

## **Cooperative Federalism in Context of Disaster Management: With Special Reference to the Kerala Floods, 2018**

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**Indian Federalism** is largely known as **Cooperative Federalism**. A confluence has always existed between the **centre** and the **states** in India. There are various institutions looking and coordinating into the issues erupting continuously in various sectors of **cooperative** administration. One of the largest and overlooked issues in the Indian Federalism is- **DISASTER MANAGEMENT**. The entire research paper analyzes the cooperative and hindering sectors during the violent tides and severe storms with special focus on the **Kerala Floods, 2018**. Emphasis is laid on the coordinating efforts of the central and the state authorities which largely inflicted the lives of the affected citizenry reducing them/ upgrading them as the victims/winners in the harsh climatic revenge especially during the recent Kerala crisis. The role of **Public Agencies** is also studied which assist in reducing the distance in the policies of the central and state governments. Finally the paper brings out the suggestions and recommendations for the maintenance and betterment of the cooperative structure of the Indian Federalism.

**Key Words:** Indian Federalism (IF), Cooperative Federalism (CF), Disaster Management (DM), Public Agencies (PA).

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### **Objective**

- To highlight the cooperation of the union and the units, as a part of cooperative federalism, during the Humanitarian Crisis in Kerala, 2018.
- To analyze the role of Community Cooperation in bridging the gap between centre-state cooperative efforts.

### **I. METHODOLOGY**

The research work primarily focuses on the implications of **Cooperative Federalism** in the field of **Disaster Management**. The data is primarily based on telephonic conversations, audios and videos of the affected citizens, clips of the researchers working in the crisis hit Kerala. Secondly data is collected from the fresh government reports, the NGOs works, Internet, newspapers and magazines. The collected and analyzed data has local and universal acceptability.

### **II. COOPERATIVE FEDERALISM IN CONTEXT OF DISASTER MANAGEMENT: WITH SPECIAL REFERENCE TO THE KERALA FLOODS, 2018**

The modern governments today are characterized by democratic division of powers. De- centralization of power and functions is a major feature of developing and evolving political systems today. India, the **world's Largest Democracy** incorporates the spirit of de-centralization/ federalism in its spiritual, social, legal, political and economic **Doctrine- The Constitution**.

The **Indian Constitution** federalizes (division of power) the **Union's power** into-

- **Geographical/ territorial** sectors. (**Article- 245**)
- **Functional** division of powers. (**Article- 246**)

The **Seventh Schedule** mentions the **three lists** which are distributed between the **Union** and the **States**. The union and the states are autonomous on the subjects mentioned in the lists. (Exception- **National Interest**). The three lists are-

- Union List
- State List
- **Concurrent List**

The **Concurrent List** that carries **47 entries** is a profound example of **Cooperative Federalism**. **Granville Austin** (an eminent scholar from **United Kingdom**) propounded the word **Cooperative Federalism** for the **first time** in context of the **Indian Federalism**. Indian federalism, despite a **strong Union**, is termed **Cooperative Federalism**, due to its **functional harmonic** nature among the states and between the centre and the states.

However, a confluence is always noticed among the states and sometimes between the union and the states (units) in the Indian federation. Various **federalism promoting** and **redress institutions** were established in India to administer the differences between the units and the union. Like- **Finance Commission** (Fiscal Federalism, Article- 280), **Inter- State Council** (Article- 263), **NCTC** (National Counter Terrorism Centre), **Zonal Councils** (1956), **North- Eastern Councils** (1971), **NITI Ayog**, etc.

One of the most narrowly discussed sectors in the context of **Cooperative Federalism** is **Disaster Management**. It is that one sector which requires a healthy, pro-active, innovative and efficient **institution**, promoting cooperation and autonomy in decision making. Disaster Management since **Independence** (1947) has transformed from an **Activity Based Reactive Setup** to a **Pro- active Institutionalized Structure**. It adopted a **multidimensional** paradigm from a mere **relief centric** approach. The **Permanent Institution of Disaster Management** for the **first time** came up in **1990** under the **Ministry of Agriculture**. Following many catastrophic Disasters like- **Latur Earthquake** (1993), **Malpa Landslide** (1994), **Orissa Super Cyclone** (1999), **Bhuj Earthquake** (2001), the Disaster Management division was shifted from the **Ministry of Agriculture** to the **Ministry of Home Affairs** in the year **2002** on the recommendation of **J.C Pant Committee**.

#### **PARADIGM SHIFT**

After the disastrous **Tsunami** (2004) the **Government of India** on **23<sup>rd</sup> December, 2005** enacted the **Disaster Management Act- 2005** which eventually led to the formation of-

- **NDMA** (National Disaster Management Authority)
- **SDMA** (State Disaster Management Authority)
- **DDMA** (District Disaster Management Authority)

The Government acknowledged the need for an **Integrated Disaster Management Policy**. The **Primary Responsibility** for acting in a disaster rests with the **State Government**.

- **National Policy on Disaster Management – 2009**

**NDMA** presented a new Disaster policy in 2009. The policy had a broad vision. It urged for a holistic, pro-active, multi-dimensional, innovative and technologically advanced approach at all the stages of prevention, mitigation, preparedness and response.

- **National Disaster Management Plan- 2016**

The government of India for the first time released its **first National Disaster Management Policy** in **2016**. It aimed to create **India** as a **Disaster resilient, advanced in Disaster Risk Reduction Techniques, reduction in loss of life and livelihood, assets**, etc by all means and in every field. It is aligned with the goals of **Sendai Framework for Disaster Risk Reduction**, the **Sustainable Development Goals** (SDG- 2015 to 2030) and the **Paris Agreement on Climate Change at COP-21**.

#### **Cooperative Federalism and the KERALA FLOODS, 2018**

The recent **Humanitarian Crisis, 2018**, in **Kerala** required an efficient and responding cooperative federalism/ decentralization. Kerala is the **southernmost** state of India. The year was a challenge for the wise citizens of Kerala, as the state was engulfed with the natural calamities one after the other. Like-

- The outbreak of **Nipah virus**.
- The hitting of **Ockhi cyclone**.
- The state faced the most devastating **floods** after **1924**.

**Kerala** is one of the most prosperous and literate states of India. But, at the behest of the natural calamities, it was in need of pro-active measures from the state as well as the union machinery.

#### **The Destruction caused by Kerala Floods, 2018**

- Kerala has suffered a loss of **20,000 crore rupees**.
- Over **2.12 lakh** women, children below **12 years** of age, over **10.78 lakh** people were shifted in shelter homes.
- **Cochi International airport** suffered an estimated loss between **Rs. 220-250 crores**.
- Over **400** people died and **one million people** were sharing shelter homes.
- Kerala's main economy is **Tourism** and it fears a **decline of 4-5%**.
- **Idduki**, some parts of **North Kerala** and **Palakkad** bore the brunt of floods as well as **Landslides**.
- **Pathanamthitta, Alappuzha, Ernakulum** and **Thrissur** were hardest hit regions.

## **Cooperative Federalism**

### **Centre cooperating, the State**

- **Rs. 600 crore** were immediately disbursed by the centre from **National Disaster Response Fund** (NDRF) for relief and restoration. Reconstruction work was dealt separately.
- The union supplied **100 tons of pulse** to Kerala immediately. The supply continued for **8 tons of pulse** every day.
- Kerala govt. had requested the union govt. to enhance the borrowing limit from **3% State Gross Domestic Product (SGDP)** to **4.5%** and had sought permission to impose a **cess of 10%** of state GST. The demand was considered favorably by the union government.
- The state appealed to send ready food and skilled people like- the electrician, plumber, carpenter, etc to assist the **10 lakh** rehabilitees.
- The centre promised to extend the necessary funds for the state after the assessment by the team.
- The **Prime Minister** announced an **ex-gratia of Rs. 2lakh per person** to the next of kin of the deceased and **Rs. 50,000** to those seriously injured from **Prime Minister National Relief Fund (PMNRF)**.
- **Relief products** from foreign lands were made **Custom Free** and the **International GST** was **not charged**.
- According to the **Home Ministry**, the centre deployed **40 helicopters, 31 air- crafts, 500 boats, 182 rescue teams and 18 medical teams** of NDRF and **7 companies** of **central paramilitary forces**. Together they saved around **60,000 lives**.
- The **Indian Navy** undertook reconstruction work in two flood hit areas of Ernakulum district.
- The state also requested the union to make a onetime exception to the **14 year policy** of not accepting foreign aid in the face of devastating natural calamity in Kerala.
- A total of **58 teams** of the force were deputed to work in Kerala, out of which **55 teams** were working on the ground. This was the **highest ever deployment** of NDRF in a single state.
- The **Department of Food and Public distribution** made available **50,000 metric tons** of food grains to meet the requirement.
- The **Department of Consumer Affairs** made arrangements to airlift **100 metric tons** of pulses with additional quantity sent by the train.
- The **Petroleum and Natural Gas Ministry** made available **9300 Kilolitres** of Kerosene to Kerala. The LPG bottling plant in Kochi was reopened.
- **Ministry of Health and Family Welfare** airlifted **60 tons of emergency medicines. Doxycycline tablets** were distributed to the volunteers and the people to protect them against **leptospirosis**.
- The **Railways** provided blankets and bed sheets to meet the immediate requirement. Moreover, it ran **two special trains** from **Thiruvananthapuram** to **Kolkata** and **Ernakulum**. **Indian Railways** also supplied **7.6 lakh liters** drinking water to the state.
- **Air India** lifted material without any cost.
- The **National Crisis Management Committee (NCMC)** was reviewing armed forces, NDRF and other ministries.
- The **Western Naval Command** sent its fleet tanker **INS (Indian Naval Ship) Deepak** from **Mumbai** to **Kochi** with nearly **8 lakh liters of portable water**. **INS Mysore** also served the state.
- The **IAS Officers- Sri. G Rajamanikyam** and **Sri. NSK Umesh** in **Wayanad** unloaded the rice bags manually to distribute them in the relief camps.

### **States (Units) cooperating Kerala**

- The **Tripura** government assisted Kerala with an amount of **one crore** rupees.
- As a part of **Resource Mobilization**, Kerala held discussion with **West Bengal** to help them rebuild the state. A **West Bengal** team also conducted the rapid damage assessment and need analysis.
- The **Uttar Pradesh** government donated **Rs. 15 crore** to help the flood hit victims along with medicines and relief material.
- The **Delhi** (National Capital) government donated one month salary of all the **Member of Parliaments (MPs)** and **Members of Legislatures (MLAs)** of the government and urged all the government officials to donate a day's salary to flood ravaged Kerala. Delhi assisted the state with **10 crore** rupees.
- States like **Gujarat, Punjab, Bihar**, announced financial help to Kerala.
- **Tamil Nadu** sent **1.68 lakh liters of water** to Kerala.
- **Telangana** announced an assistance of **25 crore**.
- **Maharashtra** also presented financial aid of **Rs. 25 crore**.
- The Kerala government opened the **Round the Clock Control rooms** in all the districts. The **1077 hotline** was always active.

### **Backward Cooperative Federalism**

- The immediate assistance by the **Union government** of **Rs. 600 crore** was highly **criticized**. This sum was quite inappropriate in comparison to the intensity of the disasters.
- State government made a demand for **Rs. 2600 crore special package** from the centre for flood relief.
- Kerala alleged **Tamil Nadu** for worsening the already grim situation in the state by suddenly releasing huge quantities of water from **Mullaperiyar Dam** on **August 15**, leading to a cascading effect and forcing the Kerala authorities to open the shutters of downstream dams. The water level rose to **139 feet**. Discharge of large water from **Mullaperiyar Dam** submerged the downstream areas.
- It was reported that the shutters of **40 odd dams** were opened in the state during flood situation. (**TOI**).
- This is a grave example of **mis-governance** and **mal-cooperation** between the federating units.

### **Community Cooperation, Bridging gap between the state and union policy**

- Kerala's **fishermen community** launched their own rescue and relief operations. The **3000 fishermen** saved **70,000 lives** in Kerala.
- **Reliance Foundation** donated **21 crore** rupees as a financial aid and the relief package of **Rs. 50 crore**.
- Over **11000** claims, estimated **Rs. 1200 crore** were filled by flood hit people with four Public Sector Insurance Companies in Kerala. (New India Assurance Company, General Insurance Corporation, United India Insurance Company). All the flood related deaths were declared as accidents for eligible insurance claims.
- **HDFC Bank** adopted **30 villages** and donated **10 crore** rupees for the relief efforts. The bank also set up medical camps; rebuild health centers, supported school renovations and imparted skill training to restore livelihoods.
- A **Rishikesh** (Uttarakhand) **Rafting team**, sent by **ATOAI** (Adventure Operators Association of India), overpowering the language barrier rescued **400 victims** of the Kerala flood.
- **India for Kerala**, a **Fund-raising** campaign began in the wake of Kerala floods.
- **Oxfam** gave the initial response and provided water purification kits in **Wayanad**.
- **Helpage India**, provided relief kits to 130 families in the three relief camps in **Wayanad**. Three mobile units worked in Wayanad and Palakkad.
- **Core India**, received 80,000 energy bars and 30,000 Maggi packets that were distributed to camps in **Idukki**.
- **Art of Living**, reached to around 50,000 people in 14 districts. More than 20 truckloads of relief material including food water, clothes, sleeping mats, blankets, bed sheets, diapers, milk powders, odomos, etc were distributed.
- **SEWA International**, 5000 SEWA volunteers worked in 350 teams.
- Many other organizations and NGOs like- **Child fund India**, **Save the Children**, **Action Aid**, etc were committed to the humanitarian cause.
- The stranded population was seeking help and was passing information about their distressed location on the **social media**.

### **International Humanitarian Assistance**

- The **United Arab Emirate** (West Asia) offered a financial assistance of **700 crore rupees** for the cause of Kerala. (Around 30 lakh Indian workers are employed in **UAE**. 80% of them belong to Kerala)
- **Maldives** offered an aid of **35 lakh rupees**.
- **Qatar** offered the assistance of **35 crore rupees**.
- **UNO** also offered aid for the Kerala flood trips.
- **India** along with the **BIMSTEC region** is planning a **Joint Integrated Mechanism for Disaster Risk Reduction**.
- However, India **politely declined** all the foreign aids maintaining its stance of the 2004 Tsunami policy.

### **Present Scenario**

Although India has answered every disaster call with much greater efforts, improved cooperation among the authorities, public agencies and greater resilient power, there still exist some loopholes, where much higher cooperation and sensitivity among the states and between the union and states is required especially in the **Dam Management** sector. These drawbacks lead to soaring economic growth and failing development efforts of the nation. No doubt, Indian Disaster Management policy has transformed from just an activity based approach to a more compact, dynamic and holistic policy, but it still requires a much improved, pro-active and efficiency driven system which can surely be achieved by improved and efficient cooperative federalism.

### III. RECOMMENDATIONS

- A more centralized, **constitutional institution**, with much greater **autonomic status** is the need of the hour for the **Disaster Management Policy Formulation**. This would introduce a more innovative, efficient, technology driven, multi-dimensional, dynamic foot forward in the non-traditional sector.
- The state and union should together cooperate on identifying neo paradigms of the disaster hit regions like- Gender aspect, community related aspects, children special needs, animal issues, environmental aspects, etc to monitor and formulate policies sensitizing their situations and special needs. A separate **cooperating institution** can be set for the above problems.
- The state and centre should formulate together more precise short, medium and long term disaster policies.
- During and after disasters, the centre and states are often found blaming each other for the delayed reconstruction and relief work. This creates serious problem and affect negatively the already trauma-centric citizenry. Therefore, a separate institution is required for dealing with post- disaster formal conflict which incorporates well trained centre and state officials.
- The procedure for fund mobilization during the recovery phase requires much greater transparency and accountability which is only possible with an efficient cooperation between the union and the states.
- An efficient cooperation between the states and the centre with respect to their power sectors would lead India achieve the **SDG Goals** and the **objectives of International Sendai Framework**.
- The **Union's** efforts for **Technology transfer** from the **Developed world** for the purpose of reducing and retaliating the Disaster syndrome will incentivize the capability of the **units** to fight the disasters which is only possible by a good cooperative federalism.
- More efficient **Dam Management Policies** like **DRIPS** in 2012 need to be introduced and the units (States) need judicial intervention to develop a peaceful and cooperative mechanism to actively resolute the problems. The judicial decision should be binding and be actively persuaded within limited time frame.

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