

অসম



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THE ASSAM GAZETTE

অসাধাৰণ

EXTRA ORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 8th December, 2010

No. RGR/ASDMA/7/2010/60. - In Exercise of the powers conferred by sub-section (1) of Section 78 of The Disaster Management Act, 2005 (Central Act No. 53 of 2005) the Governor of Assam is hereby pleased to make the following Rules, namely :-

Short Title and
Commencement.

1. (1) These rules may be called *The Assam Disaster Management Rules, 2010*.
- (2) They shall come into force from the date of their publication in the Official Gazette.

Definitions

2. In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Disaster Management Act, 2005 (Central Act No 53 of 2005) ;
 - (b) "State Authority" means the Assam State Disaster Management Authority established under sub-section (1) of Section -14 ;
 - (c) "State Executive Committee" means the Executive Committee of a State Authority constituted under sub-section (1) of Section-20 ;
 - (d) "Advisory Committee" means the advisory committee constituted under sub-section (1) of Section -17 ;
 - (e) "Member" means a member of the State Authority.
 - (f) "Section" means Section of the Act.

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

The State
Disaster
Management
Authority.

3. (1) **Composition:** The State Disaster Management Authority shall consist of the Chief Minister, Assam as the Chairperson and such other members as may be notified by the State Government from time to time as per provisions of the Disaster Management Act, 2005.

The State Government or the Chairperson of the State Disaster Management Authority may invite any expert or any officer of the State or Central Government to the meetings of the State Disaster Management Authority as per necessity. The State Government or the Chairperson of the State Disaster Management Authority may also notify certain officials as the special invitees to all meetings of the State Disaster Management Authority.

- (2) **The terms of office:** A person nominated as a member of the State authority, other than ex-officio members shall hold office for a term of five years from the date of assumption of office or until 65 years of age, whichever is earlier.
- (3) **Disqualification:** No person shall be a member of the State authority who
- (a) is declared to be of unsound mind by a competent court;
 - (b) becomes incapable of acting as a member;
 - (c) is or has been convicted of an offence, which in the opinion of the State Government involves moral turpitude;
 - (d) is or has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government.
- (4) **Resignation:** Any member may resign from his office by giving a notice in writing under his hand to that effect to the Chairperson of the State Authority and such resignation shall take effect from the date, on which such notice is accepted by the Chairperson of the State Authority.
- (5) **Vacancies:** Where a vacancy occurs in the office of a member of the State authority by reason of resignation, disqualification, death or otherwise, the vacancy may be filled up by fresh nomination.
- (6) **The Meetings of the State Authority –**
- (a) The State Authority shall meet at least every quarter at such time and place as the Chairperson of the State Authority may think fit.
 - (b) The Chairperson of the State Authority shall preside over the meetings of the State Authority.
 - (c) 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 over the same.

- (7) **Powers and Functions of State Authority** – The powers and functions of the State Authority will be as defined under Section -18(1) (2) & (3).
- (8) **Provision of Officers, Consultants and Employees** .- 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. These officers, consultants and employees may be engaged on deputation from other government departments or on contract or any other mode approved by the State Government.
- (9) **Constitution of Advisory Committee** –
- (1) The State Authority may, as and when it considers necessary, constitute an Advisory Committee, consisting of experts in the field of disaster management to make recommendations on different aspects of disaster management.
- (2) The members of the Advisory Committee shall be paid traveling and daily allowances at such rates as may be decided by the State Disaster Management Authority. In the absence of any specific provision by the Authority, the rates applicable to the State Government employees will be followed.
- (10) **Provision of Relief** - The State Authority shall lay down detailed guidelines by updating suitably and modifying the existing provisions of the Assam Relief Manual for providing standards of relief to persons affected by disasters. However, such standards shall in no case be less than the minimum standards stipulated in the guidelines laid down by the National Authority in this regard.

The State
Executive
Committee.

4. (1) **Composition:-** The State shall 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 these Rules.

The State Executive shall consist of the Chief Secretary, Assam as the Chairperson and such other members as may be notified by the State Government from time to time as per provisions of the Disaster Management Act 2005.

The State Government or the Chairperson of the State Executive Committee may invite any expert or any officer of the State or Central Government to the meetings of the State Executive Committee as per necessity.

The State Government or the Chairperson of the State Executive Committee may also notify certain officials as the special invitees to all meetings of the State Executive Committee.

(2) **Functions of the State Executive Committee.** - The powers and functions of the State Executive Committee will be as defined under Section-22 (1) & (2) of the Disaster Management Act, 2005

(3) **Powers & Functions of the Chairperson of the State Executive Committee –**

(a) The Chairperson of the State Executive Committee may, as and when required, in the implementation of the directions of the State Government seek guidance from the State Authority as to the modalities of such implementation.

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

(4) **Procedure to be followed by the State Executive Authority**

(a) The Chairperson shall preside over the meetings of the State Executive Committee.

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

(b) The Chairperson of the State Executive Committee may nominate one or more officers:-

- To assist him in the performance of his functions as Chairperson of the State Executive Committee;
- To maintain proper records relating to the meetings of the State Executive Committee;
- To take follow up action to ensure that the decisions taken in the meetings of the State Executive Committee are implemented in time; and
- To perform such other functions as the Chairperson may direct.

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

(d) The State Executive Committee shall meet as often as necessary but at least once every quarter.

(e) The State 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 the occurrence of a major disaster or a situation of such a threatening disaster, when the State Executive Committee shall meet at the earliest to ensure smooth and efficient response.

(f) The State Authority may invite any member of the State Executive Committee

whenever required to assist it in the discharge of its functions.

(h) The State Executive Committee shall forward the minutes of every meeting to the State Authority.

(5) Constitution of Sub-Committees:-

- (a) The State Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for efficient discharge of its functions.
- (b) The State Executive Committee shall appoint from amongst its members the Chairperson of the sub-committee referred to in sub-section (1) :
- (c) Any non official associated as an expert with any sub-committee constituted under sub-section (1) of Section-10 shall be paid travelling and daily allowances as are admissible to non-officials attending the meetings of committees set up by the State Government.

(6) Powers and Functions of State Executive Committee in the Event of Threatening Disaster Situations:-

The powers and functions of the State Executive Committee in such a situation will be as defined under Section 24 of the Disaster Management Act, 2005.

State Plan.

- 5.**
- (1) There shall be a plan for disaster management for the State to be called 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 the various government departments, local authorities, district authorities and the peoples representative 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 disaster;
 - (b) the measures to be adopted for the 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 the preparedness measures to be taken;
 - (e) the roles and responsibilities of each departments 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 ;
 - (g) the roles and responsibilities of community based organisations, international and national non government organisations in certain activities of capacity building, response and relief as may be visualized in the State Plan.
- (5) The State Plan shall be reviewed and updated annually.
- (6) Appropriate provisions shall be made by the State Government for financing of mitigation and response measures to be carried out under the State Plan.
- (7) Copies of the State Plan referred to in sub-sections (2) to (5) shall be made available to all the departments of the government of the State and other stake holders and they shall take necessary measures to perform their responsibilities as stipulated in the State Plan.

District Disaster
Management
Authority

6. (1) **Composition** :- The State Government shall constitute a District Disaster Management Authority in each district which shall consist of the Deputy Commissioner as the Chairperson and such other members as may be notified by the State Government from time to time as per provisions of the Act.

The State Government, the State Executive Committee or the Chairperson of the District Disaster Management Authority may invite any expert or any officer of the State or Central Government to the meetings of the District Disaster Management Authority as per necessity.

The State Government, the State Executive Committee or the Chairperson of the District Disaster Management Authority may also notify certain officials as special invitees to all meetings of the State Disaster Management Authority.

- (2) **Powers and Functions Of District Authority** - The powers and functions of the District Authority may be such as defined under Section-30 (1) & (2) of the Act.
- (3) **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.

(4) **Meetings.** - The District Authority shall meet as and when necessary and but at least once in every three months at such time and place as the Chairperson may think fit.

(5) 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 non official associated as an expert with any committee or subcommittee constituted under sub-section (1) may be paid such allowances as permissible under the existing Rules.

(6) 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. These officers, consultants and employees may be engaged on deputation from other government departments, on contract or any other mode approved by the State Government.

(7) Powers and functions of District Authority in the event of any Threatening Disaster Situation or Disaster: The powers and functions of the District Authority in such a situation will be as defined under Section 34 of the Disaster Management Act, 2005

- District Plan.** 7. (1) There shall be a plan for disaster management for every district of the State. The District Plan shall be prepared by the District Authority, after consultation with the local authorities, line department offices at the district level and having regard to the National Plan and the State Plan and be approved by the State Authority.
- (2) The District Plan shall include-
- (a) a hazard assessment and vulnerability analysis of 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 Emergency Support Functions and Standard Operating Procedures of all government departments, 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.

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

(4) 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.

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

(6) 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.

Plans by different Authorities at district level and their implementation.

8. Every office of the Government of India and of the State Government at the district level and of the local authorities shall, under the supervision of the District Authority, -

- (a) prepare a disaster management plan setting out the following, namely:-
 - (i) provisions for taking 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;
 - (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 including Emergency Support Functions and Standard Operation Procedures;
- (d) submit a copy of its disaster management plan and any subsequent amendment thereto, to the District Authority.

Requisition by the District Authority.

9. 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.

Annual Report 10. (1) The State Authority for information of the Government shall prepare its annual report which shall contain a full account of the activities of the State Authority and all works undertaken during the year. This report and the audited accounts of the Authority shall be placed before the Annual General Meeting of the Authority which shall be convened every year and not more than 15 months shall elapse between two successive annual general meetings.. The annual report shall be certified by the Chief Executive Officer and the Secretary/Convener and a copy each of the balance sheet and of the auditor's report certified by the auditor.

Notice of alleged offence and intention to make a complaint 11. 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 State Government, the Secretary in charge of the concerned department in the government ;
- (b) in the case of the State Authority, the Chief Executive Officer of the State Authority.
- (c) in the case of the District Authority, the Chief Executive Officer of the Stat Authority.

Particulars to be furnished alongwith the notice. 12. The Notice referred to in Rule-11 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.

V. K. PIPERSENIA,

Principal Secretary to the Government of Assam,
Revenue and Disaster Management Department,
Dispur.