



Disaster Preparedness in India: A Critical Evaluation of Legislative Framework

Priya R

Advocate, High Court of Kerala

ABSTRACT

Disasters may happen at any time. So preparedness to face disasters and its post-effects are important. The legal framework in India assures effective remedies to face disasters. But in reality, no one of the guarantees is implemented. It's high time to take proper actions to meet the heavy impact of disasters in India. In this paper, the author critically evaluates the legal framework in India on disaster preparedness and makes some suggestions.

KEYWORDS : Disaster, Rescue, Prepare, Early warning, management, authority

Introduction

Man has changed the world by new inventions. He explored the secret of the earth and moon. But man is helpless before nature's pranks-disasters. The secret of disaster are still beyond the control of man. Disaster can be described a situation in which there is a sudden disruption of normalcy within society causing widespread damage to life and property. It is "a serious disruption of the functioning of the society, causing widespread human, material or environmental losses which exceeds the ability of the affected society to cope using only its own resources" A disaster can be natural (due to rain, flood, cyclone, storm, earthquake, etc) or manmade (due industrial accidents, forest fires, bomb explosions, nuclear explosions etc) As disasters are unpredictable, precautions are needed to mitigate its evil effects.

Disaster Preparedness is the first and foremost stage of disaster management. It is precautionary measure to reduce the risk and damages caused by disasters. Preparedness is a state of being ready to react promptly and effectively in the event of an emergency. Disaster Preparedness includes measures that ensure the readiness and ability of a society to (a) forecast and take precautionary measures in advance of an imminent threat (e.g.-advance warnings) (b) respond to and cope with the effects of a disaster by organizing and delivering timely and effective rescue, relief and other appropriate post-disaster assistance. It involves the development and regular testing of warning systems and plans for evacuation or other measures to be taken during a disaster alert period to minimize potential loss of life and physical damage; education and training of officials and population at risk; the establishment of policies, standards organizational arrangements and operational plans to be applied following disaster impact; the securing of resources(including stockpiling of supplies and the earmarking of funds); and the training of intervention teams. Preparedness depends on the analysis of hazard severity and vulnerability of the disasters. In some cases like flood or hurricane, an early warning gives several hours to act. But in case of sudden emergencies like earthquake, explosions, fire explosion, etc, no prior warning is possible. In order to tackle emergencies which strike without notice requires proper plan.

Legislative framework in India

The Disaster Management Act, 2005 and the National Policy on Disaster Management, 2009 are the main legal tools to deal with disaster management in India.

The Disaster Management Act came into force on 23rd December, 2005. The Act provide for the effective management of disasters and for matters connected with it. The Act defines 'preparedness' the state of readiness to deal with a threatening disaster situation or disaster and the effects thereof. The Act establishes Disaster Management Authorities at the national, state and district levels. The National Disaster Management Authority consists of Prime Minister as the chairperson and nine other members. Its main functions are to lay down policies, approve national plans, approve plans, lay down guidelines and make recommendations, to coordinate policies and to take other measures for the prevention and effective management of disasters. The NDMA may constitute an advisory committee consisting of experts in the field of disaster management to make recommendations on disaster management at national, state and district levels. National Executive committees are formed to advice and assist NDMA

Its main function is to prepare a National Plan containing the measures for the prevention, preparation and mitigation of disasters.

The State Disaster Management Authority consists of the Chief Minister of the State as the chairperson and 8 members. Its main functions include framing state disaster management policy and guidelines, approval and coordination of state disaster management plans, recommendation of funds and review of mitigation measures. State Executive Committees are constituted to assist the SDMA. The Committee shall formulate the State Plan to prevent, prepared and mitigate disasters. A State Advisory committee can be appointment by the state authority to make recommendations on different aspects of disaster management.

The District Disaster Management Authority shall consists of Collector or District Magistrate as the chairperson and seven members. Its main functions are to prepare disaster management plan, coordinate and monitor implementation of national policies and to take other measures for the effective prevention and management of disasters. The Authority shall prepare a District Plan containing the measures to be taken for prevention and mitigation of disasters. The Act specifies that every Ministry or Department of the Government shall prepare a disaster management plan specifying the measures taken to prevent and mitigate disasters, the specifications regarding the integration of mitigation measures in development plans etc. The district authority may constitute one or more District Advisory committees to discharge its functions

The Act establish a National Institute of Disaster Management Its main functions is to provide training, research and documentation in disaster management and to formulate human resource development plan for disaster management The Act constituted a National Disaster Response Force to respond to threatening disaster or situation . National Disaster Response Fund and National Disaster Mitigation Fund are also constituted under the Act to meet any threatening disaster situation and to mitigate it. Disaster Response and Mitigation Funds are created at the State and district levels also.

National Policy on Disaster Management, 2009

The policy stress the role Community Based Disaster Preparedness, stake holder's participation, corporate social responsibility, public-private partnership and Media partnership. It stress that Community participation ensures local ownership, addresses local needs, and promotes volunteerism and mutual help to prevent and minimise damage. Therefore, the efforts of the States/Union Territories, in this regard need to be encouraged. The needs of the elderly, women, children and differently abled persons require special attention. Women and youth will be encouraged to participate in decision making committees and action groups for management of disasters. Communities will be trained in the various aspects of response such as first aid, search and rescue, management of community shelters, psycho-social counselling, distribution of relief and accessing support from government/agencies etc. Community plans will be dovetailed into the Panchayat, Block and District plans. The participation of civil society stakeholders through the coordination of NCC, NYKS, NSS and local Non-Governmental Organisations will be encouraged to empower the community and generate awareness through their respective institutional mechanisms. The plan redefines the role of corporate entities to

business continuity plan to factor in hazards, risks and vulnerabilities. They should also create value innovative social investments in the community. Effective partnership with the media will be worked out in the field of community awareness, early warning and dissemination, and education regarding various disasters is also supported by the plan.

Conclusion with Suggestions

The Act, 2005 is a welcome step, but it fail in its implementation. The Act fails to give a proper plan on how to prepare for disasters? Although, it discusses about a National Plan for Disaster Management, in reality, there is no such plan in India. The Act also specifies about state plans for disaster management. Only 14 states in India have drafted such a plan. There is also no uniform data on submission of state plans. Regarding the Grant-in-aid to state disaster management authority also, the states which are beneficiaries of the fund fails to complete their plans on time. Again, the role of NDMA, MHA and NEC are not properly demarcated in the Act, resulting in overlapping of functions. The national policy and guidelines also remains on papers. Some other suggestions includes timely assessment of existing buildings/structures, proper training to NGOs and other voluntary groups on disaster preparedness and management, development of research and new scientific mechanisms to pre-detect the occurrence of disasters, organizing awareness camps to facilitate community support in pre-disaster plans, creation of community contingency funds/food grains, educating and training citizens on life surviving skills etc. Thus it's high time to act before a new disaster strikes again.

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