat earthquake, under the Chairmanship of the Prime Minister and with representatives of national and state-level political parties, for catalyzing and enabling the preparation of DM plans and suggesting effective mitigation mechanisms. On 23 December 2005, the Government of India (GoI) took a defining step towards holistic DM by enacting the DM ACT, 2005. The Disaster Management Act mandates the National Disaster Management Authority (NDMA) to lay down policies and guidelines for the statutory authorities to draw their plans. In essence, the NDMA will concentrate on prevention, mitigation, preparedness, rehabilitation, and reconstruction and also formulate appropriate policies and guidelines for effective and synergized national disaster response and relief. Under the umbrella of NDMA, all other institutions shall function.

## The institutional framework of Disaster management in India

The institutional framework for disaster management is set up at three levels. The details are as follows:

### I.NATIONAL LEVEL:

- **National Executive Committee (NEC):** NEC was constituted under Section 8 of DM Act, 2005 to assist the National Authority in the performance of its functions. Union Home secretary is its ex-officio chairperson. NEC has been given the responsibility to act as the coordinating and monitoring body for disaster management, to prepare a National Plan, monitor the implementation of National Policy, etc.
- **National Institute of Disaster Management (NIDM):** NIDM has the mandate of human resource development and capacity building for disaster management within the broad policies and guidelines laid down by the NDMA.



- **National Disaster response force (NDRF):** NDRF is the specialized force for disaster response that works under the overall supervision and control of NDMA.

## II. State Level:

- **State Disaster Management Authority (SDMA):** SDMA is led by the Chief Minister of the respective state. It lays down the policies and plans for disaster management in the state.
- **State Executive Committee (SEC)- SEC is led** by the Chief Secretary of the state. SEC has the responsibility for coordinating and monitoring the implementation of the National Policy, the National Plan, and the State Plan as provided under the DM Act.

## III. District Level:

- **District Disaster Management Authority (DDMA):** Sec 25 of the DM Act provides for the constitution of DDMA for every district of a state. The District Magistrate/ District Collector/Deputy Commissioner heads the Authority as Chairperson besides an elected representative of the local authority as Co-Chairperson except in the tribal areas where the Chief Executive Member of the District Council of Autonomous District is designated as Co-Chairperson. Further in the district, where Zila Parishad exists, its Chairperson shall be the Co-Chairperson of DDMA. The District Authority is responsible for planning, coordination, and implementation of disaster management and taking such measures for disaster management as provided in the guidelines. The District Authority also has the power to examine the construction in any area in the district to enforce the safety standards and arrange for relief measures and respond to the disaster at the district level.

### 4.3.1 National Disaster Management Authority (NDMA):

On 23 December 2005, the Government of India enacted the Disaster Management Act, which envisaged the creation of the National Disaster Management Authority (NDMA), headed by the Prime Minister, and State Disaster Management Authorities (SDMAs) headed by respective Chief Ministers, to spearhead and implement a holistic and integrated approach to Disaster Management in India.

### NDMA Vision

"To build a safer and disaster resilient India by a holistic, pro-active, technology-driven and sustainable development strategy that involves all stakeholders and fosters a culture of prevention, preparedness, and mitigation."

### Organization Structure

The National Disaster Management Authority has been constituted under the Disaster Management Act 2005, with the Prime Minister of India as its Chairman, a Vice-Chairman with the status of Cabinet Minister, and eight members with the status of Ministers of State. With well-defined functional domains for each of its members and concern to carry out the mandated functions, NDMA has evolved into a lean and professional organization that is IT-enabled and knowledge-based. A functional and operational infrastructure has been built, which is appropriate for disaster management involving uncertainties coupled with desired plans of action.

Conceptually the organization is based on a 'Disaster divisions-cum-secretariat' system. Each member of the Authority heads disaster-specific divisions for specific disaster and functional domains. Each member has also been given the responsibility of specified states and UTs for close interaction and coordination. The NDMA Secretariat, headed by a secretary, is responsible for providing secretarial support and continuity. The Secretariat deals with mitigation, preparedness, plans, reconstruction, community awareness, and financial and administrative aspects. NDMA also has the National Disaster Management Operations Centre which will be equipped with state-of-the-art resilient and redundant communication systems, NDMA also carries out the tasks of capacity development, training, and knowledge management.



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## Functions and Responsibilities

NDMA, as the apex body, is mandated to lay down the policies, plans, and guidelines for Disaster Management to ensure a timely and effective response to disasters. Towards this, it has the following responsibilities: -

- Lay down policies on disaster management
- Approve the National Plan
- Approve plans prepared by the Ministries or Departments of the Government of India as per the National Plan
- Lay down guidelines to be followed by the State Authorities in drawing up the State Plan
- Lay down guidelines to be followed by the different Ministries or Departments of the Government of India to integrate the measures for prevention of disaster or the mitigation of its effects in their development plans and projects
- Coordinate the enforcement and implementation of the policy and plans for disaster management
- Recommend provision of funds for mitigation
- Provide such support to other countries affected by major disasters as may be determined by the Central Government
- Take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with threatening disaster situations or disasters as it may consider necessary
- Lay down broad policies and guidelines for the functioning of the National Institute of Disaster Management.

## NDMA Policy

The National Policy framework has been prepared after due deliberation and keeping in view the National Vision to build a safe and disaster-resilient India by developing a holistic, proactive, multi-disaster, and technology-driven strategy for DM. This will be achieved through a culture of prevention, mitigation, and preparedness to generate a prompt and efficient response during disasters. The entire process will center-stage the community and will be provided momentum and sustenance through the collective efforts of all government agencies and Non-Governmental Organizations.

To translate this vision into policy and plans, the NDMA has adopted a mission-mode approach involving several initiatives with the help of various institutions operating at the national, state, and local levels. Central Ministries, States, and other stakeholders have been involved in the participatory and consultative process of evolving policies and guidelines.

This Policy framework is also in conformity with the International Strategy for Disaster Reduction, the Rio Declaration, the Millennium Development Goals, and the Hyogo Framework 2005-2015. The themes that underpin this policy are: -

- Community-based disaster management, including last-mile integration of the policy, plans, and execution.
- Capacity development in all related areas.
- Consolidation of past initiatives and best practices.
- Cooperation with agencies at the national, regional, and international levels.
- Compliance and coordination to generate a multi-sectoral synergy.

From the national vision and the theme mentioned earlier, the objectives guiding the policy formulation have evolved to include:

- Promoting a culture of prevention and preparedness – by center-staging DM as an overriding priority at all levels
- Encouraging mitigation measures based on state-of-the-art technology and environmental sustainability.
- Mainstreaming DM concerns into the development planning process.
- Putting in place a streamlined institutional techno-legal framework to create and preserve the integrity of an enabling regulatory environment and a compliance regime.
- Developing contemporary forecasting and early warning systems backed by responsive and fail-safe communications and Information Technology (IT) support.
- Promoting a productive partnership with the Media, NGOs, and the Corporate Sector in the areas of awareness generation and capacity development.



- Ensuring efficient response and relief with a caring humane approach towards the vulnerable sections of the society.
- Making reconstruction an opportunity to rebuild back better and construct disaster-resilient structures and habitats.

### **4.3.2 National Disaster Response Force (NDRF): Role and responsibilities**

The Disaster Management Act has statutory provisions for the constitution of the National Disaster Response Force (NDRF) for specialized response to natural and man-made disasters. National Disaster Response Force (NDRF) was formed as per the provisions of the Disaster Management Act, 2005 and it comes under the apex body NDMA. The NDRF was constituted in the year 2006 with 8 battalions, at present NDRF has a strength of 15 battalions with each battalion consisting of 1149 personnel. In the year 2007, the Prime Minister in a meeting announced that there is a need to make NDRF a dedicated force meant only for Disaster-related issues, and hence, in the year 2008, it became an exclusive task force to perform duties related to Disaster Management only under the unified command of DG NDRF.

#### **ORGANISATION:**

There are 15 Battalions of NDRF, and they are based out of different states and are capable of handling natural disasters in addition to nuclear, biological, chemical disasters. The NDRF consists of 15 battle battalions from BSF, CISF, CRPF, ITBP, SSB, and Assam Rifles. Each battalion has 18 self-contained specialized search and rescue teams comprising of 45 personnel each, which includes electricians medical and paramedical staff, engineers, technicians, and dog squads. Each of the team or battalions has been trained and equipped to respond to either natural or manmade disasters. Their training includes how to face chemical biological radiological or nuclear emergencies (CBRN)

## OBJECTIVES:

The NDRF has been formulated with the following objectives:

- To fight all the disasters whether it is manmade or natural.
- To conduct search and rescue operations in the event of any disaster

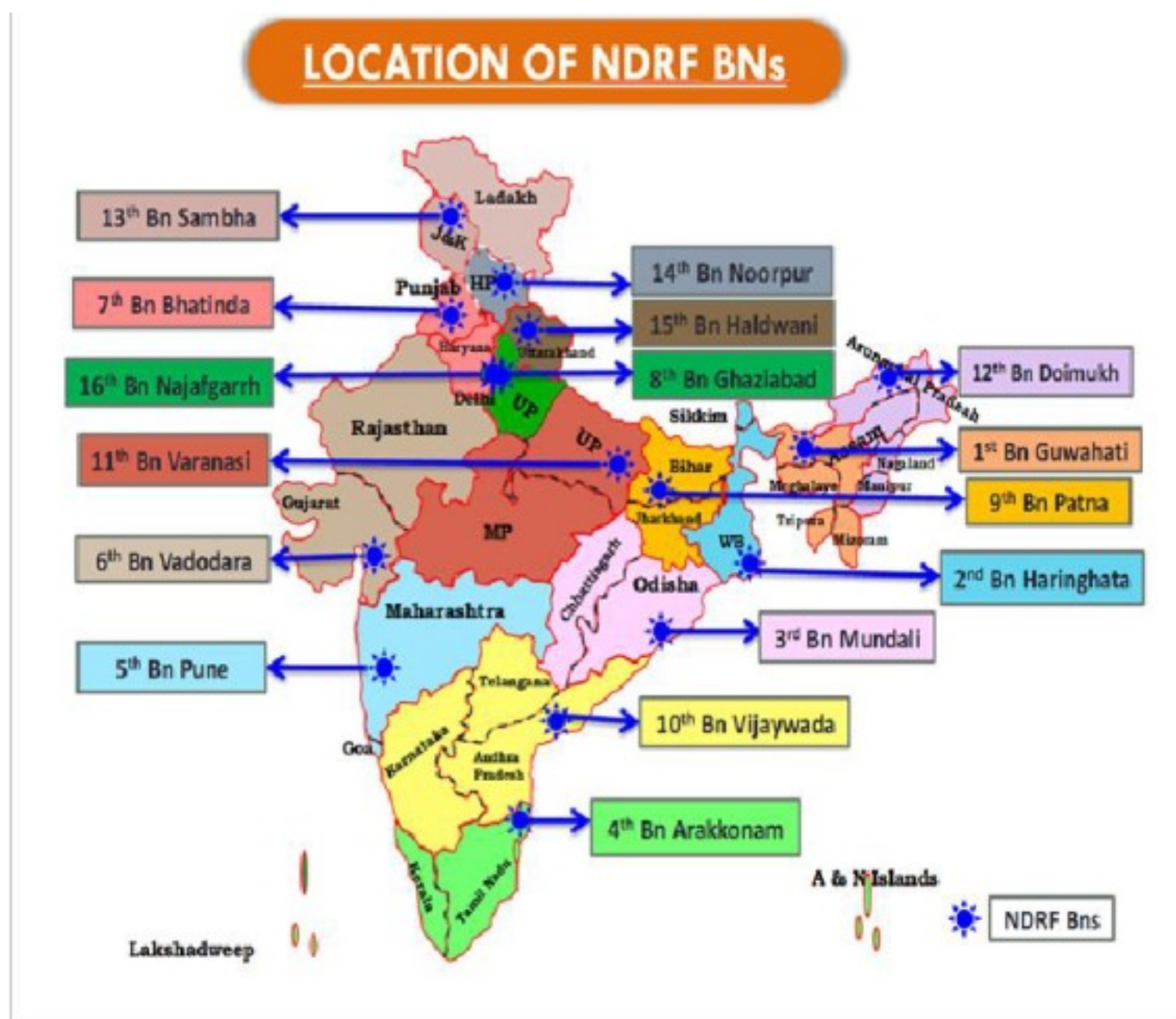
## ROLE OF NDRF

1. Pre-disaster stage:
  1. They will import disaster management training to the local police administration local bodies and other stakeholders
  2. Will organize community awareness programs and preparedness programs to familiarise and rescue people of the vulnerable areas
2. During disaster or emergency phase:
  1. Proactive deployment at Level 3 disasters
  2. Providing high tech specialized response during the search and rescue operations providing immediate relief to available men and material in affected areas
3. Post-disaster stage:
  1. To assist in recovery and maintenance of normalcy in the areas where disaster has struck

## LOCATIONS OF NDRF BNs

These NDRF battalions are located at 16 different locations in the country based on the vulnerability profile of the country and to cut down the response time for their deployment at the disaster site.





Source: <http://ndrf.gov.in/about-us>

Figure 4.1: Map showing NDRF BNs locations and their respective area of responsibility

Test of proactive availability of this force to the States and that of prepositioning in a threatening disaster situation have helped immensely to minimize the damage and see that the normalcy is restored in the country from its inception NDRF has continued to win the hearts of millions of countrymen by demonstrating expertise and compassion while handling the disaster situations.

#### 4.3.3 National Institute of Disaster Management (NIDM):

The National Institute of Disaster Management (NIDM) was constituted under the act of the parliament with the vision to see that there would be a premier institution that

will focus on capacity development in India. In the year 1995, National Centre for disaster management was formed, which was later redesignated as the National Institute of disaster management with emphasis on training and capacity development. NIDM was assigned the nodal responsibility of developing human resources, training and capacity development, research, documentation, and report writing with policy advocacy in the field of disaster management.

NIDM works through interactions and partnerships with various ministries and departments from the national, state, and local governments with coordination from research centers and academic organizations in India. It also has bilateral tie-ups with international agencies and has gone about developing a multidisciplinary core team of professionals working to find amicable solutions to issues raised by a disaster. The NIDM believes in the culture of prevention, and hence Disaster Risk Reduction is promoted through prevention activities involving all the stakeholders. NIDM performs a very crucial role in mitigating disaster risk and ensures that this becomes a part of the national agenda.

NIDM has a multi-disciplinary core team of professionals working in various aspects of disaster management. In its endeavor to facilitate training and capacity development, the Institute has state-of-the-art facilities like classrooms, seminar hall and video-conferencing facilities, etc. The Institute has a well-stocked library exclusively on the theme of disaster management and mitigation. The Institute provides training in face-to-face, online, and self-learning mode as well as satellite-based training. In-house and off-campus face-to-face training to the officials of the state governments is provided free of charge including modest boarding and lodging facilities.

NIDM provides Capacity Building support to various National and State level agencies in the field of Disaster Management & Disaster Risk Reduction. *The Institute's vision is to create a Disaster Resilient India by building the capacity at all levels for disaster prevention and preparedness.*



### Objectives of NIDM are:

- To undertake quality research covering both natural and human-induced disasters, with a multi-hazard approach.
- To work as a National Resource Centre for the Central and State governments in the country through effective knowledge management and sharing of best practices.
- To professionalize disaster risk reduction and emergency management in India and other neighboring countries by developing an independent cadre of professionally trained emergency and mitigation managers.
- To promote formal training and education for Disaster Management in India and the region.
- To build working partnerships with the Government, universities, NGOs, corporate bodies, and other national and international Institutes of eminence.
- To link learning and action by building a synergy between institutions and professionals in the sector.

### Role and Responsibilities.

The Institute has achieved the status of a statutory organization under the National Disaster Management Act 2005. Section 42(8) of the Act has made the Institute responsible for 'planning and promoting training and research in the area of disaster management, documentation and development of national-level information base relating to disaster management policies, prevention mechanisms, and mitigation measures.

Section 42(9) of the Act has assigned the following specific functions to the Institute:

- a. Develop training modules, undertake research and documentation in disaster management and organize training programs
- b. Formulate and implement a comprehensive human resource development plan covering all aspects of disaster management
- c. To assist in national-level policy formulation
- d. To provide the required assistance to the training and research institutes for the development of training and research programs for stakeholders including

government functionaries and undertake the training of faculty members of the state-level training institutes

- e. Assist the state governments and state training institutes in the formulation of state-level policies, strategies, disaster management framework, and any other assistance as may be required by the state governments or state training institutes for capacity-building of stakeholders, government including its functionaries, civil society members, corporate sector and people's elected representatives
- f. Develop educational materials for disaster management including academic and professional courses
- g. Promote awareness among stakeholders including college or schoolteachers and students, technical personnel, and others associated with multi-hazard mitigation, preparedness, and response measures.
- h. Undertake, organize, and facilitate study courses, conferences, lectures, seminars within and outside the country to promote the aforesaid objects.
- i. Undertake and provide for the publication of journals, research papers, and books and establish and maintain libraries in furtherance of the aforesaid objects.
- j. Do all such other lawful things as are conducive or incidental to the attainment of the above objects; and
- k. Undertake any other function as may be assigned to it by the central government.

NIDM is currently entrusted with the responsibility for planning and coordinating "Incident response system training", which provides a systematic and proactive approach towards guiding all the departments and agencies in every level of the government-private sector and NGOs to work flawlessly in a disaster situation it also emphasizes on focusing for disaster preparedness and investigates the nuances of post-disaster management.