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Law

FROM RELIEF TO RESILIENCE: THE ROLE OF LAW IN DISASTER MANAGEMENT IN INDIA

KEY WORDS:

Dr Nameeta Rana

Assistant Professor (LAW), HPU Regional Centre, Dharamshala.

ABSTRACT

India's exposure to frequent natural and human-induced disasters has necessitated the evolution of a comprehensive legal framework for disaster management. Traditionally, India followed a relief-centric model that focused primarily on post-disaster assistance. However, with increasing vulnerabilities caused by climate change, urbanisation, and industrialisation, there has been a paradigm shift towards resilience-based disaster governance. The enactment of the Disaster Management Act, 2005 marked a watershed moment by institutionalising prevention, mitigation, preparedness, and sustainable recovery within the legal framework. This article critically examines the transformation of disaster management law in India, analyses constitutional principles and judicial interventions, and highlights challenges in implementation. It argues that effective disaster resilience is inseparable from legal accountability, community participation, and integration with sustainable development policies. Disaster management in India has undergone significant transformation in response to the growing frequency and intensity of both natural and human-made disasters. This study explores the historical development of India's legal framework for disaster management, critically evaluating its effectiveness and proposing directions for future reforms. Employing a qualitative historical analysis, it examines key statutes, regulations, and policy documents, tracing the shift from colonial-era relief-oriented laws to contemporary, comprehensive risk-reduction models. By situating disaster management within the framework of the Sustainable Development Goals (SDGs), the paper underscores the need to improve the effectiveness of current strategies. It concludes with recommendations for legal and policy reforms aimed at reinforcing India's disaster management infrastructure and embedding innovative technologies, thereby fostering greater national resilience.

INTRODUCTION

Disasters present profound challenges to governance, human rights, and sustainable development, often exposing structural vulnerabilities within societies. In India, the scale of risk is magnified by its vast geography, diverse climatic zones, and dense population. The country is highly susceptible to a wide range of hazards, including earthquakes in seismic-prone regions, recurrent floods in river basins, cyclones along coastal belts, droughts in arid zones, industrial accidents in rapidly urbanizing areas, and pandemics that strain public health systems. Each of these disasters not only disrupts lives and livelihoods but also tests the resilience of institutions and the adequacy of legal frameworks.

Historically, disaster response in India was largely sensitive and fragmented, with relief measures being the primary focus. Relief camps, food distribution, and temporary shelters were organized in the aftermath of disasters, but these efforts were often ad hoc, lacking coordination and long-term vision. The absence of a dedicated legal framework meant that administrative responses varied across states and situations, frequently resulting in delayed relief, inadequate rehabilitation, and limited accountability. Disasters were perceived as unavoidable acts of nature, reinforcing a fatalistic approach rather than encouraging proactive risk management.

Over time, however, the conceptual understanding of disasters shifted. They came to be recognized not merely as natural phenomena but as manageable risks that could be mitigated through planning, preparedness, and institutional intervention. This transformation underscored the critical role of law in disaster governance. Legal frameworks define institutional responsibilities, allocate resources, safeguard fundamental rights, and establish mechanisms for accountability. By embedding disaster management within statutory provisions, the state ensures predictability, coordination, and legitimacy in its response.

For the first time, disaster management was given a comprehensive legislative foundation. The Act established the National Disaster Management Authority (NDMA) and corresponding state and district authorities, institutionalizing

a multi-tiered system of governance. It emphasized preparedness, mitigation, and resilience alongside relief and rehabilitation, reflecting a paradigm shift from a relief-centric model to a **resilience-oriented framework**. This legal evolution aligns India more closely with international best practices, such as the Hyogo Framework for Action and later the Sendai Framework for Disaster Risk Reduction.

Yet, challenges remain. Effective disaster management requires not only strong laws but also their implementation at local levels, integration with development planning, and adaptation to emerging risks. Advanced technologies—such as artificial intelligence, satellite-based monitoring, and predictive analytics—offer new opportunities to strengthen preparedness and response. At the same time, disaster management must be linked to broader goals of sustainable development, ensuring that resilience-building contributes to poverty reduction, gender equity, and environmental sustainability.

In sum, India's journey from relief to resilience illustrates the decisive role of law in shaping disaster governance. The Disaster Management Act, 2005, represents a significant step forward, but continuous reform, technological integration, and community participation are essential to build a truly robust and future-ready disaster management system.

Relief and Resilience: A Conceptual Understanding Relief-Centric Disaster Management

Relief-centric disaster management focuses on immediate assistance after a disaster, including rescue operations, food, shelter, medical aid, and compensation. While relief is indispensable, exclusive reliance on post-disaster relief does not address structural vulnerabilities such as unsafe infrastructure, environmental degradation, and lack of preparedness.

Resilience-Based Disaster Management

Resilience refers to the capacity of individuals, communities, and institutions to anticipate, absorb, recover from, and adapt to disasters. A resilience-based approach emphasises disaster risk reduction, preparedness, mitigation, early warning systems, and sustainable recovery. Law is central to embedding resilience by mandating planning, enforcing

standards, and institutionalising accountability.

Disaster Management Law in India: Pre-2005 Scenario

Before 2005, disaster management in India was governed by a fragmented legal framework consisting of sector-specific statutes such as the Epidemic Diseases Act, 1897, the Factories Act, 1948, and the Environment (Protection) Act, 1986. Disaster response relied heavily on executive discretion and relief manuals, with little emphasis on preparedness or mitigation.

The **Bhopal Gas Tragedy, 1984** exposed the inadequacy of this framework. In response, Parliament enacted the **Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985**, empowering the Central Government to represent victims. In *Charan Lal Sahu v. Union of India*, the Supreme Court upheld the Act and recognised the State's role as *parens patriae* in mass disaster situations.¹

Disaster Management Act, 2005: A Shift Towards Resilience

The enactment of the **Disaster Management Act, 2005** (DM Act) represents a fundamental shift in India's disaster governance. The Act defines disaster management as a continuous and integrated process encompassing prevention, mitigation, preparedness, response, recovery, and reconstruction.² This definition itself reflects a resilience-oriented approach.

Institutional Framework

The DM Act establishes a three-tier institutional structure:

- National Disaster Management Authority (NDMA)
- State Disaster Management Authorities (SDMAs)
- District Disaster Management Authorities (DDMAs)

The Act also establishes the National Disaster Response Force (NDRF) and dedicated disaster response funds at national and state levels.

Statutory Emphasis On Preparedness And Mitigation

Sections 11 and 12 of the Act mandate the preparation of national and state disaster management plans and prescribe minimum standards of relief. These provisions legally institutionalise disaster preparedness and mitigation, moving beyond relief-centric governance.

Constitutional Dimensions of Disaster Management Article 21 and Disaster Governance

Although disaster management is not expressly mentioned in the Constitution, the Supreme Court has interpreted **Article 21** to include the right to live with dignity, health, livelihood, and a safe environment.³ State failure to prevent or manage disasters effectively may therefore amount to a violation of the right to life.

In *Olga Tellis v. Bombay Municipal Corporation*, the Court held that the right to livelihood is an integral part of the right to life.⁴ Disasters that destroy livelihoods thus attract constitutional scrutiny.

Environmental Jurisprudence And Industrial Disasters

In *M.C. Mehta v. Union of India (Oleum Gas Leak Case)*, the Supreme Court evolved the doctrine of **absolute liability**, holding hazardous industries strictly liable for damage caused, regardless of negligence.⁵ This principle has profound relevance for industrial and technological disasters.

Judicial Role in Disaster Management Accountability and Victim Protection

Judicial intervention has been instrumental in shaping disaster jurisprudence. In *Charan Lal Sahu v. Union of India*, the Court emphasised speedy relief, equitable compensation, and the State's duty to protect disaster victims.⁶

Judicial Interpretation of the DM Act

In *Gaurav Kumar Bansal v. Union of India*, the Supreme Court acknowledged the statutory obligation under Section 12 of the DM Act to provide minimum standards of relief and upheld the validity of disaster management plans prepared under the Act.⁷

COVID-19 Pandemic and Judicial Oversight

The COVID-19 pandemic marked the first nationwide invocation of the DM Act. Courts addressed issues such as migrant workers' welfare, healthcare access, oxygen supply, and vaccination policy. Judicial scrutiny ensured that emergency powers exercised under the DM Act did not override fundamental rights.

Climate Change, Disasters, And Legal Resilience

Climate change has intensified the frequency and severity of disasters in India. Floods, cyclones, heatwaves, and droughts are increasingly climate-induced. Disaster management law must therefore align with climate adaptation and sustainable development policies.

India's disaster governance framework is consistent with international instruments such as the **Sendai Framework for Disaster Risk Reduction (2015-2030)**, which emphasises legal and institutional resilience.

Challenges In Implementing Disaster Management Law

Despite a robust statutory framework, several challenges persist:

- Weak enforcement of building codes and safety regulations
- Inadequate funding and capacity at local levels
- Absence of explicit liability provisions for administrative negligence
- Over-centralisation of decision-making

These gaps hinder the effective transition from relief to resilience.

Strengthening Disaster Resilience: Legal Recommendations

- 1. Statutory Accountability** – Introduce liability provisions for failure to implement mitigation measures.
- 2. Decentralisation** – Strengthen the role of local authorities and community institutions.
- 3. Legal Integration** – Harmonise disaster law with environmental, urban planning, and climate legislation.
- 4. Capacity Building** – Invest in training, technology, and legal awareness at grassroots levels.

Strengthening India's disaster management framework requires a multi-dimensional reform agenda. First, statutory accountability must be reinforced by introducing clear liability provisions to ensure that officials and institutions are held responsible for failing to implement mandated mitigation measures. This would transform disaster preparedness from a discretionary activity into a binding legal duty. Second, decentralisation is essential, as local authorities and community institutions are best positioned to respond quickly and effectively to disasters. Empowering them with legal authority, resources, and training would enhance grassroots resilience and reduce bureaucratic delays. Third, disaster management laws should be harmonised with environmental regulations, urban planning statutes, and climate change policies to create a coherent and integrated legal framework. Such alignment would prevent policy contradictions and embed risk reduction into broader development planning. Finally, capacity building must be prioritized through investments in training, technology, and legal awareness at the community level. By equipping officials, volunteers, and citizens with knowledge and tools, disaster management strategies can be implemented more effectively and sustainably. Together, these reforms would create a robust, future-ready system that strengthens

resilience and safeguards development.

CONCLUSION

India's disaster management framework has evolved from a relief-centric model to a resilience-oriented legal regime. The Disaster Management Act, 2005, supported by constitutional principles and judicial interpretation, provides a strong foundation for disaster resilience. However, law must be complemented by effective implementation, accountability, and community participation. As disasters grow more complex, strengthening disaster resilience through law is both a constitutional obligation and a developmental necessity.

India's disaster management framework has witnessed a significant transformation, moving from a relief-centric approach to a resilience-oriented legal regime. This evolution reflects a broader recognition that disasters are not merely unavoidable natural events but risks that can be mitigated through law, governance, and proactive planning. The Disaster Management Act, 2005 stands as a landmark in this journey, providing a comprehensive statutory foundation for disaster preparedness, mitigation, response, and recovery. Anchored in constitutional principles such as the right to life under Article 21 and reinforced by judicial interpretations that emphasize state accountability in protecting citizens, the Act institutionalizes disaster management through national, state, and district authorities.

Yet, legislation alone cannot guarantee resilience. The effectiveness of disaster management depends on implementation, accountability, and community participation. Implementation requires adequate resources, trained personnel, and integration of disaster risk reduction into development planning. Accountability ensures that institutions and officials are held responsible for lapses, thereby strengthening public trust and institutional credibility. Community participation is equally vital, as local knowledge, grassroots institutions, and citizen engagement enhance preparedness and ensure that disaster strategies are context-specific and inclusive.

As disasters grow more complex due to climate change, rapid urbanization, and technological risks, the role of law becomes even more critical. Strengthening disaster resilience through legal frameworks is not only a matter of administrative efficiency but also a constitutional obligation to safeguard fundamental rights. Moreover, it is a developmental necessity, as resilient communities are better equipped to sustain economic growth, protect vulnerable populations, and achieve long-term sustainability. By integrating law with governance, technology, and community action, India can build a disaster management system that is both legally robust and socially responsive, ensuring resilience in the face of evolving challenges.

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