

# **Disaster Management In India: A Legal Perspective**

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Legal framework constitutes the foundational pivot around which different aspects of an activity are interwoven. It is probably for this reason that in constituting modern democratic political systems, it has been found essential to ordain that on the basis of a written Constitution. The issues and activities that could not find place in the scheme of a written Constitution, for obvious reasons, have been provided a sound legal basis by enacting a framework law on the subject. In India, one such issue has been the management of disasters. Despite being one of the most disaster prone countries in the world, the subject of disaster management could not find a place in the Constitution of India for reasons explained later in the paper. In fact, for a fairly long period of time, disasters, both natural and manmade, had been found to be managed in the classical colonial mode of trial and error resulting into untold miseries for the people and massive loss of lives and properties. The lurking dangers of climate change and its colossal impact on the occurrence of natural disasters prompted the international community to go for a recasting of the disaster management system in all parts of the world. In such an overhaul of the disaster management systems, central place was afforded to the provision of a sound legal framework. In the wake of these persuasions, Indian Parliament enacted the Disaster Management Act in 2005 to provide for the legal framework in which the structures, functionaries and activities related to management of disasters are organised and operationalised in order to make the country disaster free. The paper, therefore, seeks to critically analyse the legal framework of disaster management in the country.