

THE DISASTER MANAGEMENT ACT, 2005

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THE DISASTER MANAGEMENT ACT, 2005

ACT NO. 53 OF 2005

[23rd December, 2005.]

An Act to provide for the effective management of disasters and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Disaster Management Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette appoint; and different dates* may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “affected area” means an area or part of the country affected by a disaster;

(b) “capacity-building” includes—

(i) identification of existing resources and resources to be acquired or created;

(ii) acquiring or creating resources identified under sub-clause (i);

(iii) organisation and training of personnel and coordination of such training for effective management of disasters;

(c) “Central Government” means the Ministry or Department of the Government of India having administrative control of disaster management;

(d) “disaster” means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area;

(e) “disaster management” means a continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient for—

(i) prevention of danger or threat of any disaster;

(ii) mitigation or reduction of risk of any disaster or its severity or consequences;

(iii) capacity-building;

(iv) preparedness to deal with any disaster;

(v) prompt response to any threatening disaster situation or disaster;

(vi) assessing the severity or magnitude of effects of any disaster;

1. 28th July, 2006 (ss. 2, 3, 4, 5, 6, 8, 10, 75, 77, 79), *vide* notification No. S.O. 1216(E), dated 28th July, 2006;

*1st August, 2007 [ss. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 38, 39, 40, 41, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, sub-sec. (2) of s. 70, 71, 72, 73, 74, 78, 79], *vide* notification No. S.O. 722(E), dated 7th May, 2007;

*17th March, 2008 (ss. 44, 45), *vide* notification No. 517(E), dated 17th March, 2008;

*18th October, 2011 (s. 46), *vide* notification No. S.O. 2397(E), dated 18th October, 2011, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

(vii) evacuation, rescue and relief;

(viii) rehabilitation and reconstruction;

(f) "District Authority" means the District Disaster Management Authority constituted under sub-section (1) of section 25;

(g) "District Plan" means the plan for disaster management for the district prepared under section 31;

(h) "local authority" includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or, with the control and management of civic services, within a specified local area;

(i) "mitigation" means measures aimed at reducing the risk, impact or effects of a disaster or threatening disaster situation;

(j) "National Authority" means the National Disaster Management Authority established under sub-section (1) of section 3;

(k) "National Executive Committee" means the Executive Committee of the National Authority constituted under sub-section (1) of section 8;

(l) "National Plan" means the plan for disaster management for the whole of the country prepared under section 11;

(m) "preparedness" means the state of readiness to deal with a threatening disaster situation or disaster and the effects thereof;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "reconstruction" means construction or restoration of any property after a disaster;

(p) "resources" includes manpower, services, materials and provisions;

(q) "State Authority" means the State Disaster Management Authority established under sub-section (1) of section 14 and includes the Disaster Management Authority for the Union territory constituted under that section;

(r) "State Executive Committee" means the Executive Committee of a State Authority constituted under sub-section (1) of section 20;

(s) "State Government" means the Department of Government of the State having administrative control of disaster management and includes Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(t) "State Plan" means the plan for disaster management for the whole of the State prepared under section 23.

CHAPTER II

THE NATIONAL DISASTER MANAGEMENT AUTHORITY

3. Establishment of National Disaster Management Authority.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be established for the purposes of this Act, an authority to be known as the National Disaster Management Authority.

(2) The National Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the Central Government and, unless the rules otherwise provide, the National Authority shall consist of the following:—

(a) the Prime Minister of India, who shall be the Chairperson of the National Authority, *ex officio*;

(b) other members, not exceeding nine, to be nominated by the Chairperson of the National Authority.

(3) The Chairperson of the National Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the National Authority.

(4) The term of office and conditions of service of members of the National Authority shall be such as may be prescribed.

4. Meetings of National Authority.—(1) The National Authority shall meet as and when necessary and at such time and place as the Chairperson of the National Authority may think fit.

(2) The Chairperson of the National Authority shall preside over the meetings of the National Authority.

(3) If for any reason the Chairperson of the National Authority is unable to attend any meeting of the National Authority, the Vice-Chairperson of the National Authority shall preside over the meeting.

5. Appointment of officers and other employees of the National Authority.—The Central Government shall provide the National Authority with such officers, consultants and employees, as it considers necessary for carrying out the functions of the National Authority.

6. Powers and functions of National Authority.—(1) Subject to the provisions of this Act, the National Authority shall have the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster.

(2) Without prejudice to generality of the provisions contained in sub-section (1), the National Authority may —

(a) lay down policies on disaster management;

(b) approve the National Plan;

(c) approve plans prepared by the Ministries or Departments of the Government of India in accordance with the National Plan;

(d) lay down guidelines to be followed by the State Authorities in drawing up the State Plan;

(e) lay down guidelines to be followed by the different Ministries or Departments of the Government of India for the purpose of integrating the measures for prevention of disaster or the mitigation of its effects in their development plans and projects;

(f) coordinate the enforcement and implementation of the policy and plan for disaster management;

(g) recommend provision of funds for the purpose of mitigation;

(h) provide such support to other countries affected by major disasters as may be determined by the Central Government;

(i) take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary;

(j) lay down broad policies and guidelines for the functioning of the National Institute of Disaster Management.

(3) The Chairperson of the National Authority shall, in the case of emergency, have power to exercise all or any of the powers of the National Authority but exercise of such powers shall be subject to *ex post facto* ratification by the National Authority.

7. Constitution of advisory committee by National Authority.—(1) The National Authority may constitute an advisory committee consisting of experts in the field of disaster management and having practical experience of disaster management at the national, State or district level to make recommendations on different aspects of disaster management.

(2) The members of the advisory committee shall be paid such allowances as may be prescribed by the Central Government in consultation with the National Authority.

8. Constitution of National Executive Committee.—(1) The Central Government shall, immediately after issue of notification under sub-section (1) of section 3, constitute a National Executive Committee to assist the National Authority in the performance of its functions under this Act.

(2) The National Executive Committee shall consist of the following members, namely:—

(a) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the disaster management, who shall be Chairperson, *ex officio*;

(b) the Secretaries to the Government of India in the Ministries or Departments having administrative control of the agriculture, atomic energy, defence, drinking water supply, environment and forests, finance (expenditure), health, power, rural development, science and technology, space, telecommunication, urban development, water resources and the Chief of the Integrated Defence Staff of the Chiefs of Staff Committee, *ex officio*.

(3) The Chairperson of the National Executive Committee may invite any other officer of the Central Government or a State Government for taking part in any meeting of the National Executive Committee and shall exercise such powers and perform such functions as may be prescribed by the Central Government in consultation with the National Authority.

(4) The procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the Central Government.

9. Constitution of sub-committees.—(1) The National Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for the efficient discharge of its functions.

(2) The National Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (1).

(3) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed by the Central Government.

10. Powers and functions of National Executive Committee.—(1) The National Executive Committee shall assist the National Authority in the discharge of its functions and have the responsibility for implementing the policies and plans of the National Authority and ensure the compliance of directions issued by the Central Government for the purpose of disaster management in the country.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the National Executive Committee may—

(a) act as the coordinating and monitoring body for disaster management;

(b) prepare the National Plan to be approved by the National Authority;

(c) coordinate and monitor the implementation of the National Policy;

(d) lay down guidelines for preparing disaster management plans by different Ministries or Departments of the Government of India and the State Authorities;

(e) provide necessary technical assistance to the State Governments and the State Authorities for preparing their disaster management plans in accordance with the guidelines laid down by the National Authority;

(f) monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Government of India;

(g) monitor the implementation of the guidelines laid down by the National Authority for integrating of measures for prevention of disasters and mitigation by the Ministries or Departments in their development plans and projects;

(h) monitor, coordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the Government;

(i) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(j) plan and coordinate specialised training programme for disaster management for different levels of officers, employees and voluntary rescue workers;

(k) coordinate response in the event of any threatening disaster situation or disaster;

(l) lay down guidelines for, or give directions to, the concerned Ministries or Departments of the Government of India, the State Governments and the State Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster;

(m) require any department or agency of the Government to make available to the National Authority or State Authorities such men or material resources as are available with it for the purposes of emergency response, rescue and relief;

(n) advise, assist and coordinate the activities of the Ministries or Departments of the Government of India, State Authorities, statutory bodies, other governmental or non-governmental organisations and others engaged in disaster management;

(o) provide necessary technical assistance or give advice to the State Authorities and District Authorities for carrying out their functions under this Act;

(p) promote general education and awareness in relation to disaster management; and

(q) perform such other functions as the National Authority may require it to perform.

11. National Plan.—(1) There shall be drawn up a plan for disaster management for the whole of the country to be called the National Plan.

(2) The National Plan shall be prepared by the National Executive Committee having regard to the National Policy and in consultation with the State Governments and expert bodies or organisations in the field of disaster management to be approved by the National Authority.

(3) The National Plan shall include—

(a) measures to be taken for the prevention of disasters, or the mitigation of their effects;

(b) measures to be taken for the integration of mitigation measures in the development plans;

(c) measures to be taken for preparedness and capacity building to effectively respond to any threatening disaster situations or disaster;

(d) roles and responsibilities of different Ministries or Departments of the Government of India in respect of measures specified in clauses (a), (b) and (c).

(4) The National Plan shall be reviewed and updated annually.

(5) Appropriate provisions shall be made by the Central Government for financing the measures to be carried out under the National Plan.

(6) Copies of the National Plan referred to in sub-sections (2) and (4) shall be made available to the Ministries or Departments of the Government of India and such Ministries or Departments shall draw up their own plans in accordance with the National Plan.

12. Guidelines for minimum standards of relief.—The National Authority shall recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which shall include,—

(i) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation;

(ii) the special provisions to be made for widows and orphans;

- (iii) *ex gratia* assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood;
- (iv) such other relief as may be necessary.

13. Relief in loan repayment, etc.—The National Authority may, in cases of disasters of severe magnitude, recommend relief in repayment of loans or for grant of fresh loans to the persons affected by disaster on such concessional terms as may be appropriate.

CHAPTER III

STATE DISASTER MANAGEMENT AUTHORITIES

14. Establishment of State Disaster Management Authority.—(1) Every State Government shall, as soon as may be after the issue of the notification under sub-section (1) of section 3, by notification in the Official Gazette, establish a State Disaster Management Authority for the State with such name as may be specified in the notification of the State Government.

(2) A State Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the State Government and, unless the rules otherwise provide, the State Authority shall consist of the following members, namely:—

(a) the Chief Minister of the State, who shall be Chairperson, *ex officio*;

(b) other members, not exceeding eight, to be nominated by the Chairperson of the State Authority;

(c) the Chairperson of the State Executive Committee, *ex officio*.

(3) The Chairperson of the State Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the State Authority.

(4) The Chairperson of the State Executive Committee shall be the Chief Executive Officer of the State Authority, *ex officio*:

Provided that in the case of a Union territory having Legislative Assembly, except the Union territory of Delhi, the Chief Minister shall be the Chairperson of the Authority established under this section and in case of other Union territories, the Lieutenant Governor or the Administrator shall be the Chairperson of that Authority:

Provided further that the Lieutenant Governor of the Union territory of Delhi shall be the Chairperson and the Chief Minister thereof shall be the Vice-Chairperson of the State Authority.

(5) The term of office and conditions of service of members of the State Authority shall be such as may be prescribed.

15. Meetings of the State Authority.—(1) The State Authority shall meet as and when necessary and at such time and place as the Chairperson of the State Authority may think fit.

(2) The Chairperson of the State Authority shall preside over the meetings of the State Authority.

(3) If for any reason, the Chairperson of the State Authority is unable to attend the meeting of the State Authority, the Vice-Chairperson of the State Authority shall preside at the meeting.

16. Appointment of officers and other employees of State Authority.—The State Government shall provide the State Authority with such officers, consultants and employees, as it considers necessary, for carrying out the functions of the State Authority.

17. Constitution of advisory committee by the State Authority.—(1) A State Authority may, as and when it considers necessary, constitute an advisory committee, consisting of experts in the field of disaster management and having practical experience of disaster management to make recommendations on different aspects of disaster management.

(2) The members of the advisory committee shall be paid such allowances as may be prescribed by the State Government.

18. Powers and functions of State Authority.—(1) Subject to the provisions of this Act, a State Authority shall have the responsibility for laying down policies and plans for disaster management in the State.

(2) Without prejudice to the generality of provisions contained in sub-section (1), the State Authority may—

- (a) lay down the State disaster management policy;
- (b) approve the State Plan in accordance with the guidelines laid down by the National Authority;
- (c) approve the disaster management plans prepared by the departments of the Government of the State;
- (d) lay down guidelines to be followed by the departments of the Government of the State for the purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor;
- (e) coordinate the implementation of the State Plan;
- (f) recommend provision of funds for mitigation and preparedness measures;
- (g) review the development plans of the different departments of the State and ensure that prevention and mitigation measures are integrated therein;
- (h) review the measures being taken for mitigation, capacity building and preparedness by the departments of the Government of the State and issue such guidelines as may be necessary.

(3) The Chairperson of the State Authority shall, in the case of emergency, have power to exercise all or any of the powers of the State Authority but the exercise of such powers shall be subject to *ex post facto* ratification of the State Authority.

19. Guidelines for minimum standard of relief by State Authority.—The State Authority shall lay down detailed guidelines for providing standards of relief to persons affected by disaster in the State:

Provided that such standards shall in no case be less than the minimum standards in the guidelines laid down by the National Authority in this regard.

20. Constitution of State Executive Committee.—(1) The State Government shall, immediately after issue of notification under sub-section (1) of section 14, constitute a State Executive Committee to assist the State Authority in the performance of its functions and to coordinate action in accordance with the guidelines laid down by the State Authority and ensure the compliance of directions issued by the State Government under this Act.

(2) The State Executive Committee shall consist of the following members, namely:—

- (a) the Chief Secretary to the State Government, who shall be Chairperson, *ex officio*;
- (b) four Secretaries to the Government of the State of such departments as the State Government may think fit, *ex officio*.

(3) The Chairperson of the State Executive Committee shall exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the State Authority.

(4) The procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the State Government.

21. Constitution of sub-committees by State Executive Committee.—(1) The State Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for efficient discharge of its functions.

(2) The State Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (1).

(3) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed by the State Government.

22. Functions of the State Executive Committee.—(1) The State Executive Committee shall have the responsibility for implementing the National Plan and State Plan and act as the coordinating and monitoring body for management of disaster in the State.

(2) Without prejudice to the generality of the provisions of sub-section (1), the State Executive Committee may—

(a) coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan;

(b) examine the vulnerability of different parts of the State to different forms of disasters and specify measures to be taken for their prevention or mitigation;

(c) lay down guidelines for preparation of disaster management plans by the departments of the Government of the State and the District Authorities;

(d) monitor the implementation of disaster management plans prepared by the departments of the Government of the State and District Authorities;

(e) monitor the implementation of the guidelines laid down by the State Authority for integrating of measures for prevention of disasters and mitigation by the departments in their development plans and projects;

(f) evaluate preparedness at all governmental or non-governmental levels to respond to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(g) coordinate response in the event of any threatening disaster situation or disaster;

(h) give directions to any Department of the Government of the State or any other authority or body in the State regarding actions to be taken in response to any threatening disaster situation or disaster;

(i) promote general education, awareness and community training in regard to the forms of disasters to which different parts of the State are vulnerable and the measures that may be taken by such community to prevent the disaster, mitigate and respond to such disaster;

(j) advise, assist and coordinate the activities of the Departments of the Government of the State, District Authorities, statutory bodies and other governmental and non-governmental organisations engaged in disaster management;

(k) provide necessary technical assistance or give advice to District Authorities and local authorities for carrying out their functions effectively;

(l) advise the State Government regarding all financial matters in relation to disaster management;

(m) examine the construction, in any local area in the State and, if it is of the opinion that the standards laid for such construction for the prevention of disaster is not being or has not been followed, may direct the District Authority or the local authority, as the case may be, to take such action as may be necessary to secure compliance of such standards;

(n) provide information to the National Authority relating to different aspects of disaster management;

(o) lay down, review and update State level response plans and guidelines and ensure that the district level plans are prepared, reviewed and updated;

(p) ensure that communication systems are in order and the disaster management drills are carried out periodically;

(q) perform such other functions as may be assigned to it by the State Authority or as it may consider necessary.

23. State Plan.—(1) There shall be a plan for disaster management for every State to be called the State Disaster Management Plan.

(2) The State Plan shall be prepared by the State Executive Committee having regard to the guidelines laid down by the National Authority and after such consultation with local authorities, district authorities and the people's representatives as the State Executive Committee may deem fit.

(3) The State Plan prepared by the State Executive Committee under sub-section (2) shall be approved by the State Authority.

(4) The State Plan shall include,—

(a) the vulnerability of different parts of the State to different forms of disasters;

(b) the measures to be adopted for prevention and mitigation of disasters;

(c) the manner in which the mitigation measures shall be integrated with the development plans and projects;

(d) the capacity-building and preparedness measures to be taken;

(e) the roles and responsibilities of each Department of the Government of the State in relation to the measures specified in clauses (b), (c) and (d) above;

(f) the roles and responsibilities of different Departments of the Government of the State in responding to any threatening disaster situation or disaster.

(5) The State Plan shall be reviewed and updated annually.

(6) Appropriate provisions shall be made by the State Government for financing for the measures to be carried out under the State Plan.

(7) Copies of the State Plan referred to in sub-sections (2) and (5) shall be made available to the Departments of the Government of the State and such Departments shall draw up their own plans in accordance with the State Plan.

24. Powers and functions of State Executive Committee in the event of threatening disaster situation.—For the purpose of, assisting and protecting the community affected by disaster or providing relief to such community or, preventing or combating disruption or dealing with the effects of any threatening disaster situation, the State Executive Committee may—

(a) control and restrict, vehicular traffic to, from or within, the vulnerable or affected area;

(b) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;

(c) remove debris, conduct search and carry out rescue operations;

(d) provide shelter, food, drinking water, essential provisions, healthcare and services in accordance with the standards laid down by the National Authority and State Authority;

(e) give direction to the concerned Department of the Government of the State, any District Authority or other authority, within the local limits of the State to take such measure or steps for rescue, evacuation or providing immediate relief saving lives or property, as may be necessary in its opinion;

(f) require any department of the Government of the State or any other body or authority or person in charge of any relevant resources to make available the resources for the purposes of emergency response, rescue and relief;

(g) require experts and consultants in the field of disasters to provide advice and assistance for rescue and relief;

(h) procure exclusive or preferential use of amenities from any authority or person as and when required;

- (i) construct temporary bridges or other necessary structures and demolish unsafe structures which may be hazardous to public;
- (j) ensure that non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;
- (k) disseminate information to public to deal with any threatening disaster situation or disaster;
- (l) take such steps as the Central Government or the State Government may direct in this regard or take such other steps as are required or warranted by the form of any threatening disaster situation or disaster.

CHAPTER IV

DISTRICT DISASTER MANAGEMENT AUTHORITY

25. Constitution of District Disaster Management Authority.—(1) Every State Government shall, as soon as may be after issue of notification under sub-section (1) of section 14, by notification in the Official Gazette, establish a District Disaster Management Authority for every district in the State with such name as may be specified in that notification.

(2) The District Authority shall consist of the Chairperson and such number of other members, not exceeding seven, as may be prescribed by the State Government, and unless the rules otherwise provide, it shall consist of the following, namely:—

(a) the Collector or District Magistrate or Deputy Commissioner, as the case may be, of the district who shall be Chairperson, *ex officio*;

(b) the elected representative of the local authority who shall be the co-Chairperson, *ex officio*:

Provided that in the Tribal Areas, as referred to in the Sixth Schedule to the Constitution, the Chief Executive Member of the district council of autonomous district, shall be the co-Chairperson, *ex officio*;

(c) the Chief Executive Officer of the District Authority, *ex officio*;

(d) the Superintendent of Police, *ex officio*;

(e) the Chief Medical Officer of the district, *ex officio*;

(f) not exceeding two other district level officers, to be appointed by the State Government.

(3) In any district where zila parishad exists, the Chairperson thereof shall be the co-Chairperson of the District Authority.

(4) The State Government shall appoint an officer not below the rank of Additional Collector or Additional District Magistrate or Additional Deputy Commissioner, as the case may be, of the district to be the Chief Executive Officer of the District Authority to exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the District Authority.

26. Powers of Chairperson of District Authority.—(1) The Chairperson of the District Authority shall, in addition to presiding over the meetings of the District Authority, exercise and discharge such powers and functions of the District Authority as the District Authority may delegate to him.

(2) The Chairperson of the District Authority shall, in the case of an emergency, have power to exercise all or any of the powers of the District Authority but the exercise of such powers shall be subject to *ex post facto* ratification of the District Authority.

(3) The District Authority or the Chairperson of the District Authority may, by general or special order, in writing, delegate such of its or his powers and functions, under sub-section (1) or (2), as the case may be, to the Chief Executive Officer of the District Authority, subject to such conditions and limitations, if any, as it or he deems fit.

27. Meetings.—The District Authority shall meet as and when necessary and at such time and place as the Chairperson may think fit.

28. Constitution of advisory committees and other committees.—(1) The District Authority may, as and when it considers necessary, constitute one or more advisory committees and other committees for the efficient discharge of its functions.

(2) The District Authority shall, from amongst its members, appoint the Chairperson of the Committee referred to in sub-section (1).

(3) Any person associated as an expert with any committee or sub-committee constituted under sub-section (1) may be paid such allowances as may be prescribed by the State Government.

29. Appointment of officers and other employees of District Authority.—The State Government shall provide the District Authority with such officers, consultants and other employees as it considers necessary for carrying out the functions of District Authority.

30. Powers and functions of District Authority.—(1) The District Authority shall act as the district planning, coordinating and implementing body for disaster management and take all measures for the purposes of disaster management in the district in accordance with the guidelines laid down by the National Authority and the State Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1), the District Authority may—

(i) prepare a disaster management plan including district response plan for the district;

(ii) coordinate and monitor the implementation of the National Policy, State Policy, National Plan, State Plan and District Plan;

(iii) ensure that the areas in the district vulnerable to disasters are identified and measures for the prevention of disasters and the mitigation of its effects are undertaken by the departments of the Government at the district level as well as by the local authorities;

(iv) ensure that the guidelines for prevention of disasters, mitigation of its effects, preparedness and response measures as laid down by the National Authority and the State Authority are followed by all departments of the Government at the district level and the local authorities in the district;

(v) give directions to different authorities at the district level and local authorities to take such other measures for the prevention or mitigation of disasters as may be necessary;

(vi) lay down guidelines for prevention of disaster management plans by the department of the Government at the districts level and local authorities in the district;

(vii) monitor the implementation of disaster management plans prepared by the Departments of the Government at the district level;

(viii) lay down guidelines to be followed by the Departments of the Government at the district level for purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor;

(ix) monitor the implementation of measures referred to in clause (viii);

(x) review the state of capabilities for responding to any disaster or threatening disaster situation in the district and give directions to the relevant departments or authorities at the district level for their up gradation as may be necessary;

(xi) review the preparedness measures and give directions to the concerned departments at the district level or other concerned authorities where necessary for bringing the preparedness measures to the levels required for responding effectively to any disaster or threatening disaster situation;

(xii) organise and coordinate specialised training programmes for different levels of officers, employees and voluntary rescue workers in the district;

(xiii) facilitate community training and awareness programmes for prevention of disaster or mitigation with the support of local authorities, governmental and non-governmental organisations;

- (xiv) set up, maintain, review and upgrade the mechanism for early warnings and dissemination of proper information to public;
- (xv) prepare, review and update district level response plan and guidelines;
- (xvi) coordinate response to any threatening disaster situation or disaster;
- (xvii) ensure that the Departments of the Government at the district level and the local authorities prepare their response plans in accordance with the district response plan;
- (xviii) lay down guidelines for, or give direction to, the concerned Department of the Government at the district level or any other authorities within the local limits of the district to take measures to respond effectively to any threatening disaster situation or disaster;
- (xix) advise, assist and coordinate the activities of the Departments of the Government at the district level, statutory bodies and other governmental and non-governmental organisations in the district engaged in the disaster management;
- (xx) coordinate with, and give guidelines to, local authorities in the district to ensure that measures for the prevention or mitigation of threatening disaster situation or disaster in the district are carried out promptly and effectively;
- (xi) provide necessary technical assistance or give advise to the local authorities in the district for carrying out their functions;
- (xxii) review development plans prepared by the Departments of the Government at the district level, statutory authorities or local authorities with a view to make necessary provisions therein for prevention of disaster or mitigation;
- (xxiii) examine the construction in any area in the district and, if it is of the opinion that the standards for the prevention of disaster or mitigation laid down for such construction is not being or has not been followed, may direct the concerned authority to take such action as may be necessary to secure compliance of such standards;
- (xxiv) identify buildings and places which could, in the event of any threatening disaster situation or disaster, be used as relief centers or camps and make arrangements for water supply and sanitation in such buildings or places;
- (xxv) establish stockpiles of relief and rescue materials or ensure preparedness to make such materials available at a short notice;
- (xxvi) provide information to the State Authority relating to different aspects of disaster management;
- (xxvii) encourage the involvement of non-governmental organisations and voluntary social-welfare institutions working at the grassroots level in the district for disaster management;
- (xxviii) ensure communication systems are in order, and disaster management drills are carried out periodically;
- (xxix) perform such other functions as the State Government or State Authority may assign to it or as it deems necessary for disaster management in the District.

31. District Plan.—(1) There shall be a plan for disaster management for every district of the State.

(2) The District Plan shall be prepared by the District Authority, after consultation with the local authorities and having regard to the National Plan and the State Plan, to be approved by the State Authority.

(3) The District Plan shall include—

- (a) the areas in the district vulnerable to different forms of disasters;
- (b) the measures to be taken, for prevention and mitigation of disaster, by the Departments of the Government at the district level and local authorities in the district;

(c) the capacity-building and preparedness measures required to be taken by the Departments of the Government at the district level and the local authorities in the district to respond to any threatening disaster situation or disaster;

(d) the response plans and procedures, in the event of a disaster, providing for—

(i) allocation of responsibilities to the Departments of the Government at the district level and the local authorities in the district;

(ii) prompt response to disaster and relief thereof;

(iii) procurement of essential resources;

(iv) establishment of communication links; and

(v) the dissemination of information to the public;

(e) such other matters as may be required by the State Authority.

(4) The District Plan shall be reviewed and updated annually.

(5) The copies of the District Plan referred to in sub-sections (2) and (4) shall be made available to the Departments of the Government in the district.

(6) The District Authority shall send a copy of the District Plan to the State Authority which shall forward it to the State Government.

(7) The District Authority shall, review from time to time, the implementation of the Plan and issue such instructions to different departments of the Government in the district as it may deem necessary for the implementation thereof.

32. Plans by different authorities at district level and their implementation.—Every office of the Government of India and of the State Government at the district level and the local authorities shall, subject to the supervision of the District Authority,—

(a) prepare a disaster management plan setting out the following, namely:—

(i) provisions for prevention and mitigation measures as provided for in the District Plan and as is assigned to the department or agency concerned;

(ii) provisions for taking measures relating to capacity-building and preparedness as laid down in the District Plan;

(iii) the response plans and procedures, in the event of, any threatening disaster situation or disaster;

(b) coordinate the preparation and the implementation of its plan with those of the other organisations at the district level including local authority, communities and other stakeholders;

(c) regularly review and update the plan; and

(d) submit a copy of its disaster management plan, and of any amendment thereto, to the District Authority.

33. Requisition by the District Authority.—The District Authority may by order require any officer or any Department at the district level or any local authority to take such measures for the prevention or mitigation of disaster, or to effectively respond to it, as may be necessary, and such officer or department shall be bound to carry out such order.

34. Powers and functions of District Authority in the event of any threatening disaster situation or disaster.—For the purpose of assisting, protecting or providing relief to the community, in response to any threatening disaster situation or disaster, the District Authority may—

(a) give directions for the release and use of resources available with any Department of the Government and the local authority in the district;

(b) control and restrict vehicular traffic to, from and within, the vulnerable or affected area;

- (c) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;
- (d) remove debris, conduct search and carry out rescue operations;
- (e) provide shelter, food, drinking water and essential provisions, healthcare and services;
- (f) establish emergency communication systems in the affected area;
- (g) make arrangements for the disposal of the unclaimed dead bodies;
- (h) recommend to any Department of the Government of the State or any authority or body under that Government at the district level to take such measures as are necessary in its opinion;
- (i) require experts and consultants in the relevant fields to advise and assist as it may deem necessary;
- (j) procure exclusive or preferential use of amenities from any authority or person;
- (k) construct temporary bridges or other necessary structures and demolish structures which may be hazardous to public or aggravate the effects of the disaster;
- (l) ensure that the non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;
- (m) take such other steps as may be required or warranted to be taken in such a situation.

CHAPTER V

MEASURES BY THE GOVERNMENT FOR DISASTER MANAGEMENT

35. Central Government to take measures.—(1) Subject to the provisions of this Act, the Central Government shall take all such measures as it deems necessary or expedient for the purpose of disaster management.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the measures which the Central Government may take under that sub-section include measures with respect to all or any of the following matters, namely:—

- (a) coordination of actions of the Ministries or Departments of the Government of India, State Governments, National Authority, State Authorities, governmental and non-governmental organisations in relation to disaster management;
- (b) ensure the integration of measures for prevention of disasters and mitigation by Ministries or Departments of the Government of India into their development plans and projects;
- (c) ensure appropriate allocation of funds for prevention of disaster, mitigation, capacity-building and preparedness by the Ministries or Departments of the Government of India;
- (d) ensure that the Ministries or Departments of the Government of India take necessary measures for preparedness to promptly and effectively respond to any threatening disaster situation or disaster;
- (e) cooperation and assistance to State Governments, as requested by them or otherwise deemed appropriate by it;
- (f) deployment of naval, military and air forces, other armed forces of the Union or any other civilian personnel as may be required for the purposes of this Act;
- (g) coordination with the United Nations agencies, international organisations and governments of foreign countries for the purposes of this Act;
- (h) establish institutions for research, training, and developmental programmes in the field of disaster management;
- (i) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.

(3) The Central Government may extend such support to other countries affected by major disaster as it may deem appropriate.

36. Responsibilities of Ministries or Departments of Government of India.—It shall be the responsibility of every Ministry or Department of the Government of India to—

- (a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority;
- (b) integrate into its development plans and projects, the measures for prevention or mitigation of disasters in accordance with the guidelines laid down by the National Authority;
- (c) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the guidelines of the National Authority or the directions of the National Executive Committee in this behalf;
- (d) review the enactments administered by it, its policies, rules and regulations, with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;
- (e) allocate funds for measures for prevention of disaster, mitigation, capacity-building and preparedness;
- (f) provide assistance to the National Authority and State Governments for—
 - (i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;
 - (ii) carrying out rescue and relief operations in the affected area;
 - (iii) assessing the damage from any disaster;
 - (iv) carrying out rehabilitation and reconstruction;
- (g) make available its resources to the National Executive Committee or a State Executive Committee for the purposes of responding promptly and effectively to any threatening disaster situation or disaster, including measures for—
 - (i) providing emergency communication in a vulnerable or affected area;
 - (ii) transporting personnel and relief goods to and from the affected area;
 - (iii) providing evacuation, rescue, temporary shelter or other immediate relief;
 - (iv) setting up temporary bridges, jetties and landing places;
 - (v) providing, drinking water, essential provisions, healthcare, and services in an affected area;
- (h) take such other actions as it may consider necessary for disaster management.

37. Disaster management plans of Ministries or Departments of Government of India.—(1) Every Ministry or Department of the Government of India shall—

- (a) prepare a disaster management plan specifying the following particulars, namely:—
 - (i) the measures to be taken by it for prevention and mitigation of disasters in accordance with the National Plan;
 - (ii) the specifications regarding integration of mitigation measures in its development plans in accordance with the guidelines of the National Authority and the National Executive Committee;
 - (iii) its roles and responsibilities in relation to preparedness and capacity-building to deal with any threatening disaster situation or disaster;
 - (iv) its roles and responsibilities in regard to promptly and effectively responding to any threatening disaster situation or disaster;

(v) the present status of its preparedness to perform the roles and responsibilities specified in sub-clauses (iii) and (iv);

(vi) the measures required to be taken in order to enable it to perform its responsibilities specified in sub-clauses (iii) and (iv);

(b) review and update annually the plan referred to in clause (a);

(c) forward a copy of the plan referred to in clause (a) or clause (b), as the case may be, to the Central Government which Government shall forward a copy thereof to the National Authority for its approval.

(2) Every Ministry or Department of the Government of India shall—

(a) make, while preparing disaster management plan under clause (a) of sub-section (I), provisions for financing the activities specified therein;

(b) furnish a status report regarding the implementation of the plan referred to in clause (a) of sub-section (I) to the National Authority, as and when required by it.

38. State Government to take measures.—(1) Subject to the provisions of this Act, each State Government shall take all measures specified in the guidelines laid down by the National Authority and such further measures as it deems necessary or expedient, for the purpose of disaster management.

(2) The measures which the State Government may take under sub-section (1) include measures with respect to all or any of the following matters, namely:—

(a) coordination of actions of different departments of the Government of the State, the State Authority, District Authorities, local authority and other non-governmental organisations;

(b) cooperation and assistance in the disaster management to the National Authority and National Executive Committee, the State Authority and the State Executive Committee, and the District Authorities;

(c) cooperation with, and assistance to, the Ministries or Departments of the Government of India in disaster management, as requested by them or otherwise deemed appropriate by it;

(d) allocation of funds for measures for prevention of disaster, mitigation, capacity-building and preparedness by the departments of the Government of the State in accordance with the provisions of the State Plan and the District Plans;

(e) ensure that the integration of measures for prevention of disaster or mitigation by the departments of the Government of the State in their development plans and projects;

(f) integrate in the State development plan, measures to reduce or mitigate the vulnerability of different parts of the State to different disasters;

(g) ensure the preparation of disaster management plans by different departments of the State in accordance with the guidelines laid down by the National Authority and the State Authority;

(h) establishment of adequate warning systems up to the level of vulnerable communities;

(i) ensure that different departments of the Government of the State and the District Authorities take appropriate preparedness measures;

(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;

(k) provide rehabilitation and reconstruction assistance to the victims of any disaster; and

(l) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of provisions of this Act.

39. Responsibilities of departments of the State Government.—It shall be the responsibility of every department of the Government of a State to—

- (a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority and the State Authority;
- (b) integrate into its development plans and projects, the measures for prevention of disaster and mitigation;
- (c) allocate funds for prevention of disaster, mitigation, capacity-building and preparedness;
- (d) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the State Plan, and in accordance with the guidelines or directions of the National Executive Committee and the State Executive Committee;
- (e) review the enactments administered by it, its policies, rules and regulations with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;
- (f) provide assistance, as required, by the National Executive Committee, the State Executive Committee and District Authorities, for—
 - (i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;
 - (ii) assessing the damage from any disaster;
 - (iii) carrying out rehabilitation and reconstruction;
- (g) make provision for resources in consultation with the State Authority for the implementation of the District Plan by its authorities at the district level;
- (h) make available its resources to the National Executive Committee or the State Executive Committee or the District Authorities for the purposes of responding promptly and effectively to any disaster in the State, including measures for—
 - (i) providing emergency communication with a vulnerable or affected area;
 - (ii) transporting personnel and relief goods to and from the affected area;
 - (iii) providing evacuation, rescue, temporary shelter or other immediate relief;
 - (iv) carrying out evacuation of persons or live-stock from an area of any threatening disaster situation or disaster;
 - (v) setting up temporary bridges, jetties and landing places;
 - (vi) providing drinking water, essential provisions, healthcare and services in an affected area;
- (i) such other actions as may be necessary for disaster management.

40. Disaster management plan of departments of State.—(1) Every department of the State Government, in conformity with the guidelines laid down by the State Authority, shall—

- (a) prepare a disaster management plan which shall lay down the following :—
 - (i) the types of disasters to which different parts of the State are vulnerable;
 - (ii) integration of strategies for the prevention of disaster or the mitigation of its effects or both with the development plans and programmes by the department;
 - (iii) the roles and responsibilities of the department of the State in the event of any threatening disaster situation or disaster and emergency support function it is required to perform;
 - (iv) present status of its preparedness to perform such roles or responsibilities or emergency support function under sub-clause (iii);

- (v) the capacity-building and preparedness measures proposed to be put into effect in order to enable the Ministries or Departments of the Government of India to discharge their responsibilities under section 37;
 - (b) annually review and update the plan referred to in clause (a); and
 - (c) furnish a copy of the plan referred to in clause (a) or clause (b), as the case may be, to the State Authority.
- (2) Every department of the State Government, while preparing the plan under sub-section (1), shall make provisions for financing the activities specified therein.
- (3) Every department of the State Government shall furnish an implementation status report to the State Executive Committee regarding the implementation of the disaster management plan referred to in sub-section (1).

CHAPTER VI

LOCAL AUTHORITIES

41. Functions of the local authority.—(1) Subject to the directions of the District Authority, a local authority shall—

- (a) ensure that its officers and employees are trained for disaster management;
 - (b) ensure that resources relating to disaster management are so maintained as to be readily available for use in the event of any threatening disaster situation or disaster;
 - (c) ensure all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disasters and mitigation by the National Authority, State Authority and the District Authority;
 - (d) carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State Plan and the District Plan.
- (2) The local authority may take such other measures as may be necessary for the disaster management.

CHAPTER VII

NATIONAL INSTITUTE OF DISASTER MANAGEMENT

42. National Institute of Disaster Management.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be constituted an institute to be called the National Institute of Disaster Management.

- (2) The National Institute of Disaster Management shall consist of such number of members as may be prescribed by the Central Government.
- (3) The term of office of, and vacancies among, members of the National Institute of Disaster Management and manner of filling such vacancies shall be such as may be prescribed.
- (4) There shall be a governing body of the National Institute of Disaster Management which shall be constituted by the Central Government from amongst the members of the National Institute of Disaster Management in such manner as may be prescribed.
- (5) The governing body of the National Institute of Disaster Management shall exercise such powers and discharge such functions as may be prescribed by regulations.
- (6) The procedure to be followed in exercise of its powers and discharge of its functions by the governing body, and the term of office of, and the manner of filling vacancies among the members of the governing body, shall be such as may be prescribed by regulations.
- (7) Until the regulations are made under this section, the Central Government may make such regulations; and any regulation so made may be altered or rescinded by the National Institute of Disaster Management in exercise of its powers.

(8) Subject to the provisions of this Act, the National Institute of Disaster Management shall function within the broad policies and guidelines laid down by the National Authority and be responsible for planning and promoting training and research in the area of disaster management, documentation and development of national level information base relating to disaster management policies, prevention mechanisms and mitigation measures.

(9) Without prejudice to the generality of the provisions contained in sub-section (8), the National Institute, for the discharge of its functions, may—

- (a) develop training modules, undertake research and documentation in disaster management and organise training programmes;
- (b) formulate and implement a comprehensive human resource development plan covering all aspects of disaster management;
- (c) provide assistance in national level policy formulation;
- (d) provide required assistance to the training and research institutes for development of training and research programmes for stakeholders including Government functionaries and undertake training of faculty members of the State level training institutes;
- (e) provide assistance to the State Governments and State training institutes in the formulation of State level policies, strategies, disaster management framework and any other assistance as may be required by the State Governments or State training institutes for capacity-building of stakeholders, Government including its functionaries, civil society members, corporate sector and people's elected representatives;
- (f) develop educational materials for disaster management including academic and professional courses;
- (g) promote awareness among stakeholders including college or school teachers and students, technical personnel and others associated with multi-hazard mitigation, preparedness and response measures;
- (h) undertake, Organise and facilitate study courses, conferences, lectures, seminars within and outside the country to promote the aforesaid objects;
- (i) undertake and provide for publication of journals, research papers and books and establish and maintain libraries in furtherance of the aforesaid objects;
- (j) do all such other lawful things as are conducive or incidental to the attainment of the above objects; and
- (k) undertake any other function as may be assigned to it by the Central Government.

43. Officers and other employees of the National Institute.—The Central Government shall provide the National Institute of Disaster Management with such officers, consultants and other employees, as it considers necessary, for carrying out its functions.

CHAPTER VIII

NATIONAL DISASTER RESPONSE FORCE

44. National Disaster Response Force.—(1) There shall be constituted a National Disaster Response Force for the purpose of specialist response to a threatening disaster situation or disaster.

(2) Subject to the provisions of this Act, the Force shall be constituted in such manner and, the conditions of service of the members of the Force, including disciplinary provisions therefore, be such as may be prescribed.

45. Control, direction, etc.—The general superintendence, direction and control of the Force shall be vested and exercised by the National Authority and the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director General of the National Disaster Response Force.

CHAPTER IX
FINANCE, ACCOUNTS AND AUDIT

46. National Disaster Response Fund.—(1) The Central Government may, by notification in the Official Gazette, constitute a fund to be called the National Disaster Response Fund for meeting any threatening disaster situation or disaster and there shall be credited thereto—

- (a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide;
- (b) any grants that may be made by any person or institution for the purpose of disaster management.

(2) The National Disaster Response Fund shall be made available to the National Executive Committee to be applied towards meeting the expenses for emergency response, relief and rehabilitation in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.

47. National Disaster Mitigation Fund.—(1) The Central Government may, by notification in the Official Gazette, constitute a Fund to be called the National Disaster Mitigation Fund for projects exclusively for the purpose of mitigation and there shall be credited thereto such amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide.

- (2) The National Disaster Mitigation Fund shall be applied by the National Authority.

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;
- (d) the fund to be called the District Disaster Mitigation Fund.

- (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.

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.

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.

CHAPTER X
OFFENCES AND PENALTIES

51. Punishment for obstruction, etc.—Whoever, without reasonable cause—

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. 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.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all 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 Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

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.

Explanation.—For the purpose of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

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.

CHAPTER XI

MISCELLANEOUS

61. Prohibition against discrimination.—While providing compensation and relief to the victims of disaster, there shall be no discrimination on the ground of sex, caste, community, descent or religion.

62. Power to issue direction by Central Government.—Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Central Government to issue direction in writing to the Ministries or Departments of the Government of India, or the National Executive Committee or the State Government, State Authority, State Executive Committee, statutory bodies or any of its officers or employees, as the case may be, to facilitate or assist in the disaster management and such Ministry or Department or Government or Authority, Executive Committee, statutory body, officer or employee shall be bound to comply with such direction.

63. Powers to be made available for rescue operations.—Any officer or authority of the Union or a State, when requested by the National Executive Committee, any State Executive Committee or District Authority or any person authorised by such Committee or Authority in this behalf, shall make available to that Committee or authority or person, such officers and employees as requested for, to perform any of the functions in connection with the prevention of disaster or mitigation or rescue or relief work.

64. Making or amending rules, etc., in certain circumstances.—Subject to the provisions of this Act, if it appears to the National Executive Committee, State Executive Committee or the District Authority, as the case may be, that provisions of any rule, regulation, notification, guideline, instruction, order, scheme or bye-laws, as the case may be, are required to be made or amended for the purposes of prevention of disasters or the mitigation thereof, it may require the amendment of such rules, regulation,

notification, guidelines, instruction, order, scheme or bye-laws, as the case may be, for that purpose, and the appropriate department or authority shall take necessary action to comply with the requirements.

65. Power of requisition of resources, provisions, vehicles, etc., for rescue operations, etc.—(1) If it appears to the National Executive Committee, State Executive Committee or District Authority or any officer as may be authorised by it in this behalf that—

- (a) any resources with any authority or person are needed for the purpose of prompt response;
- (b) any premises are needed or likely to be needed for the purpose of rescue operations; or
- (c) any vehicle is needed or is likely to be needed for the purposes of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, rehabilitation or reconstruction,

such authority may, by order in writing, requisition such resources or premises or such vehicle, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

(2) Whenever any resource, premises or vehicle is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such resource, premises or vehicle is required for any of the purposes mentioned in that sub-section.

(3) In this section,—

- (a) “resources” includes men and material resources;
- (b) “services” includes facilities;
- (c) “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
- (d) “vehicle” means any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise.

66. Payment of compensation.—(1) Whenever any Committee, Authority or officer referred to in sub-section (1) of section 65, in pursuance of that section requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

- (i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality;
- (ii) if as consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the thirty days to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Central Government or the State Government, as the case may be, to an arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression “person interested” means the person who was in actual possession of the premises requisitioned under section 65 immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever any Committee, Authority or officer, referred to in sub-section (1) of section 65 in pursuance of that section requisitions any vehicle, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Central Government or the State Government, as the case may be, on the basis of the fares or rates prevailing in the locality for the hire of such vehicle:

Provided that where the owner of such vehicle being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Central Government or the State Government, as the case may be, in this behalf may decide.

67. Direction to media for communication of warnings, etc.—The National Authority, the State Authority, or a District Authority may recommend to the Government to give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisories regarding any threatening disaster situation or disaster, and the said means of communication and media as designated shall comply with such direction.

68. Authentication of orders or decisions.—Every order or decision of the National Authority or the National Executive Committee, the State Authority, or the State Executive Committee or the District Authority, shall be authenticated by such officers of the National Authority or the National Executive Committee or, the State Executive Committee, or the District Authority, as may be authorised by it in this behalf.

69. Delegation of powers.—The National Executive Committee, State Executive Committee, as the case may be, by general or special order in writing, may delegate to the Chairperson or any other member or to any officer, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

70. Annual report.—(1) The National Authority shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament within one month of its receipt.

(2) The State Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the State Government and that Government shall cause the same to be laid before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

71. Bar of jurisdiction of court.—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.

72. Act to have overriding effect.—The provisions of this Act, shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

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 or 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 such person under the provisions of this Act or the rules or regulations made thereunder.

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.

75. Power of Central Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition and number of the members of the National Authority under sub-section (2), and the term of office and conditions of service of members of the National Authority under sub-section (4), of section 3;

(b) the allowances to be paid to the members of the advisory committee under sub-section (2) of section 7;

(c) the powers and functions of the Chairperson of the National Executive Committee under sub-section (3) of section 8 and the procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions under sub-section (4) of section 8;

(d) allowances to be paid to the persons associated with the sub-committee constituted by the National Executive Committee under sub-section (3) of section 9;

(e) the number of members of the National Institute of Disaster Management under sub-section (2), the term of the office and vacancies among members and the manner of filling such vacancies under sub-section (3) and the manner of constituting the Governing Body of the National Institute of Disaster Management under sub-section (4) of section 42;

(f) the manner of constitution of the Force, the conditions of service of the members of the Force, including disciplinary provisions under sub-section (2) of section 44;

(g) the manner in which notice of the offence and of the intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government or the other authority or officer under clause (b) of section 60;

(h) the form in which and the time within which annual report is to be prepared under section 70;

(i) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

76. Power to make regulations.—(1) The National Institute of Disaster Management, with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) powers and functions to be exercised and discharged by the governing body;

(b) procedure to be followed by the governing body in exercise of the powers and discharge of its functions;

(c) any other matter for which under this Act provision may be made by the regulations.

77. Rules and regulations to be laid before Parliament.—Every rule made by the Central Government and every regulation made by the National Institute of Disaster Management under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised of one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only

in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

78. Power of State Government to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition and number of the members of the State Authority under sub-section (2), and the term of office and conditions of service of the members of the State Authority under sub-section (5), of section 14;

(b) the allowances to be paid to the members of the advisory committee under sub-section (2) of section 17;

(c) the powers and functions of the Chairperson of the State Executive Committee under sub-section (3), and the procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions under sub-section (4) of section 20;

(d) allowances to be paid to the persons associated with the sub-committee constituted by the State Executive Committee under sub-section (3) of section 21;

(e) the composition and the number of members of the District Authority under sub-section (2), and the powers and functions to be exercised and discharged by the Chief Executive Officer of the District Authority under sub-section (3) of section 25;

(f) allowances payable to the persons associated with any committee constituted by the District Authority as experts under sub-section (3) of section 28;

(g) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House before that House.

79. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government or the State Government, as the case may be, by notification in the Official Gazette, make order not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or the Legislature, as the case may be.



**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**NATIONAL POLICY
ON
DISASTER MANAGEMENT
2009**



NATIONAL DISASTER MANAGEMENT AUTHORITY

National Policy
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Disaster Management
2009



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

National Policy on Disaster Management 2009

Approved by the Union Cabinet on 22nd October, 2009



NATIONAL DISASTER MANAGEMENT AUTHORITY

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The Context

1.1.1 Disasters disrupt progress and destroy the hard-earned fruits of painstaking developmental efforts, often pushing nations, in quest for progress, back by several decades. Thus, efficient management of disasters, rather than mere response to their occurrence, has in recent times, received increased attention both within India and abroad. This is as much a result of the recognition of the increasing frequency and intensity of disasters, as it is an acknowledgement that good governance in a caring and civilised society, needs to deal effectively with the devastating impact of disasters.

Disaster Risks in India

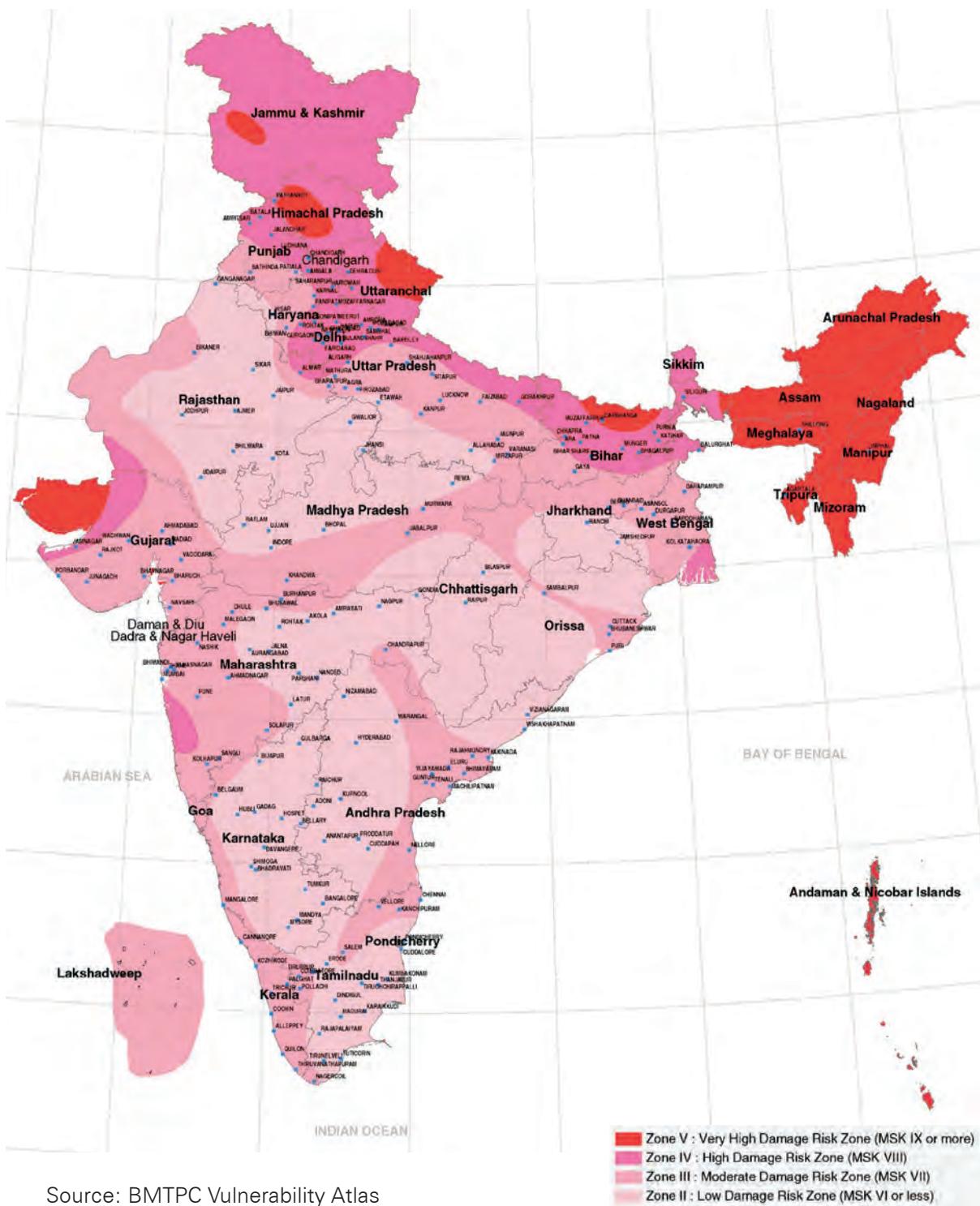
1.2.1 India is vulnerable, in varying degrees, to a large number of natural as well as man-made disasters. 58.6 per cent of the landmass is prone to earthquakes of moderate to very high intensity; over 40 million hectares (12 per cent of land) is prone to floods and river erosion; of the 7,516 km long coastline, close to 5,700 km is prone to cyclones and tsunamis; 68 per cent of the cultivable area is vulnerable to drought and hilly areas are at risk from landslides and avalanches. Vulnerability to disasters/emergencies of Chemical, Biological, Radiological and Nuclear (CBRN) origin also exists. Heightened vulnerabilities to disaster risks can be related to expanding population, urbanisation and industrialisation, development within high-risk zones, environmental degradation and climate change (Maps 1–4).

1.2.2 In the context of human vulnerability to disasters, the economically and socially weaker segments of the population are the ones that are most seriously affected. Within the vulnerable groups, elderly persons, women, children—especially women rendered destitute, children orphaned on account of disasters and differently abled persons are exposed to higher risks.

Paradigm Shift in Disaster Management (DM)

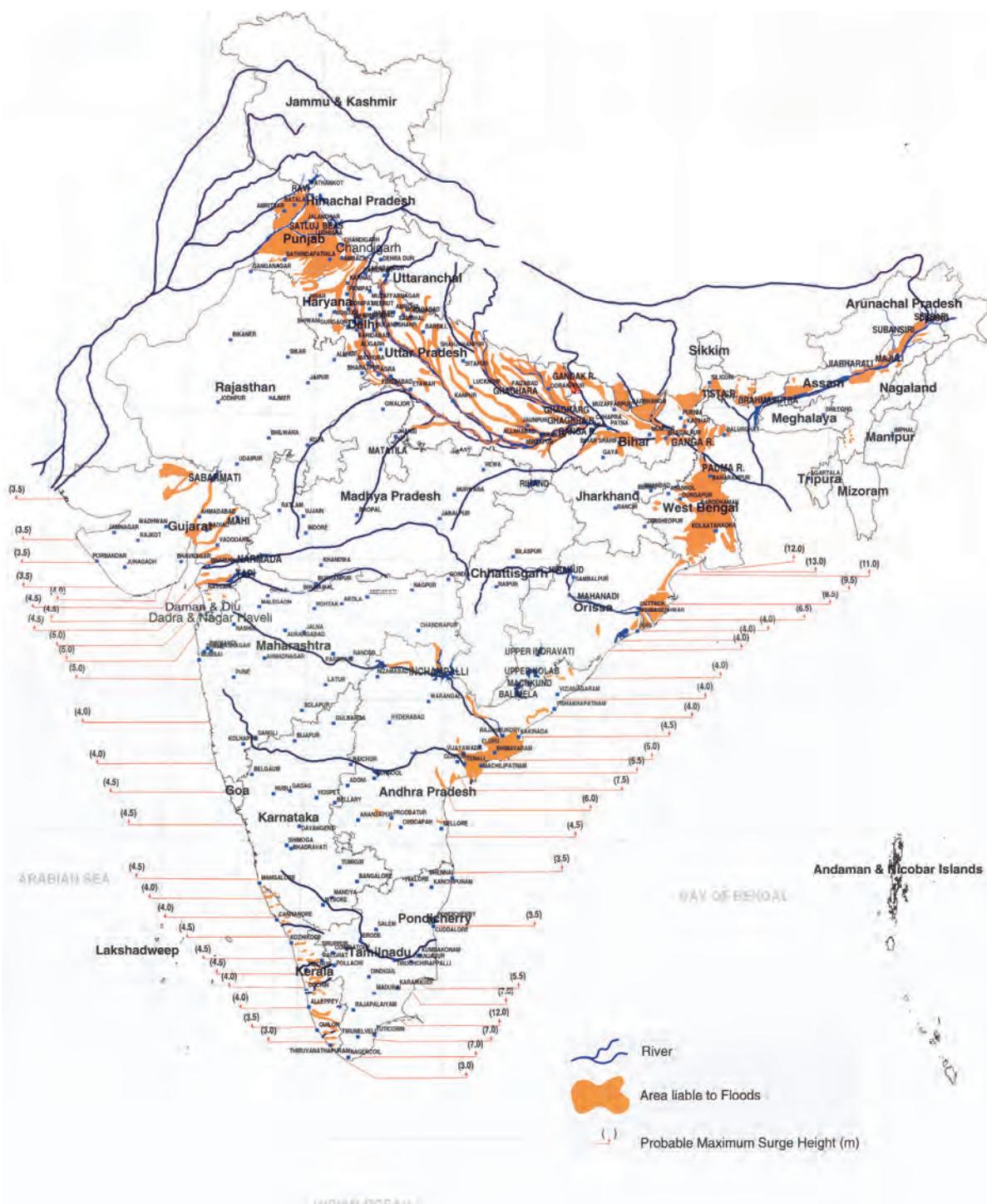
1.3.1 On 23 December 2005, the Government of India (GoI) took a defining step by enacting the Disaster Management Act, 2005, (hereinafter referred to as the Act) which envisaged the creation of the National Disaster Management Authority (NDMA), headed by the Prime Minister, State Disaster Management Authorities (SDMAs) headed by the Chief Ministers, and District Disaster Management Authorities (DDMAs) headed by the District Collector or District Magistrate or Deputy Commissioner as the case may be, to spearhead and adopt a holistic and integrated approach to DM. There will be a paradigm shift, from the erstwhile relief-centric response to a proactive prevention, mitigation and preparedness-driven approach for conserving developmental gains and to minimise loss of life, livelihood and property.

**Map 1
EARTHQUAKE ZONES IN INDIA**



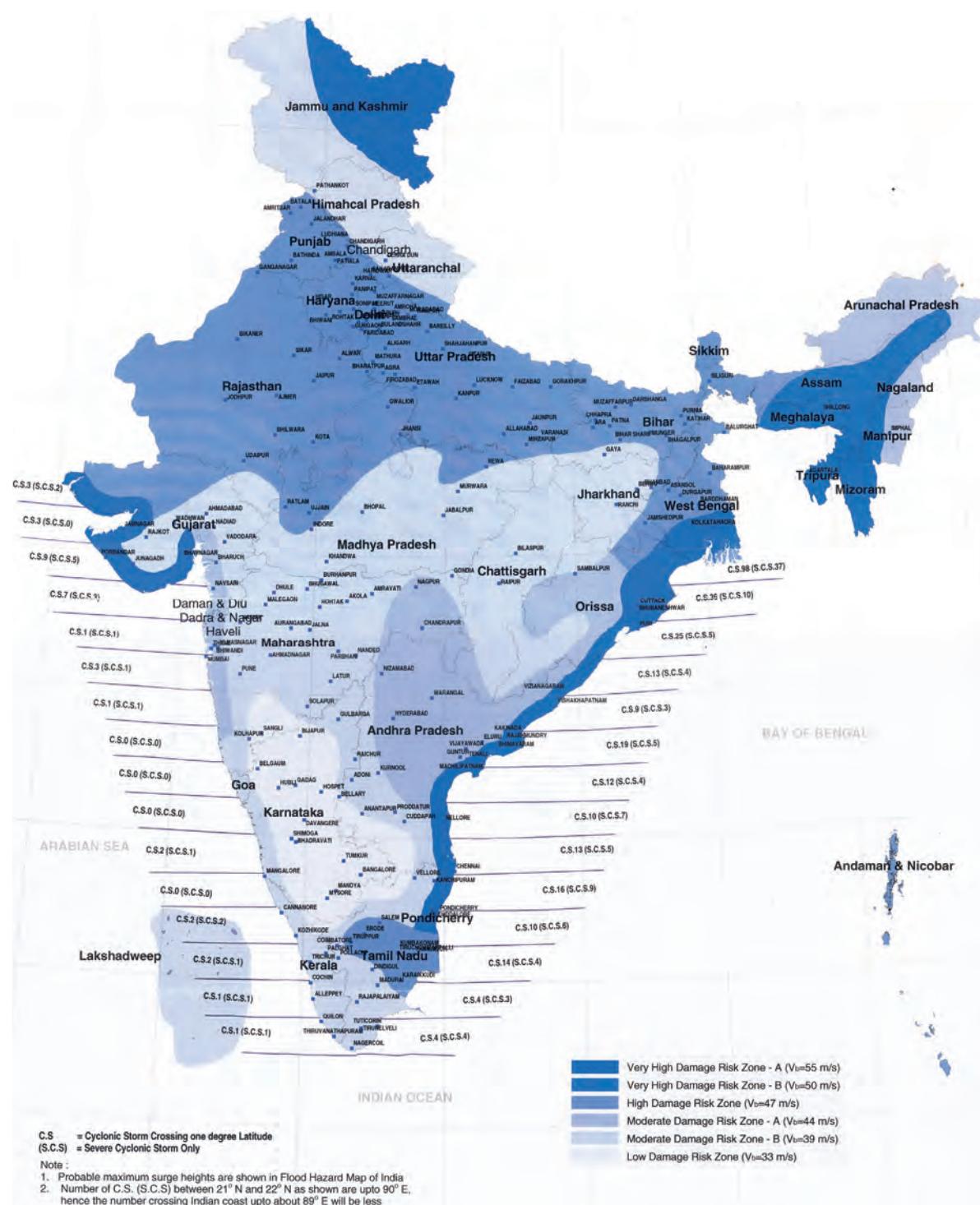
Source: BMTPC Vulnerability Atlas

Map 2 FLOOD ZONES IN INDIA



Source: BMTPC Vulnerability Atlas

Map 3 WIND AND CYCLONE ZONES IN INDIA



Source: BMTPC Vulnerability Atlas

Map 4 LANDSLIDE AFFECTED STATES



2

Approach and Objectives

Vision

2.1.1 To build a safe and disaster resilient India by developing a holistic, proactive, multi-disaster oriented and technology driven strategy through a culture of prevention, mitigation, preparedness and response.

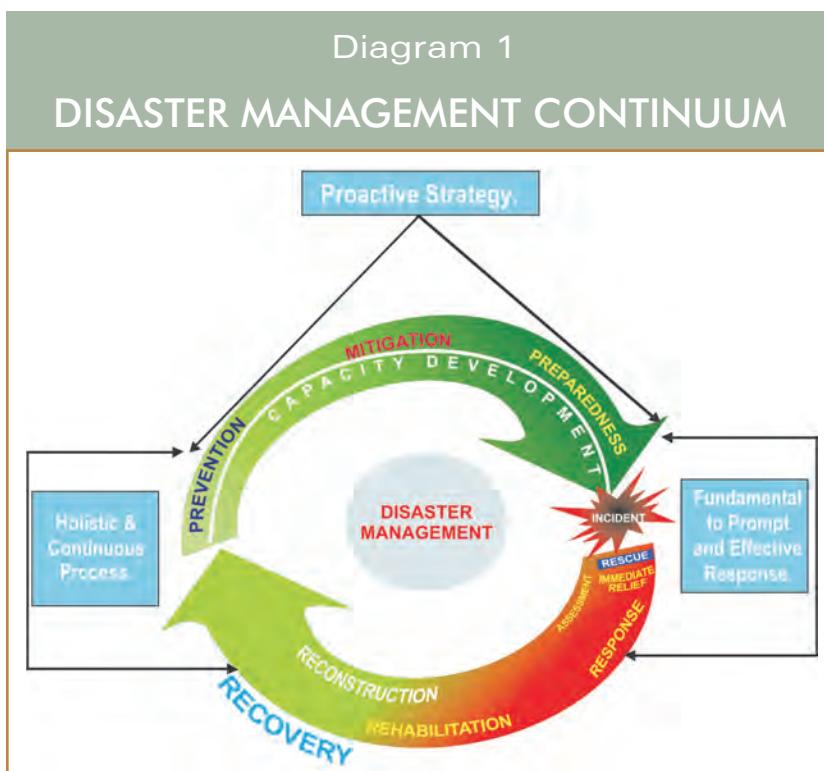
- Prompt response to any threatening disaster situation or disaster.
- Assessing the severity or magnitude of effects of any disaster.
- Evacuation, rescue and relief.
- Rehabilitation and reconstruction.

Disaster Management (DM)

2.2.1 A disaster¹ refers to a catastrophe, mishap, calamity or grave occurrence from natural or man-made causes, which is beyond the coping capacity of the affected community. DM involves a continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient for:

- Prevention of danger or threat of any disaster.
- Mitigation or reduction of risk of any disaster or its severity or consequences.
- Capacity building including research and knowledge management.
- Preparedness to deal with any disaster.

2.2.2 A typical DM continuum comprises six elements; the pre-disaster phase includes prevention, mitigation and preparedness, while the post-disaster phase includes response, rehabilitation, reconstruction and recovery. A legal and institutional framework binds all these elements together (Diagram I).



¹ Source:

Sections 2(d) and (e) of DM Act, 2005.

Approach

2.3.1 A holistic and integrated approach will be evolved towards disaster management with emphasis on building strategic partnerships at various levels. The themes underpinning the policy are:

- Community based DM, including last mile integration of the policy, plans and execution.
- Capacity development in all spheres.
- Consolidation of past initiatives and best practices.
- Cooperation with agencies at National and International levels.
- Multi-sectoral synergy.

responsive and fail-safe communication with information technology support.

- 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 for ensuring safer living.
- Promoting a productive and proactive partnership with the media for disaster management.

Objectives

2.4.1 The objectives of the National Policy on Disaster Management are:

- Promoting a culture of prevention, preparedness and resilience at all levels through knowledge, innovation and education.
- Encouraging mitigation measures based on technology, traditional wisdom and environmental sustainability.
- Mainstreaming disaster management into the developmental planning process.
- Establishing institutional and technolegal frameworks to create an enabling regulatory environment and a compliance regime.
- Ensuring efficient mechanism for identification, assessment and monitoring of disaster risks.
- Developing contemporary forecasting and early warning systems backed by

3

Institutional and Legal Arrangements

Disaster Management Act, 2005

3.1.1 The Act lays down institutional, legal, financial and coordination mechanisms at the National, State, District and Local levels. These institutions are not parallel structures and will work in close harmony. The new institutional framework is expected to usher in a paradigm shift in DM from relief-centric approach to a proactive regime that lays greater emphasis on preparedness, prevention and mitigation.

preparedness measures. NDMA has the power to authorise the Departments or authorities concerned, to make emergency procurement of provisions or materials for rescue and relief in a threatening disaster situation or disaster. The general superintendence, direction and control of the National Disaster Response Force (NDRF) is vested in and will be exercised by the NDMA. The National Institute of Disaster Management (NIDM) works within the framework of broad policies and guidelines laid down by the NDMA.

Institutional Framework under the Act

National Disaster Management Authority (NDMA)

3.2.1 The NDMA, as the apex body for disaster management, is headed by the Prime Minister and has the responsibility for laying down policies, plans and guidelines for DM and coordinating their enforcement and implementation for ensuring timely and effective response to disasters. The guidelines will assist the Central Ministries, Departments and States to formulate their respective DM plans. It will approve the National Disaster Management Plans and DM plans of the Central Ministries/Departments. It will take such other measures, as it may consider necessary, for the prevention of disasters, or mitigation, or preparedness and capacity building, for dealing with a threatening disaster situation or disaster. Central Ministries/Departments and State Governments will extend necessary cooperation and assistance to NDMA for carrying out its mandate. It will oversee the provision and application of funds for mitigation and

3.2.2 The NDMA is mandated to deal with all types of disasters; natural or man-made. Whereas, such other emergencies including those requiring close involvement of the security forces and/or intelligence agencies such as terrorism (counter-insurgency), law and order situations, serial bomb blasts, hijacking, air accidents, CBRN weapon systems, mine disasters, port and harbour emergencies, forest fires, oilfield fires and oil spills will continue to be handled by the extant mechanism i.e., National Crisis Management Committee (NCMC).

3.2.3 NDMA may, however, formulate guidelines and facilitate training and preparedness activities in respect of CBRN emergencies. Cross-cutting themes like medical preparedness, psycho-social care and trauma, community based disaster preparedness, information and communication technology, training, preparedness, awareness generation etc., for natural and man-made disasters will also engage the attention of NDMA in partnership with the stakeholders concerned. Resources available with the disaster management

authorities at all levels, which are capable of discharging emergency support functions, will be made available to the nodal Ministries/Agencies dealing with the emergencies at times of impending disaster(s).

National Executive Committee (NEC)

3.2.4 The NEC comprises the Union Home Secretary as Chairperson, and the Secretaries to the GoI in the Ministries/Departments of Agriculture, Atomic Energy, Defence, Drinking Water Supply, Environment and Forests, Finance (Expenditure), Health, Power, Rural Development, Science & Technology, Space, Telecommunications, Urban Development, Water Resources and the Chief of the Integrated Defence Staff of the Chiefs of Staff Committee as members. Secretaries in the Ministry of External Affairs, Earth Sciences, Human Resource Development, Mines, Shipping, Road Transport & Highways, and the Secretary, NDMA will be special invitees to the meetings of the NEC.

3.2.5 The NEC is the executive committee of the NDMA, and is mandated to assist the NDMA in the discharge of its functions and also ensure compliance of the directions issued by the Central Government. The NEC is to coordinate the response in the event of any threatening disaster situation or disaster. The NEC will prepare the National Plan for Disaster Management based on the National Policy on Disaster Management. The NEC will monitor the implementation of guidelines issued by NDMA. It will also perform such other functions as may be prescribed by the Central Government in consultation with the NDMA.

State Disaster Management Authority (SDMA)

3.2.6 At the State level, the SDMA, headed by the Chief Minister, will lay down policies and plans for DM in the State. It will, inter alia approve the State Plan in accordance with the guidelines laid down by the NDMA, coordinate

the implementation of the State Plan, recommend provision of funds for mitigation and preparedness measures and review the developmental plans of the different Departments of the State to ensure the integration of prevention, preparedness and mitigation measures.

3.2.7 The State Government shall constitute a State Executive Committee (SEC) to assist the SDMA in the performance of its functions. The SEC will be headed by the Chief Secretary to the State Government and coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan. The SEC will also provide information to the NDMA relating to different aspects of DM.

District Disaster Management Authority (DDMA)

3.2.8 The DDMA will be headed by the District Collector, Deputy Commissioner or District Magistrate as the case may be, with the elected representative of the local authority as the Co-Chairperson. The DDMA will act as the planning, coordinating and implementing body for DM at the District level and take all necessary measures for the purposes of DM in accordance with the guidelines laid down by the NDMA and SDMA. It will, inter alia prepare the District DM plan for the District and monitor the implementation of the National Policy, the State Policy, the National Plan, the State Plan and the District Plan. The DDMA will also ensure that the guidelines for prevention, mitigation, preparedness and response measures laid down by the NDMA and the SDMA are followed by all the Departments of the State Government at the District level and the local authorities in the District.

Local Authorities

3.2.9 For the purpose of this Policy, local authorities would include Panchayati Raj Institutions (PRI), Municipalities, District and Cantonment

Boards, and Town Planning Authorities which control and manage civic services. These bodies will ensure capacity building of their officers and employees for managing disasters, carry out relief, rehabilitation and reconstruction activities in the affected areas and will prepare DM Plans in consonance with the guidelines of the NDMA, SDMAs and DDMAs. Specific institutional framework for dealing with disaster management issues in mega cities will be put in place.

National Institute of Disaster Management (NIDM)

3.2.10 The NIDM, in partnership with other research institutions has capacity development as one of its major responsibilities, along with training, research, documentation and development of a National level information base. It will network with other knowledge-based institutions and function within the broad policies and guidelines laid down by the NDMA. It will organise training of trainers, DM officials and other stakeholders. The NIDM will strive to emerge as a 'Centre of Excellence' in the field of Disaster Management.

National Disaster Response Force (NDRF)

3.2.11 For the purpose of specialised response to a threatening disaster situation or disasters/ emergencies both natural and man-made such as those of CBRN origin, the Act has mandated the constitution of a National Disaster Response Force (NDRF). The general superintendence, direction and control of this force shall be vested in and exercised by the NDMA and the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director General of Civil Defence and National Disaster Response Force. Presently, the NDRF comprises eight battalions and further expansion may be considered in due course. These battalions will be positioned at different locations as may be required. NDRF units will maintain close liaison with the designated State Governments and will

be available to them in the event of any serious threatening disaster situation. While the handling of natural disasters rests with all the NDRF battalions, four battalions will also be equipped and trained to respond to situations arising out of CBRN emergencies. Training centres will be set up by respective paramilitary forces to train personnel from NDRF battalions of respective Forces and will also meet the training requirements of State/UT Disaster Response Forces. The NDRF units will also impart basic training to all the stakeholders identified by the State Governments in their respective locations. Further, a National Academy will be set up to provide training for trainers in disaster management and to meet related National and International commitments.

Mitigation Reserves

3.2.12 Experience in major disasters in the last decade has clearly established the need for pre-positioning of some essential reserves at crucial locations, including some for the high altitude areas. These reserves are intended to augment the resources at the State level. Mitigation reserves will be placed at the disposal of the NDRF for enhancing their emergency response capabilities for assisting the State Governments during a disaster or disaster-like situation.

Existing Institutional Arrangements

Cabinet Committee on Management of Natural Calamities (CCMNC) and the Cabinet Committee on Security (CCS)

3.3.1 CCMNC had been constituted to oversee all aspects relating to the management of natural calamities including assessment of the situation and identification of measures and programmes considered necessary to reduce its impact, monitor and suggest long-term measures for prevention of such calamities, formulate and recommend programmes for public awareness for

building up society's resilience to them. The CCS deals with issues related to defence of the country, law and order and internal security, policy matters concerning foreign affairs that have internal or external security implications, and economic and political issues impinging on National security.

High Level Committee (HLC)

3.3.2 In the case of calamities of severe nature, Inter-Ministerial Central Teams are deputed to the affected States for assessment of damage caused by the calamity and the amount of relief assistance required. The Inter-Ministerial Group (IMG), headed by the Union Home Secretary, scrutinises the assessment made by the Central Teams and recommends the quantum of assistance to be provided to the States from the National Calamity Contingency Fund (NCCF). However, assessment of damages by IMG in respect of drought, hail-storm and pest attack will continue to be headed by the Secretary, Ministry of Agriculture and Cooperation. The HLC comprising the Finance Minister as Chairman and the Home Minister, Agriculture Minister, and Deputy Chairman of the Planning Commission as members approves the Central assistance to be provided to the affected States based on the recommendations of the IMG. The constitution and composition of HLC may vary from time to time. The Vice Chairman, NDMA will be a special invitee to the HLC.

Central Government

3.3.3 In accordance with the provisions of the Act, the Central Government will take all such measures, as it deems necessary or expedient, for the purpose of DM and will coordinate actions of all agencies. The Central Ministries and Departments will take into consideration the recommendations of the State Government Departments while deciding upon the various pre-disaster requirements and for deciding upon the measures for prevention and mitigation of disaster. It will ensure that the

Central Ministries and Departments integrate measures for the prevention and mitigation of disasters into their developmental plans and projects, make appropriate allocation of funds for pre-disaster requirements and take necessary measures for preparedness and to effectively respond to any disaster situation or disaster. It will have the power to issue directions to NEC, State Governments/SDMAs, SECs or any of their officers or employees, to facilitate or assist in DM, and these bodies and officials shall be bound to comply with such directions. The Central Government will extend cooperation and assistance to the State Governments as required by them or otherwise deemed appropriate by it. It will take measures for the deployment of the Armed Forces for disaster management. The Central Government will also facilitate coordination with the UN Agencies, International Organisations and Governments of Foreign Countries in the field of disaster management. The Ministry of External Affairs in coordination with the Ministry of Home Affairs (MHA) will facilitate external coordination/cooperation.

Role of Central Ministries and Departments

3.3.4 As disaster management is a multi-disciplinary process, all Central Ministries and Departments will have a key role in the field of disaster management. The nodal Ministries and Departments of the GoI (i.e., the Ministries of Agriculture, Atomic Energy, Civil Aviation, Earth Sciences, Environment & Forests, Home Affairs, Health, Mines, Railways, Space, Water Resources etc.) will continue to address specific disasters as assigned to them.

National Crisis Management Committee (NCMC)

3.3.5 The NCMC, comprising high level officials of the GoI headed by the Cabinet Secretary, will continue to deal with major crises which have serious or National ramifications. It will be

supported by the Crisis Management Groups (CMG) of the Central nodal Ministries and assisted by NEC as may be necessary. The Secretary, NDMA may be a member of this Committee.

State Governments

3.3.6 The primary responsibility for disaster management rests with the States. The institutional mechanism put in place at the Centre, State and District levels will help the States manage disasters in an effective manner.

3.3.7 The Act mandates the State Governments inter alia to take measures for preparation of Disaster Management Plans, integration of measures for prevention of disasters or mitigation into development plans, allocation of funds, establishment of early warning systems, and to assist the Central Government and other agencies in various aspects of Disaster Management.

District Administration

3.3.8 At the District level, DDMAs will act as the District planning, coordinating and implementing body for disaster management and will take all measures for the purposes of disaster management in the District in accordance with the guidelines laid down by NDMA and SDMA.

Management of Disasters Impacting more than one State

3.3.9 At times, the impact of disasters occurring in one State may spread over to the areas of other States. Similarly, preventive measures in respect of certain disasters, such as floods, etc., may be required to be taken in one State, though the impact of their occurrence may affect another. The administrative hierarchy of the country is organised into National, State and District level administrations. This presents some difficulties in respect of disasters impacting more than

one State. Management of such situations calls for a coordinated approach, which can respond to a range of issues quite different from those that normally present themselves, before, during and after the event. NDMA will encourage identification of such situations and promote the establishment of mechanisms on the lines of Mutual Aid Agreement for coordinated strategies for dealing with them by the States, Central Ministries and Departments and other agencies concerned.

Other Important Institutional Arrangements

Armed Forces

3.4.1 Conceptually, the Armed Forces are called upon to assist the civil administration only when the situation is beyond their coping capability. In practice, however, the Armed Forces form an important part of the Government's response capacity and are immediate responders in all serious disaster situations. On account of their vast potential to meet any adverse challenge, speed of operational response and the resources and capabilities at their disposal, the Armed Forces have historically played a major role in emergency support functions. These include communication, search and rescue operations, health and medical facilities, and transportation, especially in the immediate aftermath of a disaster. Airlift, heli-lift and movement of assistance to neighbouring countries primarily fall within the expertise and domain of the Armed Forces. The Armed Forces will participate in imparting training to trainers and DM managers, especially in CBRN aspects, heli-insertion, high-altitude rescue, watermanship and training of paramedics. At the National level, the Chief of the Integrated Defence Staff to the Chairman Chiefs of Staff Committee has already been included in the NEC. Similarly, at the State and District levels, the local representatives of the

Armed Forces may be included in their executive committees to ensure closer coordination and cohesion.

Central Paramilitary Forces

3.4.2 The Central Paramilitary Forces (CPMFs), which are also the Armed Forces of the Union, play a key role at the time of immediate response to disasters. Besides contributing to the NDRF, they will develop adequate disaster management capabilities within their own forces and respond to disasters which may occur in the areas where they are posted. The local representatives of the CPMFs may be co-opted/invited in the executive committee at the State level.

State Police Forces and Fire Services

3.4.3 The State Police Forces and the Fire Services are crucial immediate responders to disasters. The Police Forces will be trained and the Fire Services upgraded to acquire multi-hazard rescue capability.

Civil Defence and Home Guards

3.4.4 The mandate of the Civil Defence and the Home Guards will be redefined to assign an effective role in the field of disaster management. They will be deployed for community preparedness and public awareness. A culture of voluntary reporting to duty stations in the event of any disaster will be promoted.

State Disaster Response Force (SDRF)

3.4.5 States will be encouraged to create response capabilities from within their existing resources. To start with, each State may aim at equipping and training one battalion equivalent force. They will also include women members for looking after the needs of women and children. NDRF battalions and their training institutions will

assist the States/UTs in this effort. The States/UTs will also be encouraged to include DM training in their respective Police Training Colleges and basic and in-service courses, for gazetted and non-gazetted officers.

Role of National Cadet Corps (NCC), National Service Scheme (NSS) and Nehru Yuva Kendra Sangathan (NYKS)

3.4.6 Potential of these youth based organisations will be optimised to support all community based initiatives and DM training would be included in their programmes.

International Cooperation

3.5.1 Disasters do not recognise geographical boundaries. Major disasters may often simultaneously affect several countries. It will be the National endeavour to develop close cooperation and coordination at the International level in all spheres of DM.

4

Financial Arrangements

Approach

4.1.1 In order to bring about a paradigm shift from the relief-centric approach to one covering prevention, preparedness and mitigation, efforts would be made to mainstream prevention and mitigation measures into the developmental plans and programmes by enlisting cooperation from all stakeholders.

DM to be in-built in Developmental Plans

4.2.1 NDMA will ensure mainstreaming of disaster risk reduction in the developmental agenda of all existing and new developmental programmes and projects which shall incorporate disaster resilient specifications in design and construction. The Planning Commission will give due weightage to these factors while allocating resources.

National Disaster Response and Mitigation Funds

4.3.1 A National Disaster Response Fund may be constituted as mandated in the Act. The National Disaster Response Fund will be applied by the NEC towards meeting expenses for emergency response, relief and rehabilitation, in accordance with the guidelines laid down by the Central Government in consultation with the NDMA. The proposal for merging the National Calamity Contingency Fund (NCCF) with the National Disaster Response Fund shall be as

recommended by the Finance Commission from time to time.

4.3.2 Similarly, as mandated by the Act, the National Disaster Mitigation Fund (NDMF) may be created for projects exclusively for the purpose of mitigation. The NDMF shall be applied by the NDMA and shall be as recommended by the Finance Commission from time to time.

Responsibilities of the Central Ministries and Departments

4.4.1 All Central Ministries and Departments will prepare their DM plans including the financial projections to support these plans. The necessary budgetary allocations will be made as part of the Five Year and Annual Plans.

State and District Level Arrangements

4.4.2 It shall be the responsibility of the States to constitute the Disaster Mitigation and Response Funds at the State as well as District levels. The modalities for the application of these funds will be worked out in accordance with the provisions of the Act.

Mitigation Projects

4.4.3 The guidelines on various disasters will form the basis for the formulation of plans for mitigation projects at the National, State and District level. Central Ministries and Departments as well as the State Governments will identify

Mitigation Projects for implementation. The National level mitigation projects will be duly prioritised and approved in consultation with the NDMA.

Techno-Financial Regime

4.5.1 Considering that the assistance provided by the Government for rescue, relief, rehabilitation and reconstruction needs cannot compensate for massive losses on account of disasters, new financial tools such as catastrophe risk financing,

risk insurance, catastrophe bonds, micro-finance and insurance etc., will be promoted with innovative fiscal incentives to cover such losses of individuals, communities and the corporate sector. In this regard, the Environmental Relief Fund under the Public Liability Insurance Act, 1991, enacted for providing relief to chemical accident victims is worth mentioning. Some financial practices such as disaster risk insurance, micro-finance and micro-insurance, warranty on newly constructed houses and structures and linking safe construction with home loans will be considered for adoption.

5

Disaster Prevention, Mitigation and Preparedness

Disaster Prevention and Mitigation

5.1.1 Unlike man-made disasters, natural hazards like floods, earthquakes, and cyclones cannot be avoided. However, with mitigation measures along with proper planning of developmental work in the risk prone area, these hazards can be prevented from turning into disasters. A multi-pronged approach needs to be adopted to undertake mitigation measures:

- Building mitigation measures into all development projects.
- Initiating of National level mitigation projects by the NDMA, in high priority areas, with the help of the Central Ministries and Departments concerned and the States.
- Encouraging and assisting State level mitigation projects in accordance with the guidelines.
- Indigenous knowledge on disaster and coping mechanisms adopted by various States will be given due weightage with special focus on protection of heritage structures.

Risk Assessment and Vulnerability Mapping

5.1.2 Hazard zonation, mapping and vulnerability analysis in a multi-hazard framework will be carried out utilising Geographic Information System (GIS) based databases such as the National Database for Emergency Management (NDEM) and National

Spatial Data Infrastructure (NSDI). As a first step towards addressing disaster vulnerabilities, Central Ministries and Departments, National agencies, knowledge-based institutions and DM authorities at the State and District levels need to carry out risk and vulnerability assessment of all disaster prone areas. Hazard zonation mapping and vulnerability analysis based on GIS and remote sensing data, needs to mandatorily include a ground check component. Hazard and Consequence Mapping on GIS platforms will be prepared for all chemical accident prone districts.

5.1.3 The increasing use of GIS, remote sensing and applications of Global Positioning Systems (GPS) in DM, has made it imperative to set up a mechanism for sharing thematic and spatial data through a designated electronic clearing house. The NSDI has been set up by the Survey of India, to collect, compile, analyse and prepare value-added maps for use by various agencies in the field of DM for management of natural resources, industrial applications etc. The NSDI need to work towards interoperability of data and information sharing protocols to facilitate effective policy analysis. A two-way interoperable link will be established between NSDI and the proposed National Disaster Emergency Communication Network for easy and quick sharing. The programme designed to have spatial and non-spatial databases in a secure environment under the NDEM will derive the data sets through NSDI for addressing the information needs for disaster management.

Increasing Trend of Disasters in Urban Areas

5.1.4 Disasters in urban areas are distinct in many ways and the intensity of damage is usually very high, warranting effective DM plans. Of late, there has been an alarming increase in such types of disasters. Search and rescue efforts in the urban areas also require specialised training. Action plans for checking unplanned urbanisation and ensuring safer human habitat against all forms of disasters will be recognised as priority areas. State Governments/UTs concerned should accord priority for improving urban drainage systems with special focus on non-obstruction of natural drainage systems. Urban mapping of infrastructure of spatial resolution will be taken up for development of Decision Support System (DSS) for management of urban risks.

Critical Infrastructure

5.1.5 It is of utmost importance that critical infrastructure like dams, roads, bridges, flyovers, railway lines, power stations, water storage towers, irrigation canals, delta water distribution networks, river and coastal embankments, ports and other civic utilities are constantly monitored for safety standards in consonance with worldwide safety benchmarks and strengthened where deficient. The building standards for critical infrastructure need to be aligned to the safety norms and Departments/Authorities concerned would ensure the requisite actions and measures to ensure this.

Environmentally Sustainable Development

5.1.6 Environmental considerations and developmental efforts, need to go hand in hand for ensuring sustainability. Restoration of ecological balance in Himalayan regions and raising coastal shelter belt plantations need to be incorporated wherever necessary in DM plans. Eco systems of forests, islands, coastal areas, rivers; and the

agricultural, urban and industrial environment are also to be considered for restoration of ecological balances and sustainable development. Zonal regulations must ensure the preservation of natural habitats.

Climate Change Adaptation

5.1.7 Climate change is impacting our glacial reserves, water balance, agriculture, forestry, coastal ecology, bio-diversity and human and animal health. There are definite indications that climate change would increase the frequency and intensity of natural disasters like cyclones, floods and droughts in the coming years. In order to meet these challenges in a sustained and effective manner, synergies in our approach and strategies for climate change adaptation and disaster risk reduction shall be encouraged and promoted.

Preparedness

Role of Central Ministries and Departments, and States

5.2.1 States/UTs have to accord the highest priority to building up their own DM capabilities. Plans at all levels will be made in consonance with the guidelines and provisions in the DM Act, 2005. While the National Plan will be prepared by the NEC, the disaster and domain-specific plans will be made by the respective Central Ministries and Departments. State and District plans will be prepared for their specific disaster-related vulnerabilities in accordance with the guidelines issued by the NDMA. New institutional mechanisms may have to be built specifically in those sectors of DM where none of the existing agencies are working towards the building of required capacities.

5.2.2 The plans prepared by Central Ministries and Departments, States and Districts will incorporate the inputs of all stakeholders for

integration into the planning process. The participation of all stakeholders, communities and institutions will inculcate a culture of preparedness. A bottom-up approach needs to be adopted for better understanding and operationalisation of these plans.

5.2.3 The subject of DM will be included as a 'standing item' in the agenda of the Inter State Council and Zonal Council and as a 'reporting item' in the National Development Council.

Forecasting and Early Warning Systems

5.2.4 It is most essential to establish, upgrade and modernise the forecasting and early-warning systems for all types of disasters. The nodal agencies responsible for monitoring and carrying out surveillance, for specific natural disasters, will identify technological gaps and formulate projects for their upgradation, in a time-bound manner. All States should provide to the India Meteorological Department, the required infrastructure for upgradation/ establishment of meteorological observation systems. Partnerships with the World Meteorological Organisation (WMO), Pacific Tsunami Warning System and other regional and global institutions may also be considered. ICT tools need to be used for data receptions, forecasting and timely dissemination.

Communications and Information Technology (IT) Support

5.2.5 The basic communications and IT support requirements for disaster management correspond to the following three levels:

- Decision makers and disaster managers at all levels.
- Real time dissemination of advance warnings and information to the authorities concerned at various levels and the threatened community. For dissemination of advance warning and information,

broadcasting mediums such as television and radio shall be used significantly as they have higher geographical reach. For coastal and hilly regions, the network of the Meteorological Department may be used.

- Last mile connectivity at the disaster site for control and conduct of rescue and relief operations.

5.2.6 Communication and sharing of up-to-date information using state-of-the-art IT infrastructure remain at the heart of effective implementation of the disaster management strategy. Reliable, up-to-date and faster sharing of geo-spatial information acquired from the field or the affected areas is a pre-requisite for effective implementation of disaster management strategies. Efforts should be made for setting up IT infrastructures consisting of required IT processes, architecture and skills for quick upgradation and updation of data sets from the PRIs or the ULBs. A National Emergency Communication Network, involving contemporary space and terrestrial-based technologies in a highly synergistic configuration and with considerable redundancy, will be developed. This Network will ensure real time dissemination of warnings and information to the affected community and local authorities.

Strengthening of the Emergency Operations Centres

5.2.7 The establishment of Emergency Operations Centres at the National, State, Metro and District level and equipping them with contemporary technologies and communication facilities and their periodic upgradation, will be accorded priority. For last mile connectivity and control of the operations at the disaster hit areas, availability of portable platforms will be catered for. The integration of Ham radios and such other innovative facilities, into the DM communication system, will be advantageous.

Medical Preparedness and Mass Casualty Management

5.2.8 Medical preparedness is a crucial component of any DM Plan. The NDMA, in close coordination with the Ministry of Health and Family Welfare, States and premier medical research institutes will formulate policy guidelines to enhance capacity in emergency medical response and mass casualty management. DM plans for hospitals will include developing and training of medical teams and paramedics, capacity building, trauma and psycho-social care, mass casualty management and triage. The surge and casualty handling capacity of all hospitals at the time of disasters, will be worked out and recorded through a consultative process, by all the States/UTs in the pre-disaster phase. The State and District authorities will be encouraged to formulate appropriate procedures for treatment of casualties by private hospitals during disasters. These plans will also address post-disaster disease surveillance systems, networking with hospitals, referral institutions and accessing services and facilities such as availability of ambulances and blood banks.

5.2.9 Creation of mobile surgical teams, mobile hospitals and heli-ambulances for evacuation of patients is a crucial component of DM efforts. The Accident Relief Medical Vans (ARMVs) of the Ministry of Railways, stabled at stations every 100 km, will be utilised for emergency medical response by the State and District authorities in consultation with the Railways. The creation of additional bio-safety laboratories of level IV will be addressed by the Nodal Ministry. There is a need to focus on creating adequate mortuary facilities. Proper and speedy disposal of dead bodies and animal carcasses deserves due weightage.

Training, Simulation and Mock Drills

5.2.10 Efficacy of plans and Standard Operating Procedures (SOPs) are tested and refined through

training, seminars and mock drills. The NDMA will assist the States/UTs in these areas and will also conduct mock drills in different parts of the country. State and District authorities will be encouraged to generate a culture of preparedness and quick response. Gradually State Governments will be encouraged to plan a series of exercises for various types of disasters in collaboration with NDMA to enhance the response level of various stakeholders.

Partnerships for Mitigation and Preparedness

Community Based Disaster Preparedness

5.3.1 During any disaster, communities are not only the first to be affected but also the first responders. Community participation ensures local ownership, addresses local needs, and promotes volunteerism and mutual help to prevent and minimise damage. Therefore, the efforts of the States/UTs, in this regard need to be encouraged.

5.3.2 The needs of the elderly, women, children and differently abled persons require special attention. Women and youth will be encouraged to participate in decision making committees and action groups for management of disasters. As first responders to any disaster, communities will be trained in the various aspects of response such as first aid, search and rescue, management of community shelters, psycho-social counselling, distribution of relief and accessing support from government/agencies etc. Community plans will be dovetailed into the Panchayat, Block and District plans.

Stakeholders' Participation

5.3.3 The participation of civil society stakeholders will be coordinated by the SDMAs and DDMAs. Civil Defence, NCC, NYKS, NSS and local Non-Governmental Organisations (NGOs)

will be encouraged to empower the community and generate awareness through their respective institutional mechanisms. Efforts to promote voluntary involvement will be actively encouraged.

Corporate Social Responsibility (CSR) and Public-Private Partnership (PPP)

5.3.4 Historically, the corporate sector has been supporting disaster relief and rehabilitation activities. However, the involvement of corporate entities in disaster risk reduction activities is not significant. Corporate entities should redefine their business continuity plan to factor in hazards, risks and vulnerabilities. They should also create value in innovative social investments in the community. PPP between the Government and private sector

would also be encouraged to leverage the strengths of the latter in disaster management. The NDMA and SDMAs need to network with the corporate entities to strengthen and formalise their role in the DM process for ensuring safety of the communities.

Media Partnership

5.3.5 The media plays a critical role in information and knowledge dissemination in all phases of DM. The versatile potential of both electronic and print media needs to be fully utilised. Effective partnership with the media will be worked out in the field of community awareness, early warning and dissemination, and education regarding various disasters.

6

Techno-Legal Regime

Techno-Legal Regime

6.1.1 The DM Act, 2005, lays down the institutional and coordination mechanisms at the National, State, District and Local level. The relevant Acts, Rules and Regulations warranting amendments need to be identified and brought in conformity with the DM Act in a phased manner by the Central and State governments and other agencies concerned.

Revision of Municipal Regulations

6.2.1 In view of the construction boom and rapid urbanisation, municipal regulations such as development control regulations, building bye-laws and structural safety features need to be revisited. These regulations will be reviewed periodically to identify safety gaps from seismic, flood, landslide and other disasters and suitable modifications will be made to align them to the revised building codes of the Bureau of Indian Standards (BIS). Undesirable practices compromising safety during disasters, that tend to crop up from time to time, will need to be addressed in the regulations. The utilisation of unsuitable areas for construction, without necessary safeguards further enhances vulnerability and needs to be guarded against through appropriate compliance mechanisms. Similarly, the introduction of suitable regulations for rural areas will also be emphasised. Where required, local bodies will be provided with suitable financial incentives for the preparation of appropriate regulations. This process will involve an all inclusive exercise involving due sensitisation

of governmental organisations at all levels, local authorities and the community at large to accrue maximum results thereof.

Land Use Planning

6.3.1 Central Ministries and Departments concerned in consultation with scientific institutions will carry out analysis of environmental and hazard data for formulation of alternative land use plans for different geographical and administrative areas with a holistic approach. This is more relevant to mega cities, metros and high-density urban settlements for safer location of habitat and other critical facilities. A review of master plans and their compliance, on priority, will be essential and regarded as the paramount responsibility of the States/UTs. At the macro-level, there is a need for preparation of land use planning based on the inventory database of various uses. As far as urban settlements are concerned, the future land use is to be assessed keeping in view the anticipated intensity of development.

Safe Construction Practices

6.4.1 Hazards like earthquakes and cyclones do not kill people but inadequately designed and badly constructed buildings do. Ensuring safe construction of new buildings and retrofitting of selected lifeline buildings, as given in the Earthquake Guidelines, is a critical step to be taken towards earthquake mitigation. The design and specification of houses being constructed, under

the Indira Awas Yojana (IAY) and other government welfare and development schemes, will also be re-examined to ensure hazard safety. Building codes will be updated every five years as a mandatory requirement and also put in the public domain. Observance of the National Building Code should be made mandatory in all the State/ Municipal building bye-laws.

6.4.2 Training of engineers, architects, small builders, construction managers and artisans has already been started and needs to be intensified at the State and District level. Safe schools and hospitals (with large capacity) and National monuments besides other critical lifeline buildings will be regarded as a National priority. Enabling provisions shall be made in all the Centrally Sponsored Schemes to design school buildings/ hostels with earthquake resilient features and to equip them with appropriate fire safety measures.

Enforcement

6.6.1 After having put the techno-legal and compliance system in place, the States/UTs will also ensure their enforcement by establishing an effective mechanism, under the provisions of the Act.

Compliance Regime

6.5.1 There is a need for putting in place a sound compliance regime, with binding consequences, to ensure the effectiveness of techno-legal and techno-financial provisions. It is important to ensure that monitoring, verification and compliance arrangements are in place both at the National and State level. It will be the responsibility of all stakeholders concerned, to implement these provisions. Adoption of best management practices like self-certification, social audit, and an external compliance regime including audit by professional agencies, need to be encouraged through development and design of tools such as IT-enabled monitoring software to suit the DM systems in India, in consultation with various stakeholders and knowledge institutions for adoption after due trial and validation.

7

Response

Approach

7.1.1 Prompt and effective response minimises loss of life and property. A caring approach for the special needs of vulnerable sections is also important. The existing and the new institutional arrangements need to ensure an integrated, synergised and proactive approach in dealing with any disaster. This is possible through contemporary forecasting and early warning systems, fail-safe communication and anticipatory deployment of specialised response forces. A well-informed and prepared community can mitigate the impact of disasters.

Role of the NEC

7.2.1 The NEC will coordinate response in the event of any threatening disaster situation or disaster. While disaster specific guidelines will be formulated by NDMA, NEC may give directions to the concerned Ministries/Departments of the GoI, the State Governments and the State Authorities regarding measures to be taken by them in response to any specific threatening disaster situation or disaster.

Role of the Nodal and Other Central Ministries and Departments

7.3.1 For various types of disasters, the nodal Ministry concerned will chart out detailed Response Plans which will be integrated into the National Response Plan. The NEC may coordinate response in the event of any threatening disaster situation or disaster.

Role of State, District and Local Authorities

7.4.1 It is the primary responsibility of the State Governments/SDMAs to monitor and assess any developing situation and keep the NDMA and NEC apprised of the same. They will also be responsible to constantly evaluate their own capabilities to handle that situation and project the anticipated requirements for the Central resources well in time. Inter-state assistance and cooperation will be encouraged. The States/UTs will also be responsible to develop their own response potential progressively and complete the process at the earliest. This will comprise training and equipping of State response forces, community preparedness, training and creation of response caches at the District level. District level preparations will provide the cutting edge to all response activities. Local authorities, PRIs and ULBs will play a significant role in the entire process, particularly in response and rescue operations, relief and rehabilitation, awareness generation and disaster preparedness, restoration of livelihood options and coordination with NGOs and civil society.

Standard Operating Procedures (SOPs)

7.5.1 All Central Ministries, State Governments, District Authorities and other stakeholders will prepare SOPs in consonance with the National and State Plans. SOPs will be prescribed for activities like search and rescue, medical assistance and casualty management,

evacuation, restoration of essential services and communication at disaster sites, etc. The other important activities are provision of food, drinking water, sanitation, clothing and management of relief camps. Detailed SOPs will also be devised by all concerned for despatch, receipt and deployment of Central resources.

Levels of Disasters

7.6.1 The SOPs for determining the levels of disasters and for issuing alerts to electronic messaging systems of various agencies about disasters have been formulated by MHA. These SOPs will be reviewed periodically for disaster response management in case of natural and man-made disasters.

Incident Command System (ICS)

7.7.1 A traditional command structure exists in the administrative hierarchy which manages disasters in India. It has been planned to strengthen and professionalise the same by drawing upon the principles of the ICS with suitable modifications. The ICS is essentially a management system to organise various emergency functions in a standardised manner while responding to any disaster. It will provide for specialist incident management teams with an incident commander and officers trained in different aspects of incident management, such as logistics, operations, planning, safety, media management, etc. It also aims to put in place such teams in each District by imparting training in different facets of incident management to District level functionaries. The emphasis will be on the use of technologies and contemporary systems of planning and execution with connectivity to the joint operations room at all levels.

First and other Key Responders

7.8.1 The role and importance of the community, under the leadership of the local authorities, PRIs and ULBs, being the bedrock of the process of disaster response, is well recognised. For their immediate support, there are other important first responders like the Police, SDRF, Fire and Medical Services. The NDRF will provide specialist response training whenever required. In serious situations, the resources of all NDRF battalions (18 teams per battalion), on as required basis, will be concentrated in the shortest possible time in the disaster affected areas. Other important responders will be the Civil Defence, Home Guards and youth organisations such as NCC, NSS and NYKS. The deployment of the Armed Forces will also be organised on as required basis. Establishment/raising of NDRF should progressively reduce deployment of the Armed Forces. However, the Armed Forces would be deployed only when the situation is beyond the coping capacity of the State Government(s) and NDRF.

Medical Response

7.9.1 Medical response has to be quick and effective. The execution of medical response plans and deployment of medical resources warrant special attention at the State and District level in most of the situations. The voluntary deployment of the nearest medical resources to the disaster site, irrespective of the administrative boundaries, will be emphasised. Mobile medical hospitals and other resources available with the centre will also be provided to the States/UTs in a proactive manner. Post-disaster management of health, sanitation and hygiene services is crucial to prevent an outbreak of epidemics. Therefore, constant monitoring of any such possibility will be necessary.

Animal Care

7.10.1 Animals both domestic and wild are exposed to the effects of natural and man-made disasters. It is necessary to devise appropriate measures to protect animals and find means to shelter and feed them during disasters and their aftermath, through a community effort, to the extent possible. It is pertinent to note that many communities have shown compassion to animals during disasters, and these efforts need to be formalised in the preparedness plans. The Departments/Ministries of the GoI, such as the Department of Animal Husbandry, Dairying,

& Fisheries, Social Justice and Empowerment and the States concerned should devise such measures at all levels.

Information and Media Partnership

7.11.1 During disaster situations, the dissemination of accurate information through electronic and print media is very important. Regular press briefing by trained disaster management officials is essential. Training in information management and accurate reporting will be undertaken at all levels.

8

Relief and Rehabilitation

Approach

8.1.1 Relief is no longer perceived only as gratuitous assistance or provision of emergency relief supplies on time. It is on the contrary, viewed as an overarching system of facilitation of assistance to the victims of disaster for their rehabilitation in States and ensuring social safety and security of the affected persons. The relief needs to be prompt, adequate and of approved standards. Guidelines defining minimum standards of relief will be prepared by the NDMA.

Setting up of Temporary Relief Camps

8.2.1 DDMAs, especially in recurring disaster prone areas, may identify locations for setting up temporary camps. Agencies to supply the necessary stores will be identified in the pre-disaster phase. The use of premises of educational institutions for setting up relief camps needs to be discouraged.

8.2.2 The temporary relief camps will have adequate provision of drinking water and bathing, sanitation and essential health care facilities. Wherever feasible, special task forces from amongst the disaster affected families will be set up to explore the possibility of providing food through community kitchens, and provision of education through the restoration of schools and anganwadis. Efficient governance systems like entitlement cards, laminated identification cards etc., will be developed as a part of uniform humanitarian governance practices through the respective DDMAs.

Management of Relief Supplies

8.3.1 Ensuring minimum standards of relief and speedy management of supplies are important features of relief operations. SOPs will be put in place for ensuring the procurement, packaging, transportation, storage and distribution of relief items, which needs to be carried out in an organised manner. The affected community and local authorities need to work in tandem in managing the relief camps. Guidelines will be evolved to manage the donations received in cash or kind to ensure transparency and accountability.

Review of Standards of Relief

8.4.1 In most States, existing standards of relief need to be reviewed to address the contemporary needs of communities affected by disasters. The SDMAs may review the Relief Codes/manuals and prepare DM Codes for prescribing the norms, standards and criteria for the provision of relief in conformity with the guidelines of NDMA.

Temporary Livelihood Options and Socio-Economic Rehabilitation

8.5.1 In the aftermath of any major disaster, generally a demand always arises to generate temporary livelihood options for the affected community and the State Governments should recognise this aspect in their DM planning process. Any such option must ensure that the assets, infrastructure and amenities created

are hazard resistant, durable, sustainable, and cost-efficient.

Provision of Intermediate Shelters

8.6.1 In the case of devastating disasters, where extreme weather conditions can be life-threatening or when the period of stay in temporary shelters is likely to be long and uncertain,

construction of intermediate shelters with suitable sanitary facilities will be undertaken to ensure a reasonable quality of life to the affected people. The design of such shelters will be eco-friendly and in consonance with local culture. It would be desirable for SDMAs to plan during periods of normalcy, the layout of intermediate shelters which is cost-effective and as per local needs with multi-use potential.

Approach

9.1.1 The approach to the reconstruction process has to be comprehensive so as to convert adversity into opportunity. Incorporating disaster resilient features to 'build back better' will be the guiding principle. This phase requires the most patient and painstaking effort by all concerned. The administration, the stakeholders and the communities need to stay focused on the needs of this phase, as, with the passage of time, the sense of urgency gets diluted. The appropriate choice of technology and project impact assessment needs to be carried out to establish that the projects contemplated do not create any side effects on the physical, socio-cultural or economic environment of the communities in the affected areas or in their neighbourhood. Systems for providing psycho-social support and trauma counselling need to be developed for implementation during the reconstruction and recovery phase.

Owner Driven Reconstruction

9.2.1 Reconstruction plans and designing of houses need to be a participatory process involving the government, affected community, NGOs and the corporate sector. After the planning process is over, while owner driven construction is a preferred option, participation of the NGOs and corporate sector will be encouraged. Reconstruction programmes will be within the confines and the qualitative specifications laid down by the Government.

Speedy Reconstruction

9.3.1 Essential services, social infrastructure and intermediate shelters/camps will be established in the shortest possible time. For permanent reconstruction, ideally, the work including the construction of houses must be completed within two to three years. Central Ministries/Departments concerned and the State Governments should create dedicated project teams to speed up the reconstruction process.

9.3.2 Contingency plans for reconstruction in highly disaster prone areas need to be drawn out during the period of normalcy, which may include architectural and structural designs in consultation with the various stakeholders.

Linking Recovery with Safe Development

9.4.1 Emphasis will be laid on plugging the gaps in the social and economic infrastructure and infirmities in the backward and forward linkages. Efforts will be made to support and enhance the viability of livelihood systems, education, health care facilities, care of the elderly, women and children, etc. Other aspects warranting attention will be roads, housing, drinking water sources, provision for sanitary facilities, availability of credit, supply of agricultural inputs, upgradation of technologies in the on-farm and off-farm activities, storage, processing, marketing, etc.

Livelihood Restoration

9.5.1 State governments will have to lay emphasis on the restoration of permanent

livelihood of those affected by disasters and special attention to the needs of women-headed households, artisans, farmers and people belonging to marginalised and vulnerable sections.

10

Capacity Development

Approach

10.1.1 A strategic approach to capacity development can be addressed effectively only with the active and enthusiastic participation of the stakeholders. This process comprises awareness generation, education, training, Research and Development (R&D), etc. It further addresses putting in place appropriate institutional framework, management systems and allocation of resources for efficient prevention and handling of disasters.

10.1.2 As some of these aspects have been discussed in other chapters, this part elaborates only awareness, disaster education and training. The approach to capacity development will include:

- According priority to training for developing community based DM systems for their specific needs in view of the regional diversities and multi-hazard vulnerabilities.
- Conceptualisation of community based DM systems at the National level through a consultative process involving the States and other stakeholders with the State and Local level authorities in charge of implementation.
- Identification of knowledge-based institutions with proven performance.
- Promotion of International and Regional cooperation.
- Adoption of traditional and global best practices and technologies.
- Laying emphasis on table-top exercises, simulations, mock drills and development of skills to test the plans.

- Capacity analysis of different disaster response groups at State/ District/Local levels.

National Priorities

10.2.1 In the field of capacity development, priority will be given to training of DM officials, functionaries, trainers and elected representatives and communities.

10.2.2 DM training and orientation of professionals like doctors, engineers, and architects will be given due importance. Further, expansion of DM training in educational institutions at all levels including schools, with orientation towards practical requirements will be given due weightage.

Institutional Capacity Development

10.3.1 The NIDM will play an important role in developing and facilitating the implementation of the National training schedule for DM. It will also be the nodal institution for Regional and International cooperation for training. There are a number of renowned institutes in various States, which are imparting training in DM. These will be strengthened with financial assistance and such efforts will be replicated by States/UTs. Also, the DM cells in all Administrative Training Institutes, Police Academies, State Institutes of Rural Development, the four Paramilitary Training Centres of the NDRF and the National Training Academy will contribute most significantly in developing DM related skills. The capacity of existing institutes needs to be upgraded in accordance with Regional and Local requirements.

Training of Communities

10.4.1 Building the capacity of communities, as they are the first responders to disasters, is a significant part of the capacity development process. It will include awareness, sensitisation, orientation and developing skills of communities and community leaders. Assistance from NDRF, Civil Defence and NGOs/other voluntary organisations such as the Red Cross and Self-Help Groups will be encouraged. The overall responsibility to give impetus to leadership and motivation will rest with local authorities, PRIs and ULBs under the overall guidance of State and District authorities.

Professional Technical Education

10.5.1 The curricula of graduate and postgraduate level courses in architecture, engineering, earth sciences and medicine will be reviewed by the competent authorities to include contemporary knowledge related to DM in their respective specialised fields. The role of the NCC and Boy Scouts may also be included in schools and colleges for disaster management related work. At the National level, the Ministry of Human Resource Development will encourage the development of DM as a distinct academic discipline, in the universities and institutes of technical excellence.

DM Education in Schools

10.6.1 The introduction of the subject of DM, by the Ministry of Human Resource Development, in the curriculum through the Central Board of Secondary Education, will be extended to all schools through their Secondary Education Boards. State Governments will also ensure the inclusion of disaster management curriculum through State School Boards. The education content will inculcate skill based training, psychological resilience and qualities of leadership. The role of the NCC and Boy Scouts may also be included in schools and colleges for disaster management

related work. Disaster education will aim at developing a culture of preparedness and safety, besides implementing school DM plans.

Training of Artisans

10.7.1 The upgradation of the skills of artisans is another crucial component of the capacity building process. The Central Ministries and Departments concerned will ensure the availability of resources for sustainable programmes to train artisans. The States will be encouraged to promote this activity vigorously. The guidance of Indian Institutes of Technology (IITs) and National Institutes of Technology (NITs) will be sought to plan these programmes. The implementation will be assisted by Industrial Training Institutes (ITIs) and other Central, Regional and State Vocational Training Institutes. To ensure widespread participation, these programmes will be made available. Private builders, contractors and NGOs are expected to play a significant role in utilising trained artisans.

Training of Other Groups

10.8.1 Other professional groups such as paramedics, social workers, plumbers, sanitary fitters and safety auditors also play a very important role in community based DM. These groups will also be provided training through suitable programmes.

Licensing and Certification

10.9.1 Testing the skills of professionals becomes important to ensure disaster resilient construction in the built environment. The BIS will be requested to develop uniform codes and specifications with the help of professional bodies. The State Governments will develop a scheme to ensure that only adequately qualified professionals practise within its territory. The State Governments will also enforce their own registration benchmarks to uphold desirable standards commensurate with their risk profile.

11

Knowledge Management

Approach

11.1.1 Knowledge management will synthesise the techno-centric organisational and ecological practices to strengthen the process of informed decision making. There is a need to create a network of knowledge institutions in the field of DM, to share their experiences and knowledge. While knowledge creation will be primarily carried out in specialised domains by nodal institutions, the NIDM and other similar institutions will play an important role in knowledge synthesis, data management and dissemination amongst its clientele groups, especially other training institutions.

Synergetic Application of Science and Technology

11.2.1 The Ministries of Science & Technology and Earth Sciences and the other concerned Departments of the GoI, in consultation with the NDMA, will identify the specific needs and disciplines for research and also designate domain-specific institutions depending on their expertise and knowledge base.

Knowledge Institutions

11.3.1 The NIDM and other institutions will collaborate and bring together academic and training institutions at the National, Regional and International levels. These institutions will form the knowledge repository in DM, and also strive to enhance the knowledge base.

Knowledge Dissemination through Information and Communication Technologies (ICT)

Indigenous Technical Knowledge (ITK)

11.4.1 A rich legacy of technical knowledge and experience has been handed down right from ancient times by way of tried and tested practices in facing disasters in different parts of India. A concerted effort will be made to catalogue this precious heritage, validate the products through contemporary systems and disseminate the results to appropriate destinations and affected communities with a view to adding value to their DM effort.

India Disaster Resource Network (IDRN)

11.5.1 The existing framework of IDRN needs to be further expanded to include the resources of various agencies, domains and disciplines at the National level. The relevant information will be placed in the public domain for easy retrieval, usage and online updation.

India Disaster Knowledge Network (IDKN)

11.6.1 In acknowledgment of the need for a knowledge sharing platform on DM, and to facilitate interaction and dialogue with related areas of expertise, the India Disaster Knowledge

Network Portal has been set up. The portal will serve as a tool to collect, collate and disseminate information related to DM. It will connect all Government Departments, statutory agencies, research organisations/institutions and humanitarian organisations to share collectively and individually their knowledge and technical expertise.

Documentation of Best Practices and Research

11.7.1 In the immediate aftermath of any disaster, field studies will be carried out, with the help of

experts, as an institutional measure. These studies will concentrate on identifying gaps in the existing prevention and mitigation measures and also evaluate the status of preparedness and response. Similarly, the lessons of past disasters will also be compiled and documented. The recovery and reconstruction process will also be analysed for further refining the DM processes and training needs. With the help of experts, NIDM will develop a reference book for the development of case studies and documentation of best practices in a professional manner. This knowledge will be disseminated to all concerned within the country and also shared with International organisations.

12

Research and Development

Approach

12.1.1 Hitherto, a relief-centric approach has confined the research and development effort to restricted domains. A primary concern of future effort in these areas will be the identification of broad research needs in respect of different hazards in various parts of India and intensifying demand driven research programmes. Regional and International collaboration needs to be encouraged.

Institutional Arrangements

12.2.1 The entire DM architecture needs to be supported by a solid foundation of frontline R&D efforts, offering sound and state-of-the-art science and technology options in a user friendly manner. A proactive strategy to enhance mutual reinforcement and synergy amongst the various groups and institutions working in the field of DM will be recognised. Pooling and sharing of perspectives, information and expertise will be promoted by encouraging such efforts. The identification of trans-disciplinary concerns through a process of 'integration' of the talent pool groups will be facilitated and addressed by a standing mechanism at the National and State level. Close interaction with Central Ministries and Departments of Agriculture, Atomic Energy, Earth Sciences, Environment & Forests, Health, Industry, Science & Technology, and Space; and with academic institutions such as the IITs, NITs and universities, etc., will be maintained.

Identification of Needs and Promotion of Research

12.3.1 A core group of experts from scientific and technical institutions has already been set up by the NDMA to identify broad research needs in disaster risk reduction. They will also identify research partners/agencies/groups depending on their knowledge base and expertise. Emphasis will be laid on climate change and global warming with specific relevance to India.

12.3.2 The research on cross-cutting themes including technological and man-made disasters will be promoted in addition to natural disasters. Research and Development in areas such as micro-zonation and scenario development based on simulation studies will also be encouraged to assess the short-term and long-term consequences of these disasters.

13

The Road Ahead

13.1.1 The enunciation of this policy represents merely the first step in the new journey. It is an instrument that hopes to build the overarching edifice within which specific actions need to be taken by various institutions and individuals at all levels. A destination has been described, and hopefully, a direction shown. The stage has been set, and the roadmaps now need to be rolled out.

13.1.2 This document has endeavoured to capture, in its essence, the vigorously enabling environment, which the body politic has put in place through an Act of Parliament that heralds the onset of a different approach in dealing with disasters that have, in the past taken a heavy toll of lives and properties and crippled the economic base of communities. It also illustrates realisation of the fact that disasters not only cause a setback to economic and developmental growth, but also seriously affect the national security environment.

13.1.3 The central theme is the belief that a disaster intelligent and resilient community, duly empowered by a newly created DM Structure, working in cohesion multi-sectorally, will help realise the national vision.

13.1.4 This is also an expression of the firm conviction of the national leadership to make necessary financial allocations for Prevention, Preparedness and Mitigation rather than fruitlessly incur post-disaster expenditure year after year.

13.1.5 This policy will have served its purpose, if those that are charged with the responsibility of carrying the task forward, find that their hands have received from it, the strength and direction that they need.

Abbreviations

ARMVs	– Accident Relief Medical Vans
BIS	– Bureau of Indian Standards
CBOs	– Community Based Organisations
CBRN	– Chemical, Biological, Radiological and Nuclear
CCMNC	– Cabinet Committee on Management of Natural Calamities
CCS	– Cabinet Committee on Security
CSR	– Corporate Social Responsibility
CRF	– Calamity Relief Fund
DDMA	– District Disaster Management Authority
DM	– Disaster Management
GIS	– Geographic Information System
GoI	– Government of India
GPS	– Global Positioning System
HLC	– High Level Committee
HPC	– High Powered Committee
IAY	– Indira Awas Yojana
ICS	– Incident Command System
ICT	– Information and Communication Technology
IDRN	– India Disaster Resource Network
IDKN	– India Disaster Knowledge Network
IITs	– Indian Institutes of Technology
IMC	– Inter-Ministerial Committee
IMG	– Inter-Ministerial Group
IT	– Information Technology
ITIs	– Industrial Training Institutes
ITK	– Indigenous Technical Knowledge
MHA	– Ministry of Home Affairs
NCC	– National Cadet Corps
NCCF	– National Calamity Contingency Fund
NCMC	– National Crisis Management Committee
NDEM	– National Database for Emergency Management
NDMA	– National Disaster Management Authority
NDMF	– National Disaster Mitigation Fund

NDRF	– National Disaster Response Force
NEC	– National Executive Committee
NGOs	– Non-Governmental Organisations
NIDM	– National Institute of Disaster Management
NITs	– National Institutes of Technology
NSDI	– National Spatial Data Infrastructure
NSS	– National Service Scheme
NYKS	– Nehru Yuva Kendra Sangathan
PPP	– Public-Private Partnership
PRIs	– Panchayati Raj Institutions
R&D	– Research and Development
SAARC	– South Asian Association for Regional Cooperation
SDMA	– State Disaster Management Authority
SDRF	– State Disaster Response Force
SEC	– State Executive Committee
SOPs	– Standard Operating Procedures
ULBs	– Urban Local Bodies
UN	– United Nations
UTs	– Union Territories
WMO	– World Meteorological Organization





भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 462]

No. 462]

नई दिल्ली, बुधवार, सितम्बर 27, 2006/आश्विन 5, 1928

NEW DELHI, WEDNESDAY, SEPTEMBER 27, 2006/ASVINA 5, 1928

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 27 सितम्बर, 2006

सा.का.नि. 597(अ).—केन्द्रीय सरकार, आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 75 की उप-धारा (1) के साथ पठित उसकी उप-धारा (2) के खंड (ग) और छांड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम आपदा प्रबंधन राष्ट्रीय कार्यकारिणी समिति (प्रक्रियाएं और भत्ते) नियम, 2006 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—(1) इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) अभिप्रेत है;

(ख) "अध्यक्ष" से धारा 8 की उप-धारा (2) के अधीन राष्ट्रीय कार्यकारिणी समिति का अध्यक्ष अभिप्रेत है;

(ग) "सदस्य" से धारा 8 की उप-धारा (2) के अधीन राष्ट्रीय कार्यकारिणी समिति का सदस्य अभिप्रेत है;

(घ) "धारा" से अधिनियम की धारा अभिप्रेत है;

(ङ) "उपसमिति" से धारा 9 की उप-धारा (1) के अधीन राष्ट्रीय कार्यकारिणी समिति द्वारा गठित उपसमिति अभिप्रेत है।

(2) उन शब्दों और पदों का, जो इनमें प्रयुक्त हैं और इन नियमों में परिभाषित नहीं हैं किंतु अधिनियम में परिभाषित हैं, वही अर्थ होगा जो अधिनियम में क्रमशः उनका है।

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(1)

3. राष्ट्रीय कार्यकारिणी समिति द्वारा अनुसरित की जाने वाली प्रक्रिया.—(1) राष्ट्रीय कार्यकारिणी समिति का अध्यक्ष, जब भी अपेक्षित हो, केन्द्रीय सरकार के निदेशों के क्रियान्वयन में ऐसे क्रियान्वयन की रीतियों के बारे में राष्ट्रीय प्राधिकरण से मार्गदर्शन ले सकेगा।

(2) राष्ट्रीय कार्यकारिणी समिति के अध्यक्ष को, आपात स्थिति में, राष्ट्रीय कार्यकारिणी समिति की सभी या किन्हीं शक्तियों का प्रयोग करने की शक्ति होगी किन्तु ऐसी शक्तियों का प्रयोग राष्ट्रीय कार्यकारिणी समिति द्वारा अनुसमर्थन के अध्यधीन होगा।

(3) राष्ट्रीय कार्यकारिणी का अध्यक्ष, राष्ट्रीय कार्यकारिणी समिति की बैठकों में अध्यक्षता करेगा :

परंतु राष्ट्रीय कार्यकारिणी समिति की किसी बैठक में अध्यक्षता करने में उसके असमर्थ रहने की दशा में, वह राष्ट्रीय कार्यकारिणी समिति के सदस्यों में से किसी एक को बैठक की अध्यक्षता करने के लिए नामनिर्दिष्ट करेगा।

(4) राष्ट्रीय कार्यकारिणी समिति का अध्यक्ष,—

(क) राष्ट्रीय कार्यकारिणी समिति के अध्यक्ष के रूप में उसके कृत्यों के निवहन में उसकी सहायता करने के लिए;

(ख) राष्ट्रीय कार्यकारिणी समिति की बैठकों से संबंधित अभिलेख रखने के लिए;

(ग) यह सुनिश्चित करने के लिए अनुवर्ती कार्रवाई करने के लिए राष्ट्रीय कार्यकारिणी समिति की बैठकों में लिए गए विनिश्चयों को समय से कार्यान्वित किया जाता है; और

(घ) ऐसे अन्य कृत्य करने के लिए जो अध्यक्ष उनसे करने की वांछा करे,

एक या अधिक अधिकारी नामनिर्दिष्ट कर सकेंगी।

(5) राष्ट्रीय कार्यकारिणी समिति का अध्यक्ष, राष्ट्रीय कार्यकारिणी समिति की बैठक का दिन, समय और स्थान निश्चित करेगा।

(6) राष्ट्रीय कार्यकारिणी समिति जितनी बार अवश्यक हो, बैठक करेगी किंतु तीन मास में कम से कम एक बार अवश्य करेगी।

(7) राष्ट्रीय कार्यकारिणी समिति अपनी बैठक की कम से कम तीन दिन की अग्रिम सूचना देगी और उसका कार्यवृत्त परिचालित करेगी जब तक की किसी प्रमुख आपदा के घटने पर कोई आपात स्थिति न हो या आपदा के आने की आशंका की स्थिति न हो, जब राष्ट्रीय कार्यकारिणी समिति शीघ्र और दक्ष मोचन सुनिश्चित करने के लिए शीघ्रतम बैठक करेगी।

(8) राष्ट्रीय प्राधिकरण, जब भी अपेक्षित हो, अपने कृत्यों के निवहन में सहायता करने के लिए राष्ट्रीय कार्यकारिणी समिति के किसी सदस्य को आमंत्रित कर सकेगा।

(9) राष्ट्रीय कार्यकारिणी समिति, अपनी प्रत्येक बैठक में उपस्थित होने के लिए विशेष आमंत्रित व्यक्ति के रूप में राष्ट्रीय प्राधिकरण के यथास्थिति, सचिव या अपर सचिव को आमंत्रित करेगी।

(10) राष्ट्रीय कार्यकारिणी समिति प्रत्येक बैठक का कार्यवृत्त राष्ट्रीय प्राधिकरण को अग्रेषित करेगी।

4. राष्ट्रीय कार्यकारिणी समिति की उपसमिति के साथ विशेषज्ञ के रूप में सहयुक्त व्यक्ति को संदेश किए जाने वाले भत्ते—धारा 9 की उप-धारा (1) के अधीन गठित उपसमिति के सदस्य को ऐसे यात्रा भत्तों और दैनिक भत्तों का संदाय किया जाएगा जो पूरक नियम 190 के परिशिष्ट-2 में यथाविनिर्दिष्ट केंद्रीय सरकार द्वारा स्थापित समितियों की बैठकों में उपस्थित होने वाले गैर-सरकारी अधिकारियों को अनुशेय है।

[फा. सं. 30/9/2005—एनडीएम. 3(ए)]

नवीन वर्मा, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 27th September, 2006

G.S.R. 597(E).—In exercise of the powers conferred by clauses (c) and (d) of Sub-section (2) read with Sub-section (1) of Section 75 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Disaster Management National Executive Committee (Procedures and Allowances) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires :—

(a) “Act” means the Disaster Management Act, 2005 (53 of 2005);

(b) “Chairperson” means the Chairperson of the National Executive Committee under clause (a) of Sub-section (2) of Section 8;

(c) “member” means the member of the National Executive Committee under Sub-section (2) of Section 8;

- (d) “section” means a section of the Act;
- (e) “sub-committee” means a sub-committee constituted by the National Executive Committee under Sub-section (1) of Section 9.

(2) Words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Procedure to be followed by the National Executive Committee.—(1) The Chairperson of the National Executive Committee may, as and when required, in the implementation of the directions of the Central Government, seek guidance from the National Authority as to the modalities of such implementation.

(2) The Chairperson of the National Executive Committee shall, in case of emergency, have the power to exercise all or any of the powers of the National Executive Committee but exercise of such powers shall be subject to ratification by the National Executive Committee:

(3) The Chairperson of the National Executive Committee shall preside over the meetings of the National Executive Committee :

Provided that in the case of his inability to preside over any meeting of the National Executive Committee, he shall nominate one of members of the National Executive Committee to preside over the meeting.

(4) The Chairperson of the National Executive Committee may nominate one or more officers :—

- (a) to assist him in the performance of his functions as the Chairperson of the National Executive Committee;
- (b) to maintain proper records relating to the meetings of the National Executive Committee;
- (c) to take follow up action to ensure that the decisions taken in the meetings of the National Executive Committee are implemented in time; and
- (d) to perform such other functions as the Chairperson may desire them to perform.

(5) The Chairperson of the National Executive Committee shall decide the day, time and place of a meeting of the National Executive Committee.

(6) The National Executive Committee shall meet as often as necessary but at least once in three months.

(7) The National Executive Committee shall give notice of its meeting and circulate its agenda at least three days in advance, unless there is an emergency situation on occurrence of a major disaster or a situation of such a threatening disaster, when the National Executive Committee shall meet at the earliest to ensure a smooth and efficient response.

(8) The National Authority may, invite any member of the National Executive Committee whenever required, to assist it in discharge of its functions.

(9) The National Executive Committee shall invite, the Secretary or Additional Secretary, as the case may be, of the National Authority, as a special invitee to attend its every meeting.

(10) The National Executive Committee shall forward the minutes of every meeting to the National Authority.

4. Allowances to be paid to a person associated as an expert with a sub-committee of the National Executive Committee.—A member of the sub-committee constituted under Sub-section (1) of Section 9, shall be paid travelling and daily allowances as are admissible to non-officials attending the meetings of committees set up by the Central Government, as specified in Appendix 2 to Supplementary Rule 190.

[F. No. 30/9/2005-NDM-III(A)]

NAVEEN VERMA, Jt. Secy.

अधिसूचना

नई दिल्ली, 27 सितम्बर, 2006

सा.का.नि. 598(अ).—केन्द्रीय सरकार, आपदा प्रबंध अधिनियम, 2005 (2005 का 53) की धारा 75 की उपधारा (1) के साथ पठित उसकी उपधारा (2) के खंड (क) और खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम आपदा प्रबंधन (राष्ट्रीय प्राधिकरण के सदस्यों की पदावधि और सेवा की शर्तें तथा सलाहकार समिति के सदस्यों को भत्तों का संदाय) नियम, 2006 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—(1) इन नियमों में जब तक कि सदर्भ से अन्यथा अपेक्षित न हो;—

(क) "अधिनियम" से आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) अभिप्रेत है;

(ख) "सलाहकार समिति" से धारा 7 की उपधारा (1) के अधीन राष्ट्रीय प्राधिकरण द्वारा गठित सलाहकार समिति अभिप्रेत है;

(ग) "सदस्य" से धारा 3 की उपधारा (2) के खंड (ख) अधीन राष्ट्रीय प्राधिकरण के अध्यक्ष द्वारा नामनिर्दिष्ट राष्ट्रीय प्राधिकरण का सदस्य अभिप्रेत है;

(घ) "धारा" से अधिनियम की धारा अभिप्रेत है;

(ङ) "उपाध्यक्ष" से धारा 3 की उपधारा (3) के अधीन राष्ट्रीय प्राधिकरण के अध्यक्ष द्वारा पदाभिहित उपाध्यक्ष अभिप्रेत है;

(2) उन शब्दों और पदों का, जो इनमें प्रयुक्त हैं और इन नियमों में परिभाषित नहीं हैं किंतु अधिनियम में परिभाषित हैं, वही अर्थ होगा जो अधिनियम में क्रमशः उनका है।

3. वेतन और सेवाशर्तें.—(1) राष्ट्रीय प्राधिकरण के सदस्य के रूप में नाम निर्दिष्ट व्यक्ति निम्नलिखित में से किसी एक का चयन करने के अपने विकल्प का प्रयोग करेगा,—

(क) भारत सरकार के सचिव को अनुज्ञेय वेतन (सेवानिवृत्त अधिकारी की दशा में पेंशन घटाकर), महंगाई भत्ता, आवास, चिकित्सा सुविधाएं, यात्रा भत्ता तथा केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन अस्थायी सरकारी सेवक को अनुज्ञेय छुट्टी किंतु छुट्टी यात्रा रियायत सुविधा के बिना;

सिविल सेवा (छुट्टी) नियम, 1972 के अधीन सरकारी सेवक को अनुज्ञेय छुट्टी; या

(ख) मंत्रियों के सम्बलमों और भत्तों से संबंधित अधिनियम, 1952 (1952 का 58) के अधीन बनाए गए मंत्रीगण (भत्ते, चिकित्सा उपचार और अन्य विशेषाधिकार) नियम, 1957 के उपबंध के अनुसार संघ के राज्य मंत्री को अनुज्ञेय वेतन, दैनिक भत्ता और संघ के राज्य मंत्री को अनुज्ञेय पेंशन (सेवानिवृत्त अधिकारी की दशा में महंगाई राहत के बिना), आवास, चिकित्सा सुविधाएं, यात्रा भत्ता तथा केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन अस्थायी सरकारी सेवक को अनुज्ञेय छुट्टी किंतु छुट्टी यात्रा रियायत सुविधा के बिना;

परंतु यदि विकल्प का एक बार प्रयोग कर लिया जाता है तो वह अंतिम होगा।

(2) राष्ट्रीय प्राधिकरण का सदस्य जो धारा 3 की उपधारा (3) के अधीन राष्ट्रीय प्राधिकरण के उपाध्यक्ष के रूप में पदाभिहित किया जाता है, संघ के उस मंत्री को, जो मंत्रिमंडल का सदस्य है, अनुज्ञेय वेतन और दैनिक भत्ते और पेंशन (महंगाई राहत के बिना) तथा ऐसे सदस्य की दशा में जो सेवानिवृत्त अधिकारी है, मंत्रियों के सम्बलमों और भत्तों से संबंधित अधिनियम, 1952 (1952 का 58) के अधीन बनाए गए मंत्रीगण (भत्ते, चिकित्सा उपचार और अन्य विशेषाधिकार) नियम, 1957 के उपबंध के अनुसार संघ के कैबिनेट मंत्री को अनुज्ञेय आवास, चिकित्सा सुविधाओं, यात्रा भत्ता का हकदार होगा।

4. निरहंताएं.—ऐसा कोई व्यक्ति राष्ट्रीय प्राधिकरण का सदस्य नहीं होगा, जो—

(क) न्यायनिर्णित दिवालिया है या किसी समय रहा है; या

(ख) किसी सक्षम न्यायालय द्वारा विकृत चित्र घोषित किया गया है; या

(ग) सदस्य के रूप में कार्य करने से असमर्थ हो गया है; या

(घ) ऐसे किसी अपराध के लिए सिद्धदोष किया जाता है या किया गया है जिसमें केन्द्रीय सरकार की राय में नैतिक अधमता अंतर्वलित है; या

(ङ) सरकार या सरकार के स्वामित्वाधीन या नियंत्रणाधीन किसी निगमित निकाय की सेवा से हटाया या पदच्युत किया जाता है अथवा हटा दिया गया या पदच्युत कर दिया गया है।

5. त्यागपत्र.—राष्ट्रीय प्राधिकरण का कोई सदस्य राष्ट्रीय प्राधिकरण के सदस्य के पद से त्यागपत्र राष्ट्रीय प्राधिकरण के अध्यक्ष को इस आशय की अपने हस्ताक्षर सहित लिखित सूचना देकर दे सकेगा और ऐसा त्यागपत्र उस तारीख से प्रभावी होगा जिसको ऐसी सूचना राष्ट्रीय प्राधिकरण के अध्यक्ष द्वारा स्वीकार की जाती है।

6. रिक्तियां.—जहां राष्ट्रीय प्राधिकरण के सदस्य के पद पर त्यागपत्र, निरहंता, मृत्यु या अन्य कारण से कोई रिक्ति होती है तो उक्त रिक्ति नए नामनिर्देशन द्वारा भरी जा सकेगी।

7. राष्ट्रीय प्राधिकरण द्वारा गठित सलाहकार समिति के सदस्य को संदत्त किए जाने वाले भत्ते.—धारा 7 की उपधारा (1) के अधीन गठित सलाहकार समिति के सदस्य को

ऐसे यात्रा भत्तों, कमरा किराए, दैनिक भत्तों और प्रवहण भत्ते का संदाय किया जाएगा जो पूरक नियम 190 के परिशिष्ट-2 में यथाविनिर्दिष्ट उच्च शक्ति प्राप्त समिति के सदस्य को अनुज्ञय है।

[फा. सं. 30/9/2005—एनडीएम. 3(ए)]

नवीन वर्मा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 27th September, 2006

G.S.R. 598(E).—In exercise of the powers conferred by clauses (a) and (d) of Sub-section (2) read with Sub-section (1) of Section 75 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby makes the following rules, namely :

1. Short title and commencement.—(1) These rules may be called the Disaster Management (Term of Office and Conditions of Service of Members of the National Authority and Payment of Allowances to Members of Advisory Committee) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Disaster Management Act, 2005 (53 of 2005);
- (b) “advisory committee” means the advisory committee constituted by the National Authority under Sub-section (1) of Section 7;
- (c) “member” means a member of the National Authority nominated by the Chairperson of the National Authority under clause (b) of Sub-section (2) of Section 3;
- (d) “section” means a section of the Act;
- (e) “Vice-Chairperson” means the Vice-Chairperson designated by the Chairperson of the National Authority under sub-section (3) of Section 3.

(2) Words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Pay and service conditions.—(1) A person nominated as a member of the National Authority shall exercise his option to choose either,—

- (a) Pay (less pension in the case of a retired officer), dearness allowance, accommodation, medical facilities, travelling allowance, leave travel concession as admissible to a Secretary to the Government of India and leave as admissible to a Government servant under the Central Civil Services (Leave) Rules, 1972; or
- (b) pay, daily allowance as admissible to a Union Minister of State and pension (without dearness relief in the case of retired officer), accommodation, medical facilities, travelling allowance as admissible to a Union Minister of State in accordance with the provision of the Ministers (Allowances, Medical Treatment and Other Privileges) Rules, 1957, made under the Salaries and Allowances of Ministers Act,

1952 (58 of 1952), and leave as admissible to a temporary Government servant under the Central Civil Services (Leave) Rules, 1972, but without the facility of leave travel concession :

Provided that the option once exercised shall be final.

(2) A member of the National Authority, who is designated as the Vice-Chairperson of the National Authority under Sub-section (3) of Section 3, shall be entitled to pay and daily allowance, as admissible to a Union Minister, who is a member of the Cabinet, and pension (without dearness relief) and in the case of member who is a retired officer, accommodation, medical facilities and travelling allowance as admissible to a Union Cabinet Minister in accordance with the provisions of the Ministers (Allowances, Medical Treatment and Other Privileges) Rules, 1957, made under the Salaries and Allowances of Ministers Act, 1952 (58 of 1952).

4. Disqualifications.—No person shall be a member of the National Authority, who—

- (a) is, or at any time has been, adjudged insolvent; or
- (b) is declared to be of unsound mind by a competent court; or
- (c) becomes incapable of acting as a member; or
- (d) is, or has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude.
- (e) is, or has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government.

5. Resignation.—Any member of the National Authority may resign from the office of member of the National Authority by giving a notice in writing under his hand to that effect to the Chairperson of the National Authority and such resignation shall take effect from the date on which such notice is accepted by the Chairperson of the National Authority.

6. Vacancies.—Where a vacancy occurs in the office of a member of the National Authority by reason of resignation, disqualification, death or otherwise, the vacancy may be filled by fresh nomination.

7. Allowances to be paid to a member of the Advisory Committee constituted by the National Authority.—A member of the Advisory Committee constituted under Sub-section (1) of Section 7 shall be paid such travelling allowances, room rent, daily allowances and conveyance allowance as are admissible to a member of the High Power Committee as specified in Appendix-2 to Supplementary Rule 190.

[F.No.30/9/2005-NDM. III(A)]
NAVEEN VERMA, Jt. Secy.



आरत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 3 — उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 530]

नई दिल्ली, मंगलवार, अक्टूबर 31, 2006/कार्तिक 9, 1928

No. 530]

NEW DELHI, TUESDAY, OCTOBER 31, 2006/KARTIKA 9, 1928

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 30 अक्टूबर, 2006

सा.का.नि. 680(अ).—केन्द्रीय सरकार आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 75 की उपधारा (1) के साथ पठित उसकी उपधारा (2) के खंड (ङे) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ - (1) इन नियमों का संक्षिप्त नाम आपदा प्रबंधन (राष्ट्रीय आपदा प्रबंधन संस्थान) नियम, 2006 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं - (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-

- (क) “अधिनियम” से आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) अभिप्रेत है ;
- (ख) “सभापति” से शासी निकाय का सभापति अभिप्रेत है ;
- (ग) “कार्यपालक निदेशक” से केन्द्रीय सरकार द्वारा नियुक्त संस्थान का कार्यपालक निदेशक अभिप्रेत है ;
- (घ) “शासी निकाय” से संस्थान का शासी निकाय अभिप्रेत है ;
- (ङ) “संस्थान” से राष्ट्रीय आपदा प्रबंधन संस्थान अभिप्रेत है ;
- (च) “अध्यक्ष” से संस्थान का अध्यक्ष अभिप्रेत है ;
- (छ) “सचिव” से संस्थान और शासी निकाय का सचिव अभिप्रेत है ;
- (ज) “धारा” से अधिनियम की धारा अभिप्रेत है ;
- (झ) “उपसभापति” से शासी निकाय का उप सभापति अभिप्रेत है ;

- (ज) “उपाध्यक्ष” से संस्थान का उपाध्यक्ष अभिप्रेत है ;
- (2) उन शब्दों और पदों का, जो इनमें प्रयुक्त हैं और इन नियमों में परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होगा जो अधिनियम में क्रमशः उनका है ।

3. संस्थान की संरचना—(1) संस्थान में निम्नलिखित सदस्य होंगे, अर्थात्:—

- (i) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक मंत्री जिसका आपदा प्रबंधन पर प्रशासनिक नियंत्रण है और जो पदेन अध्यक्ष होगा ;
- (ii) राष्ट्रीय प्राधिकरण का उपाध्यक्ष जो संस्थान का पदेन का उपाध्यक्ष होगा ;
- (iii) राष्ट्रीय प्राधिकरण का एक सदस्य ;
- (iv) राष्ट्रीय कार्यकारिणी समिति का अध्यक्ष अर्थात् केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक भारत सरकार का सचिव, जिसका आपदा प्रबंधन पर प्रशासनिक नियंत्रण है, पदेन ;
- (v) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक, भारत सरकार का सचिव, जिसका व्यय पर प्रशासनिक नियंत्रण है, पदेन ;
- (vi) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक, भारत सरकार का सचिव, जिसका कृषि पर प्रशासनिक नियंत्रण है, पदेन ;
- (vii) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक, भारत सरकार का सचिव, जिसका विदेश-कार्य पर प्रशासनिक नियंत्रण है, पदेन ;
- (viii) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक, भारत सरकार का सचिव, जिसका स्वास्थ्य पर प्रशासनिक नियंत्रण है, पदेन ;
- (ix) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक, भारत सरकार का सचिव, जिसका विज्ञान और प्रौद्योगिकी पर प्रशासनिक नियंत्रण है, पदेन ;
- (x) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक, भारत सरकार का सचिव, जिसका परमाणु ऊर्जा पर प्रशासनिक नियंत्रण है, पदेन ;
- (xi) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक, भारत सरकार का सचिव, जिसका अंतरिक्ष पर प्रशासनिक नियंत्रण है, पदेन ;
- (xii) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक, भारत सरकार का सचिव, जिसका सामुद्रिक विकास पर प्रशासनिक नियंत्रण है, पदेन ;
- (xiii) केन्द्रीय सरकार के उस मंत्रालय या विभाग में, जिसका आपदा प्रबंधन पर प्रशासनिक नियंत्रण है, आपदा प्रबंधन से संबंधित भारत सरकार का, यथास्थिति, सचिव या विशेष सचिव या अपर सचिव या संयुक्त सचिव, पदेन ;

(xxxiv) चिकित्सा या स्वास्थ्य संस्थाओं से एक प्रमुख ;

(xxxv) राष्ट्रीय आपदा प्रबंधन संस्थान का एक प्रोफेसर ;

(xxxvi) संस्थान का कार्यपालक निदेशक, पदेन ।

(2) केन्द्रीय सरकार संस्थान के, पदेन सदस्यों से भिन्न, सदस्यों को ऐसी रीति में, जिसे वह उचित समझे, नामनिर्दिष्ट करेगी ।

(3) राष्ट्रीय प्राधिकरण का उपाध्यक्ष संस्थान के लिए राष्ट्रीय प्राधिकरण के सदस्य को नामनिर्दिष्ट करेगा ।

(4) इस उपनियम में जैसा उपबंधित है उसके सिवाय,-

(क) संस्थान के पदेन सदस्य की पदावधि तबतक चलेगी जबतक वह उस पद को धारण करता है जिसके आधार पर वह ऐसा सदस्य है ; और

(ख) संस्थान के नामनिर्दिष्ट सदस्य की पदावधि उसके नामनिर्देशन की तारीख से दो वर्ष की होगी :

परंतु संस्थान के पदेन सदस्य से भिन्न सदस्य ऐसे सदस्य के पद से केन्द्रीय सरकार को संबोधित अपने हस्ताक्षर सहित लेख द्वारा त्यागपत्र दे सकेगा किन्तु वह उस सरकार द्वारा उसका त्यागपत्र स्वीकार किए जाने तक पद पर बना रहेगा ।

4. रिक्तियों का भरा जाना - संस्थान के (पदेन सदस्यों से भिन्न) सदस्यों में त्यागपत्र, मृत्यु या अन्य कारण से हुई सभी रिक्तियां ऐसी रिक्तियां होने के पश्चात् यथाशीघ्र नए नामनिर्देशन द्वारा भरी जाएंगी ।

5. संस्थान के अधिवेशन - संस्थान अपना पहला अधिवेशन ऐसे समय पर और ऐसे स्थान पर करेगा जो केन्द्रीय सरकार द्वारा नियत किए जाएं और पहले अधिवेशन में कारबार के संव्यवहार के संबंध में प्रक्रिया के ऐसे नियमों का पालन करेगा जो उस सरकार द्वारा अधिकथित किए जाएं और तत्पश्चात् संस्थान ऐसे समयों पर और ऐसे स्थानों पर अधिवेशन करेगा और अपने अधिवेशनों में कारबार के संव्यवहार के संबंध में प्रक्रिया के ऐसे नियमों का पालन करेगा जो विनियमों द्वारा अवधारित किए जाएं ।

6. संस्थान का शासी निकाय - (1) संस्थान के शासी निकाय में निम्नलिखित सदस्य होंगे, अर्थात् :-

(i) राष्ट्रीय प्राधिकरण का उपाध्यक्ष जो पदेन अध्यक्ष होगा ;

(ii) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक भारत सरकार का सचिव जिसका आपदा प्रबंधन पर प्रशासनिक नियंत्रण है, जो उपाध्यक्ष होगा, पदेन ;

- (iii) केन्द्रीय सरकार के उस मंत्रालय या विभाग में, जिसका आपदा प्रबंधन पर प्रशासनिक नियंत्रण है, आपदा प्रबंधन से संबंधित भारत सरकार का, यथास्थिति, सचिव या विशेष सचिव या अपर सचिव या संयुक्त सचिव, पदेन ;
- (iv) केन्द्रीय सरकार के उस मंत्रालय या विभाग का भारसाधक भारत सरकार का सचिव जिसका व्यय पर प्रशासनिक नियंत्रण है, पदेन ;
- (v) राष्ट्रीय प्राधिकरण का, यथास्थिति, सचिव या अपर सचिव, पदेन ;
- (vi) केन्द्रीय सरकार के उस मंत्रालय या विभाग के, जिसका आपदा प्रबंधन पर प्रशासनिक नियंत्रण है, वित्त से संबंधित भारत सरकार का, यथास्थिति, अपर सचिव और वित्त सलाहकार या संयुक्त सचिव और वित्त सलाहकार, पदेन ;
- (vii) राज्य सरकारों का प्रतिनिधित्व करने वाले संस्थान के सदस्यों में से एक सदस्य ;
- (viii) विश्वविद्यालय का प्रतिनिधित्व करने वाला एक सदस्य ;
- (ix) भारतीय प्रौद्योगिकी संस्थान और भारतीय प्रबंध संस्थान का प्रतिनिधित्व करने वाले संस्थान के दो सदस्य ;
- (x) विज्ञान और प्रौद्योगिकी संस्था का प्रतिनिधित्व करने वाला संस्थान का एक सदस्य ;
- (xi) अंतर्रिक्ष विभाग, परमाणु ऊर्जा विभाग, विज्ञान और प्रौद्योगिकी विभाग, केन्द्रीय जल आयोग और भारतीय कृषि अनुसंधान परिषद् का प्रतिनिधित्व करने वाले संस्थान के सदस्यों में से दो सदस्य ; और
- (xii) संस्थान का कार्यपालक निदेशक, पदेन ।

(2) शासी निकाय संस्थान की कार्यकारिणी समिति होगी और ऐसी शक्तियों का प्रयोग और ऐसे कृत्यों का पालन करेगी जो संस्थान, इस निमित्त बनाए गए विनियमों द्वारा, उसे प्रदत्त या अधिरोपित करे ।

(3) शासी निकाय द्वारा अपनी शक्तियों के प्रयोग में और अपने कृत्यों के पालन में अनुसरित की जाने वाली प्रक्रिया और शासी निकाय के सदस्यों की पदावधि तथा उनमें शिक्षियों को भरने की रीति वह होगी जो विनियमों द्वारा तय की जाए ।

7. संस्थान का कार्यपालक निदेशक - (1) संस्थान का एक कार्यपालक निदेशक होगा जो केन्द्रीय सरकार द्वारा नियुक्त किया जाएगा ।

(2) संस्थान का कार्यपालक निदेशक संस्थान के सचिव के रूप में तथा संस्थान के शासी निकाय के रूप में कार्य करेगा ।

8. कार्यपालक निदेशक की शक्तियां और उसके कृत्य - संस्थान का कार्यपालक निदेशक ऐसी शक्तियों का प्रयोग और ऐसे कृत्यों का पालन करेगा जो विनियमों द्वारा तय किए जाएं ।

MINISTRY OF HOME AFFAIRS
NOTIFICATION

New Delhi, the 30th October, 2006

G.S.R. 680(E).—In exercise of the powers conferred by clause (e) of sub-section (2) read with sub-section (1) of section 75 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Disaster Management (National Institute of Disaster Management) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires, -

- (a) "Act" means the Disaster Management Act, 2005 (53 of 2005);
- (b) "chairperson" means the chairperson of the governing body;
- (c) "executive director" means the executive director of the institute appointed by the Central Government;
- (d) "governing body" means the governing body of the institute;
- (e) "institute" means the National Institute of Disaster Management;
- (f) "president" means the president of the institute;
- (g) "secretary" means the secretary of the institute and the governing body;
- (h) "section" means a section of the Act;
- (i) "vice-chairperson" means the vice-chairperson of the governing body of the institute;
- (j) "vice-president" means the vice-president of the institute;
- (2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Composition of the institute.— (1) The institute shall consist of the following members, namely: -

- (i) the Minister in charge of the Ministry or Department of the Central Government having administrative control of disaster management, who shall be the President, *ex officio*;
- (ii) the Vice-Chairperson of the National Authority who shall be the vice-president, *ex officio*;
- (iii) one member of the National Authority;

- (iv) Chairperson of the National Executive Committee, that is, the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of disaster management, *ex officio*;
- (v) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of expenditure, *ex officio*;
- (vi) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of agriculture, *ex officio*;
- (vii) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of External Affairs, *ex officio*;
- (viii) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of health, *ex officio*;
- (ix) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of science and technology, *ex officio*;
- (x) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of atomic energy, *ex officio*;
- (xi) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of space, *ex officio*;
- (xii) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of ocean development, *ex officio*;
- (xiii) the Secretary or Special Secretary or Additional Secretary or Joint Secretary, as the case may be, to the Government of India dealing with disaster management in the Ministry or Department of the Central Government having administrative control of disaster management, *ex officio*;
- (xiv) the Additional Secretary and Financial Advisor or Joint Secretary and Financial Advisor, as the case may be, to the Government of India dealing with finance of the Ministry or Department of the Central Government having administrative control of disaster management, *ex officio*;
- (xv) The Secretary or Additional Secretary, as the case may be, of the National Disaster Management Authority, *ex officio*;
- (xvi) the Director-General of the National Disaster Response Force, *ex officio*;
- (xvii) the Deputy Chief of Integrated Defence Staff, Doctrine Organisation & Training (DOT), Head Quarters Integrated Defence Staff, Ministry of Defence *ex officio*;
- (xviii) two Secretaries of State Governments in charge of disaster management;
- (xix) one vice-chancellor from the universities;
- (xx) the Director, Lal Bahadur Shastri National Academy of Administration, Mussoorie;

- (xxi) the Director, Sardar Vallabhbhai Patel National Police Academy, Hyderabad;
- (xxii) the Director General, India Meteorological Department, *ex officio*;
- (xxiii) two Directors, one each, from any Indian Institute of Management and any Indian Institute of Technology;
- (xxiv) the Chairman of the Central Water Commission, *ex officio*;
- (xxv) the Director of Indian Institute of Public Administration, *ex officio*;
- (xxvi) the Director General of Indian Council of Agriculture Research, *ex officio*;
- (xxvii) one Director General from the Administrative Training Institutes or State Institutes of Rural Development;
- (xxviii) the Director General of Indian Council of Medical Research, *ex officio*;
- (xxix) two eminent persons in the field of disaster management, public administration, information technology, medicine etc. ;
- (xxx) two experts, one each from banking and insurance sector;
- (xxxi) two presidents or heads, by whatever name called, from the industry associations or federations of all-India-level which in the opinion of the Central Government are capable of representing the industry, trade or commerce;
- (xxxii) two presidents or heads, by whatever name called, from non-governmental organisations which in the opinion of the Central Government are active and effective in the disaster management activities, or are capable of representing such activities;
- (xxxiii) one head from science and technology institutions;
- (xxxiv) one head from medical or health institutions;
- (xxxv) one professor of the National Institute of Disaster Management;
- (xxxvi) the Executive Director of the Institute, *ex officio*.

(2) The Central Government shall nominate the members of the institute, other than the *ex officio* members in such manner as it may consider appropriate.

(3) The Vice-Chairperson of the National Authority shall nominate the member of the National Authority for the institute.

(4) Save as otherwise provided in this sub-rule, the term of office of -

- (a) an *ex officio* member of the institute shall continue so long as he holds the office by virtue of which he is such a member; and
- (b) a nominated member of the institute shall be two years from the date of his nomination:

Provided that a member other than an *ex officio* member of the institute may resign from the office of such member, by writing under his hand addressed to the Central Government, but he shall continue in office until his resignation is accepted by that Government.

4. Filling up of vacancies.—All vacancies by reason of resignation, death or otherwise among members (other than *ex officio* members) of the Institute shall be filled as soon as may be after the occurrence of the vacancy by a fresh nomination.

5. Meetings of the institute.—The institute shall hold its first meeting at such time and place as may be appointed by the Central Government and observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government and thereafter the institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by regulations.

6. Governing body of the institute.—(1) The Governing body of the institute shall consist of the following members, namely:—

- (i) The Vice-Chairperson of the National Authority who shall be the chairperson, *ex officio*;
- (ii) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of disaster management, who shall be the vice-chairperson, *ex officio*;
- (iii) the Secretary or Special Secretary or Additional Secretary or Joint Secretary, as the case may be, to the Government of India dealing with disaster management in the Ministry or Department of the Central Government having administrative control of disaster management, *ex officio*;
- (iv) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of expenditure, *ex officio*;
- (v) the Secretary or Additional Secretary, as the case may be, of the National Authority, *ex officio*;

- (vi) the Additional Secretary and Financial Advisor or Joint Secretary and Financial Advisor, as the case may be, to the Government of India dealing with finance of the Ministry or Department of the Central Government having administrative control of disaster management, *ex officio*;
 - (vii) one member from amongst the members of the institute representing the State Governments;
 - (viii) one member of the institute representing the university;
 - (ix) two members of the institute representing the Indian Institute of Technology and the Indian Institute of Management;
 - (x) one member of the institute representing a science and technology institution;
 - (xi) two members from amongst the members of the institute representing the Department of Space, the Department of Atomic Energy, the Department of Science and Technology, the Central Water Commission and the Indian Council of Agriculture Research; and
 - (xii) the executive director of the institute, *ex officio*.
- (2) The governing body shall be the executive committee of the institute and shall exercise such powers and perform such functions as the institute may, by regulations made in this behalf, confer or impose upon it.

(3) The procedure to be followed in the exercise of its powers and performance of its functions by the governing body, and the term of office of, and the manner of filling up vacancies, among the members of the governing body, shall be such as may be made by regulations.

7. Executive Director of the institute.—(1) There shall be an Executive Director of the institute who shall be appointed by the Central Government.

(2) The Executive Director of the institute shall act as the Secretary to the institute as well as the governing body of the institute.

8. Powers and functions of the Executive Director.—The Executive Director of the institute shall exercise such powers and perform such functions as may be made by regulations.

[F. No. 30/8/2006-NDM-III(A)]
PRABHANSU KAMAL, Jt. Secy.

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(9) The National Executive Committee shall invite, the Secretary or Additional Secretary, as the case may be, of the National Authority, as a special invitee to attend its every meeting.

(10) The National Executive Committee shall forward the minutes of every meeting to the National Authority.

4. Allowances to be paid to a person associated as an expert with a sub-committee of the National Executive Committee.—A member of the sub-committee constituted under Sub-section (1) of Section 9, shall be paid travelling and daily allowances as are admissible to non-officials attending the meetings of committees set up by the Central Government, as specified in Appendix 2 to Supplementary Rule 190.

[F. No. 30/9/2005-NDM-III(A)]

NAVEEN VERMA, Jt. Secy.

अधिसूचना

नई दिल्ली, 27 सितम्बर, 2006

सा.का.नि. 598(अ).—केन्द्रीय सरकार, आपदा प्रबंध अधिनियम, 2005 (2005 का 53) की धारा 75 की उपधारा (1) के साथ पठित उसकी उपधारा (2) के खंड (क) और खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम आपदा प्रबंधन (राष्ट्रीय प्राधिकरण के सदस्यों की पदावधि और सेवा की शर्तें तथा सलाहकार समिति के सदस्यों को भत्तों का संदाय) नियम, 2006 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—(1) इन नियमों में जब तक कि सदर्भ से अन्यथा अपेक्षित न हो;—

(क) "अधिनियम" से आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) अभिप्रेत है;

(ख) "सलाहकार समिति" से धारा 7 की उपधारा (1) के अधीन राष्ट्रीय प्राधिकरण द्वारा गठित सलाहकार समिति अभिप्रेत है;

(ग) "सदस्य" से धारा 3 की उपधारा (2) के खंड (ख) अधीन राष्ट्रीय प्राधिकरण के अध्यक्ष द्वारा नामनिर्दिष्ट राष्ट्रीय प्राधिकरण का सदस्य अभिप्रेत है;

(घ) "धारा" से अधिनियम की धारा अभिप्रेत है;

(ङ) "उपाध्यक्ष" से धारा 3 की उपधारा (3) के अधीन राष्ट्रीय प्राधिकरण के अध्यक्ष द्वारा पदाभिहित उपाध्यक्ष अभिप्रेत है;

(2) उन शब्दों और पदों का, जो इनमें प्रयुक्त हैं और इन नियमों में परिभाषित नहीं हैं किंतु अधिनियम में परिभाषित हैं, वही अर्थ होगा जो अधिनियम में क्रमशः उनका है।

3. वेतन और सेवाशर्तें.—(1) राष्ट्रीय प्राधिकरण के सदस्य के रूप में नाम निर्दिष्ट व्यक्ति निम्नलिखित में से किसी एक का चयन करने के अपने विकल्प का प्रयोग करेगा,—

(क) भारत सरकार के सचिव को अनुज्ञेय वेतन (सेवानिवृत्त अधिकारी की दशा में पेंशन घटाकर), महंगाई भत्ता, आवास, चिकित्सा सुविधाएं, यात्रा भत्ता तथा केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन अस्थायी सरकारी सेवक को अनुज्ञेय छुट्टी किंतु छुट्टी यात्रा रियायत सुविधा के बिना;

सिविल सेवा (छुट्टी) नियम, 1972 के अधीन सरकारी सेवक को अनुज्ञेय छुट्टी; या

(ख) मंत्रियों के सम्बलमों और भत्तों से संबंधित अधिनियम, 1952 (1952 का 58) के अधीन बनाए गए मंत्रीगण (भत्ते, चिकित्सा उपचार और अन्य विशेषाधिकार) नियम, 1957 के उपबंध के अनुसार संघ के राज्य मंत्री को अनुज्ञेय वेतन, दैनिक भत्ता और संघ के राज्य मंत्री को अनुज्ञेय पेंशन (सेवानिवृत्त अधिकारी की दशा में महंगाई राहत के बिना), आवास, चिकित्सा सुविधाएं, यात्रा भत्ता तथा केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन अस्थायी सरकारी सेवक को अनुज्ञेय छुट्टी किंतु छुट्टी यात्रा रियायत सुविधा के बिना;

परंतु यदि विकल्प का एक बार प्रयोग कर लिया जाता है तो वह अंतिम होगा।

(2) राष्ट्रीय प्राधिकरण का सदस्य जो धारा 3 की उपधारा (3) के अधीन राष्ट्रीय प्राधिकरण के उपाध्यक्ष के रूप में पदाभिहित किया जाता है, संघ के उस मंत्री को, जो मंत्रिमंडल का सदस्य है, अनुज्ञेय वेतन और दैनिक भत्ते और पेंशन (महंगाई राहत के बिना) तथा ऐसे सदस्य की दशा में जो सेवानिवृत्त अधिकारी है, मंत्रियों के सम्बलमों और भत्तों से संबंधित अधिनियम, 1952 (1952 का 58) के अधीन बनाए गए मंत्रीगण (भत्ते, चिकित्सा उपचार और अन्य विशेषाधिकार) नियम, 1957 के उपबंध के अनुसार संघ के कैबिनेट मंत्री को अनुज्ञेय आवास, चिकित्सा सुविधाओं, यात्रा भत्ता का हकदार होगा।

4. निरहंताएं.—ऐसा कोई व्यक्ति राष्ट्रीय प्राधिकरण का सदस्य नहीं होगा, जो—

(क) न्यायनिर्णित दिवालिया है या किसी समय रहा है; या

(ख) किसी सक्षम न्यायालय द्वारा विकृत चित्र घोषित किया गया है; या

(ग) सदस्य के रूप में कार्य करने से असमर्थ हो गया है; या

(घ) ऐसे किसी अपराध के लिए सिद्धदोष किया जाता है या किया गया है जिसमें केन्द्रीय सरकार की राय में नैतिक अधमता अंतर्वलित है; या

(ङ) सरकार या सरकार के स्वामित्वाधीन या नियंत्रणाधीन किसी निगमित निकाय की सेवा से हटाया या पदच्युत किया जाता है अथवा हटा दिया गया या पदच्युत कर दिया गया है।

5. त्यागपत्र.—राष्ट्रीय प्राधिकरण का कोई सदस्य राष्ट्रीय प्राधिकरण के सदस्य के पद से त्यागपत्र राष्ट्रीय प्राधिकरण के अध्यक्ष को इस आशय की अपने हस्ताक्षर सहित लिखित सूचना देकर दे सकेगा और ऐसा त्यागपत्र उस तारीख से प्रभावी होगा जिसको ऐसी सूचना राष्ट्रीय प्राधिकरण के अध्यक्ष द्वारा स्वीकार की जाती है।

6. रिक्तियां.—जहां राष्ट्रीय प्राधिकरण के सदस्य के पद पर त्यागपत्र, निरहंता, मृत्यु या अन्य कारण से कोई रिक्ति होती है तो उक्त रिक्ति नए नामनिर्देशन द्वारा भरी जा सकेगी।

7. राष्ट्रीय प्राधिकरण द्वारा गठित सलाहकार समिति के सदस्य को संदत्त किए जाने वाले भत्ते.—धारा 7 की उपधारा (1) के अधीन गठित सलाहकार समिति के सदस्य को

ऐसे यात्रा भत्तों, कमरा किराए, दैनिक भत्तों और प्रवहण भत्ते का संदाय किया जाएगा जो पूरक नियम 190 के परिशिष्ट-2 में यथाविनिर्दिष्ट उच्च शक्ति प्राप्त समिति के सदस्य को अनुज्ञय है।

[फा. सं. 30/9/2005—एनडीएम. 3(ए)]

नवीन वर्मा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 27th September, 2006

G.S.R. 598(E).—In exercise of the powers conferred by clauses (a) and (d) of Sub-section (2) read with Sub-section (1) of Section 75 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby makes the following rules, namely :

1. Short title and commencement.—(1) These rules may be called the Disaster Management (Term of Office and Conditions of Service of Members of the National Authority and Payment of Allowances to Members of Advisory Committee) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Disaster Management Act, 2005 (53 of 2005);
- (b) “advisory committee” means the advisory committee constituted by the National Authority under Sub-section (1) of Section 7;
- (c) “member” means a member of the National Authority nominated by the Chairperson of the National Authority under clause (b) of Sub-section (2) of Section 3;
- (d) “section” means a section of the Act;
- (e) “Vice-Chairperson” means the Vice-Chairperson designated by the Chairperson of the National Authority under sub-section (3) of Section 3.

(2) Words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Pay and service conditions.—(1) A person nominated as a member of the National Authority shall exercise his option to choose either,—

- (a) Pay (less pension in the case of a retired officer), dearness allowance, accommodation, medical facilities, travelling allowance, leave travel concession as admissible to a Secretary to the Government of India and leave as admissible to a Government servant under the Central Civil Services (Leave) Rules, 1972; or
- (b) pay, daily allowance as admissible to a Union Minister of State and pension (without dearness relief in the case of retired officer), accommodation, medical facilities, travelling allowance as admissible to a Union Minister of State in accordance with the provision of the Ministers (Allowances, Medical Treatment and Other Privileges) Rules, 1957, made under the Salaries and Allowances of Ministers Act,

1952 (58 of 1952), and leave as admissible to a temporary Government servant under the Central Civil Services (Leave) Rules, 1972, but without the facility of leave travel concession :

Provided that the option once exercised shall be final.

(2) A member of the National Authority, who is designated as the Vice-Chairperson of the National Authority under Sub-section (3) of Section 3, shall be entitled to pay and daily allowance, as admissible to a Union Minister, who is a member of the Cabinet, and pension (without dearness relief) and in the case of member who is a retired officer, accommodation, medical facilities and travelling allowance as admissible to a Union Cabinet Minister in accordance with the provisions of the Ministers (Allowances, Medical Treatment and Other Privileges) Rules, 1957, made under the Salaries and Allowances of Ministers Act, 1952 (58 of 1952).

4. Disqualifications.—No person shall be a member of the National Authority, who—

- (a) is, or at any time has been, adjudged insolvent; or
- (b) is declared to be of unsound mind by a competent court; or
- (c) becomes incapable of acting as a member; or
- (d) is, or has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude.
- (e) is, or has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government.

5. Resignation.—Any member of the National Authority may resign from the office of member of the National Authority by giving a notice in writing under his hand to that effect to the Chairperson of the National Authority and such resignation shall take effect from the date on which such notice is accepted by the Chairperson of the National Authority.

6. Vacancies.—Where a vacancy occurs in the office of a member of the National Authority by reason of resignation, disqualification, death or otherwise, the vacancy may be filled by fresh nomination.

7. Allowances to be paid to a member of the Advisory Committee constituted by the National Authority.—A member of the Advisory Committee constituted under Sub-section (1) of Section 7 shall be paid such travelling allowances, room rent, daily allowances and conveyance allowance as are admissible to a member of the High Power Committee as specified in Appendix-2 to Supplementary Rule 190.

[F.No.30/9/2005-NDM. III(A)]
NAVEEN VERMA, Jt. Secy.

अधिसूचना

नई दिल्ली, 30 अक्टूबर, 2006

सा.का.नि. 681(अ).—केन्द्रीय सरकार, आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 76 के साथ पठित उसकी धारा 42 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित विनियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ - (1) इन विनियमों का संक्षिप्त नाम राष्ट्रीय आपदा प्रबंधन संस्थान विनियम, 2006 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषा— (1) इन विनियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-

(क) “अधिनियम” से आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) अभिप्रेत है ;

(ख) “सभापति” से शासी निकाय का सभापति अभिप्रेत है ;

(ग) “कार्यपालक निदेशक” से केन्द्रीय सरकार द्वारा नियुक्त संस्थान का कार्यपालक निदेशक अभिप्रेत है ;

(घ) “शासी निकाय” से संस्थान का शासी निकाय अभिप्रेत है ;

(ङ) “संस्थान” से राष्ट्रीय आपदा प्रबंधन संस्थान अभिप्रेत है ;

(च) “अध्यक्ष” से संस्थान का अध्यक्ष अभिप्रेत है ;

(छ) “सचिव” से, यथास्थिति, संस्थान या शासी निकाय का सचिव अभिप्रेत है ;

3. संस्थान और शासी निकाय की संरचना— संस्थान और शासी निकाय में ऐसे सदस्य होंगे जो आपदा प्रबंधन (राष्ट्रीय आपदा प्रबंधन संस्थान) नियम, 2006 के क्रमशः नियम 3 के उपनियम (1) और नियम 6 के उपनियम (1) में उपबंधित हैं।

4. संस्थान के अधिवेशन— (1) अध्यक्ष या उसकी अनुपस्थिति में उपाध्यक्ष संस्थान के अधिवेशनों की अध्यक्षता करेगा।

(2) संस्थान ऐसे समयों और स्थानों पर अधिवेशन करेगा जो संस्थान के कारबार के संब्वहार के लिए अध्यक्ष द्वारा आवश्यक समझे जाएं :

परंतु संस्थान प्रत्येक वर्ष में कम से कम एक बार अधिवेशन करेगा।

(3) (क) सचिव संस्थान के सामान्य अधिवेशन के स्थान, तारीख और समय को विनिर्दिष्ट करते हुए सूचना ऐसे अधिवेशन की तारीख से कम से कम इक्कीस दिन पूर्व देगा ।

(ख) अधिवेशन की सूचना के साथ उसकी कार्यसूची भी भेजी जाएगी और जहां संभव न हो, कार्य सूची अधिवेशन से कम से कम सात दिन पूर्व भेजी जाएगी ।

(4) अध्यक्ष संस्थान के अत्यावश्यक कारबार के संव्यवहार के लिए किसी समय संस्थान का असाधारण अधिवेशन बुला सकेगा ।

(5) सचिव असाधारण अधिवेशन के लिए अधिवेशन की तारीख से कम से कम सात दिन पहले कार्यसूची के साथ अधिवेशन के स्थान, तारीख और समय को विनिर्दिष्ट करते हुए सभी सदस्यों को सूचना देगा ।

(6) (क) संस्थान, संस्थान के कम से कम बारह सदस्यों के लिखित अनुरोध के तीस दिन के भीतर असाधारण अधिवेशन बुलाएगा ।

(ख) संस्थान के सदस्य खंड (क) में निर्दिष्ट अधिवेशन के लिए अनुरोध के प्रयोजन को उपदर्शित करेंगे ।

(7) संस्थान के अधिवेशन के लिए गणपूर्ति दस होगी ।

(8) अध्यक्ष संस्थान के अधिवेशन से पूर्व किसी समय या उसके दौरान कार्यसूची में -

(i) कारबार की कोई नई मद या मदें ; या

(ii) कार्यसूची में सम्मिलित मदों के अतिरिक्त कोई पूरक मद,

सम्मिलित कर सकेगा और ऐसी मद पर विचार किया जाएगा ।

(9) संस्थान के किसी सदस्य पर सूचना की तामील या तो व्यक्तिगत रूप से, ई-मेल, फैक्स, टेलीग्राम द्वारा की जा सकेगी या ऐसे सदस्य को संबोधित लिफाफे में डाक में भेजने के प्रमाणपत्र के अधीन डाक द्वारा की जा सकेगी और ऐसी सूचना के बारे में यह माना जाएगा कि वह उचित रूप से परिदृष्ट कर दी गई है ।

(10) किसी अधिवेशन में संस्थान द्वारा निपटाया गया कोई विषय पुनः विचार के लिए ऐसे मामले के सिवाय एक वर्ष की समाप्ति से पूर्व नहीं लाया जाएगा जहां अध्यक्ष या केन्द्रीय सरकार यह प्रमाणित कर देती है कि उक्त विषय पर संस्थान के हित में और विचार किए जाने की आवश्यकता है ।

(11) संस्थान के किसी सदस्य द्वारा उठाए गए व्यवस्था के किसी प्रश्न पर अधिवेशन के अध्यक्ष द्वारा दिया गया विनिश्चय अंतिम होगा ।

(12) संस्थान के अधिवेशन के समक्ष लाए गए सभी विषयों का विनिश्चय संस्थान के उपस्थित और मतदान करने वाले सदस्यों के बहुमत द्वारा किया जाएगा और बराबर मतों की दशा में अध्यक्ष या पीठासीन व्यक्ति का उस मत के अतिरिक्त निश्चायक मत होगा जिसका वह संस्थान के सदस्य के रूप में हकदार हो ।

5. कागज-पत्रों के परिचालन द्वारा कारबार का संव्यवहार - (1) संस्थान के किसी कारबार का, जो संव्यवहार करने के लिए संस्थान के लिए आवश्यक हो, यदि अध्यक्ष ऐसा निदेश दे, संस्थान के सभी सदस्यों को उनके सामान्य पते पर अपेक्षित विनिश्चय को सम्मिलित करते हुए एक प्रारूप संकल्प के साथ कार्यसूची के कागजों के परिचालन द्वारा संव्यवहार किया जा सकेगा और इस प्रकार प्रचालित और सदस्यों के बहुमत द्वारा हस्ताक्षर करके अनुमोदित प्रारूप संकल्प ऐसे प्रभावी और आबद्धकारी होगा मानो वह संकल्प संस्थान के अधिवेशन में पारित किया गया हो परंतु संस्थान के कम से कम बारह सदस्यों ने संकल्प पर अपने विचार अभिलिखित किए हों ।

(2) कोई सदस्य ऐसे कारबार की सूचना के जारी किए जाने की तारीख से इक्कीस दिन के भीतर उत्तर देगा और यदि संस्थान के सदस्य से उक्त अवधि के भीतर कोई उत्तर प्राप्त नहीं होता है तो उसके बारे में यह समझा जाएगा कि उसने प्रारूप संकल्प का समर्थन किया है ।

(3) यदि प्रारूप संकल्प परिचालित किया जाता है तो परिचालन का परिणाम संस्थान के सभी सदस्यों को रांसूचित किया जाएगा और संकल्प संस्थान के अगले अधिवेशन में पुष्टि के लिए रखा जाएगा ।

6. कारबार का अभिलेखन - (1) संस्थान द्वारा संव्यवहार किए गए सभी कारबार का अभिलेख रखा जाएगा ।

(2) संस्थान के सभी विनिश्चय, यथासंभव, संकल्पों के रूप में लेखबद्ध किए जाएंगे और संस्थान की कार्यवाही पुस्तक में ऐसे विनिश्चय की प्रविष्टि इस तथ्य का निश्चायक सबूत होगी कि संस्थान द्वारा ऐसे विनिश्चय लिए गए थे ।

(3) संस्थान के प्रत्येक अधिवेशन की कार्यवाहियां उसके सदस्यों में अधिवेशन के तीस दिन के भीतर परिचालित की जाएंगी और यदि अनुबंधित समय के भीतर कोई टिप्पणियां प्राप्त होती हैं तो वे अध्यक्ष के अनुमोदन के अधीन रहते हुए उपयुक्त रूप से सम्मिलित की जाएंगी और अंतिम कार्यवाहियों के रूप में पुनः जारी की जाएंगी ।

7. शासी निकाय या कार्यपालक निदेशक को कृत्यों का प्रत्यायोजन - संस्थान, साधारण या विशेष लिखित आदेश द्वारा, शासी निकाय या कार्यपालक निदेशक को, ऐसी शर्तों और परिसीमाओं के अधीन रहते हुए, यदि कोई हों, जो आदेश में विनिर्दिष्ट की जाएं, अपने ऐसे कृत्यों को प्रत्यायोजित कर सकेगा जो वह धारा 42 की उपधारा (9) के अधीन विनिर्दिष्ट उद्देश्यों को प्राप्त करने के लिए निर्णायक या आनुषंगिक समझे ।

8. पदावधि - (1) शासी निकाय के सदस्य की पदावधि उसके संस्थान के सदस्य बने रहने तक जारी रहेगी ।

(2) आपदा प्रबंधन (राष्ट्रीय आपदा प्रबंधन संस्थान) नियम, 2006 के नियम 6 के उपनियम (1) के खंड (vii), (viii), (ix) या (x) के अधीन शासी निकाय के नामनिर्दिष्ट सदस्य की पदावधि, जैसे ही वह संस्थान का सदस्य नहीं रहता, समाप्त हो जाएगी या केन्द्रीय सरकार द्वारा उसको प्रतिस्थापित किए जाने तक, इनमें से जो भी पूर्वतर हो, बनी रहेगी ।

9. शासी निकाय की शक्तियां और कृत्य - (1) शासी निकाय संस्थान के विनिश्चयों को कार्यान्वित करने के लिए उत्तरदायी होगा ।

(2) विशिष्टतया और पूर्वगामी कृत्यों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, शासी निकाय निम्नलिखित किसी या किन्हीं कृत्यों का पालन कर सकेगा, अर्थात् :-

(क) राष्ट्रीय प्राधिकरण द्वारा संस्थान के लिए अधिकथित विस्तृत नीतियों और मार्गदर्शक सिद्धांतों का पालन सुनिश्चित करना ;

(ख) ऐसे प्रस्तावों पर विचार करना और सिफारिश करना जो संस्थान को उसके अनुमोदन के लिए प्रस्तुत करना अपेक्षित हैं ;

(ग) ऐसे कार्यक्रमों और क्रियाकलापों पर विचार करना और उनका अनुमोदन करना जो संस्थान द्वारा उनका अनुमोदन किए जाने तक अंतरिम रूप में लिए जाएं ।

(घ) संस्थान के अनुमोदित वार्षिक क्रियाकलापों में ऐसे परिवर्तनों पर, जो आवश्यक समझे जाएं, संस्थान द्वारा ऐसे परिवर्तनों का भूतलक्षी प्रभाव से अनुमोदन किए जाने के अधीन रहते हुए विचार करना और उनका अनुमोदन करना ;

(ङ) ऐसे नये क्रियाकलापों पर, जो संस्थान के अनुमोदित वार्षिक क्रियाकलापों में सम्मिलित नहीं हैं, जिनपर विचार किया जाना अपेक्षित है, संस्थान द्वारा भूतलक्षी प्रभाव से अनुमोदन किए जाने के अधीन रहते हुए विचार करना और उनका अनुमोदन करना ।

(च) ऐसी समितियां और उपसमितियां नियुक्त करना जो उसके कृत्यों के निर्वहन के लिए उपयुक्त समझी जाएँ ;

(छ) ऐसे सभी कार्य करना और ऐसी सभी बातें करना जो संस्थान की संपत्तियों के उचित प्रबंध के लिए आवश्यक हों ; और

(ज) ऐसे सभी कृत्य करना जो संस्थान द्वारा प्रत्यायोजित किए जाएँ ।

10. शासी निकाय के अधिवेशन का समय और स्थान - शासी निकाय अपने अधिवेशन ऐसे स्थान और समयों पर करेगा जो शासी निकाय का सभापति समय-समय पर अवधारित करे :

परंतु शासी निकाय का सभापति अधिवेशन का आयोजन करेगा यदि उस प्रयोजन के लिए अध्यपेक्षा उसे शासी निकाय के कम से कम चार सदस्यों द्वारा लिखित रूप में प्रस्तुत की जाती है जिसमें अधिवेशन में चर्चा की प्रस्तावित विषय-वस्तु विनिर्दिष्ट की जाएगी :

परंतु यह और कि शासी निकाय तीन मास में कम से कम एक बार अधिवेशन करेगा ।

11. शासी निकाय के अधिवेशन के लिए सूचना - (1) शासी निकाय के प्रत्येक अधिवेशन के लिए कम से कम चौदह दिन की सूचना शासी निकाय के प्रत्येक सदस्य को दी जाएगी ।

(2) सूचना शासी निकाय के किसी सदस्य पर या तो व्यक्तिगत रूप से, ई-मेल, फैक्स, टेलीग्राम द्वारा तामील की जा सकेगी या ऐसे सदस्य को संबोधित लिफाफे में डाक से भेजने के प्रमाण पत्र के अधीन डाक द्वारा तामील की जा सकेगी और ऐसी सूचना उचित रूप से तामील की गई मानी जाएगी ।

(3) उपविनियम (1) में किसी बात के होते हुए भी शासी निकाय के कोई अधिवेशन जिसमें ऐसा कोई विषय विचार के लिए लिया गया है, जिसे सभापति द्वारा अत्यावश्यक समझा गया है, उससे कम समय की सूचना द्वारा आहूत किया जा सकेगा ।

12. गणपूर्ति - (1) शासी निकाय के अधिवेशन में किसी भी कारबार का जब तक संव्यवहार नहीं किया जाएगा जब तक कि शासी निकाय के कम से कम पांच सदस्य उपस्थित न हों ।

(2) यदि शासी निकाय के अधिवेशन के प्रारंभ होने के लिए नियत समय से आधा घंटे में गणपूर्ति उपस्थित नहीं हैं तो अधिवेशन किसी अन्य दिन के लिए स्थगित हो जाएगा और इस प्रकार स्थगित अधिवेशन की सूचना शासी निकाय के प्रत्येक सदस्य को ई-मेल, फैक्स, टेलीग्राम, डाक या विशेष संवाहक द्वारा, जैसा भी अपेक्षित हो, दी जाएगी :

परंतु इस प्रकार स्थगित किया गया अधिवेशन उस तारीख से इककीस दिन के भीतर किया जाएगा जिसका आरंभ में किए जाने का प्रस्ताव था ।

(3) यदि ऐसे किसी स्थगित अधिवेशन में भी अधिवेशन होने के लिए नियत समय से आधे घंटे के भीतर गणपूर्ति उपस्थित नहीं हैं तो अधिवेशन में उपस्थित शासी निकाय के सदस्य गणपूर्ति करेंगे ।

13. शासी निकाय के अधिवेशनों की अध्यक्षता - (1) शासी निकाय का सभापति शासी निकाय के प्रत्येक अधिवेशन की अध्यक्षता करेगा ।

(2) यदि शासी निकाय का सभापति किसी विशिष्ट अधिवेशन में उपस्थित नहीं है तो उपसभापति शासी निकाय के अधिवेशन की अध्यक्षता करेगा ।

(3) यदि शासी निकाय के सभापति और उपसभापति किसी विशिष्ट अधिवेशन में उपस्थित नहीं हैं तो शासी निकाय के उपस्थित सदस्य अपने में से एक सदस्य को उस अधिवेशन की अध्यक्षता करने के लिए चुनेंगे ।

14. कागज-पत्रों के प्रचालन द्वारा कारबार का संव्यवहार - (1) ऐसे किसी कारबार के लिए जिसका संव्यवहार किया जाना शासी निकाय के लिए आवश्यक हो, यदि सभापति, या उसकी अनुपस्थिति में उपसभापति ऐसा निदेश दे, शासी निकाय के सभी सदस्यों को उनके सामान्य पते पर कागज-पत्रों के परिचालन द्वारा संव्यवहार किया जा सकेगा और इस प्रकार प्रचालित संकल्प ऐसे प्रभावी और आबद्धकारी होगा मानो वह संकल्प शासी निकाय के अधिवेशन में पारित किया गया हो परंतु शासी निकाय के कम से कम पांच सदस्यों ने संकल्प का अनुमोदन अभिलिखित किया हो ।

(2) यदि संकल्प परिचालित किया जाता है तो परिचालन का परिणाम शासी निकाय के सभी सदस्यों को संसूचित किया जाएगा और संकल्प शासी निकाय के अगले अधिवेशन में पुष्टि के लिए रखा जाएगा ।

15. मतदान - शासी निकाय के अधिवेशन के समक्ष लाए गए सभी विषयों का विनिश्चय शासी निकाय के उपस्थित और मतदान करने वाले सदस्यों के बहुमत द्वारा किया जाएगा और बराबर मतों की दशा में शासी निकाय के सभापति या पीठासीन व्यक्ति का उस मत के अतिरिक्त निश्चायक मत होगा जिसका वह शासी निकाय के सदस्य के रूप में हकदार हो ।

16. कारबार का अभिलेखन - (1) शासी निकाय द्वारा संव्यवहार किए गए सभी कारबार का अभिलेख रखा जाएगा ।

(2) शासी निकाय के सभी विनिश्चय, यथासंभव, संकल्पों के रूप में लेखबद्ध किए जाएंगे और

शासी निकाय की कार्यवाही पुस्तक में ऐसे विनिश्चय की प्रविष्टि इस तथ्य का निश्चायक सबूत होगी कि शासी निकाय द्वारा ऐसे विनिश्चय लिए गए थे ।

(3) शासी निकाय के प्रत्येक अधिवेशन की कार्यवाहियां उसके सदस्यों में अधिवेशन के इक्कीस दिन के भीतर परिचालित की जाएंगी ।

17. संस्थान और शासी निकाय के सदस्यों को भत्ते - संस्थान और शासी निकाय के सदस्यों को यात्रा भत्तों, दैनिक भत्तों, प्रवहण भत्तों और मकान किराए का संदाय किया जाएगा जो पूरक नियमों के अधीन अनुज्ञेय है ।

18. कार्यपालक निदेशक की शक्तियां और कृत्य - (1) कार्यपालक निदेशक संस्थान, उसके शासी निकाय के विनिश्चयों और राष्ट्रीय आपदा प्रबंधन प्राधिकरण की विस्तृत नीतियों और मार्गदर्शक सिद्धांतों के क्रियान्वयन के लिए उत्तरदायी होगा तथा ऐसे अन्य कृत्य करेगा जो केन्द्रीय सरकार द्वारा उसे सौंपें जाएं ।

(2) कार्यपालक निदेशक संस्थान के प्रशासन का भारसाधक होगा और संस्थान को उपलब्ध कराए गए अधिकारियों और कर्मचारियों के कर्तव्य आवंटित करेगा तथा यथा आवश्यक पर्यवेक्षण और कार्यकारी नियंत्रण का प्रयोग करेगा ।

(3) कार्यपालक निदेशक मूल नियमों, पूरक नियमों, वित्तीय शक्ति का प्रत्यायोजन के नियमों में यथाविनिर्दिष्ट विभागाध्यक्ष की शक्तियों का प्रयोग करेगा ।

(4) कार्यपालक निदेशक -

(क) संस्थान के सहबद्ध प्रोफेसर से अनिम्न पंक्ति के और समतुल्य पद पर के अधिकारियों और कर्मचारियों की बाबत अनुशासन प्राधिकारी के कृत्यों का निवर्हन करेगा ;

(ख) प्रशिक्षण और कार्यशाला का स्थान विनिश्चित करेगा और ऐसे मार्गदर्शक सिद्धांतों के अधीन रहते हुए जो संस्थान या उसके शासी निकाय द्वारा अधिकथित किए जाएं, विभिन्न कार्यक्रमों के लिए कुशल व्यक्तियों को आमंत्रित करेगा ;

(ग) ऐसे मार्गदर्शक सिद्धांतों के अधीन रहते हुए जो संस्थान या उसके शासी निकाय द्वारा अधिकथित किए जाएं, विनिर्दिष्ट कार्यों के अनुपालन के लिए परामर्शी रखेगा ;

(घ) संस्थान के प्रशिक्षण कार्यक्रमों, कार्यशालाओं और अन्य क्रियाकलापों में अल्पकालीन परिवर्तन करेगा जो स्थिति की अत्यावश्यकता के मद्देनजर आवश्यक हों ;

(ङ) दस्तावेजों, रिपोर्टों आदि के प्रकाशन का अनुमोदन करेगा ;

- (च) लेखबद्ध किए गए कारणों से गैरहकदार अधिकारियों को वायुयान से यात्रा अनुज्ञात करेगा ;
- (छ) संस्थान से संबंधित किया विषय पर केन्द्रीय सरकार और राज्य सरकारों से पत्राचार करेगा ;
- (ज) ऐसे अन्य कृत्यों का निर्वहन करेगा जो संस्थान या उसके शासी निकाय द्वारा उसे प्रत्यायोजित किए जाएं ।

[फा. सं. 30/8/2006-एनडीएम-III (ए)]

प्रभांशु कमल, संयुक्त सचिव

NOTIFICATION

New Delhi, the 30th October, 2006

G.S.R. 681(E).—In exercise of the powers conferred by sub-section (7) of section 42 read with section 76 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby makes the following regulations, namely:-

1. Short title and commencement.- (1) These regulations may be called the National Institute of Disaster Management Regulations, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- In these regulations, unless the context otherwise requires,-

- (a) “Act” means the Disaster Management Act, 2005 (53 of 2005);
- (b) “chairperson” means the chairperson of the governing body;
- (c) “Executive Director” means the Executive Director of the institute appointed by the Central Government;
- (d) “governing body” means the governing body of the institute;
- (e) “institute” means the National Institute of Disaster Management;
- (f) “President” means the President of the institute;
- (g) “Secretary” means the Secretary of the institute, or as the case may be, the governing body.

3. Composition of the institute and the governing body.- The institute and the governing body shall consist of such members as are provided under sub-rule (1) of rule

(3) and sub-rule (1) of rule 6 respectively of the Disaster Management (National Institute of Disaster Management) Rules, 2006.

4. Meetings of the institute.- (1) The President, or in his absence, the Vice-President, shall preside over the meetings of the institute.

(2) The institute shall meet at such times and places as may be considered necessary by the President for the transaction of the business of the institute:

Provided that the institute shall meet at least once in every year.

(3) (a) The Secretary shall give a notice specifying the place, date and time of an ordinary meeting of the institute at least twenty-one days prior to the date of such meeting.

(b) The agenda shall also be sent along with the notice of the meeting and where it is not possible, the agenda shall be sent at least seven days before the meeting.

(4) The President may call an extraordinary meeting of the institute at any time for the transaction of urgent business of the institute.

(5) The Secretary shall give a notice to all the members specifying the place, date and time of the meeting for an extraordinary meeting at least seven days before the date of the meeting alongwith the agenda.

(6) (a)The institute shall call an extraordinary meeting within thirty days of a written request of not less than twelve members of the institute.

(b) The members of the institute shall indicate the purpose of the request for the meeting referred to in clause (a).

(7) The quorum for a meeting of the Institute shall be ten.

(8) The President may include in the agenda at any time before or during a meeting of the Institute -

- (i) any fresh item or items of business; or
 - (ii) any item supplementary to those included in the agenda,
- and such item shall be taken up for consideration.

(9) A notice may be served upon any member of the Institute either personally, by email, fax, telegram or by post by under certificate of posting in an envelope addressed to such member and such notice shall be presumed to have been properly delivered.

(10) No subject disposed of by the institute at a meeting shall be brought up again for consideration until after the expiry of one year except in a case where the President or the Central Government certifies that the subject requires further consideration in the interest of the institute.

(11) A decision given by the President of the meeting on a point of order raised by a member of the institute shall be final.

(12) All matters submitted to a meeting of the institute shall be decided by a majority of the members of the institute present and voting thereat, and in case of an equality of votes, the President or the person presiding shall have a casting vote, in addition to the vote to which he may be entitled as a member of the institute.

5. Transaction of business by circulation of papers.- (1) Any business of the institute which may be necessary for the institute to transact may, if the President so directs, be dealt with by circulation of agenda papers alongwith a draft resolution incorporating the decision required among all the members of the institute at their usual address and any draft resolution so circulated and approved by the majority of the members of the institute

signing shall be as effectual and binding as if the resolution had been passed at a meeting of the institute provided that at least twelve members of the institute have recorded their views on the resolution.

(2) A member shall give reply within twenty-one days from the date of issue of the notice of such business and if no reply is received from a member of the institute within the said period, he shall be deemed to have supported the draft resolution.

(3) If a draft resolution is circulated, the result of the circulation shall be communicated to all members of the institute and the resolution shall also be placed before the next meeting of the institute for confirmation.

6. Recording of business.—(1) A record shall be maintained of all business transacted by the institute.

(2) All decisions of the institute shall, as far as possible, be recorded in the form of resolutions and an entry of such decision in the book of proceedings of the institute shall be conclusive evidence of the fact that such decisions were taken by the institute.

(3) The proceedings of every meeting of the institute shall be circulated among its members within thirty days of the meeting and if any comments are received within a stipulated time they shall be incorporated suitably subject to the approval of the President and re-issued as final proceedings.

7. Delegation of functions to governing body or Executive Director.—The institute may, by general or special order in writing, delegate to the governing body or the Executive Director, subject to such conditions and limitations, if any, as may be specified.

in the order, such of its functions which it considers conducive or incidental to the attainment of the objects specified under sub-section (9) of section 42.

8. Term of office.-(1) The term of office of a member of the governing body shall continue as long as he is a member of the institute.

(2) The term of office of a nominated member of the governing body under clauses (vii), (viii), (ix) or (x) of sub-rule (1) of rule 6 of the Disaster Management (National Institute of Disaster Management) Rules, 2006 shall cease as soon as he ceases to be member of the institute or till he is replaced by the Central Government, whichever is earlier.

9. Powers and functions of the governing body.- (1) The governing body shall be responsible for carrying out the decisions of the institute.

(2) In particular and without prejudice to the generality of the foregoing functions, the governing body may perform all or any of the following functions, namely:-

(a) ensure compliance of broad policies and guidelines laid down for the institute by the National Authority;

(b) consider and recommend such proposals as are required to be submitted to the institute for its approval;

(c) consider and approve such programmes and activities as may be taken up as interim till these are approved by the institute;

(d) consider and approve such changes in the approved annual activities of the institute as may be considered necessary, subject to ex-post-facto approval of such changes by the institute;

- (e) consider and approve such new activities not included in the approved annual activities of the institute as may be required to be taken up, subject to ex-post-facto approval by the institute;
- (f) appoint such Committees and Sub-Committees as considered appropriate for the discharge of its functions.
- (g) perform all such acts and do all such things as may be necessary for the proper management of the properties of the institute; and
- (h) perform all such functions as may be delegated by the institute.

10. Time and place of meeting of the governing body.—The governing body shall hold its meetings at such place and times as the Chairperson of the governing body may, from time to time, determine:

Provided that the Chairperson of the governing body shall convene a meeting if a requisition for that purpose is presented to him in writing by not less than four members of the governing body specifying the subject-matter proposed to be discussed in the meeting:

Provided further that the governing body shall meet at least once in three months.

11. Notice for meeting of governing body.—(1) Not less than fourteen days notice for every meeting of the governing body shall be given to each member of the governing body.

(2) A notice may be served upon any member of the governing body either personally, by email, fax, telegram or by post by under certificate of posting in an envelope addressed to such member and such notice shall be presumed to have been properly delivered.

(3) Notwithstanding anything contained in sub-regulation (1), a meeting of the governing body at which any matter which is considered urgent by the Chairperson has to be taken up, may be called at a shorter notice.

12. Quorum.—(1) No business shall be transacted at a meeting of the governing body unless at least five members of the governing body are present.

(2) If within half an hour of the time appointed for holding the meeting of the governing body, quorum is not present, the meeting shall stand adjourned to another day and notice of such adjourned meeting shall be given to each member of the governing body by e-mail, fax, telegram, post or special messenger, as the case may require:

Provided that a meeting so adjourned shall be held within twenty-one days of the date on which it was originally proposed to be held.

(3) If at any such adjourned meeting also, the quorum is not present within half an hour from the time appointed for holding the meeting, the members of the governing body present at the meeting shall form the quorum.

13. Presiding over the meetings of governing body.—(1) The Chairperson of the governing body shall preside over every meeting of the governing body.

(2) If the chairperson of the governing body is not present at any particular meeting, the vice-chairperson shall preside over the meeting of the governing body.

(3) If the Chairperson and the Vice-chairperson of the governing body are not present at any particular meeting, the members of the governing body present shall choose one from among themselves to chair that meeting.

14. Transaction of business by circulation of papers.—(1) Any business which may be necessary for the governing body to transact, may, if the Chairperson or in his absence, the Vice-chairperson so directs, be dealt with by circulation of the papers to all the members of the governing body at their usual addresses, and any resolution so circulated shall be as effectual and binding as if the resolution has been passed at a meeting of the governing body, provided at least five members of the governing body have accorded their approval to the resolution.

(2) If a resolution is circulated, the results of circulation shall be communicated to all the members of the governing body and shall also be placed before the governing body at its subsequent meeting for confirmation.

15. Voting.— All matters submitted to a meeting of the governing body shall be decided by a majority of the members of the governing body present and voting thereat, and in case of an equality of votes, the chairperson of the governing body or the person presiding shall have a casting vote, in addition to the vote to which he may be entitled to as a member of the governing body.

16. Recording of business.— (1) A record shall be maintained of all business transacted by the governing body.

(2) All decisions of the governing body shall, as far as possible, be recorded in the form of resolutions and an entry of such decisions in the book of proceedings of the governing body shall be conclusive evidence of the fact that such decisions were taken by the governing body.

(3) The proceedings of every meeting shall be circulated to the members of the governing body within twenty-one days of the meeting of the governing body.

17. Allowances to the members of the institute and the governing body — (1) The members of the institute and the governing body may be paid traveling allowances, daily allowances, conveyance allowances and room rent as admissible under the Supplementary Rules.

18. Powers and functions of Executive Director.— (1) The Executive Director shall be responsible for implementation of the decisions of the institute, its governing body and the broad policies and guidelines of the National Disaster Management Authority and perform such other functions as may be assigned by the Central Government.

(2) The Executive Director shall be in charge of the administration of the institute and shall allocate duties to officers and employees provided to the institute and exercise such supervision and executive control as are necessary.

(3) The Executive Director shall exercise the powers of the Head of the Department as specified in the Fundamental Rules, Supplementary Rules and the Delegation of Financial Power Rules.

(4) The Executive Director shall -

- (a) discharge the functions of disciplinary authority in respect of the officers and employees of the institute below the rank of Associate Professor and equivalent posts.
- (b) decide the venue of the trainings and workshops and invite resource persons for various programmes subject to such guidelines as may be laid down by the institute or its governing body;
- (c) engage consultants for performance of specific jobs subject to such guidelines as may be laid down by the institute or its governing body;
- (d) make such short term changes in the training programmes, workshops and other activities of the institute as may be necessary due to exigencies of situation;
- (e) approve publication of documents, reports etc;
- (f) permit air travel to non-entitled officers for reasons to be recorded in writing;
- (g) correspond with the Central Government and State Governments on any matter pertaining to the institute;
- (h) discharge such other functions as may be delegated to him by the institute or its governing body.

अधिसूचना

नई दिल्ली, 30 अक्टूबर, 2006

सा.का.नि. 682(अ).—केन्द्रीय सरकार, आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 75 की उपधारा (1) के साथ पठित उसकी उपधारा (2) के खंड (ज) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ - (1) इन नियमों का संक्षिप्त नाम आपदा प्रबंधन (राष्ट्रीय प्राधिकरण की वार्षिक रिपोर्ट) नियम, 2006 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएँ - (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-

(क) “अधिनियम” से आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) अभिप्रेत है;

(ख) “वार्षिक रिपोर्ट” से धारा 70 की उपधारा (1) के अधीन राष्ट्रीय प्राधिकरण की वार्षिक रिपोर्ट अभिप्रेत है;

(ग) “वित्तीय वर्ष” से प्रत्येक वर्ष की 1 अप्रैल से प्रारंभ होने वाला और अगले वर्ष की 31 मार्च को समाप्त होने वाला वित्तीय वर्ष अभिप्रेत है;

(घ) “धारा” से अधिनियम की धारा अभिप्रेत है;

(2) उन शब्दों और पदों का, जो इनमें प्रयुक्त हैं और इन नियमों में परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होगा जो अधिनियम में क्रमशः उनका है।

3. वार्षिक रिपोर्ट- (1) राष्ट्रीय प्राधिकरण अपनी वार्षिक रिपोर्ट तैयार करेगा और उसे केन्द्रीय सरकार को वित्तीय वर्ष के समाप्त होने से नौ मास के भीतर अग्रेषित करेगा जो संसद् के प्रत्येक सदन के समक्ष रखी जाएगी।

(2) वार्षिक रिपोर्ट में राष्ट्रीय प्राधिकरण के पूर्ववर्ष के दौरान के क्रियाकलापों का पूरा लेखा-जोखा होगा और राष्ट्रीय प्राधिकरण वार्षिक रिपोर्ट की प्रतियां केन्द्रीय सरकार को अग्रेषित करेगा तथा वह सरकार उन प्रतियों को संसद् के प्रत्येक सदन के समक्ष रखवाएगी।

(3) वार्षिक रिपोर्ट में निम्नलिखित सम्मिलित होगा,-

(क) राष्ट्रीय प्राधिकरण के लक्ष्यों और उद्देश्यों तथा उसकी झांकी का व्यौरा;

(ख) राष्ट्रीय प्राधिकरण की भूमिका और उसके कृत्य;

(ग) उस वर्ष के दौरान जिसके संबंध में वार्षिक रिपोर्ट तात्पर्यित है, भौतिक और वित्तीय रूप में वार्षिक लक्ष्य और उपलब्धियां;

(घ) पूर्व वित्तीय वर्ष के दौरान राष्ट्रीय प्राधिकरण के क्रियाकलाप; और

(ङ) ऐसी कोई अन्य सूचना जो राष्ट्रीय प्राधिकरण ठीक समझे।

[फा. सं. 30/8/2006-एनडीएम-III (ए)]

प्रभांशु कमल, संयुक्त सचिव

NOTIFICATION

New Delhi, the 30th October, 2006

G.S.R. 682(E).—In exercise of the powers conferred by clause (h) of sub-section (2) read with sub-section (1) of section 75 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Disaster Management (Annual Report of National Authority) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires,-

- (a) “Act” means the Disaster Management Act, 2005 (53 of 2005);
- (b) “annual report” means the annual report of the National Authority under sub-section (1) of section 70;
- (c) “financial year” means the financial year commencing from 1st April each year and ending on 31st March of the following year;
- (d) “section” means a section of the Act.

3. Annual report.— (1) The National Authority shall prepare its annual report and forward it to the Central Government within nine months of the end of the financial year for being laid before each House of Parliament.

(2) The annual report shall contain a full account of the activities of the National Authority during the previous year and the National Authority shall forward copies of the annual report to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

(3) The annual report shall include -

- (a) a statement of aims and objectives and vision of the National Authority;
- (b) the role and functions of the National Authority;

- (c) annual targets and achievements, in physical and financial terms, during the year to which the annual report pertains;
- (d) the activities of the National Authority during the previous financial year; and
- (e) any other information as the National Authority deems fit.

[F. No. 30/8/2006-NDM-III(A)]

PRABHANSHU KAMAL, Jt. Secy.



भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से योग्यता
PUBLISHED BY AUTHORITY

सं. 370]
No. 370]

नई दिल्ली, सोमवार, अगस्त 13, 2007/श्रावण 22, 1929
NEW DELHI, MONDAY, AUGUST 13, 2007/SRAVANA 22, 1929

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 10 अगस्त, 2007

सा.का.नि. 544(अ).—केन्द्रीय सरकार, आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 75 की उप-धारा (1) के साथ पठित उप-धारा (2) के खंड (छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम आपदा प्रबंधन (अभिकथित अपराध की सूचना) नियम, 2007 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषा।—(1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) अभिप्रेत है;

(ख) "जिला प्राधिकरण" से अधिनियम की धारा 25 की उप-धारा (1) के अधीन गठित जिला आपदा प्रबंधन प्राधिकरण अभिप्रेत है;

(ग) "राष्ट्रीय प्राधिकरण" से अधिनियम की धारा 3 के अधीन स्थापित राष्ट्रीय आपदा प्रबंधन प्राधिकरण अभिप्रेत है;

(घ) "राज्य प्राधिकरण" से अधिनियम की धारा 14 की उप-धारा (1) के अधीन स्थापित राज्य आपदा प्रबंधन प्राधिकरण अभिप्रेत है; और जिसमें उस धारा के अधीन संघ राज्य क्षेत्र के लिए गठित आपदा प्रबंधन प्राधिकरण भी सम्मिलित है।

(2) उन शब्दों और पदों का, जो इनमें प्रयुक्त हैं और इन नियमों में परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होगा जो अधिनियम में क्रमशः उनका है।

3. अभिकथित अपराध की सूचना और परिवाद करने का आशय.—किसी व्यक्ति द्वारा अधिनियम की धारा 60 के खंड (ख) के अधीन किसी अभिकथित अपराध की और परिवाद करने के उसके आशय की, कोई सूचना, निम्नलिखित में से किसी कार्यालय को दी जाएगी या छोड़ी जाएगी—

(क) केन्द्रीय सरकार के उन मामलों में, जहां कोई परिवाद रेल से संबंधित है, के सिवाय, उस सरकार में संबद्ध मंत्रालय या विभाग का भारसाधक सचिव;

(ख) केन्द्रीय सरकार के उन मामलों में, जहां कोई परिवाद रेल से संबंधित है, उस रेल का प्रधान प्रबंधक;

(ग) राज्य सरकार के मामलों में, उस सरकार में संबद्ध विभाग का भारसाधक सचिव;

(घ) राष्ट्रीय प्राधिकरण के मामलों में, राष्ट्रीय प्राधिकरण का सचिव या यदि कोई सचिव नहीं है तो अपर सचिव;

(ङ) राज्य प्राधिकरण के मामलों में, राज्य प्राधिकरण का मुख्य कार्यपालक अधिकारी;

(च) राज्य प्राधिकरण के मामलों में, जिला प्राधिकरण का मुख्य कार्यपालक अधिकारी।

4. सूचना के साथ दी जाने वाली विशिष्टियाँ—

नियम 3 में निर्दिष्ट सूचना में निम्नलिखित जानकारी अंतर्विष्ट होंगी, अर्थात् :—

- (क) अभिकथित अपराध की परिवाद करने की उसके आशय की सूचना देने वाले व्यक्ति का नाम और पता जिसमें टेलीफोन नंबर, यदि कोई हो, सम्मिलित है;
- (ख) उस व्यक्ति का जिसके विरुद्ध कोई परिवाद किया जाना आशयित है, नाम और पता जिसमें टेलीफोन नंबर, यदि कोई हो, सम्मिलित है;
- (ग) अभिकथित अपराध का वर्णन करते हुए परिवाद का कथन;
- (घ) उसमें उपदर्शित किया गया ऐसा कथन कि अभिकथित अपराध की और किसी परिवाद को करने की उसके आशय की, कोई सूचना किसी अन्य सरकार या प्राधिकरण के कार्यालय को न दी गई है या न छोड़ी गई है।

[फा. सं. 30/8/2006. एनडीएम. IV]

ओ. रवि, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 10th August, 2007

G.S.R. 544(E).—In exercise of the powers conferred by clause (g) of sub-section (2) read with sub-section (1) of Section 75 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Disaster Management (Notice of Alleged Offence) Rules, 2007.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Disaster Management Act, 2005 (53 of 2005);
- (b) “District Authority” means the District Disaster Management Authority constituted under sub-section (1) of Section 25 of the Act;
- (c) “National Authority” means the National Disaster Management Authority established under Section 3 of the Act;
- (d) “State Authority” means the State Disaster Management Authority established under sub-section (1) of Section 14 of the Act and includes the Disaster Management Authority for the Union Territory constituted under that section;

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Notice of alleged offence and intention to make a complaint.—A notice under clause (b) of Section 60 of the Act by a person, of the alleged offence and his intention to make a complaint shall be delivered to, or left at, the office of one of the following—

- (a) in the case of the Central Government, except where the complaint relates to a railway, the Secretary incharge of the concerned Ministry or the Department in that Government;
- (b) in the case of the Central Government where the complaint relates to a railway, the General Manager of that railway;
- (c) in the case of State Government, the Secretary incharge of the concerned Department in that Government;
- (d) in the case of the National Authority, the Secretary or, if there is no Secretary, the Additional Secretary, of the National Authority;
- (e) in the case of a State Authority, the Chief Executive Officer of the State Authority;
- (f) in the case of a District Authority, the Chief Executive Officer of the State Authority;

4. Particulars to be furnished alongwith notice.—

The notice referred to in rule 3 shall contain the following information, namely :—

- (a) name and address, including telephone number, if any, of the person giving the notice of his intention to make the complaint of an alleged offence;
- (b) name and address, including telephone number, if any, of the person against whom the complaint is intended to be made;
- (c) statement of complaint describing the alleged offence;
- (d) statement indicating therein that no notice of the alleged offence and his intention to make a complaint has been delivered to, or left at, the office of any other Government or Authority.

[F. No. 30/8/2006. NDM. IV]

O. RAVI, Jt. Secy.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 68]

नई दिल्ली, बृहस्पतिवार, फरवरी 14, 2008/माघ 25, 1929

No. 68]

NEW DELHI, THURSDAY, FEBRUARY 14, 2008/MAGHA 25, 1929

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 13 फरवरी, 2008

सा.का.नि. 87(अ).—केन्द्रीय सरकार, आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 75 की उप-धारा (1) के साथ पठित उप-धारा (2) के खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम आपदा प्रबंधन (राष्ट्रीय आपदा मोर्चन बल) नियम, 2008 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) अभिप्रेत है;

(ख) "बटालियन" से केन्द्रीय परा सैनिक बल द्वारा बटालियन के रूप में निश्चित की गई उस बल की यूनिट अभिप्रेत है;

(ग) "केन्द्रीय परा सैनिक बल" से निम्नलिखित के अधीन गठित केन्द्रीय परा सैनिक बल अभिप्रेत है,—

(i) केन्द्रीय रिजर्व पुलिस बल अधिनियम, 1949 (1949 का 66);

(ii) सीमा सुरक्षा बल अधिनियम, 1968 (1968 का 47);

(iii) केन्द्रीय औद्योगिक सुरक्षा बल अधिनियम, 1968 (1968 का 50); या

(iv) भारत-तिब्बत सीमा पुलिस बल अधिनियम, 1992 (1992 का 35);

(घ) "राष्ट्रीय प्राधिकरण" से अधिनियम की धारा 3 की उप-धारा (1) के अधीन स्थापित राष्ट्रीय आपदा प्रबंधन प्राधिकरण अभिप्रेत है;

(ङ) "राष्ट्रीय आपदा मोर्चन बल" से अधिनियम की धारा 44 की उप-धारा (1) के अधीन गठित राष्ट्रीय आपदा मोर्चन बल अभिप्रेत है;

(2) उन शब्दों और पदों के, जो इनमें प्रयुक्त हैं और परिभाषित नहीं हैं, किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होंगे जो अधिनियम में हैं।

3. बल का गठन.—(1) केन्द्रीय सरकार के गृह मंत्रालय के आदेश सं. 1/15/2002-डीएम-1/एनडीएम-III(ए), तारीख 19 जनवरी, 2006 द्वारा केन्द्रीय परा सैनिक बलों से प्रतिनियुक्त कार्मिकों को इन नियमों के अधीन राष्ट्रीय मोर्चन बल में प्रतिनियुक्त किया गया समझा जाएगा।

(2) केन्द्रीय सरकार, राष्ट्रीय प्राधिकरण के परामर्श से, जब भी अपेक्षित हो, आपदा प्रबंधन के प्रयोजन के लिए केन्द्रीय परा सैनिक बलों से, राष्ट्रीय आपदा मोर्चन बल में आपदा से निपटने और उसके प्रबंधन कौशल, क्षमताएं और अहंताएं तथा अनुभव और ऐसी अन्य तकनीकी अहंताएं, रखने वाले उतने कार्मिकों को, जो केन्द्रीय सरकार द्वारा इस निमित्त विहित किए जाएं प्रतिनियुक्त कर सकेंगी : परन्तु अपेक्षित तकनीकी अहंता और अनुभव रखने वाले कार्मिकों की

अनुपलब्धता की दशा में, केन्द्रीय सरकार, अन्य संगठनों से प्रतिनियुक्ति के माध्यम से या संविदा के आधार पर ऐसे कार्मिकों को नियुक्त कर सकेगी।

(3) इन नियमों के अधीन राष्ट्रीय आपदा मोचन बल में प्रतिनियुक्ति किए गए बटालियन के कार्मिक, ऐसी बटालियन में सामान्यता पांच वर्षों की अवधि के लिए रहेंगे :

परन्तु बल के पच्चीस प्रतिशत से अनधिक कार्मिकों को एक वर्ष में प्रतिस्थापित किया जा सकेगा।

4. बल का अधीक्षण, निदेशन और नियंत्रण.—(1) राष्ट्रीय आपदा मोचन बल का साधारण अधीक्षण, निदेशन और नियंत्रण राष्ट्रीय प्राधिकरण में निहित होगा और उसके द्वारा प्रयोग किया जाएगा।

(2) राष्ट्रीय आपदा मोचन बल की कमान और पर्यवेक्षण केन्द्रीय सरकार द्वारा नियुक्ति किए जाने वाले राष्ट्रीय आपदा मोचन बल के महानिदेशक में निहित होंगे।

(3) राष्ट्रीय आपदा मोचन बल का महानिदेशक राष्ट्रीय प्राधिकरण के उपाध्यक्ष को रिपोर्ट करेगा और वह उसके प्रशासनिक नियंत्रण के अधीन होगा।

5. उत्तरदायित्व, प्रशिक्षण, कौशल, कर्तव्य आदि.—राष्ट्रीय आपदा मोचन बल को, आपदा प्रबंधन से संबंधित कार्यों को करने के लिए आपदा की आशंका की स्थिति या आपदा से निपटने के लिए एक विशिष्ट बल के रूप में प्रशिक्षित किया जाएगा और लैस किया जाएगा।

6. सेवा की शर्तें.—(1) सेवा के निबंधन और शर्तों को, जिसके अंतर्गत केन्द्रीय परा सैनिक बलों से राष्ट्रीय आपदा मोचन बल में प्रतिनियुक्ति किए गए कार्मिकों की सेवा के निबंधन और शर्तों जिनके अंतर्गत कार्मिकों से संबंधित अनुशासनिक शक्तियां भी हैं, अधिनियम के उपबंधों और संबंधित बल और उसकी सेवाओं को लागू नियमों द्वारा विनियमित होती रहेंगी।

(2) नियम 3 के उप-नियम (2) के परंतुक के अधीन नियुक्त कार्मिकों की सेवा के निबंधन और शर्तें, जिनके अंतर्गत उन्से संबंधित प्रशासनिक शक्तियां भी हैं, ऐसे नियमों द्वारा, जो उसी श्रेणी के केन्द्रीय सरकार के अधिकारियों और कर्मचारियों को लागू होते हैं, शासित होंगी।

[फा. सं. 31-10/2006-एनडीएम-II]

प्रभांशु कमल, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 13th February, 2008

G.S.R. 87(E).—In exercise of the powers conferred by clause (f) of sub-section (2) read with sub-section (1) of Section 75 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Disaster Management (National Disaster Response Force) Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,

(a) “Act” means the Disaster Management Act, 2005 (53 of 2005);

(b) “battalion” means a unit of the Central Para Military Force earmarked by that Force as a battalion;

(c) “Central Para Military Forces” means the Central Para Military Forces constituted under,—

(i) the Central Reserve Police Force Act, 1949 (66 of 1949);

(ii) the Border Security Force Act, 1968 (47 of 1968);

(iii) the Central Industrial Security Force Act, 1968 (50 of 1968); or

(iv) the Indo-Tibetan Border Police Force Act, 1992 (35 of 1992);

(d) “National Authority” means the National Disaster Management Authority established under sub-section (1) of Section 3 of the Act;

(e) “National Disaster Response Force” means the National Disaster Response Force constituted under sub-section (1) of Section 44 of the Act.

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Constitution of Force.—(1) The personnel deputed from the Central Para Military Forces by the Central Government in the Ministry of Home Affairs *vide* Order number 1/15/2002-DM-I/NDM-III(A), dated the 19th January, 2006 shall be deemed to have been deputed in the National Disaster Response Force under these rules.

(2) The Central Government may, in consultation with the National Authority, depute, as and when required, such number of personnel from the Central Para Military Forces to the National Disaster Response Force for the purposes of disaster management, having skills, capabilities and qualifications and experience of handling disaster and their management and such other technical qualifications as prescribed by the Central Government in this behalf:

Provided that in the case of non-availability of personnel with the required technical qualification and experience, the Central Government may appoint such personnel through deputation from other organizations or on contract basis.

(3) The personnel of a battalion deputed to the National Disaster Response Force under these rules shall remain ordinarily in such battalion for a period of five years :

Provided that not more than twenty-five per cent of the Force may be replaced in one year.

4. Superintendence, direction and control of Force.—

(1) The general superintendence, direction and control of the National Disaster Response Force shall vest in, and be exercised by, the National Authority.

(2) The command and supervision of the National Disaster Response Force shall vest in the Director General of the National Disaster Response Force to be appointed by the Central Government.

(3) The Director General, National Disaster Response Force shall report to, and be under the administrative control of, the Vice-Chairman of the National Authority.

5. The responsibility, training, skill, duties, etc.—

The National Disaster Response Force shall be trained and equipped as a specialised force to carry out the disaster management related tasks and for dealing with threatening disaster situations or disaster.

6. Conditions of service.— (1) The terms and

conditions of service including disciplinary powers relating to the personnel deputed from the Central Para Military Forces to the National Disaster Response Force shall continue to be regulated by the provisions of the Act and the rules applicable to the respective Force and its services.

(2) The terms and conditions of service including disciplinary powers relating to the personnel appointed under the proviso to sub-rule (2) of rule 3 shall be governed by such rules as are applicable to the officers and employees of the Central Government of the same grade.

[F. No. 31-10/2006-NDM-II]

PRABHANSU KAMAL, Jt. Secy.

अधिसूचना

नई दिल्ली, 27 सितम्बर, 2006

आपदा प्रबंधन (कठिनाइयों को दूर करना) आदेश, 2006

का.आ. 1619(अ).—आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 3 की उपधारा (1) के अधीन स्थापित राष्ट्रीय आपदा प्रबंधन प्राधिकरण के उपाध्यक्ष और सदस्यों की पदावधि के संबंध में उस अधिनियम की धारा 3 की उपधारा (4) के उपबंधों को कार्यान्वित करने में कठिनाई उद्भूत हुई है।

अतः अब, केन्द्रीय सरकार, आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 79 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित आदेश करती है, अर्थात् :—

1. (1) इस आदेश का संक्षिप्त नाम आपदा प्रबंधन (कठिनाइयों को दूर करना) आदेश, 2006 है।

(2) यह तुरंत प्रवृत्त होगा।

2. आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 3 की उपधारा (4) के प्रयोजनों के लिए, उपाध्यक्ष और सदस्यों की पदावधि पांच वर्ष की अवधि के लिए होगी और उक्त पांच वर्ष की पदावधि की संगणना उस तारीख से की जाएगी जिसको उपाध्यक्ष और सदस्यों ने तारीख 31 मई, 2005 के भारत के राजपत्र, असाधारण में प्रकाशित अधिसूचना सं. 1/15/2002-डीएम(1)/एनडीएम-3(ए) तारीख 30 मई, 2005 द्वारा गठित राष्ट्रीय आपदा प्रबंधन प्राधिकरण में अपने-अपने पदभार ग्रहण किए हैं।

[फा. सं. 30/9/2005-एनडीएम-III (ए)]

नवीन वर्मा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 27th September, 2006

Disaster Management (Removal of Difficulties) Order, 2006

S.O. 1619(E).—Whereas a difficulty has arisen in giving effect to the provisions of Sub-section (4) of Section 3 of the Disaster Management Act, 2005 (53 of 2005) in relation to the term of office of the Vice-Chairperson and Members of the National Disaster Management Authority established under Sub-section (1) of Section 3.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 79 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby makes the following Order, namely :—

1. (1) This order may be called the Disaster Management (Removal of Difficulties) Order, 2006.

(2) It shall come into force at once.

2. For the purposes of Sub-section (4) of Section 3 of the Disaster Management Act, 2005 (53 of 2005), the term of office of the Vice-Chairperson and the members shall be for a period of five years and the said five years term shall be computed from the date on which the Vice-Chairperson and the Members entered upon their respective offices of the National Disaster Management Authority constituted *vide* Notification Number 1/15/2002-DM(1)/DNM-III(A) dated the 30th May, 2005 published in the Gazette of India, Extraordinary, dated the 31st May, 2005.

[F. No. 30/9/2005-NDM-III(A)]

NAVEEN VERMA, Jt. Secy.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITYसं. 1133]
No. 1133]नई दिल्ली, बुधवार, सितम्बर 27, 2006/आश्विन 5, 1928
NEW DELHI, WEDNESDAY, SEPTEMBER 27, 2006/ASVINA 5, 1928

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 27 सितम्बर, 2006

का.आ. 1616(अ).—आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 8 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा एक राष्ट्रीय कार्यकारी समिति का गठन करती है जो इस अधिनियम के तहत इसे सौंपे गए विभिन्न कार्यों को करेगी तथा जिसमें उक्त अधिनियम की धारा 8 की उप-धारा (2) में यथा विनिर्दिष्ट निम्नलिखित सदस्य होंगे :—

- | | |
|--|----------|
| (i) सचिव, गृह मंत्रालय (जिनके पास आपदा प्रबंधन का प्रशासनिक नियंत्रण है) | —अध्यक्ष |
| (ii) सचिव, कृषि मंत्रालय, कृषि एवं सहकारिता विभाग | —सदस्य |
| (iii) सचिव, परमाणु ऊर्जा विभाग | —सदस्य |
| (iv) सचिव, रक्षा मंत्रालय | —सदस्य |
| (v) सचिव, ग्रामीण विकास मंत्रालय, पेयजल आपूर्ति विभाग | —सदस्य |
| (vi) सचिव, पर्यावरण एवं वन मंत्रालय | —सदस्य |
| (vii) सचिव, वित्त मंत्रालय, व्यय विभाग | —सदस्य |
| (viii) सचिव, स्वास्थ्य एवं परिवार कल्याण मंत्रालय | —सदस्य |
| (ix) सचिव, विद्युत मंत्रालय | —सदस्य |
| (x) सचिव, ग्रामीण विकास मंत्रालय, ग्रामीण विकास विभाग | —सदस्य |
| (xi) सचिव, विज्ञान एवं प्रौद्योगिकी मंत्रालय, विज्ञान एवं प्रौद्योगिकी विभाग | —सदस्य |
| (xii) सचिव, अंतरिक्ष विभाग | —सदस्य |
| (xiii) सचिव, संचार मंत्रालय, दूरसंचार विभाग | —सदस्य |
| (xiv) सचिव, शहरी विकास मंत्रालय, शहरी विकास विभाग | —सदस्य |
| (xv) सचिव, जल संसाधन मंत्रालय | —सदस्य |
| (xvi) चीफ ऑफ इंटिग्रेटेड डिफेंस स्टाफ ऑफ द चीफ़्स ऑफ़ स्टाफ़ कमेटी | —सदस्य |

[फा. सं. 30/1/2006-एन डी एम-III(ए)]

नवीन वर्मा, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 27th September, 2006

S.O. 1616(E).—In exercise of the powers conferred by Sub-section (1) of Section 8 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby constitutes a National Executive Committee to carry out the various functions assigned to it under the said Act, consisting of the following members as specified in Sub-section (2) of Section 8 of the said Act, namely :—

(i) Secretary, Ministry of Home Affairs (having administrative control of disaster management)	—Chairperson
(ii) Secretary, Ministry of Agriculture, Department of Agriculture and Cooperation	—Member
(iii) Secretary, Department of Atomic Energy	—Member
(iv) Secretary, Ministry of Defence	—Member
(v) Secretary, Ministry of Rural Development, Department of Drinking Water Supply	—Member
(vi) Secretary, Ministry of Environment and Forests	—Member
(vii) Secretary, Ministry of Finance, Department of Expenditure	—Member
(viii) Secretary, Ministry of Health and Family Welfare	—Member
(ix) Secretary, Ministry of Power	—Member
(x) Secretary, Ministry of Rural Development, Department of Rural Development	—Member
(xi) Secretary, Ministry of Science and Technology, Department of Science and Technology	—Member
(xii) Secretary, Department of Space	—Member
(xiii) Secretary, Ministry of Communications, Department of Telecommunications	—Member
(xiv) Secretary, Ministry of Urban Development, Department of Urban Development	—Member
(xv) Secretary, Ministry of Water Resources	—Member
(xvi) Chief of the Integrated Defence Staff of the Chiefs of Staff Committee.	—Member

[F. No. 30/1/2006-NDM-III(A)]

NAVEEN VERMA, Jt. Secy.

अधिसूचना

नई दिल्ली, 27 सितम्बर, 2006

का.आ. 1617(अ).—केन्द्रीय सरकार, आपदा प्रबंधन अधिनियम, 2005 (2005 का 53) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा, राष्ट्रीय आपदा प्रबंधन प्राधिकरण के नाम से एक प्राधिकरण की स्थापना करती है जो उक्त अधिनियम के अन्तर्गत राष्ट्रीय प्राधिकरण की शक्तियों एवं कार्यों का निर्वहन करेगा।

[फा. सं. 30/1/2006-एन डी एम-III(ए)]

नवीन वर्मा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 27th September, 2006

S.O. 1617(E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Disaster Management Act, 2005 (53 of 2005), the Central Government hereby establishes an authority to be known as the National Disaster Management Authority to discharge the powers and functions of the National Authority under the said Act.

[F. No. 30/1/2006-NDM-III(A)]

NAVEEN VERMA, Jt. Secy.