

## DISASTER MANAGEMENT AND REHABILITATION-INDIAN SCENARIO

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### abstract

Disasters such as earthquakes, drought, landscape, floods and Cyclone and other man-made disasters cause extensive damage in India and it is essential to work with communities, government, and private sector partners in coordination to mitigate the impact of these events, respond to emergencies when they occur and carry out disaster rehabilitation and reconstruction programs to help communities recover. Disaster Management includes Pre-disaster management and Post-Disaster management. Pre-Disaster management such as pro-active strategy including preparedness, prevention and mitigation Post-disaster management such as re-active strategy including relief, rehabilitation and reconstruction. Lacking any organizational management to address disaster management will result in huge loss. Action plan for developing a formalized emergency management structure and Legislative action to establish a separate agency involves ample budget and statutory authority. This paper focus on the importance and measures that can be taken to avoid the disasters and minimize the effects of all types of natural disasters. This paper analyzes the Institutional Policy and mechanism for relief and rehabilitation in India. This paper suggests that full participation of local communities and affected populations in programs, such as community-based early flood alert systems and other local preparedness planning and exercises will help in management. This approach complements the impact of a response, as it helps India build public-private partnerships that enhance speedy responses and reconstruction and ensure greater coordination of assistance at the community level.

Key Words: Disaster, Strategy, Management, finance, emergency

### Introduction:

Disaster is a sudden accident or a natural catastrophe that causes great damage or loss of life which seriously disrupts the normal function of the society or the community to the extent that it cannot subsist without outside help. A disaster is not just the occurrence of an event but that event/process negatively impacts human populations. Disaster impacts may include loss of life, injury, disease and other negative effects on human physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation. Despite the fact that humans have made tremendous progress in various aspects in terms of technological growths, yet there is one area where they have not been able to surpass and that is the supremacy of Nature. Nature has always proved much more powerful than the human race, even though there have been lot of technological and scientific advancements and achievements. In spite of development in weather forecast techniques, disasters at many times cannot be prevented. In today's age, the natural calamities in the form of floods, tsunamis, famines, cyclones, earthquakes are unpredictable. Disasters themselves are not limited to specific parts of world, though, certain areas might be more prone to certain specific type of disaster, e.g. area around Pacific rim is more prone to earthquakes, some countries are more prone to terrorist activities, some coastal areas are more prone to cyclones, and, some areas are more prone to floods. However, the more advanced a nation is, typically, their level of preparedness is higher. This higher level of preparedness allows them to have a better control over the loss.

### Definition & Types of disasters:

The Centre for Research on the Epidemiology of Disasters (CRED) defines a disaster as a situation or event which overwhelms local capacity, necessitating a request to national or international level for external assistance; an unforeseen and often sudden event that causes great damage, destruction and human suffering. For a disaster to be entered into the database, at least one of the following criteria must be fulfilled: (1) Ten or more people recorded killed (2) 100 people reported affected (3) Declaration of State of Emergency and (4) Call for international assistance. The development process does not necessarily reduce vulnerability to natural hazards. Instead, it can unwittingly create new forms of vulnerability or exacerbate existing ones, impeding efforts to reduce poverty and promote growth, sometimes with tragic consequences".<sup>1</sup> "Disaster is a catastrophe, mishap, calamity or grave occurrence affecting 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 beyond the coping capacity of the community of the affected area".<sup>2</sup> It remains to be seen as how are we going to interpret an event when terms like catastrophe, mishap, calamity and grave occurrence co-exist and will naturally be seen as interchangeable. As if to complicate the matters further, the definition hangs on the knife edge of local coping capacity.

Disasters can broadly be classified into various types.

*Natural disasters:* These disasters include floods, hurricanes, earthquakes and volcano eruptions that can have immediate impacts on human health as well as secondary impacts causing further death such as floods causing landslides, earthquakes resulting in fires, tsunamis causing widespread flooding and typhoons sinking ferries.

*Environmental emergencies:* These are manmade disaster. They include technological or industrial accidents; large forest fires are generally included in this definition because they tend to be caused by humans.

*Complex emergencies:* These emergencies involve a break-down of authority, looting and attacks on strategic installations. Complex emergencies include conflict situations and war.

*Pandemic emergencies:* These emergencies involve a sudden onset of a contagious disease that affects health but also disrupts services and businesses, bringing economic and social costs.

### Global perspective on disasters:

Disasters can have devastating effects on the economy; they cause huge human and economic losses, and can significantly set back development efforts of a region or a State. Disasters have a major and long lasting impact on people long after the immediate effect has been mitigated. Ecosystems, on which people depend directly for their subsistence and, their environmental resources for development, are also severely damaged by natural disasters. More often than not, the poorest people are hit disproportionately hard in these situations. Although damage to property cannot be avoided, developed countries have been able to reduce loss of life due to disasters much more effectively than their counterparts in the developing world. A key reason for this is the implementation of effective disaster

<sup>1</sup> Tools for mainstreaming disaster risk reduction: Guidance notes for Development organizations. 2007 International Federation of Red Cross and Red Crescent Societies/the Prevention Consortium.

<sup>2</sup> Section 2 of The National Disaster Management Act 2005.

warning systems and evacuation procedures used by the developed countries, and the absence of such measures in the developing world. Poorly planned relief activities can have a significant negative impact not only on the disaster victims but also on donors and relief agencies.

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, especially in developing countries.<sup>3</sup>

The Yokohama message emanating from the international decade for natural disaster reduction in May, 1994 underlined the need for an emphatic shift in the strategy for disaster mitigation. It was *inter alia* stressed that disaster prevention, mitigation, preparedness and relief are four elements which contribute to and gain, from the implementation of the sustainable development policies. These elements along with environmental protection and sustainable development, are closely inter related. Therefore, nations should incorporate them in their development plans and ensure efficient follow up measures at the community, sub-regional, regional, national and international levels. The Yokohama Strategy also emphasized that disaster prevention, mitigation and preparedness are better than disaster response in achieving the goals and objectives of vulnerability reduction. Disaster response alone is not sufficient as it yields only temporary results at a very high cost. Prevention and mitigation contribute to lasting improvement in safety and are essential to integrated disaster management. This fact is often hard to accept when amongst firm believers of economic and infrastructure growth as panacea to human miseries. The notion of 'quality of life' as different of 'standard of living' as a key to sustainability thoughts direct those who believe in disaster risk reduction a better and cost-effective strategy than disaster response and consolation, offers the strategies that are interdisciplinary and respects ecology, livelihood, health and living with nature for sustaining the human race. This will then help us to integrate environmental and development concerns with disaster management practices in a mutually reinforcing manner.<sup>4</sup>

#### **Disaster Management:**

With the kind of economic losses and developmental setbacks that many nations have been suffering year after year, the development process needs to be sensitive towards disaster prevention and mitigation aspects. There is thus need to look at disasters from a development perspective as well. Disaster management is a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary for promotion of danger or threat of any disaster mitigation or reduction of risk, capacity building, preparedness, prompt response, severity, magnitude assessment, evacuation, rescue, relief, rehabilitation and reconstruction. For achieving Disaster Risk Reduction and effective management, it is important to have planning well in advance. Planning is required at the national, state, district, panchayat and village and even at family and individual level.

<sup>3</sup> National Disaster Management Division/MHA/GOI/28/06/2004 Handbook.

<sup>4</sup> Prof. M S Swaminathan, FRS, Chairman, M S Swaminathan Research Foundation.

In general, creating awareness on the nature and magnitude of the potential problem and on possible solutions is the first essential step in disaster risk reduction and creation of appropriate capacity to deal with the challenge ahead. Einstein was right when he stated that problems cannot be solved at the level of awareness that created them<sup>5</sup>. Disaster management means a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary or expedient for effective functioning of the system. The following are the issues concerning necessary changes in the present Disaster management system.

#### A. Pre-disaster Stage

1. Proper Preparedness: The prevailing post-disaster reaction should be changed into a pre-disaster pro-action.
2. Developing a 'Disaster and Area Specific approach': Causes and effects of various disasters are different. Each disaster needs to be addressed separately. The role of district administration needs to be increased and it should spearhead disaster management activities.
3. Mapping of the whole country, especially the preparation of micro zone maps.
4. To evolve construction codes and safety guidelines: The periodic review and updating of such codes and guidelines is essential. Building laws or rules should be formulated.
5. Assessment of existing buildings/structures and their strengthening should be carried out within a timeframe.
6. While constructing public structures like schools, halls, dharmashalas , hospitals etc. evacuation of people and their eventual accommodation in such buildings should be anticipated. For this purpose a contingency plan should be prepared.
7. The integration of safety norms with all development and construction activities needs to be ensured.
8. Creating specialized disaster management system for certain special type of disasters like nuclear disaster, mine burst etc.
9. There is a need for maximum utilization of science and information technology in disaster management. Besides, traditional wisdom/knowledge should enrich the Codes and Disaster Management Plans.
10. Preparation of Disaster Plans needs to be carried out immediately. The disaster management plans should serve as a 'blue print' for all disaster management activities.
11. Establishment of disaster management research and training institutes.
12. Sufficient stock of relief material, equipment etc. Needs to be ensured.
13. Ensuring the presence of trained manpower to give leadership for disaster management activities. In crisis situations, Army, Police, Fire-fighters, Civil Defence Personnel etc. need to play an increased role. The involvement of professionals and Panchayati Raj institutions should also be increased.
14. Proper utilisation of the services of philanthropic organizations: The role of NGOs is very important in disaster situations. Their potential needs to be tapped.
15. Various agencies involved in disaster management exercises need to be well coordinated.
16. International and regional co-operation needs to be increased.

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<sup>5</sup> Dr. R K Pachauri, Chairman, Inter-Governmental Panel on Climate change (IPCC) Director-General, TERI, New Delhi.

17. Role of insurance agencies in disaster management needs to be given more importance. Compulsory insurance of people and buildings in highly vulnerable areas is an important option.
18. Timely, early warning of disasters.
19. Evolving a new culture of disaster management, that relates to preparedness, quick response, strategic thinking and prevention.

#### **B. During and After the Disaster**

1. Primary steps: collecting accurate information about the disaster and opening control rooms and initiation of effective search and rescue operations.
2. Evacuation of people.
3. Medical attention to the injured people.
4. Emergency hospitals, communication and transportation.
5. The authorities should ensure availability of Water and food, Sanitation and nutrition, Shelter and survival, Maintenance of law and order, Smooth administration and Re-establishment of normalcy
6. Relief distribution should be need based and discrimination free.
7. Dissemination of information.
8. Relief centres with basic necessities need to be established in case of an emergency.
9. There should be proper coordination of relief activities.
10. Reduction of all immediate threats to life.
11. Role-players and people should be alerted.
12. Removal of corpses: Disposal of corpses without the formality of post-mortem should be considered.
13. Removal of debris.
14. Transparency and accountability in all transactions.
15. Financial aid and assistance should be given only according to well defined parameters.
16. Legal assistance and dispute redressal.
17. Victims should be assisted in finding livelihoods.
18. Rehabilitation should be treated as an integral part of disaster management.
19. Protection of human rights.

A Disaster Management Plan focuses on hazard, risk, vulnerability and resource assessment to help improve the level of response following a calamity on the one hand and provides insights to link it with development initiatives, on the other.

#### **Disaster management in India**

India has been traditionally vulnerable to natural disasters on account of its unique geo-climatic conditions. Floods, droughts, cyclones, earthquakes and landslides have been a 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. The loss in terms of private, community and public assets has been astronomical. The super cyclone in Orissa in October, 1999 and the Bhuj earthquake in Gujarat in January, 2001, Tsunami in AP & TN in 2004, Cyclone Hudhad which caused extensive damage in Vizag, AP in 2014, recent cyclone Vardah which hit Chennai in 2016 underscored the need to adopt a multi dimensional endeavour involving diverse scientific, engineering, financial and social processes; the need to adopt multi disciplinary and multi sectoral approach and incorporation of risk reduction in the developmental plans and strategies.

National Disaster Management Act ( NDMA), 2005 brings about a paradigm shift in India's approach to disaster management. The centre of gravity stands visibly shifted to preparedness, prevention and planning simultaneously as the national disaster response is improved. The NDMA provides that

There shall be a National Disaster Management Authority of which the Prime Minister of India will be the Chairperson, helped by a Vice Chairperson.

There shall be created State Disaster Management Authority chaired by the Chief Minister of the State.

There shall be created District Disaster Management Authorities co-chaired by District Collector and President of the elected body of the district.

There shall be an institution to study and do research in science and develop technologies to manage the disasters

There shall be disaster management funds available to the union, State and District authorities to meet the immediate needs of providing rescue and relief to the victims of Disasters

Natural Disaster Management Division was created under the Ministry of Home Affairs. Depending upon the type of disaster, a nodal Ministry is assigned the task of coordinating all activities of the State and district administration and other support departments. Crisis Management Group (CMG), which was set up by the Union Government to advise, guide, supervise and co-ordinate relief measures in affected states. Government of India has also constituted Cabinet Committee on Management of Natural calamities and Cabinet Committee on Security. Besides above there are High Level Cabinet Committee and Inter Ministerial Committee and Inter Ministerial Group in place. Different Para - military force centres have been established in different parts of the country to serve as Disaster Management Response Force. Where the Response Force is found not strong enough to meet the exigency of demand, help of members of armed forces, state police, home guards and others can be sought. A National Institute of Disaster Management was also setup in 2003 which become the statutory organisation after the enactment of the National Disaster Management Act 2005. A National Disaster Mitigation Fund and a National Disaster response Fund were also created. The National Institute of Disaster Management has been carving out a study about various aspects of natural and manmade disasters with particular reference to identification of areas prone to crisis, prevention and preparedness measures, early warning systems, mitigation measures, emergency response systems and relief and rehabilitation measures. The responsibility of disaster preparedness and response at the State level is usually delegated to the Relief and Rehabilitation Wing of the Department of Revenue. The Crisis Management Committee at the state level is headed by the Chief Secretary with the participation of all the related agencies. Most of the states have Relief Commissioners, who are in charge of relief measures.

The Government of India have adopted mitigation and prevention as essential components of their development strategy. The Tenth Five Year Plan document has a detailed chapter on Disaster Management. Large-scale awareness generation bringing out specific do's and don'ts is crucial to disaster mitigation. The Corporate sector is also being associated with the dissemination of campaign. The ultimate goal is to make prevention and mitigation a part of normal day-to-day life. The High Powered Committee defined Disaster Management as "a collective term encompassing all aspects of planning for and responding to disasters, including both pre and post disaster activities. It may refer to the management of both the risks and consequences of disasters. Clearly the term management has emerged as an umbrella term that encompasses the entire disaster cycle, including mitigation. This

needs careful noting and wide spread awareness because traditionally the term management was restrictively used to address only post disaster operations. Unless the old mindsets get changed, the cause of disaster mitigation will continue to suffer at the hands of traditional disaster managers.

### **Preparedness**

Mitigation and preparedness measures go hand in hand for vulnerability reduction and rapid professional response to disasters. The Bhuj earthquake in January, 2001 brought out several inadequacies in the system. The search and rescue teams had not been trained professionally; specialized dog squad to look for live bodies under the debris were not available; and there was no centralized resource inventory for emergency response. Communication is a major bottleneck in case of any major disaster particularly when the traditional network system already in force brakes down. In order to further strengthen the capacity for response, the fire services are proposed to be developed into multi hazard response units as is the normal practice in several other countries. It is proposed to provide rescue tenders in addition to fire tenders to each fire unit and fill up all gaps up to sub-divisional level. The Standard Operating Procedure will also in encompass response, besides preparedness. With the development of disaster management committees and disaster management teams at all levels including village/urban local body/ward level, the stage will be set for comprehensive preparedness measures to be taken with active participation of the community and non-governmental organizations. With the mitigation and preparedness measures outlined in this and earlier section in position, it is expected that natural hazards could be handled more efficiently so as to ensure that these hazards did not get converted into disasters.

### **Development perspective of disaster management.**

Natural disasters are not bound by political boundaries and have no social or economic considerations. They are borderless as they affect both developing and developed countries. They are also merciless, and as such the vulnerable tend to suffer more at the impact of natural disasters. For example, the developing countries are much more seriously affected in terms of the loss of lives, hardship borne by population and the percentage of their GNP lost. India is highly vulnerable to natural disasters, losing about two percent of the GDP on an average to disasters.<sup>6</sup> The extent to which a population is affected by a calamity does not purely lie in the physical components of vulnerability, but is contextual also to the prevailing social and economic conditions and it's consequential effect on human activities within a given society. Research indicates that single parent families, women, handicapped people, children and the aged are particularly vulnerable social groups. The geophysical setting with unplanned and inadequate developmental activity is a cause for increased losses during disasters. In the case of India, the contribution of over-population to high population density, which in turn results in escalating losses, deserves to be noted. This factor sometimes tends to be as important as physical vulnerability attributed to geography and infrastructure alone. Disasters lead to enormous economic losses that are both immediate as well as long term in nature and demand additional revenues. Also, as an immediate fall-out, disasters reduce revenues from the affected region due to lower levels of economic activity leading to loss of direct and indirect taxes. In addition, unplanned budgetary allocation to disaster recovery can hamper development interventions and lead to unmet developmental targets. Disasters may also reduce availability of new investment, further constricting

<sup>6</sup> Explore International Research Journal Consortium [www.irjcjournals.org](http://www.irjcjournals.org), Socio-legal Aspect of Disaster Management in India Dr.Shamsuddin, Amity University Rajasthan.

the growth of the region. Besides, additional pressures may be imposed on finances of the government through investments in relief and rehabilitation work.

A Disaster Management Plan focuses on hazard, risk, vulnerability and resource assessment to help improve the level of response following a calamity on the one hand and provides insights to link it with development initiatives, on the other. The district administration is the focal point for implementation of all government plans and activities. Therefore, planning at the district level is crucial for efficient management of all disasters. The Disaster Management Plan (DMP) has three components:

1. HRVC (Hazard-Risk & Vulnerability Assessment),
2. Mitigation Plan (Prevention, preparedness, and Sustainable Development),
3. Response Plan (Emergency Coordination and Relief Management).

At the state and district levels, the same structure is followed. Over the past couple of years, the Government of India have brought about a paradigm shift in the approach to disaster management. The new approach proceeds from the conviction that development cannot be sustainable unless disaster mitigation is built into the development process. Another corner stone of the approach is that mitigation has to be multi-disciplinary spanning across all sectors of development. The new policy also emanates from the belief that investments in mitigation are much more cost effective than expenditure on relief and rehabilitation. Disaster management occupies an important place in this country's policy framework as it is the poor and the under-privileged who are worst affected on account of calamities/disasters. The steps being taken by the Government emanate from the approach outlined above. The approach has been translated into a National Disaster Framework [a roadmap] covering institutional mechanisms, disaster prevention strategy, early warning system, disaster mitigation, preparedness and response and human resource development. It is important to analyze and understand the two way linkage between environment and disasters. Disasters can have adverse environmental consequences, while degraded environments cause or amplify the detrimental impacts of disasters. Adopting an integrated approach to environment and ecosystem management for sustainable livelihoods, climate change adaptation and disaster risk reduction is the need of the time. Everyone can do their bit. After all, while we think globally, we have to act locally!

#### **Disaster Management- Indian Constitution:**

The human rights frame work creates empowerment through legal tools and institutional structures in formulating ways by judicial and other forms of institutional intervention to protect the rights of the people who could be affected by as well as victims of disaster. The Indian Constitution declares that India is a welfare state, i.e., a state that promotes the general welfare of the people. Especially after the Maneka Gandhi Case,<sup>7</sup> courts have expanded the scope of 'life' and 'personal liberty' under Article 21. The Supreme Court has also interpreted the words 'procedure established by law' to include both the procedural and substantive legal requirements of fairness, justness and reasonableness. Article 21, which guarantees the protection of life and personal liberty, is the repository of all important human rights. From this, the Supreme Court has deduced an affirmative obligation on the part of the state to preserve and protect human life. A collective reading of judgments will lead to the logical conclusion that the right to rescue, relief and rehabilitation is a right guaranteed under Article 21. Recently, the Gujarat High Court has taken such a view in B.J.Diwan case.<sup>8</sup> Obligation of the State under the Doctrine of Parens Patriae. The doctrine of parens patriae is the inherent power and authority

<sup>7</sup> AIR 1978 SC 599.

<sup>8</sup> B.J.Diwan vs. State of Gujarat, AIR 2001 Guj.



of a legislature to provide protection to the person and property of persons and property non sui juris, such as minor, insane and incompetent persons. The doctrine is used to designate the state referring to the sovereign power of guardianship over persons under disability. The courts in India have applied this doctrine in several cases. Therefore it is submitted that, under the doctrine of *parens patriae* also, the state is obliged to render adequate relief and rehabilitation to the victims of disaster.<sup>9</sup>

In the B.J. Diwan case, the Gujarat High Court rejected the government's argument that the court doesn't have jurisdiction to adjudicate upon a case, which claims the enforcement of relief and rehabilitation. The court went on to hold that the right to relief and rehabilitation is a guaranteed right under Article 21 of the Constitution and the state is duty bound to ensure the same. Earlier the Supreme Court had intervened in a matter related to the allegation of death due to drought, famine and starvation in Orissa. The intervention of Bombay High Court in the aftermath of the Latur earthquake provided minimal relief. The Bombay High Court passed directions about temporary shelter, drinking water, sanitation facilities, health services, public distribution systems and compensation for the handicapped and the dependents of the deceased in the Latur earthquake. The Delhi High Court also intervened and gave directions to the government in the wake of the dengue epidemic. In a land mark case of *Vincent Parikurlangara Vs. Union of India*,<sup>10</sup> the Apex Court held that the right to maintenance and improvement of public health is included in the right to live. A liberal interpretation of this judgement would explicitly mean that during the times of disaster the prime duty of the State will be to provide medical care and access to health care services to the victims.

The rights available to every individual who is affected by any disaster would include a wide range of rights and a comprehensive human rights protection ranging from right to protection, rescue assistance, health and hygiene, rehabilitation, disaster resilient development activities etc.<sup>11</sup> The human rights treaty bodies including human rights committee have also emphasized the obligation to protect rights in disaster preparedness and response in the aftermath of Hurricane Katrina in USA.<sup>12</sup> Dispute redressal and protection of Human Rights need to be treated as an integral part of the disaster management exercise.

Constitution of India under Article 21 expressly guarantees the fundamental right of 'Right to Life' to all persons. The Supreme Court of India has given a wider interpretation to the scope of Article 21 to include the Right to have a clean and healthy environment. The scope of the Right to Life has been further widened by the Supreme Court of India to include the Right to Sustainable Development.<sup>13</sup> In Tehri Dam case involving construction of a dam across a river in the high mountain ranges in the Himalayas, the Supreme Court of India, has held that disaster management is part of the Right to Sustainable Development.<sup>14</sup> Thus, the Constitution of India imposes a constitutional duty on the part of

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<sup>9</sup> Disaster Management: Towards A Legal Framework-Jacob P Alex, The West Bengal National University of Juridical Sciences Series Editors: Aasha Kapur Mehta, Pradeep Sharma Sujata Singh, R.K.Tiwari 2006.

<sup>10</sup> AIR 1989 SC 142.

<sup>11</sup> Disaster management and Law – A Human Rights Perspective. [www.lawyersclubindia.com](http://www.lawyersclubindia.com) Feb 9, 2012.

<sup>12</sup> Advocates for Environment Human Rights et al. The human rights crisis in the aftermath of hurricane Katrina 1 2010.

<sup>13</sup> *Vellore Citizen's Welfare Forum Vs. Union of India* reported in (1996) Vol. 5.

<sup>14</sup> *N. D. Jayal Vs. Union of India* (2004) 9 SCC p. 362 at paras 56 and 57: AIR 2004 SC 867).

the Central and State Governments to formulate proper disaster management policies and programmes as a part of their efforts to attain sustainable development. This position emerged from the judiciary's tryst with several tragedies including the man-made disaster in Bhopal.

The recent Tsunami tragedy has raised several key legal issues in the context of relief and rehabilitation of the disaster victims. The lack of co-ordination of the efforts among the international, national, state and local levels was prominently visible. The Tsunami tragedy also has brought to the limelight the need for adequate legal mechanisms to deal with various issues arising out of the claims in the context of the relief and rehabilitation of the victims.

### Conclusion:

Handling of the different disasters in the recent past is a testimony of the inadequate and ill-equipped disaster management system in India. Recent experiences like poor management of water storage and subsequent man made flooding of Chennai shows that, at present, starting from the pre-disaster stage ranging up to the rehabilitation scenario, the Indian disaster management system is not functioning properly. In spite of lessons learnt from Tsunami disaster, the government machinery has not learnt to effectively deal with disaster. Even after a decade of enacting NDMA 2005, when Chennai reeled under flood water in 2015, utter chaos prevailed during relief operations. There was complete lack of coordination between various relief agencies and the people were made to undergo lot of hardship. There was complete breakdown of government machinery and the individual philanthropists and service oriented organisations were the only saving grace of the unfortunate situation. The existing system is not effective for delivering good results. Revamping of the system is an urgent concern. The disaster management authorities should be free from political considerations and administrative bottlenecks. At the same time, they should be empowered to give necessary orders/direction and guidelines and act as a link between the Union Government, State Government and District Administration. Creation of impartial authorities, similar to Human Rights Commission or Minority Commission will be a good option. Most statutes in foreign countries on disaster management ensure the active participation of NGOs, civil society, community, people etc. by including certain provisions. Other groups, which could play a vital role in disaster management, are the professionals like doctors, teachers, engineers, lawyers, etc.

Disaster Management has to be a multi-disciplinary and pro-active approach. Besides various measures for putting in place institutional and policy framework, disaster prevention, mitigation and preparedness enunciated in this paper and initiatives being taken by the central and State Governments, the community, civil society organisations and media also have a key role to play in achieving our goal of moving together, towards a safer India. The message being put across is that, in order to move towards safer and sustainable national development, development projects should be sensitive towards disaster mitigation. Our mission is vulnerability reduction to all types of hazards, be it natural or manmade. This is not an easy task to achieve, keeping in view the vast population, and the multiple natural hazards to which this country is exposed. We have taken the first few but significant steps towards vulnerability reduction, putting in place prevention and mitigation measures and preparedness for a rapid and professional response. With a massive awareness generation campaign and building up of capabilities as well as in stitutionalization of the entire mechanism through a techno legal and techno financial framework, we are gradually, albeit at snail's pace, moving in the direction of sustainable development.