



*Achieve Perfection by unattached action*

**Report on**

**WEBINAR ON “SENSITIZATION OF JUDICIAL OFFICERS  
ON EFFECTIVE IMPLEMENTATION OF DISASTER  
MANAGEMENT ACT”**

**Held on: 27<sup>th</sup> January, 2021**

**Organised by: Rajasthan State Judicial Academy, Jodhpur**

**Resource Person(s):**

- Shri Anjum Tahir Samma, ADM-III, Jodhpur
- Shri Gulaba Ram, Company Commandant Headquarters, SDRF Rajasthan
- Ms. Kiran Kachhawaha, Research Scholar, RSJA

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- Objective of Rajasthan State Judicial Academy is to educate and sensitize its officers and other stake holders about the latest laws and procedure to achieve the constitutional mandate of securing the “Rule of Law”.
- With the restrictions on physical gathering due to the spread of novel coronavirus, the innovations in technology have come to aid us in our ever going quest for knowledge. Through the use of softwares and advancement of computer technology, it is possible to continue imparting knowledge through webinars.
- Making full use of the advances in the field of technology and keeping up with its constitutional mandate in mind, The Rajasthan State Judicial Academy on **27<sup>th</sup> January, 2021** organized a **Webinar on “Sensitization of Judicial Officers on Effective Implementation of Disaster Management Act”** at **4.30 pm**, which was presided over by **Shri Anjum Tahir Samma, ADM-III, Jodhpur; Shri Gulaba Ram, Company Commandant Headquarters, SDRF Rajasthan** and **Ms. Kiran Kachhawaha, Research Scholar, RSJA.**
- The webinar was conducted under the aegis and guidance of **Hon’ble Mr. Justice Sandeep Mehta (Judge, Rajasthan High Court and Chairman, Rajasthan State Judicial Academy)**, under whose able leadership the series of webinars for providing in-service training to the Judicial Officers of the State of Rajasthan was envisaged and implemented. His Lordship also graced the webinar with his presence.
- The webinar saw a participation of 112 Judicial Officers across the various Judgeships of the State of Rajasthan.
- **Mrs. Nandini Vyas (Director, Rajasthan State Judicial Academy)** welcomed **Hon’ble Mr. Justice Sandeep Mehta (Judge, Rajasthan High Court and Chairman, Rajasthan State Judicial Academy); Shri Anjum Tahir Samma, ADM-III, Jodhpur; Shri Gulaba Ram, Company Commandant Headquarters, SDRF Rajasthan** and all the participants on the webinar.
- Director (RSJA) stated that the year 2020 has taught us that there is no certainty about life. The Pandemic has caused various systems across the world to re-set and re-organize. Judicial work has also undergone many changes and has intensively adapted to the convenience provided by Information Technology.
- The aim of organizing a webinar on the Disaster Management Act was to ensure steady progress in carrying out the judicial functions, whilst we gradually return to normalcy in the midst of a pandemic.

#### **Discourse By Ms. Kiran Kachhawaha, Research Scholar, RSJA**

##### Disaster Management and Role of the Indian Judiciary

- The Resource Person stated that the Covid-19 pandemic posed a never-imagined challenge to every sector of the economy and every activity of the nation. The very concept of ‘access to justice’ was subjected to a unique challenge, never seen before. Commendably, the judiciary responded by harnessing technology to ensure that access to the courts is not impeded. The Courts in India adapted well to visual court procedures, e-filing to keep legal counsellors from coming to courts which helped in evading the transmission of the virus.
- The various directions and guidelines issued from time to time by the Hon’ble Rajasthan High Court contributed to the containment of the virus in the State of Rajasthan.
- Further, the Hon’ble Apex Court showed much courage and foresight in dealing with the unique challenges presented by the pandemic. Exercising inherent powers under Article 141 and 142 of the Constitution of India, a full bench of the Supreme Court, vide its order dated 23<sup>rd</sup> March 2020, extended the limitation for filing petitions/applications/suits/ appeals/all other proceedings before all Courts, Tribunals and authorities across the country w.e.f. 15<sup>th</sup> March, 2020.
- The Hon’ble Apex Court also took up a Suo Motu Writ Petition concerning the problems and miseries of migrant labourers and issued interim orders, directing free train and bus travel for

the migrants to their destinations, free food and water during the journey, prompt registration procedures and free health screening on arrival at their destinations.

- In **Shashank Deo Sudhi v. Union of India (2020) 5 SCC 134**, the Hon'ble Supreme Court of India passed an order directing that all private laboratories conducting COVID-19 tests do so free of cost for persons eligible under Ayushman Bharat Pradhan Mantri Jan Aarogya Yojana, and any other category of economically weaker sections of the society as notified by the Government for free testing for COVID-19.
- **In Re: Contagion of COVID-19 Virus in Children Protection Homes, Suo Moto Writ Petition (Civil) No. 4 of 2020**, The Hon'ble Supreme Court issued directions to ensure education of children in Child Care Institutions does not suffer due to the COVID-19 pandemic.
- The Hon'ble Rajasthan High Court in **Sunil Samdaria and Ors. v. The State Government of Rajasthan and Ors., D.B. Special Appeal Writ Nos. 637/2020**, dated 18.12.2020, wherein the State Government's order deferring the collection of school fees for 3 months by the private schools was challenged; observed as follows:  
*"It is true that in normal situation the private schools are entitled for collection of school fees as per the provisions of the act of 2016 but as discussed above provisions of the Disaster Management Act, 2005 have overriding effect on all other statues and the impugned orders have been found to be issued under the act of 2005 for mitigating the plight of the citizens in unprecedented crises of the COVID-19 Pandemic. Therefore, the impugned orders can't be termed as invalid or inexecutable"*
- In **Society of Catholic Education Institutions in Rajasthan and ors. v. The State Government of Rajasthan and Ors, S.B. Civil Misc. Stay Application No. 7080/2020 in S.B. Civil Writ Petition No. 7564/2020** dated 07.09.2020, The Hon'ble Rajasthan High Court while dealing with the issue of charging of school fee by the schools observed that a balance is required to be struck between financial difficulty of the school management relating to release of the salary of the staff and the minimum upkeep of school on one side and the financial pressure, which has come on the parents due to the pandemic and lock-down. In view of the above, the Court by an interim measure, directed the school authorities to allow the students to continue their studies online and allow them to deposit 70% of the tuition fees element from the total fees being charged for the year.
- Long perceived as a monolith reluctant to change, the judiciary has acted with speed and led by example. Our courts are safely open, providing uninterrupted access to justice for all.

#### **Discourse by Shri Anjum Tahir Samma, ADM-III, Jodhpur**

- The Resource Person addressed the participants on the following issues:
  - A. What is a disaster?
  - B. What is the legal framework of Disaster Management in India?
  - C. What was the work done by the authorities during the COVID-19 pandemic?
  - D. What more can be done?
- The Resource Person explained to the participants that Disaster Management has three important cycles:
  - A. Pre-Disaster Level**  
Includes the activities on how to improve our preparedness for any disaster, this is done by:
    - i. Data generation and information collection
    - ii. Vulnerability Zoning
    - iii. Spreading public awareness
    - iv. Planning and Preventive Measures
  - B. Disaster Level**  
This essentially includes the rescue and relief operations.
  - C. Post Disaster Level**  
This is concerned with rehabilitation, recovery and capacity building of the public at large.

- The Resource Person stated that the legal framework of Disaster Management has been provided under The Disaster Management Act, 2005. The various authorities provided under the Act of 2005 and the work done by them in managing the COVID-19 crisis was also discussed with the participants.
- The Resource Person concluded the discourse after discussing the offences and penalties under The Disaster Management Act, 2005 with the participants.

**Discourse by Shri Gulaba Ram, Company Commandant Headquarters, SDRF  
Rajasthan**

- The Resource Person started off the session by discussing the structure and functions of The State Disaster Relief Force (“SDRF”) Rajasthan.
  - The various kinds of natural and man-made disasters were also explained in detail by the Resource Person.
  - Aspects pertaining to Medical First Responder (First Aid Treatment), Emergency Medical Service (EMS) and Cardiopulmonary resuscitation (CPR) were also explained to the participants along with some tips on handling a medical emergency.
  - The webinar concluded with a vote of thanks by **Mr. Anutosh Gupta [Deputy Director, Rajasthan State Judicial Academy]** thanking **Hon’ble Mr. Justice Sandeep Mehta (Judge, Rajasthan High Court and Chairman, Rajasthan State Judicial Academy)** for His Lordship’s guidance in conducting the webinar. Deputy Director (RSJA) further extended his most sincere gratitude to **Shri Anjum Tahir Samma, ADM-III, Jodhpur; Shri Gulaba Ram, Company Commandant Headquarters, SDRF Rajasthan** and **Ms. Kiran Kachhawaha, Research Scholar, RSJA** for imparting their valuable knowledge with regards to **Effective Implementation of Disaster Management Act**.
  - The webinar concluded after expressing the most sincere gratitude to all the participants for making the webinar an interactive and fruitful discussion.
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