

**Background Report**  
**Law and Regulation for the Reduction of Risk from Natural Disasters**  
**in the State of Punjab, India**  
**A National Law Desk Survey**  
**September 2012**

**Acknowledgements**

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## **Law and Regulation for the Reduction of Risk from Natural Disasters in the State of Punjab, India: A Desk Survey**

### **Executive Summary**

The Present Desk Survey is prepared to highlight the efforts made by the State Government of Punjab, India in the area of Disaster Risk Reduction (DRR). The institutional framework regarding DRR in Punjab, a state situated in northwest of Republic of India is basically based on the Central /Federal Legislation namely Disaster Management Act, 2005 (DMA, 2005). The Act extends to whole of India and was enacted on 23 December 2005.

This paper consists of an analysis of the text of this law and its applicability in the state of Punjab. Along with the detailed analysis of various bodies established in accordance with the mandate of the act and the various ministries and departments which are making the implementation of legislation in the state a reality, it also details the state disaster management plan 2010-2011 (SDMP) which is prepared under section 23 of the DMA,2005. It also provides for annual review and updating of the state plan. The SDMP is most comprehensive, detailed and relevant document for the purposes of the present desk survey. As it deals with and details almost all the aspects and Punjab's action plan in reality i.e. from the institutions their formation, working, funding, Early Warning System (EWS), community involvement and most important the disasters taken care of.

The analysis is limited to the set of given questions and does not include a study of their implementation or application in practice. Together with a bibliographic list and copies of relevant laws, notification and official websites, this paper provides a report on the state of the legislative and institutional measures for state-level DRR in Punjab. The laws and regulations analyzed in this paper stipulate measures that are taken by state ministries , departments and authorities and in certain situations with the help of communities in Punjab to cope with natural (not man-made) disasters.

The DMA,2005 envisages establishment of various institutional authorities from national level to district level mandatorily. The act details the creation of the National Disaster Management Authority (NDMA), headed by the Prime Minister of India, and State Disaster Management Authorities (SDMAs) headed by respective Chief Ministers of the States and District Disaster Management Authorities (DDMAs) under the chairmanship of District Magistrates, to spearhead and implement a holistic and integrated approach to Disaster Management in India. Along with institutional framework it also provides for monitoring agencies at the national level such as National Executive Committee (NEC), National Institute of Disaster Management (NIDM) and National

Disaster Response Force (NDRF). And at state level it provides for the concerned Ministries and Departments to draw up department wise plans and budget in accordance with the National Disaster Management Plan.

In addition, the Act contains provisions regarding funding and details for constitution of National Disaster Response Fund and National Disaster Mitigation Fund and similar Funds at the State and District levels. The Act also provides for specific role to local bodies including Panchayati Raj Institutions (PRIs) as well as Urban Local Bodies (ULBs) in disaster management. Chapter III, IV AND V details about the above mentioned institutions. Hence legislation is comprehensive covering every possible area of disaster management leaving little scope for confusion starting from preparedness to mitigation. The offences and penalties are dealt with in detail under the DMA,2005 under Chapter X which expressly states that whosoever commits any offence under the act including government official will be punishable with one year imprisonment or fine, unless he is proves that the offence was committed without his knowledge or they exercised due diligence. The specific provision is also there for punishment for false warning. But the offences are not clearly defined.

The aim of the SDMP is to facilitate planning, preparedness, operational, coordination and community participation while addressing DM. Ensuring that community is the most important stakeholder in the DM process. Encouraging mitigation measures based on state-of-the-art technology and environmental sustainability. 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 to create awareness and contributing towards capacity development. Ensuring efficient response and relief with a caring approach towards the needs of the vulnerable sections of the society. Undertaking reconstruction as an opportunity to build disaster resilient structures and habitat. Undertaking recovery to bring back the community to a better and safer level than the pre- disaster stage.

The use of this approach has resulted in the documentation of various laws, policies and provisions, which shows the overlapping response regarding certain questions on one hand and on the other hand point out certain important area having complete vacuum or lack of legislation. This throws light on the areas which needs specific attention examples are draught, flood, heat/cold wave, insect Infestation, earthquakes etc. A review of the legal documentation reveals that there are no specific building construction laws at the state level separately and there is only National Building Code, 2005 which is recommendatory in nature and only provides guidelines. Despite all the lacunas it is relevant to mention for the purposes of present report that

the efforts made by the Punjab government are exemplary. As within the given framework the state government is trying its level best to make a DRR a functional reality and by adopting the EWS, community involvement in various areas training of communities and organising forces to respond to natural disasters, participation of at-risk communities and vulnerable groups such as women, children and the elderly has been taken care of in the SDMP of the state.

The legal and institutional framework concerning matters that regulate daily life, such as land laws, telecommunication laws, urban planning, constitutional and other legal rights and guarantees (right to property, life, livelihood), that are also relevant for managing natural disasters can also be found amongst the different laws on the subjects. However, these laws do not provide detailed provisions for preparing for disaster preparedness and response and the state only relies on the federal legislation and various concerned ministries and departments if and when needed can issued notification which will have sanctity of law in this regard. There is a need to make conscious effort to integrate DRR into these laws for an efficient and effective DRR system in the state.

This paper and the accompanying compilation of legal documents are part of a global synthesises report on law and regulation for DRR in natural disasters. It is hoped that the outcome and deliverables of this DRR Study will serve as a useful guide to later researchers on the subject in Punjab.

## List of abbreviations

CBO	Community-based organisations
CMP	Crisis Management Plan
CRF	Calamity Relief Fund
CWC	Centre Water Commission
DRR	Disaster Risk Reduction
DMA, 2005	Disaster Management Act,2005
DDMAs	District Disaster Management Authorities
DMT	Disaster Management Teams
EIA	Environmental Impact Assessment
EOC	Emergency Operation Centre
EWS	Early Warning System
FF	Flood forecast
MHA	Ministry of Home Affairs
NDMA	National Disaster Management Authority
NDRF	National Disaster Response Force
NEC	National Executive Committee
NIDM	National Institute of Disaster Management
PRI	Panchayati Raj Institutions
PWD	Public Works Department
SDMAs	State Disaster Management Authorities
SDMP	State Disaster Management Plan

SEOC

State emergency operation centre

ULB

Urban Local Bodies

UNDP

United Nations Development Program

## 1) Introduction

Disaster risk reduction (DRR) is the reducing of risks to disasters through systematic efforts to analyse and mitigate the causal factors of disasters. It is the lowering of vulnerability of people and property to disasters and includes the management of land, water resources and the environment and preparation for and response to disasters. The purpose of the National Desk Survey is to create a State profile of the law and regulation for DRR in Punjab, India.

This Study consists of an outline of the government and law-making structure and an identification and analysis of relevant laws and regulations for the reduction of risk in natural disasters. The legal and institutional framework concerning DRR at state-level covers a wider scope than just preparation for and response to natural disasters. Matters that regulate daily life, such as safety codes for buildings, registration of land title, telecommunication, waste-water drainage, the rights of the people (right to property, life and livelihood) too, come into consideration when coping with a natural disaster. Consequently, laws that deal with these subjects must incorporate disaster preparedness and response. The state profile outlined in this paper provides an assessment of these issues along with that of disaster management laws.

Analysis of the laws and regulations has been carried out against a given set of questions, organized around the first four of five priorities laid down in the Hyogo Framework for Action, 2005-2015, which focus on:

1. Ensuring that disaster risk reduction (DRR) is a national and a local priority with a strong institutional basis for implementation, including through “policy, legislative and institutional frameworks”
2. Identifying, assessing and monitoring disaster risks and enhance early warning
3. Using knowledge, innovation and education to build a culture of safety and resilience at all levels
4. Reducing the underlying risk factors

This paper is a 'desk survey', answering the set of questions above, using only online and library sources. In Punjab Disaster Management (DM) is based on federal law. India being federal Republic the subjects which are of National importance are dealt with by the federal law which extends to whole of India. Same is the case of DM. The law in respect to DM in Punjab relates to basically DMA,2005 only . Various local subsidiary laws are also dealt with answering the question of survey. It is important to note that the there is a paradigm shift in the approach towards DM from relief centric to as it was in earlier days to the current holistic one encompassing all facets of the disaster management. A typical DM approach which includes i.e., Prevention, Mitigation and Preparedness in pre-disaster phase, and Response, Rehabilitation and Reconstruction in post-disaster phase are included in SDMP for efficient execution of the State Disaster Management Plan. And the Plan has been organized as per these four stages of the Disaster Cycle.

This paper concentrates on these primary sources to describe and analyse the text of the law and regulation concerning DRR and its different aspects in Punjab.

## 2) Summary of Main Natural Hazards and Risks in Punjab

Punjab is situated in the northwest India. The Punjab borders the Pakistani province of Punjab to the west, Jammu and Kashmir to the north, Himachal Pradesh to the northeast, Chandigarh to the east, Haryana to the south and southeast and Rajasthan to the southwest. The total area of the state is 50,362 square kilometres. The population is 2,77,04,236 (Census, 2011). Different parts of Punjab are vulnerable to the natural calamities like Flood, Earthquake, Drought and Embankment Erosion. In fact there are multiple High Risk Multi Hazard Zones.

The High Powered Committee of Government of India (HPC) 1999, identified various Disasters . The Natural hazards which affect Punjab specifically according to this division are, Firstly water and climate related disasters :Floods , hailstorms, heat wave and cold waves, drought, thunder and lightning. Secondly geologically related earthquakes.

Based on the aggregation in the Risk Matrix, 21 hazards are identified that could affect the State of Punjab. This assessment identifies the risk that each hazard presents to the Punjab State, thereby allowing to plan for mitigation, response, and recovery efficiently within budgetary and other constraints. Based on the information, it has assigned each hazard with a rating of high, moderate, low or very low, though this assessment did not find any hazards with a rating of very high in the State of Punjab.

Punjab is vulnerable to 21 types of hazards out of 33 identified by the High Powered Committee (HPC) of Government of India into 5 sub-groups. Apart from identified hazard by HPC, state has high impact of Groundwater and Surface water Pollution, depletion of groundwater level. A major part of geographical area of the state is prone to floods although substantial part has been protected through flood control measures.

Punjab has experienced droughts due to inadequate rain in Monsoons. The State experienced drought in 1978, 1979, 1985, 1987, 2002 and 2004, both in rural and urban areas. In 1987, a major drought was experienced in the State but in 2002, the intensity of the drought has made the situation much more acute and has broken the back of the farming community. The State Government declared all the 17 districts in the State as drought affected.

Ministry of Earth Science, 13-August, 2012 – The country, so far till 7th August, 2012, has received about 83% (with -17% deficit) of its long term normal quantum of rains with large deficit (-21% to -59% or more) and Punjab is one of the state in India which has experience it.

A United Nations Development Programme (UNDP) report states that about 12% of Punjab state suffers from the threat of desertification. The Punjab is facing very serious problem of soil erosion by water. It is serious menace in the Shivaliks and Kandi region, along the river courses, streams and choes and in the south western arid and hot region. In this seismic zoning map, most of the area of Punjab State lies in Zone III and IV. However, northern boundary of Punjab State is in close proximity to Zone V. According to the Building Material & Technology Promotion Council, 1997, 48.6% area of the state is vulnerable to Intensity VIII and 45.6% area to Intensity VII.

This State Desk Survey which is part of National Desk Survey on the country profile of laws and regulations for the reduction of risk in natural disasters hopefully provides background knowledge for further research that will give valuable recommendations for disaster risk management law in India.

### 3) Governmental & Law-making structure

India is a federation with a parliamentary system governed under the Constitution of India, which serves as the country's supreme legal document. It is a constitutional republic and representative democracy. Federalism in India defines the power distribution between the federal government and the states. India's form of government, traditionally described as "quasi-federal" with a strong centre. Every state in India has own.

The state governments are the level of government below the central government. The State resembles the federal system. In the states, the Governor is the head of Executive, but real executive power vests with the Chief Minister who heads the Council of Ministers. The judicial setup of the country is headed by the Chief justice, who presides over one of the largest judicial apparatus dispensing criminal, civil and all other forms of litigation. And at the state level in Punjab there is High Court at the Top of Judicial Structure . Which supervises the work of various district court. There are 3 lists in the Constitution namely the Central, State and Concurrent List. As the name suggests the Sate lists gives the detailed list of the state subjects on which the state assembly which is replica of Parliament at the centre will enact laws and Concurrent list details the subject on which the Centre and State both can enact laws.

In India the local government is the third level of government apart from the State and Central governments. There are two types of Local Government in operation: Panchayats in rural areas and Municipalities in urban areas. The Panchayats are a linked-system of local bodies with village panchayats (average population about 5,000), panchayat samities at the intermediate level (average population about 100,000), and district panchaytas (average population about 1,000,000).The local government bodies are the democratic institutions at the basic level.

Punjab has twenty two districts each under the administrative control of a District Collector. The districts are subdivided into 79 Tehsils, which are under the administrative control of a Tehsildar. Each Tehsil consists of blocks which are total 143 in number. The blocks consist of revenue villages and the total number of revenue villages in the state is 12,278. Apart from these there are 22 Zila Parishads, 136 Municipal Committees and 22 Improvement Trusts looking after 143 towns and 14 cities of Punjab.

The State Disaster Management Plan for Punjab is a combination of modern participatory approach. The framework of the plan is based on the paradigm shift in Disaster Management from a relief centric approach to a regime that anticipates the importance of preparedness, prevention and mitigation. On the other hand, it outlines the functions of the principal agencies and clearly demarcates roles for; before, during and after a disaster. Such clarity will act as a framework for each line-departments and district authority to prepare their own plans, promoting efficiency and teamwork. By mainstreaming disaster risk reduction into developmental work and ensuring that the community remains the most important stakeholder.

This SDMP is useful in tackling the multi-hazard vulnerabilities and is based on the factors like ever-growing population, the vast disparities of income, rapid urbanization, increasing industrialization, development within high risk zones, environmental degradation, climate change, state and national security, economy and sustainable development. The objective of the SDMP of Punjab is to facilitate execution of activities for prevention and preparedness, search and rescue operations, coordination, and community awareness and involvement. In preparing the Plan, the existing system has been studied; the prevailing documents and various stakeholders were consulted.

This paper and the accompanying compilation of legal documents are part of a global synthesis report on law and regulation for DRR in natural disasters. It is hoped that the outcome and deliverables of this DRR Study will serve as a useful guide to later researchers on the subject in India-Punjab.

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### 1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	The Constitution of India, Part VI, Chapter III		There are three levels of government from centre to the lowest ladder known as Union government, state government and local self governments known as Panchayats.  Similarly there are three levels of government in Punjab. State legislature is the unicameral Legislative Assembly, with 117 members elected from single-seat constituencies. The state of Punjab is divided into four administrative divisions and twenty two districts: Punjab has twenty two districts each under the administrative control of a District Collector. The districts are subdivided into 79 Tehsils, which are under the administrative control of a Tehsildar. Each Tehsil consists of blocks which are total 143 in number. The blocks consist of revenue villages and the total number of revenue villages in the state is 12,278. Apart from these there are 22 Zila Parishads, 136 Municipal Committees and 22 Improvement Trusts looking after 143 towns and 14 cities of Punjab.
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new	1. The Constitution of India, Part IX AND IXA Article 243 2. The Punjab		No. There is no separate law on decentralization of government functions. The details are given in the constitution of India itself and same is implemented at the state level and that is the case of Punjab also.

<b>1. BACKGROUND INFORMATION</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
institutions or delegate powers to provincial/local government?	Municipal Corporation Act, 1976.(Punjab Act 42 of 1976)		Yet there is the Punjab Municipal Corporation Act, 1976 which in accordance with constitutional provisions details the functioning of Nagar Panchayats, Municipal Councils and Municipal corporations respectively.
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?			No. Neither in the Constitution nor in the decentralization law anything related to disaster management law is given. But it has been separately discussed in detail in the Disaster Management Act, 2005.
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).			Yes . In India only Central Government enters into treaties and state Governments are not authorised to do so, Hence Punjab as such is not Party to any Treaty.

## 2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>Part One. Disaster Management Law &amp; Institutions</b>			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
<b>A. Disaster Management Institutions</b>			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	The Disaster Management Act, 2005, 53 of 2005, 23 <sup>rd</sup> December 2005 (DMA,2005)	Section 23	Yes. There is Federal law i.e the Act mentioned but there is no specific act in the state related to disaster management and only provisions of the Central Act are applicable to the state and detailed institutional machinery and functions are given which are implemented in the state. Section 23 of the Act directs the implementation and establishment of the similar bodies as at national level at the state level also. There is Disaster Management Plan at the state level, prepared at

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			regular intervals.
6. Is there also a national disaster management policy? Is this established by a law? Provide details.	1.Disaster Management Policy 2009 2.State Disaster Management Plan , Punjab 2010-2011		The policy is at the national level. There is no policy at the state level. But there is a SDMP 2010-2011.The Plan seeks to provide a comprehensive approach to disaster risk Management in the State. Yes, though it is not directly established by law but it has legal sanctity as it is prepared by the authority established by the Central act.
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?	DMA, 2005		Yes the Disaster Management Law is a national legislation applicable through out the country. Punjab has adopted the infrastructure provided by the Act.  Yes there is integrated system of funding and working specialized bodies along with the state level specialized bodies till the village level, as prescribed by the Act. Yes there is community involvement at every level.
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?	DMA,2005		No, in Punjab there is no separate law on DM in the state.  There is hierarchy of Working Institutions like National Disaster Management Authority (NDMA). Sate Disaster Management Authority (SDMA) etc. till the last ladder of administrative setup .
9. Does the DM or other law establish one or more specialist DM institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates?	DMA,2005		Yes. The National DMA,2005 mandates to establish specialized institutions.  The National Disaster Management Authority has been established at the centre. The NDMA has been mandated with laying down

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		14(2)	<p>policies on disaster management and guidelines which would be followed by different Ministries, Departments of the Government of India and State Government in taking measures for disaster risk reduction.</p> <p><i>SDMA at state level</i> under section 14(2) of the act includes Chief minister and revenue minister and various other authorities as specified in the DM Plan.</p>
		Section 20(1),22	<p>The State Executive Committee under Section 20 (1)of the Act, to be headed by Chief Secretary of the state Government with four other Secretaries of such departments as the state Government may think fit. It has the responsibility for coordinating and monitoring the implementation of the National Policy, the National Plan and the State Plan as provided under section 22 of the Act</p>
		Section 25	<p>As per Section 25 of the DM Act provides for constitution of District Disaster Management Authority (DDMA) for every district of a state.</p> <p>Composition : 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 and district authorities at district level are gradually being formalized.</p> <p>Further in district, where Zila Parishad exist, its Chairperson shall be the Co-Chairperson of DDMA. Other members of this authority include the CEO of the District Authority, Superintendant of Police,</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Chief Medical Officer of the District and other two district level officers are designated by the state Government.</p> <p>The District Authority is responsible for planning, coordination and implementation of disaster management and to take 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 also to arrange for relief measures and respond to the disaster at the district level.</p>
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.	DMA, 2005	Section 21(1)	<p>There is no policy at the state level only National policy. The institutional Framework for implementing Plan is same as described under the DMA,2005. Hence there is not separate implementing institutional framework under the state plan.</p> <p>Institutions : refer question 9</p> <p>In addition to above mentioned institutions Under section 21(1) Act the SEC will constitute the Technical Committee (s) for efficient discharge of its functions. It will comprise disaster management experts, professionals and NGO field practitioners. They will be responsible for ensuring community participation in the disaster management activities.</p> <p><i>The State Crisis Management Group's</i> function includes reviewing every year contingency plans formulated by various Ministries/Departments/ Organizations in their respective sectors. A couple of working groups are constituted in state level in line with the national set up. there is an Emergency operation Centre at the</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>state level to coordinate and perform disaster management activities in a disaster situation as well as in the preparatory stage.</p> <p><u>The State Emergency Operations Centre (SEOC)</u> will be hub of all the activities related with disaster response in the State. District level Disaster Management Advisory Committee(s) will be appointed by the District Disaster Management Authority to take advice on various subject specific fields within the overall context of disaster management. The committee will comprise disaster management experts, which may from government departments, research institutes or NGO's.</p> <p><u>The District Emergency Operation Centre (DEOC)</u> activities related with disaster response in the District. It will coordinate and communicate upward and down ward communication with regard to emergency response.</p> <p>Subject to the directions of <u>the District Authority, the Tehsil/Sub Tehsil/block disaster management committee</u> will be responsible for the development and implementation of block level disaster management plans.</p> <p>Subject to the directions of <u>the District Authority, the Gram Panchayat Disaster Management committees</u> will be responsible for the development and implementation of GP level disaster management plans.</p> <p>The village level DM Teams of 20 volunteers of each village is planned to be trained on all types of Disasters and improvisations. They will be trained on temporary flood protection jobs as well. Incident Controller is the officer with overall responsibility for</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>emergency response operations. The incident controller will normally be appointed by the control agency, but can also be appointed by the SRC or DRC (the District Collector) if the circumstances so require. Field emergency response coordinator.</p> <p><i>The District Response Coordinator</i> will appoint for each Block or Municipality, the B.D.O. or the Chief Executive of the Municipality as the Emergency Response Coordinator. The District Collector will be the District Response Coordinator. A three-tiered framework (block/municipal, district and State) exists for implementing response to emergencies.</p>
<p>11. Does the DM law or other law deal with:</p> <p>a. Disaster response<sup>1</sup>?</p> <p>b. Disaster preparedness<sup>2</sup>?</p> <p>c. Disaster mitigation<sup>3</sup> and prevention<sup>4</sup>?</p> <p>d. Disaster risk reduction<sup>5</sup> (DRR)?</p>	DMA, 2005		<p>Yes. The National Law deals with Disaster Response, Preparedness, Mitigation and Risk Reduction both at national and state level.</p> <p>a) Yes</p> <p>b) Yes</p> <p>c) Yes</p> <p>d) No</p> <p>e) "disaster management" means a continuous and integrated</p>

<sup>1</sup> "The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected."

<sup>2</sup> "The knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions."

<sup>3</sup> "The lessening or limitation of the adverse impacts of hazards and related disasters."

<sup>4</sup> "The outright avoidance of adverse impacts of hazards and related disasters."

<sup>5</sup> "The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events."

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
e. If it includes DRR, how is it defined? (include definition)			<p>process of planning, organising, coordinating and implementing measures which are necessary or expedient for-</p> <p>(i).....</p> <p>(ii) mitigation or reduction of risk of any disaster or its severity or consequences;</p> <p>(iii) "mitigation" means measures aimed at reducing the risk, impact or effects of a disaster or threatening disaster situation;.."</p>
12. Does the DM law (or any other law) or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.			<p>No.</p> <p>The DM law does not defines ministry in this regard. In the country, Ministry of Home Affairs is the nodal agency which monitors and manages the disasters. Other ministries/departments like agriculture, chemical, civil aviation, railways, road transport, environment and forest, health and atomic energy are responsible for their respective areas.</p> <p>In Punjab the State Disaster Management Committee have been constituted with Departments of Home, Transport, Health &amp; Family, Agriculture, Food &amp; Supplies, Science &amp; Technology, Irrigation &amp; Waterways, Public Works Department, Municipal Affairs, Urban Development, Public Health &amp; Engineering, Animal Husbandry, Power, Fisheries, Forest, Finance, Panchayat &amp; Rural Development, Environment &amp; Pollution Control Board, Housing, Women-Child Development- Social Welfare, Punjab Municipal Corporation, Director General &amp; Inspector General – Police, Indian Air Force, Border security Force, Geographical survey of India ,Indian Oil</p>

Note: These definitions are taken from the 2009 UNISDR Terminology on Disaster Risk Reduction, obtained here: <http://www.unisdr.org/we/inform/terminology>.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			Corporation.
<p>13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	DMA, 2005	Section - 42(9)(e)	<p>The section talks of capacity building at state level and the role of stake holders including civil society.</p> <p>The SDMP in Punjab specifies the role of Non-governmental-organisations in detail. NGOs like Indian Red Cross Society, St. John Ambulance and other scheduled NGOs and CBOs also take active part right from mitigation, preparedness to rescue, rehabilitation programmes. Volunteers and social organizations play a vital role in spreading mass scale community awareness as per 2011 Sate Disaster Management Programme till the lowest level of administration.</p> <p>a. Yes</p> <p>b. Yes</p> <p>c. Yes</p>
<p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			<p>Yes.</p> <p>The Disaster Management Plan (DMP), 2011 specifically prescribe the active role of National Red Cross and Red Crescent Society. They take active part right from mitigation, preparedness to rescue, rehabilitation programmes and knowledge dissemination, to help train people at the lowest level.</p> <p>In DMP 2011 their role is defined at various level and for all kinds of works starting from planning stage.</p> <p>Upon receipt of notification about disaster, nodal officer will activate quick response teams.</p> <p>2) The quick response teams will be deployed at the three sites.</p> <p>Establish camps to provide first aid and minor medical services to</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			affected populace, Mobilize stretchers, Organize blood donation camps and encourage people to donate blood, Arrange for safe collection, storage, testing and supply of blood to needy populace, Provide ambulance service.
<p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women's participation in DM institutions?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			<p>No.</p> <p>Under DMP 2011 women finds special mention. There is long list of women NGO's involved in helping state administration to fight disaster at every level in the state.</p> <p>Members of affected communities, with women representatives and representation from various castes, ethnic groups, occupational groups, etc. are made part of recovery management committee.</p>
<p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons</p>	Yes		<p>The DMP specify the role of communities in DM institutions. The ultimate goal for the Government of Punjab with respect to various hazards is to have prepared communities in a way that when the hazards strike through training and simulation exercises.</p> <p>a) Yes b) Yes c) Yes d) Yes</p> <p>The district disaster response force is be fully trained and fully equipped Teams who can serve as master trainers for communities during peace times.</p>

**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			<p>Community Disaster Management Planning is one of the vital components of community preparedness. It involves all important parameters related to hazard awareness, evacuation planning, and preparation of resource inventory, formation of community level taskforces and committees which will enhance capacities in communities in combating a disaster in a predefined manner. Communities in disaster prone areas are made aware of the warning systems.</p> <p>Involving local response structures such as Community based Disaster Management Teams (DMT)</p> <p>In recovery management committee Members of affected communities, with women representatives and representation from various castes, ethnic groups, occupational groups, etc. are included. Help of community leaders are taken by state machinery in dissemination of warning. Recovery agency take help of community by establishing Community Recovery committee.</p> <p>The Department of Revenue, Rehabilitation and Disaster management, Punjab is conducting the Flood Rescue and First-Aid Trainings to the 30 volunteers in each district of Punjab, who are trained through National Disaster Response Force, Bathinda, Civil Defence Training Institute, Mohali and Indian Red Cross Society, Punjab. Those found good can be designated as District Disaster Response Force [DDRF]. The district disaster response force would be fully trained and fully equipped Teams who can serve as master trainers for communities during peace time.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			The community helps state government and concerned departments in the identified vulnerabilities and risks in times of various kinds of disaster.
17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.			There is National law i.e DMA, 2005 and it details the basic institutional and legal structures to be created at the state level. And the DM Plan lays down how to bring in force the funding part. Further every state plan is different based on the need of the particular state.
18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?	DMA 2005	Section 20(1)	As per section of the Disaster Management Act, 2005, the State Executive Committee under the chairperson of Chief Secretary will monitor and supervise implementation of State Disaster Management Plan (SDMP) and Crisis Management Plan (CMP) prepared by the line of departments of the State Government and District Authorities. It Monitor the implementation of the guidelines laid down by the State Authority for integrating the measures for prevention of disasters and mitigation by the departments in their development plans and projects. Evaluate preparedness at all government or non-governmental levels to responds to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness. NDMA can be termed as the oversight mechanism and no specific mechanism is provided.
<b>B. Hyogo Framework for Action &amp; Climate Change Institutions</b>			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What			No

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
institutions? What are their designated roles in DRR?			
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?			<p>No. At the state level there are no institutions separately dealing with it but all DRR institutions deal with climate change also.</p> <p>Forecasting about climate change is pre requisite for taking preparedness measure to respond to the disaster is the most important element of disaster management. The Ministry of Environment &amp; Forest (MoEF), Ministry of Earth Sciences (MoES), Ministry of Science &amp; Technology (MST), Ministry of Agriculture (MoA), Ministry of Water Resources (MWR), Ministry of Human Resource Development (MHRD), Ministry of Non-conventional Energy (MNES), Defence Research &amp; Development Organization (DRDO), Ministry of Defence (MoD), Ministry of Health and Family Welfare (MoHFW), Indian Space Research Organization (ISRO) and Indian Meteorological Department (IMD) promote and undertake climate and climate change related research in the country.</p>
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.			<p>Yes. Both the things are covered by the DMA, 2005, DM, policy 2010, and various state level plans. They are not treated separately rather overlap in a manner that complement each other.</p>
<b>C. DRR priority and resource allocation in government</b>			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum	DMA, 2005		<p>As per the section ministry or department of government of India and the state governments shall make provisions in their annual budget for carrying out the activities and programs set out in their disaster management plans.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?		SECTION 49	<p>“ ....49. Allocation of funds by Ministries and Departments.-(1) Every Ministry or Department of the Government of India shall make provisions, in its annual budget, for funds for the purposes of carrying out the activities and programmes set out in its disaster management plan.</p> <p>(2) The provisions of sub-section (1) shall, mutatis mutandis, apply to departments of the Government of the State.....”</p>
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?	DMA, 2005 Chapter IX, finance , accounts and Audit	Section 48	<p>Yes.</p> <p>“.....48. Establishment of funds by State Government.-(1) The State Government shall, immediately after notifications issued for constituting the State Authority and the District Authorities, establish for the purposes of this Act the following funds, namely:-</p> <p>(a) the fund to be called the State Disaster Response Fund;</p> <p>(b) the fund to be called the District Disaster Response Fund;</p> <p>(c) the fund to be called the State Disaster Mitigation Fund;</p> <p>(d) the fund to be called the District Disaster Mitigation Fund.</p> <p>(2) The State Government shall ensure that the funds established-</p> <p>(i) under clause (a) of sub-section (1) is available to the State Executive Committee;</p> <p>(ii) under sub-clause (c) of sub-section (1) is available to the State Authority;</p> <p>(iii) under clauses (b) and (d) of sub-section (1) are available to the District Authority.....”</p> <p>According to the recommendations of the 13th Finance Commission, money from the Calamity Relief Fund (CRF) is provided for providing emergency relief to the calamity hit populace. Both the Central and State Governments contribute to this fund at a ratio</p>



## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>housing?</p> <p>e. Non-discrimination (and other relevant civil and political rights)?</p> <p>f. Livelihoods, Health (and other economic, social and cultural rights)?</p> <p>g. Compensation for losses due to natural disasters?</p> <p>h. Information?</p>			
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p>	<p>Constitution of India</p>	<p>Article 32,226</p>	<p>Yes citizens have right to constitutional remedied before the Supreme Court and High Courts. Even the civil society's members can also file writ petitions before the concerned court for protection of right. This is file only against the governments at various levels or government functionaries.</p> <p>a. Individual as well as collective right</p> <p>b. Yes</p> <p>c. No</p> <p>d. No power of courts are discretionary</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Are there financial limitations on any such claims (minimums or maximums)?			
<b>B. Liability &amp; Insurance</b>			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?			No specific law .
28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?	DMA, 2005	Section 60  Section 60	No. Government agency not liable.  “.....60. Cognizance of offences.-  No court shall take cognizance of an offence under this Act except on a complaint made by-  a. the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or  b. any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.”

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Section 71	<p>“.....71. Bar of jurisdiction of court.-</p> <p>No court (except the Supreme Court or a High Court) shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken, orders made, direction, instruction or guidelines issued by the Central Government, National Authority, State Government, State Authority or District Authority in pursuance of any power conferred by, or in relation to its functions, by this Act.....”</p>
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?	DMA , 2005	<p>Section 74</p> <p>Section 73</p>	<p>Yes</p> <p>“.....74. Immunity from legal process.-Officers and employees of the Central Government, National Authority, National Executive Committee, State Government, State Authority, State Executive Committee or District Authority shall be immune from legal process in regard to any warning in respect of any impending disaster communicated or disseminated by them in their official capacity or any action taken or direction issued by them in pursuance of such communication or dissemination.....”.</p> <p>“.....73. Action taken in good faith.-No suit or prosecution or other proceeding shall lie in any court against the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any officer or employee of the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any person working for on behalf of such Government or authority in respect of any work done or purported to have been done or intended to be done in good faith by such authority or Government or such officer or employee or</p>

**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			such person under the provisions of this Act or the rules or regulations made thereunder.....”
<p>30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>		<p>Section 54</p> <p>Section 58</p>	<p>“....Punishment for false warning.-Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.....”</p> <p>“.....58. Offence by companies.-(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation.-For the purpose of this section -</p> <p>(a) "company" means anybody corporate and includes a firm or other association of individuals; and</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			(b) "director", in relation to a firm, means a partner in the firm....." Also refer question 29
31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			No specific mention .
32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?			No

### 3. Early warning and reduction of underlying risk factors through regulation

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
<p><b>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</b></p>			
<p><b>A. Cyclones, tornadoes, or storms?</b></p>			
<p>33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			<p>No. There are no specific law in this regard in the state .But these disasters are dealt with in the Disaster Management Plan.</p>
<p>34. Does this law specify how management of this risk is financed? If so, describe.</p>	<p>DMA 2005</p>	<p>48, 49, 50</p>	<p>Refer Question 33. “.....48. Establishment of funds by State Government.-(1) The State Government shall, immediately after notifications issued for constituting the State Authority and the District Authorities, establish for the purposes of this Act the following funds, namely:- (a) the fund to be called the State Disaster Response Fund; (b) the fund to be called the District Disaster Response Fund; (c) the fund to be called the State Disaster Mitigation Fund;</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>(d) the fund to be called the District Disaster Mitigation Fund.</p> <p>(2) The State Government shall ensure that the funds established- (i) under clause (a) of sub-section (1) is available to the State Executive Committee; (ii) under sub-clause (c) of sub-section (1) is available to the State Authority; (iii) under clauses (b) and (d) of sub-section (1) are available to the District Authority.</p> <p>49. Allocation of funds by Ministries and Departments.-(1) Every Ministry or Department of the Government of India shall make provisions, in its annual budget, for funds for the purposes of carrying out the activities and programmes set out in its disaster management plan. (2) The provisions of sub-section (1) shall, mutatis mutandis, apply to departments of the Government of the State.</p> <p>50. Emergency procurement and accounting.-Where by reason of any threatening disaster situation or disaster, the National Authority or the State Authority or the District Authority is satisfied that immediate procurement of provisions or materials or the immediate application of resources are necessary for rescue or relief,- (a) it may authorise the concerned department or authority to make the emergency procurement and in such case, the standard procedure requiring inviting of tenders shall be deemed to be waived; (b) a certificate about utilisation of provisions or materials by the controlling officer authorised by the National Authority, State Authority or District Authority, as the case may be, shall be deemed to be a valid document or voucher for the purpose of accounting of emergency, procurement of such provisions or materials.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>The financing of Recovery activities will be explored from the following sources:</p> <ul style="list-style-type: none"> <li>Ø From budgetary provisions for recovery plans and programmes in normal developmental activities; at State, District and GP level</li> <li>Ø Calamity Relief Fund</li> <li>Ø National Calamity Contingency Fund</li> <li>Ø Prime Minister's Relief Fund</li> <li>Ø Chief Minister's Relief Fund</li> <li>Ø Special programmes of Govt. of India</li> <li>Ø Loans and assistance from national and international funding agencies</li> </ul>
<p>35. Does this law attribute liability for damage caused by:</p> <ol style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ol>			<p>No. Refer Question 28-30.</p> <ol style="list-style-type: none"> <li>a. No</li> <li>b. No</li> <li>c. No liability in this regard</li> <li>d. No liability in this regard</li> </ol>
<p>36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is</p>			<p>No. Refer question 35</p> <p>State emergency operation centre (SEOC) is established to coordinate between state, district and local authorities to collect and compile of district-wise information related to hazards,</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
their mandate?			resources, trained manpower etc.
<p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			<p>Refer Question 34</p> <p>But the DM law envisages establishment of SDMA and it is this authority in consultation of various concerned ministries works towards these efforts.</p> <ul style="list-style-type: none"> <li>a. Yes</li> <li>b. Yes</li> <li>c. Yes</li> <li>d. Yes</li> </ul>
<p>38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No. But the DM plan discusses it in detail.
<p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> </ul>			<p>Communities are involved in EWS but as discussed under question 34 no specific legislation in this regard is there. But it is given in detail under the disaster management plan.</p> <ul style="list-style-type: none"> <li>a. Yes</li> <li>b. Yes</li> <li>c. Yes</li> </ul>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			<p>d. Radio and T.V, telephone</p> <p>Existing communication network systems are PSTN, CELLULAR NETWORK &amp; Broad- Band network from State level to Gram Panchayat level.</p>
<b>B. Earthquake/Tsunami?</b>			
40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			<p>No. Refer question 34.</p> <p>But there is a disaster management plan which discuss in detail regarding this hazard.</p> <p>The government of state regulate it at state level i.e relief and rehabilitation department/ disaster management department</p> <p>District level: office of district magistrate</p> <p>Block level : office of Panchayati samiti</p> <p>Village; village disaster management committee</p>
41. Does this law specify how management of this risk is financed? If so, describe.	DMA, 2005	Section 48	<p>No. See question 35.</p> <p>There is no specific law in this regard but according to section 48 of DMA, 2005 every state shall establish state, district disaster fund and state and disaster mitigation fund. Further every ministry and department shall make provisions in their annual budget for their disaster management plans. Further 13<sup>th</sup> Finance commission 2010-1015 has also recommended various grants in general from centre to states.</p>
42. Does this law attribute liability for			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>damage caused by:</p> <p>a. failure to warn, or false or faulty warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>	DMA, 2005	Sections 28-31	<p>General provisions are there in the DMA,2005 . See sections 28,29,30, 31.</p> <p>a. Government immune</p> <p>b. No</p> <p>c. No</p> <p>d. No liability and only civil if any</p>
<p>43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>No</p> <p>A National Core Group for Earthquake Disaster Mitigation has been formed by the MHA (Ministry of Home Affairs) to advise on various tasks associated with earthquake risk reduction. A National Earthquake Vulnerability Reduction Programme has been launched by MHA together with United Nations Development Programme (UNDP) in 37 cities of the country including Punjab.</p> <p><u>Urban earthquake vulnerability reduction project</u></p> <p>The GoI-UNDP Disaster Risk Management Programme is a national initiative to reduce vulnerabilities of communities in some of the most hazard prone districts of India (169 districts and 17 states).</p> <p>No special specific authority mentioned.</p>
<p>44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by</p>			<p>No</p> <p>Page 176 of SD plan specifically states that it is not possible to provide early warning for this disaster.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No
<p>46. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological</li> </ul>			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
data and analysis)?			
<b>C. Fire?</b>			
47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No refer question 34. There is a comprehensive plan of the state wherein this disaster is also discussed in detail and there is no specific institution separately assigned to it. But Fire Brigade, Police departments are nodal agencies for this disaster. Fire Services in Punjab is under the Municipal Corporations.
48. Does this law specify how management of this risk is financed? If so, describe.			No Refer question 35 for general provisions in this regard.
49. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			No Refer question 36.
50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in			No Refer question 37.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>relation to this risk? If so, what authority is responsible and what is their mandate?</p>			
<p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			<p>No Refer question 38.</p>
<p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>No Refer question 39.</p>
<p>53. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> </ul>			<p>No refer question 40.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
<b>D. Floods?</b>			
54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			<p>No refer question 34.</p> <p>The SDMA with SEC plan in this disaster and follow NDMA guidelines. Flood being a state subject, FM schemes are planned and executed by the State governments. The state have to investigate, plan, construct, maintain and operate all flood works. The nodal organization is the Irrigation Department. The role of the central government is advisory, catalytic and promotional in nature. The Public Works Department (PWD) deals with all the public works including flood control. The District Disaster Management Authority (DDMA) headed by the District Magistrate deals with it at district level. These include Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs), such as municipal corporations, municipalities, district and cantonment boards and town planning authorities for control and management of civic services. PRIs and ULBs will ensure capacity building of their officers and employees in DM, carry out relief, rehabilitation and reconstruction activities in the affected areas and will prepare DM plans in consonance with the guidelines</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>of the NDMA, SDMA's and DDMA's. The state government/SDMA will establish appropriate multi-disciplinary mechanisms, whose clearance of the proposals of various departments with respect to the FM angle will be mandatory, before the works are sanctioned by them and taken up for implementation by the departments. <i>concerned</i>. Meteorological Department, Irrigation Department are nodal agencies.</p>
<p>55. Does this law specify how management of this risk is financed? If so, describe.</p>			<p>No. Refer question 35.</p> <p>But the Eleventh Five Year will significantly facilitate the funding of the plans (as also the mitigation projects) that will be made by the central ministries/departments and the state governments based on these guidelines</p> <p>State government makes provisions in their annual and Five Year plans. Funding will also be available through special mitigation projects to be formulated and implemented by the state governments/SDMA's under the overall guidance and supervision of the NDMA. In addition 10 per cent of Calamity Relief Fund (CRF) can also be utilized for purchase of equipment for flood preparedness , mitigation, rescue and relief .</p> <p>According to the recommendations of the 13th Finance Commission, money from the Calamity Relief Fund (CRF) is provided for providing emergency relief to the calamity hit populace. Both the Central and State Governments contribute to this fund at a ratio of 75:25.CRF merged into SDRF.</p>
<p>56. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty</p>			<p>No Refer question 36.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>The SDMA prepares Flood Management /mitigation Plan which will be holistic, participatory, inclusive, ecofriendly and gender-sensitive in nature and the implementation of which will result in a flood-resilient state. The plans will focus on the community and the collective efforts of the government and NGOs.</p>
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p>			<p>No.</p> <p>Historical data like gauge, discharge and rainfall are utilised for the development of techniques for formulation of forecasts on a real-time basis. Forecasts are formulated at the Flood forecast (FF) stations by predicting river stage/inflow with time of occurrence. All the forecasting centers of the Central Water Commission (CWC) have been provided with computer facilities for data processing. The final forecasts are then communicated to the user agencies such as the concerned administrative and engineering authorities of the state/central governments including railways, defence and other agencies connected with flood protection and DM by special messenger/ telegram/wireless/ telephone/fax/e-mail etc. Flood forecasts are also passed on to the All India Radio (AIR), Doordarshan (government owned) and local newspapers for wide</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Socially isolated groups and the very poorest people?			publicity in the affected area. Forecast is disseminated using computer networks and satellite e.g. Internet, e-mail, VSAT, the terrestrial communication network, connectivity of the National Informatics Centre (NIC) etc.
59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			<p>The state governments in collaboration with the Ministry of water resources (MOWR) and CWC will carry out studies aimed at developing watershed models suitable for using remotely sensed information as inputs, in order to predict flood flow under 'inadequate' or 'no data' situations. Efforts will be intensified to evolve more and more mathematical models and use them to introduce better rationality in decision-making processes. The state governments/SDMAs will undertake mathematical model studies for long reaches complemented by physical model studies for problem reaches for Flood Management works of a permanent nature e.g. embankments, spurs, revetments, etc. involving huge costs and having significant impact on river behavior. They will also upgrade the facilities in their respective stations.</p> <p>MOWR will facilitate the preparation of films, manuals and other documents targeting various stakeholders to inculcate a culture of flood safety. State governments will make available flood related information in multiple formats, so that different groups of stakeholders can gather the information relevant to them. State governments/SDMAs will set up websites and portals to disseminate all flood related information to stakeholders groups. This information will include specific details on flood risk and vulnerability of the areas, flood risk mitigation measures and their effects on safety of the built environment.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>60. If communities are involved in EWS, does this law provide that they:</p> <ol style="list-style-type: none"> <li>Assist in the design of local and community EWS?</li> <li>Establish or maintain EWS?</li> <li>Provide information for the EWS?</li> <li>Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ol>			<p>No law but discussed in SDMP.</p> <p>The target groups for capacity development includes NGOs, community-based organisations (CBOs), social activists, social scientists, youth organisations such as National Cadet Corps (NCC), National Service Scheme (NSS), Nehru Yuvak Kendra Sangathan (NYKS), school teachers and school children. Specially designed public awareness programmes will be developed by the state governments/SDMAs/DDMAs for addressing the needs of physically handicapped and mentally challenged people, women and the elderly. The states Police Force, Civil Defence, Home Guards and SDRFs will also be covered by such efforts.</p> <p>The people are made aware of the need to keep special kits containing medicines, torch, identity cards, ration card and non-perishable eatables such as dry fruits, roasted chana etc. ready before commencement of monsoon so that, they can carry the same with them, in case, they have to be evacuated .The community will also be trained for preparation and utilisation of improvised flood rescue devices with household articles. The state governments will proactively support application oriented research and developmental activities to address contemporary challenges, generate solutions, and develop new techniques to improve their sustainability in floods.</p>
<p><b>E. Heat/cold waves?</b></p>			
<p>61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any),</p>			<p>No</p> <p>But as mentioned above in DMA 2005 there should be SDMA and SEC which in coordination with the concerned ministry and department make plan every year with regard to various calamities</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and institutional responsibility. At what level(s) of government is this regulated?			including Heat and cold waves. The institutions involved are state, district , block/tehsil/sub tehsil and village level DMA are established and they work in coordination with each other.
62. Does this law specify how management of this risk is financed? If so, describe.			No refer question 35. There are state and district level response and mitigation fund. There is disaster response fund known as Calamity Relief Fund (CRF) in which both centre and state contribute. Provision are made that every ministry will make provisions in their annual budget for disaster in general.
63. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			No refer question 36.
64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			No refer question 37. State emergency operation centre SEOC are established ensure coordination within State, district and local authorities, SEOC plays a very important role. Its main function in normal times is to Supply of information to the state government State/ District SEOC helps Incident Management Team to meet these conflicting demands.

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			<p>Keeping this in view, Punjab has identified 2 State level Emergency Operations Centres and nine Emergency Operations Centres for all the districts. At present, these Operations Centres are temporarily running in all the Districts. Preparedness activities are the development of local warning and community evacuation plans through community education, evolving local response structures such as Community based Disaster Management Teams (DMT) and administrative preparedness by way of stockpiling of supplies; developing emergency plans for rescue and relief.</p>
<p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ol style="list-style-type: none"> <li>Women?</li> <li>Different cultural or ethnic groups?</li> <li>Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>Socially isolated groups and the very poorest people?</li> </ol>			<p>No refer question 38.</p> <p>The plan contains a series of measures for preparedness in schools, colleges, hospitals, and all other vital institutions and ultimately the community itself. In a disaster management cycle, preparedness shall be the first step. People of a given area are guided to prepare their own coping mechanism. For this the plan includes various activities and reach out to the local level. The SDMA suggests apt and proper methodology for preparedness on regular basis.</p>
<p>66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community</p>			<p>No refer question 39.</p> <p>SDMP is prepared and one of its chief objectives are EWS. And community involvement is basic part of it.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
involvement in EWS?			
<p>67. If communities are involved in EWS, does this law provide that they:</p> <ol style="list-style-type: none"> <li>Assist in the design of local and community EWS?</li> <li>Establish or maintain EWS?</li> <li>Provide information for the EWS?</li> <li>Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ol>			<p>No refer question 40.</p> <p>This system may range from alarms (e.g., for fires), sirens (e.g., for industrial accidents) to public announcements through radio, television etc. (e.g., for cyclones, floods). Other traditional modes of communication (e.g. beating of drums, ringing of bells, hoisting of flags) are also used in inaccessible areas.</p>
<p>68. Describe form of regulation, and institutional responsibility.</p>			<p>SDMA prepare a general DM plan, no specific plan related to this disaster. The State Emergency Operations Centre (SEOC) is hub of all the activities related with disaster response in the State.</p> <p>Relief &amp; Rehabilitation Department/ Department of Disaster Management ,District Office of the District Magistrate, Block Office of the Panchayat samiti, Village Disaster Management Committee. Incident Controller is the officer with overall responsibility for emergency response operations.</p> <p>A three-tiered framework (block/municipal, district and State) exists for implementing response to emergencies. Response arrangements are designed to assess an emergency, and to provide for the graduated marshalling and utilisation of the resources required to deal with it in accordance with the emergency response plan and</p>

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			the plans of participating agencies. At the blocks/municipal/gram panchayat levels, resources owned or under the control of the G.P, block or municipal council will be used to supplement those of the control and support agencies. As the effects of the emergency escalate, or the resource requirements are in excess of what is available locally, district, State and external resources are explored.
<b>F. Insect Infestations?</b>			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No. There are common provisions in the DMS,2005 and please refer questions 35-40 for questions related to this disaster.
70. Does this law specify how management of this risk is financed? If so, describe.			No
71. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
both?			
72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			No
73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			No
74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>75. If communities are involved in EWS, does this law provide that they:</p> <ol style="list-style-type: none"> <li>Assist in the design of local and community EWS?</li> <li>Establish or maintain EWS?</li> <li>Provide information for the EWS?</li> <li>Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ol>			No
<b>G. Landslides and avalanches?</b>			
<p>76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			<p>No refer questions 35-40 for this hazard . It is part of hazard mapping under the DRR programme.</p>
<p>77. Does this law specify how management of this risk is financed? If so, describe.</p>			<p>Refer question 35 Finances are same as discussed above i.e general Funding as for other hazards and no specific funds are there for this specific hazard.</p>
<p>78. Does this law attribute liability for damage caused by:</p>			<p>No Refer question 36</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>			
<p>79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>Yes . Refer question 37 No specific law is there and it works the same way the way other hazards are addresses</p>
<p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons</li> </ul>			<p>No. Refer question 38 Only general system and no specific law or regulation in regard to this very disaster.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
with disabilities? d. Socially isolated groups and the very poorest people?			
81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No
82. If communities are involved in Early Warning Systems (EWS), does this law provide that they: a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			No. Refer question 40.
<b>H. Volcanoes?</b>			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
what level(s) of government is this regulated?			
84. Does this law specify how management of this risk is financed? If so, describe.			No
85. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			No
86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			No
87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No
<p>89. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological</li> </ul>			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
data and analysis)?			
<b>Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation</b>			
<b>I. Drought and related famine?</b>			
<p>90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <p>a. Rain and river water storage, distribution and conservation measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution?</p> <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>			<p>No.</p> <p>The Department of Revenue and Rehabilitation is the nodal agency in regard to natural calamity and is headed by the Financial Commissioner Revenue, who is also the Secretary to Govt. Punjab in respect of Revenue department. For carrying on the work of department of Revenue and Rehabilitation, the State of Punjab has been divided into four divisions namely; Jalandhar, Patiala, Ferozepur and Faridkot and each division is headed by the Commissioner. The main function in regard to calamities is Calamity Relief/Disaster Management fund. Relief and Resettlement in all major accidents/calamities involving substantial loss of life and property.</p>
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated</p>			<p>No.</p> <p>The Department of Agriculture &amp; Cooperation, under the Ministry of Agriculture, Government of India released a manual for drought management in November, 2009. The manual suggests for looking beyond the traditional drought management through famine codes for dealing with situations of mass hunger and collective penury. It focuses on plans which take into account all capabilities of the state to address the impact of drought i.e., focus on mitigation measures, tapping newer technologies, enabling the systems adapt to the new</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>			<p>legal framework and including improvement and area development programmes in drought mitigation.</p> <p>The National Institute of Agriculture and Extension (MANAGE), Hyderabad has been identified to launch a National Project for Integrated Drought Monitoring &amp; Management, with MANAGE as the lead partner. A proposal submitted by MANAGES to implement this national project through available budgetary provisions of Department of Agriculture &amp; Cooperation is under consideration. Another proposal to set up a National Institute of Drought Management is also under consideration of Ministry of Agriculture &amp; Cooperation.</p>
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.			<p>No refer question 35.</p> <p>There is no separate fund in this regard. But it is financed at the centre or state level as already mentioned under the various fund available for disaster management in this regard.</p>
93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?			No separate law.
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine			Same as mentioned in relation to other disasters.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<b>J. Other food security risks?</b>			
<p>95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration).</p> <ul style="list-style-type: none"> <li>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</li> <li>b. At what level(s) of government is this regulated?</li> </ul>			No
<p>96. Does the above law or mandate specify how management of food</p>			No

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
security is financed? If so, describe.			
97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?	Food safety and standards Act, 2006 And Food Corporation of India Act, 1964.  National Food Security bill, 2011		Food safety and standards Act, 2006 And Food Corporation of India Act, 1964 are 2 central legislation in this regard and nothing at the state level.  There is one National Food Security bill, 2011 which is in the pipeline and once parliament passes it ,it will be a Act. This will be the major leap forward in the direction of the Food security in India.  There are specific chapters dealing with the state mechanism in this regard.
98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?			The abovementioned food security bill, 2011 deals with this community participation at various levels.

### Part Three. Early Warning, Hazard Mapping and Risk Information

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>A. Early Warning</b>			
<p>99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law?</p> <p>a. If so, does this include institutional mandates on EWS?</p> <p>b. Which institution(s) are involved and what are their mandates on EWS?</p> <p>c. Is there legal provision for financing of EWS?</p>	DMA,2005	<p>Chapter 4 section 30</p> <p>Chapter 5, Section 38</p>	<p>Power and functions of District Authority: 30 (xiv) set up, maintain, review and upgrade the mechanism for early warnings and dissemination of proper information to public; Section 38 (h) (i) specifically deals with EWS.</p> <p>a. Yes</p> <p>b. Yes. Section 38 (i) (j):</p> <p>i. ensure that different departments of the Government of the State and the District Authorities take appropriate preparedness measures;</p> <p>j. ensure that in a threatening disaster situation or disaster, the resources of different departments of the Government of the State are made available to the National Executive Committee or the State Executive Committee or the District Authorities, as the case may be, for the purposes of effective response, rescue and relief in any threatening disaster situation or disaster.</p> <p>c. Yes, refer questions 24 and 35</p>
<p>100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.</p>			<p>No specific section envisages about it but it has been detailed in the Plan.</p> <p>The objective of information management is to provide the right information to the right person at the right time in the right format. During emergency response activities information is needed by all participating agencies, persons affected and the wider community and provisions are made in this regard in the plan.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
101. Does EWS regulation provide for community-based early warning data collection? Describe.			No. Specific details are given in the SDMP.
102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.			No. Nothing is given in the legislation but the SDM Plan is people Centric. No data provided as per the DMP. Warning dissemination will be taken up at the earliest in vulnerable pockets in local languages/ dialects with clear advice of what the people should do before the impending emergency- whether they should stay indoors, get ready to evacuate or evacuate etc.
103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:  a. geographical coverage of telecommunications to include remote and/or at-risk areas?  b. priority access to communications technology for at-risk communities and responders to disaster?  c. access for vulnerable groups such as the elderly and persons with disabilities?  d. Support for early warning systems?			No
104. Does the above law impose, or			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <p>a. Generally throughout the territory?</p> <p>b. In specified areas?</p> <p>c. Under specified circumstances?</p>			
<b>B. Risk identification, assessment and monitoring</b>			
<p>105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?</p>			<p>DM Plan of Punjab, 2011 details about collection and distribution of information on hazards and risks (risk mapping).</p> <p>NDMA AND SDMA and DDMA are responsible agencies at the national ,state level and district level. National and state crisis management group (NCMG/SCMG)</p> <p>Emergency Operation Centre (EOC) is an offsite facility which will be functioning from the State / District headquarters and which is actually an augmented control room having communication facilities and space to accommodate the various Emergency Support Functions. It is a combination of various line departments of Government and other agencies, whose services are generally required during incident response, It will allow all collaborating agencies and departments inside and outside EOC environment to share information, make decisions, activate plans, deploy IRTs, perform and log all necessary response and relief activities and make the EOC effective.</p> <p>The people / agencies will be briefed of the status of disaster, the most affected areas and the key agencies and personnel in the affected District(s). It will also coordinate and handle the relief</p>

<b>3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
			material received from National and International agencies as a priority task.
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?			No
107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?	Census Act, 1948	Section 4 (1) (2)	Act envisages the establishment of Census Commissioner at the centre and census officer appointed by state government . And latest data collected is 2011. No specific collection of data in high risk area in the state.
<b>Part Four. Regulation of the Built Environment</b>			
The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.			
<b>A. Building Codes</b>			

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.			
108. Is there a national building and construction law? If so, what authority is responsible for its implementation?			<p>At state level there is no building and construction law.</p> <p>At national level, Bureau of Indian Standards (BIS) prepared NBS,2005. BIS is the National Standards body functioning under the aegis of Ministry of Consumer Affairs, Food and Public Distribution, Govt. of India.</p> <p>The National Building Code of India (NBC) 2005, a comprehensive building Code, is a national instrument providing guidelines for regulating the building construction activities across the country. It serves as a Model Code for adoption by all agencies involved in building construction works be they Public Works Departments, other government construction departments, local bodies or private construction agencies.</p> <p>There are various by-laws at the various cities dealing with the subject matter.</p>
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			<p>No.</p> <p>The Ministry of Home Affairs, Government of India constituted an Expert Committee to develop Model Building Bye-laws and Review the existing Town and Country Planning Acts and develop Control Zoning Regulations/Building Bye-laws. And the report is recommended to be implemented in the states. At the local level, the Municipal Authorities and Panchayat regulate the development/ construction of buildings through the building regulation/building bye-laws as followed in their respective areas.</p> <p>The State Government from time to time issues</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			directions/guidelines for safety against natural hazards, which are followed by local bodies while granting permission for construction of buildings/structures. The Punjab Urban Planning and development authority is the prime agency in this regard.
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.	NBC,2005		<p>The NBC,2005 is recommendatory and advisory in nature and not mandatory. Yes they cover all the areas given.</p> <p>The regulations for land use zoning for natural hazard prone areas are notified by Town and Country Planning department as applicable in the State as and when Master Plan/ Development Plan of different cities/towns/areas are formulated. These zoning regulations are implemented through the provisions of Development Control Regulation/Building Byelaws.</p> <p>A detailed guideline for land use zoning has been prepared with an objective to regulate land use in hazard prone areas to minimise the damage caused to the habitat, as a result of natural hazards viz. earthquakes, cyclonic storms, landslides and floods which reoccur from time to time.</p>
111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?	Whereas PUDA( Building) rules 1996 (hereinafter called the Rules) were framed under the Punjab Regional and Town Planning and Development Act 1995 (Punjab Act no11 of 1995)		<p>Under this law, planning and plan implementation have been combined together so that a single agency could undertake both these functions.</p> <p>The Punjab Urban Planning and Development Authority (PUDA) is Punjab's elite institution for the development of balanced urban growth. Established in July 1995, During 2006-07 Six Regional Development Authorities have been established for planning &amp; development of areas in their respective jurisdiction. PUDA working as an umbrella over these Regional Development Authority, prepares long term strategic plans, as well as detailed local-area</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
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			plans, for physical development, and then co-ordinates and guides efforts to bring these plans to reality.  Department of housing and urban development and Department of Town and Country Planning are the relevant departments in this area.
112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to: a. New buildings? b. Renovations / extensions of existing buildings? c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?	the Punjab Regional and Town Planning and Development Act 1995 (Punjab Act no11 of 1995)	Chapter XVI , Inspection and Penalties	Yes, the relevant provision is extracted below: “ 155.(1) The Authority may authorise any person to enter into or upon any land or building other than the land or building owned by the Central Government or the State Government with or without assistants or workmen for the purpose of,- (a) making any enquiry, inspection, measurement or surveys or taking levels of such land or building ; (b) examining works under construction and ascertaining the course of sewers and drains ; (c) digging or boring into the sub-soil ; (d) setting out boundaries and intended lines of work ; (e) marking levels, boundaries and lines by placing marks and cutting trenches ; (f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations made thereunder ; and (g) doing any other thing necessary for the efficient administration of this Act;.....”
113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which		Chapter XVI	Refer Question 113  Section 157: Except as otherwise provided for in this Act, any contravention of any of the rules or regulations made thereunder shall be punishable with fine which may extend to five hundred

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

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institution(s) have responsibility for this?		Sections 157, 158	<p>rupees, and in the case of continuing contravention, with an additional fine, which may extend to fifty rupees, for each day during which such contravention continues after the first conviction and the court, while passing any sentence on conviction of any person for the contravention of any rule or regulation, may direct that any property or part thereof, in respect of which the rule or regulation has been contravened shall be forfeited to the Authority: Provided that if a building is begun, erected or re-erected in contravention of any of the building regulations, the Chief Administrator shall be competent to require the building to be altered or demolished by a written notice delivered to the owner thereof, within six months of its having been begun, or having been completed, as the case may be, and the notice so delivered shall also specify the period during which such alteration or demolition has to be completed and if the notice is not complied with the Chief Administrator shall be competent to demolish the said building at the expense of the owner :Provided further that the Chief Administrator may instead of requiring alteration or demolition of any such building, accept by way of compensation such sum as he may deem reasonable.</p> <p>Section158. Any person who contravenes the provisions of this Act, for the contravention of which no penalty is expressly provided elsewhere in this Act, shall, on conviction be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to five thousand rupees, or, with both.</p>
114. Do the building regulations have special standards or requirements	Punjab govt (extra.) July 2,1996 (asadha 11-1918		For States, such Central laws are advisory and recommendatory in nature. Taking this legislation as Model, other State Governments formulate the rules and regulations with the help of local bodies,

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<p>for:</p> <p>a. schools?</p> <p>b. hospitals?</p> <p>c. fire stations?</p> <p>d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?</p>	<p>saka) government of punjab department of housing and urban development notification</p> <p>The 27th June ,1996 READ WITH BIS</p>		<p>under the various legislations. After the approval, the concerned local bodies enforce these rules and regulations pertaining to development and building standards as building regulations/building bye-laws in their respective areas.</p> <p>a. Yes</p> <p>b. Yes</p> <p>c. Yes</p> <p>d. Yes</p>
<p>115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify &amp; describe.</p>	<p>Refer Question 113 and 115</p>		<p>Yes</p> <p>State Governments formulate the rules and regulations with the help of the local bodies, under the various legislation. After the approval, the concerned local bodies enforce these rules and regulations pertaining to development and building standards as building regulation/building bye-laws in their respective areas.</p>
<p>116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify &amp; describe.</p>	<p>The Punjab Apartment Ownership Act, 1995 (Punjab Act No. 13 of 1995)</p>		<p>Yes.</p> <p>At Federal level also create an appropriate Techno-legal regime in the country and effective enforcement mechanism, the Ministry of Home Affairs, Government of India constituted an Expert Committee to develop Model Building Bye-laws and Review the existing Town and Country Planning Acts and develop Control Zoning Regulations/Building Bye-laws. They are recommendatory and state government take steps to implement it.</p>
<p>117. Do the building laws/regulations include small self-built constructions? Identify &amp; describe.</p>	<p>Refer question 113</p>		<p>Not specifically mentioned.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g.</p> <p>a. the extent of regulation?</p> <p>b. the level of government at which it is regulated?</p> <p>c. other?</p>			No
<p>119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?</p>			No. Not clearly mentioned anywhere.
<p>120. Do the building laws/regulations include:</p> <p>a. Inspections?</p> <p>b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to</p>	Refer question 113		<p>a. Yes</p> <p>b. No incentives are not given but there are provisions are making is disaster resistant.</p> <p>Disaster prevention is defined to encompass activities designed to provide permanent protection from disasters; which will include engineering and other physical protective measures, and also legislative measures controlling land use and urban planning. The goals of prevention is (a) to ensure that all new buildings are designed and constructed with proper engineering intervention taking due care for safety against natural hazards in urban as well as</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>fortify buildings)? If so, what form of regulation and which institution(s) have responsibility for this?</p>			<p>in rural areas so that no unsafe buildings are added to the huge existing stock of unsafe buildings; (b) to ensure upgrading the safety of buildings in the public sector by retrofitting techniques and encourage similar action regarding buildings in the private sector. National standards/codes on disaster resistant structures including the National Building Code of the country are second to none in technical contents. However, to make their use mandatory, proper enabling provisions are required in the legal framework of the country. Laws pertaining to planning, development and building construction are very important to achieve planned and safe development in urban and rural areas. Building standards/regulations are derived from various laws pertaining to planning and development of different states.</p>
<p>121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) &amp; mandate(s).</p>			<p>Yes The constitution of a State Regional and Town Planning and Development Board, for guiding and directing the planning and development processes in the State; for Constitution of a State Urban Planning and Development Authority, Special Urban Planning and Development Authorities and New Town Planning and Development Authorities.</p>
<p>122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?</p>			<p>No</p>

#### B. Land Use Planning Laws

The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).</p>			
<p>123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?</p>	<p>Punjab Regional and Town Planning and Development Act, 1995 (Punjab Act No.161 of 1995)</p> <p>the Punjab Urban Planning and Development Authority (Building) Rules, 1996.</p>	<p>Chapter X Section 70(1) (b),(d)</p>	<p>Yes</p> <p>The Punjab Urban Planning and Development Authority under the act is competent authority in this regard which functions under Department of housing and urban development.</p> <p>“.....(m) <i>“Competent Authority”</i> shall mean any person or authority appointed by the State Government, by notification, to exercise and perform all or any of the powers and functions of the competent authority under this Act :</p> <p>Provided that in relation to an area falling within the jurisdiction of a Municipality or a Municipal Corporation the powers of the Competent Authority under Chapter XI of this Act, except the powers in respect of change of land use exercised under section 81, shall be exercised and performed by the Municipality or the Municipal Corporation in whose jurisdiction such an area falls ;</p> <p>“.....70.(1) As soon as may be after the declaration of a planning area and after the designation of a Planning Agency for that area, the Designated Planning Agency shall, not later than one year after such declaration or within such time as <i>*[the State Government may, from time to time, extend, prepare and submit to the State Government for its approval a plan (hereinafter called the “Master Plan”)]</i> for the planning area or any or its part and the <i>** [.....]</i> Master Plan so prepared shall –</p> <p>(b) allocate areas or zones of land for use for different purposes ;</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			(d)indicate, regulations (hereinafter called “Zoning Regulations”) to regulate within each zone the location, height, number of storeys and size of buildings and other structures open spaces and the use of building, structures and land.....”
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?			Refer question 124
125. Does the land use planning and/or zoning law include processes for: a. Formal release of land for new developments? b. Approval of each new urban development? c. Approval of major commercial developments?			Yes. Refer question 124  The Punjab Regional and Town Planning and Development Board , the Punjab Urban Planning and Development Authority , special Urban planning and development authority and new town planning and development authority are various authorities under this Act.  a. Yes b. Yes c. Yes
126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?	Punjab Regional and Town Planning and Development Act, 1995 (Punjab Act No.161 of 1995)		No specific mention in the act but is taken care under the city specific Master Plans.
127. Does the planning / zoning law include public open space for evacuation?			Refer question 123  Various sections dedicated to open space but nothing specified in special reference to evacuation.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?			No
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?		Section 2(p)	Refer question 123 Yes. “.....2(p)“engineering operations” include the formation or laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage, or of electricity cables or lines or of telephone lines or any other communication lines of cables ;....’
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?			No specific mention but street width and emergency services are dealt with in Master Plan.
131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?			No. Urban and rural settings are both dealt with under the above mentioned Punjab Regional and Town Planning and Development Act, 1995 (Punjab Act No.161 of 1995)
132. Does the planning / zoning law include any other matters relevant to			No

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
disaster risk reduction?			
<b>C. Land tenure</b>			
<p>133. Is there a national system of land title registration established under law?</p> <p>a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law?</p> <p>b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?</p>	The Registration Act, 1908		<p>It extends to whole of India. And Punjab also follows the same. The Department of Revenue at the state is a nodal agency .</p> <p>a. No</p> <p>b. Efforts are made to computerize record from 2011.</p>
<p>134. Are there institutions mandated to survey land and/or register title? Does this mandate:</p> <p>a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</p> <p>b. establish a timeframe for the conclusion of land mapping?</p> <p>c. allocate resources for land mapping?</p>			No

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <p>a. Women?</p> <p>b. All ethnic or religious groups?</p> <p>c. Non-nationals?</p>			<p>a. Yes</p> <p>b. Yes</p> <p>c. Yes. A foreign citizen who is a resident of India can buy and sell properties without prior approval from the Reserve Bank of India.</p>
<p>136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.</p>			<p>Refer question 134</p> <p>There is Federal law in this regard as mentioned above.</p>
<p>137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.</p>			<p>No</p>
<p>138. Is there legislation or case law that recognises land tenure as a result of occupation, such as:</p>	<p>The limitation Act ,1963</p>	<p>Section 27 read with</p>	<p>Yes.</p> <p>a. Yes</p> <p>b. Yes</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?</p> <p>b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?</p>		Article 64 and 65	<p>Case law:</p> <p><i>Hemaji Waghaji Jat v. Bhikabhai Harijan</i> (2008):</p> <p>"...the law of adverse possession which ousts an owner on the basis of inaction within limitation is irrational, illogical and wholly disproportionate. The law as it exists is extremely harsh for the true owner and a windfall for a dishonest person who had illegally taken possession of the property of the true owner..... This in substance would mean that the law gives seal of approval to the illegal action or activities of a rank trespasser or who had wrongfully taken possession of the property of the true owner....In our considered view, there is an urgent need of fresh look regarding the law on adverse possession."</p> <p>This view was reiterated in <i>State of Haryana v. Mukesh Kumar</i> (2011), this time going further: "<i>The doctrine of adverse possession has troubled a great many legal minds. We are clearly of the opinion that time has come for change. If the protectors of law become the grabbers of the property (land and building), then, people will be left with no protection and there would be a total anarchy in the entire country.</i>"</p>
139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?			No

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include:</p> <ul style="list-style-type: none"> <li>a. risk reduction from natural disasters?</li> <li>b. land to be kept for evacuation or emergency or transitional shelter?</li> </ul>	<p>The Land Acquisition (Punjab Amendment) Act, 1962 Punjab Act 7 of 1962 The Punjab Public Premises and Land (Eviction and Rent Recovery) Rules, 1974</p>		<p>Yes</p> <ul style="list-style-type: none"> <li>a. No</li> <li>b. No</li> </ul>
<p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <ul style="list-style-type: none"> <li>a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</li> <li>b. Are such tribunals or mechanisms available throughout the territory, including in rural areas?</li> </ul>			<p>No</p>

#### D. Informal and precarious settlements

Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p>			
<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or</p>	<p>The Slum Areas (Improvement and Clearance) Act, 1956</p>	<p>Section 2(h)</p> <p>Chapter IV</p> <p>Section 9: Power to declare any slum area to be clearance area,-</p>	<p>“....(h) 'slum clearance' means the clearance of any slum area by the demolition and removal of buildings there from ; and...”</p> <p>a. “.....Section 9:Where the competent authority upon a report from any of its officers or other information in its possession is satisfied as respects any slum area that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area <i>the</i> authority shall by an order notified in the Official Gazette declare the area to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the provisions of this Act : Provided that any building in the area which is not an habitation or dangerous or injurious to health may be excluded from the declaration if the authority considers it necessary. (2) The competent authority shall forthwith transmit to the I[State Government] a copy of the declaration under this section together with a statement of the number of persons who on a date specified in the statement were occupying buildings comprised in the clearance area...”</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
relocated?		Section 19	<p>b. “.....19 :Tenants in slum areas not to be evicted without permission of the competent authority. -(/) Notwithstanding anything contained in any other law far the time being in force, no person who has obtained any decree or order for the eviction of a tenant from any building in a slum area shall be entitled to execute such decree or order except with previous permission in writing of the competent authority.</p> <p>c. No</p> <p>d. Sections 4,5,7,12.27.28.31,33 etc. deals with notice.</p> <p>e. Section 19</p>
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this</p>	The Punjab Slum Areas (Improvement and Clearance) Act, 1961 . Act 24 of 1961		<p>NO. But state government has power to issue notifications in this regard as and when required.</p> <p>The law talk about redevelopment of slum areas.</p> <p>a) No regularization mentioned but the government by notification can do so if and when it deem necessary.</p> <p>b) No</p> <p>c) No</p> <p>d) No</p> <p>e) No</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>			
<p>144. Does any law require that informal settlements are included in:</p> <p>a. Early Warning Systems?</p> <p>b. Community based DRR education and training?</p>			<p>No specific law but the DRR plan ,2011 for the state discusses it .</p> <p>a. Yes</p> <p>b. Yes to all till the last step of administrative framework, irrespective of their official legal status.</p>
<p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <p>a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)?</p> <p>b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?</p>	<p>Draft Slum Dwellers' Act, 2011</p>		<p>No. Only draft is there.</p> <p>The Chandigarh Housing Board (CHB) has sought changes in ownership rights. While the Act says that a slum dweller who has been rehabilitated by the government would get the ownership of the dwelling space seven years from the date of allotment, the CHB wants it to be a period within a period of 15-20 years for the UT.</p> <p>According to the recommendation, a slum dweller can sell a flat to the government within 15 years of allotment but cannot sell it off to any other person. Also, only after 20 years can he get the ownership right and then indulge in sale and purchase of the property. For starters, the CHB will write to include definitions of family, economically weaker sections and the lower income groups, which</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			are not in the current Act. The CHB has also recommended including 'flat' as part of the building definition in the Act as one of the many rehabilitation projects of the board include construction of flats. The current definition defines house, outhouse, stable, shed, hut and other structures.
<b>E. Urban Water and Flood Management</b>			
146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?			No national law, but water policy. It is a national subject.
147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?	National water policy, 1987 revised by 2002 Standard operating procedures, dept. Of revenue, rehabilitation and disaster management		<p>Water Supplies and Sanitation (Public Health Engineering &amp; Rural Water Supply &amp; Sanitation)</p> <p>Emergency Support Function is to identify water and ice needs and restore basic water supply if damaged, in the aftermath of a disaster or emergency. Till the time water supply to the damaged areas is restored water requirements need to be arranged by the ESFs and distributed either using their own transportation mechanisms or in coordination with transportation agencies.</p> <p>The nodal agency in this regard is Department of Water Supply and Support agencies are as follows: Municipal Corporation of Punjab, Central Ground Water Authority, Central Water Commission, Punjab Water Supply and Sewerage Board and Irrigation and Flood Control Department, NGOs and Fire</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			Control. Quick response team(QRTs) will ensure that supply of drinking water is made available at the affected site and relief camps Arrange for alternate water supply and storage in all transit camps, feeding centers, relief camps, cattle camps, and also the affected areas, till normal water supply is restored. • Ensure that potable water supply is restored as per the standards and procedures laid down in “Standards for Potable Water”.
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?			No specific law in this regard.
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?			It is dealt with in the disaster management plan . State water supply department is the nodal agency. Each district of Punjab State has made Contingency plans for floods in which flood protection and drainage system, flood causes and intensity, flood prone areas, flood protection works, flood preparedness, etc is explained. The collector or the emergency officer so allotted shall himself look to these arrangements in the month of July to September.

#### Part Five. Regulation of the Natural & Rural Environment

Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.			
<b>A. Human Risks in Environmental Change</b>			
150. Is there legislation on environmental protection? If so, what institution has responsibility?	Environment protection Act ,1986		Ministry of environment and forest at the centre and has regional offices at state level.
151. Does the above mandate include environmental management from the perspective of: a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock?			Yes. state level impact assessment authority which looks into impact on human population also. a. Yes b. Yes Awareness generation regarding various plant diseases, alternate cropping practices in disaster-prone areas, Crop Insurance, provision of credit facilities, proper storage of seeds, etc. v Hazard area mapping (identification of areas endemic to pest infections, drought, flood, and other hazards).Develop database village-wise, crop-wise, irrigation source wise, insurance details, credit facilities, etc Regular monitoring at every level till Panchayats.
152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?	the notification no. S.O. 1533(E) dated 14.9.2006 issued by the Ministry of Environment and Forest, Govt. of India, New Delhi framed under Environment (Protection) Act, 1986		Yes. The responsible Central ministry is ministry of environment and forest. At state level the responsible authority is State Level Environment Impact Assessment Authority, Punjab ,Punjab Pollution Control Board, and to stream line the environment clearance task, Environmental Information Centre (EIC) has been set up. EIC caters to the need of creating and disseminating of organized environmental data for various developmental initiatives all over the

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>country.</p> <p>It is mandatory on the part of the promoter to obtain environmental clearance under the provisions of the notification no. S.O. 1533(E) dated 14.9.2006 issued by the Ministry of Environment and Forest, Govt. of India, New Delhi framed under Environment (Protection) Act, 1986 before starting development activities of any building / construction projects / area development projects and townships covered under category 8 (a) and 8 (b) of Schedule annexed with the said notification.</p>
<p>153. If there are EIAs, do the criteria include:</p> <ul style="list-style-type: none"> <li>a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security?</li> <li>b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?</li> </ul>		<p>Department of Science, Technology, Environment and non-conventional energy</p>	<p>Refer question 151</p> <ul style="list-style-type: none"> <li>a. Yes As per the 14.9.2006 notification mentioned above All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and manmade resources</li> <li>b. Yes. There is department of science, technology, environment and non-conventional energy.</li> </ul>
<p>154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial</p>			<p>Refer question 150</p> <p>Ministry of Environment and forest at the centre works in this direction and have regional offices at state level.</p> <p>There is no specific mention of this task anywhere in the disaster management plan or otherwise. And a report on “state of environment Punjab, 2007” also deals with it.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
sites during flooding, or control of extraction methods to manage flooding and/or erosion?			
<b>B. Forests</b>			
155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility?	The Indian Forest (Punjab Amendment) Act, 2004 (Punjab Act No. 21 of 2004		Yes. The relevant authority is Divisional Forest Officer.
156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as: a. prevention of wildfires? b. deforestation and erosion relevant to prevention of landslides and floods? c. other hazards, (such as encroachment by wildlife into agricultural land or villages)? Describe the scope.			a. No b. No c. No All these issues are deal with in detail under Disaster management plan 2011
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
158. Does the law provide for use, conservation or management of forests and their resources by communities?	The Schedule Tribe and other Traditional Forest Dwellers (Recognition of forest Rights Act), 2006, The forest conservation act, 1980, The Indian Forest Act, 1927		No. This is dealt with under the Central acts.
<b>C. Rivers and watercourses</b>			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?			No
160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as: a. Riverbed management relevant to flood prevention and mitigation? b. Water storage and distribution for human, agricultural and industrial consumption in rural areas? Describe the scope.			No
161. Does the law recognize customary laws and practices as to the use and			No

<b>3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
management of rivers and their resources?			
162. Does the law provide for use, conservation or management of rivers and their resources by communities?			No
<b>D. Drought and food security</b>			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?			No
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			N/A
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?			No, but discussed in SDMA

#### 4. Information management and exchange, community level DRR education & awareness

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			No
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to</p>			<p>No, a body regulates it.</p> <p>Population commission of India established by government of India on 11<sup>th</sup> may 2000.</p> <p>a. Established by Central government notification</p> <p>b. Yes</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
the data?			
168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?			No education law specifically deals with it but the disaster management plan of the state deals with it in Chapter IV specifically. It requires the inclusion in curriculum of school the DRR module. And also discuss at various places in detail requiring the DRR education till community level.
169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR? a. If so, which authorities and what are they required to do? b. In particular does it require DRR education in schools?	SDMA		Yes there is disaster management plan which is prepared every year and public authorities under it do conduct public education and awareness on DRR till the village level and to communities also by supplying the printed material also.  a. ministry of education, ministry of disaster management, the department of revenue rehabilitation and disaster management b. yes. made it part of curriculum.
170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?			Yes Preparedness under supervision of SDMA till village level.
171. Does legislation provide for any			Refer question 14

**4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?			
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?			<p>Yes detailed in PLAN: to incorporate DRR modules into the school curriculum, to construct all new schools located in hazard-prone areas to higher standards of hazard resilience as has been attempted under “Safe School” programme.</p> <p>To add features in schools in hazard prone areas for use as emergency shelters such as facilities for water, sanitation and cooking as envisaged in coastal areas as possible cyclone shelters.</p>
<p>173. Does any law provide for community-level results in DRR, such as:</p> <ul style="list-style-type: none"> <li>a. Natural disaster warnings that extend to community level?</li> <li>b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters?</li> <li>c. Community involvement in land-use and urban planning?</li> <li>d. Community involvement in and education concerning building codes?</li> </ul>			<p>Recognition of efforts is one of the best incentives that promotes and attracts many to emulate the good practice in implementing DRR in development. It also acts as stimulant for the recipients to carry on the good work and innovate ways the efforts will have far reaching results across the society. Numerous such examples can be cited from drought management and poverty alleviation programmes that are being implemented in western part of India and have received international accolades.</p> <ul style="list-style-type: none"> <li>a. Yes</li> <li>b. No</li> <li>c. No</li> <li>d. No</li> </ul>

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