

The Disaster Management Rules, 2009

Disaster Management Department

Notification

Jaipur, January 11, 2010

G.S.R. 86.-In exercise of the powers conferred by subsection (1) and (2) of section 78 of the Disaster Management Act, 2005 (Central Act No. 53 of 2005), the State Government hereby makes the following rules, namely:-

1. Short title, extent and commencement,-(1) These rules may be called the Rajasthan Disaster Management Rules, 2009.

(2) They shall extend to the whole of State of Rajasthan.

(3) They shall come into force on and from 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 (Central Act No. 53 of 2005);

(b) "Advisory Committee" means the Advisory Committee constituted by the State Authority or District Disaster Management Authority, as the case may be;

(c) "Authority" means the State Disaster Management Authority or the District Disaster Management Authority, as the case may be;

- (d) "District Authority" means the District Disaster Management Authority constituted under sub- section (1) of section 25 of the Act;
 - (e) "State" means the State of Rajasthan;
 - (f) "State Authority" means Rajasthan State Disaster Management Authority constituted under sub- section (1) of section 14 of the Act;
 - (g) "State Executive Committee" means the committee constituted under sub-section (1) of section 20 of the Act; and
 - (h) "State Government" means the State Government of Rajasthan.
- (2) Word or expression used but not defined in these rules but defined in the Act. shall have the same meaning as assigned to them in the Act.

3. State Disaster Management Authority- (1) The State Government hereby, in exercise of the powers conferred by sub-section (1) of section 14 of the Act, establishes a State Authority for the State of Rajasthan to be known as "the Rajasthan Disaster Management Authority".

(2) The State Authority shall consist of following nine members:-

- (i) Chief Minister, Rajasthan;
- (ii) Minister in charge, Finance Department, Government of Rajasthan;
- (iii) Minister in charge, Water Resources Department, Government of Rajasthan;
- (iv) Minister in charge, Rural Development and Panchayati Department, Government of Rajasthan;
- (v) Minister in charge, Medical and Health Department, Government of Rajasthan;
- (vi) Minister in charge, Local Self Govt. and Urban Development Department, Government of Rajasthan;

(vii) Minister in charge, Home Department, Government of Rajasthan;

(viii) Minister in charge, Agriculture and Animal Husbandry Department, Government & Relief Department, Government of Rajasthan.

(ix) Minister in charge. Disaster Management & Relief Department, Government of Rajasthan.

(3) The Authority may, under the special circumstances, invite any Minister or Minister of State, who is not a member of the Authority as a special invite. if it is felt necessary.

(4) Whenever it is considered desirable the State Authority may invite any member of the State Executive Committee for assistance its functions.

(5) The Chief Minister shall be the Chairperson of the State Authority.

(6) The Chairperson of the State Executive Committee shall be the Ex-Officio Executive Officer of the State Authority and the Principal Secretary, Disaster Management and Relief Department shall be the Ex-Officio Additional Chief Executive Officer of the State Authority.

(7) The Chairperson of the State Authority may designate one of the members to be the Vice-Chairperson of the Authority.

4. Meeting of the State Authority-(1) The State Authority shall meet as and when necessary, at such time and place as may be decided by the Chairperson of the State Authority, but its meeting shall be held at least once in three months.

(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 a meeting of the State Authority. The Vice Chairperson of the State Authority shall preside at the meeting.

(4) If for any reason, both the Chairperson and the Vice Chairperson of the State Authority are unable to attend a meeting, then the present members shall nominate any one of them to preside over the meeting.

(5) Quorum for meeting of State Authority shall be four.

5. Appointment of the officers and other employees of the 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.

6. State Executive Committee,- The State Government hereby constitutes the State Executive Committee consisting of following:-

- (i) The Chief Secretary - Chairperson
- (ii) The Additional Chief Secretary Development - Member
- (iii) Principal Secretary, Home Department - Member
- (iv) Principal Secretary, Finance Department - Member
- (v) Principal Secretary, Disaster Management and Relief Department - Member Secretary.

7. Powers and Functions of the State Executive Committee- (1)

The State Executive Committee shall-

(i) Perform all the functions entrusted to it under section 22 of the Act.

(ii) Perform such other functions as are assigned to it by the State Government.

(iii) Carryout all the decisions taken by the State Authority and

(iv) Submit to the State Authority all such matters requiring policy decisions.

(2) The State Executive Committee shall have the powers-

(i) To sanction expenditure within the budgeted provisions. To the departments concerned to carryout programmes relation to prevention, mitigation and preparedness of disaster;

- (ii) To sanction expenditure as per norms laid down by the Government of India and the State Government to meet the disaster and post disaster situation;
- (iii) To authorize the District Authorities to take steps to be in preparedness to avert the disaster situation;
- (iv) To issue directions to the concerned departments and District Authorities in accordance with the decisions taken by the State Authority;
- (v) To issue orders and instruction regarding preparations of State Disaster Management Plans. Their implementation and monitoring thereof;
- (vi) To arrange training for the personnel for carrying out the jobs assigned or likely to be assigned to them, during occurrence of calamity or disaster;
- (vii) to make recommendations for framing laws by-laws, rules and regulations to observe standards and norms in regard to construction for prevention and mitigation of disasters; and
- (viii) to exercise all such powers as are delegated to it by the state Authority

8. Procedure to be followed by the state Executive Committee.- (1) 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.

(2) The Chairperson of the State Executive Committee shall, in case of emergency, have the power of the State Executive Committee subject to ratification by the State Executive Committee.

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

- (i) to assist him in the performance of his functions as the Chairperson of the State Executive committee;

(ii) To maintain proper records relating to the meetings of the State Executive Committee;

(iii) To take follow up action to ensure that the decisions taken in the meetings of the State Executive Committee are implemented in time , and

(iv) To perform such other functions as the Chairperson may desire them to perform.

9. Sitzings of the State Executive Committee.- (1) The Chairperson of the State Executive Committee shall decide the day. Time and place of a meeting of the State Executive Committee.

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

(3) The State Executive Committee shall give notice of meeting and circulate its agenda at least three days in adva unless there is an emergent situation there is an emergent situation. In such circumstances The State Executive Committee shall meet at the earliest to ensure a smc and efficient response.

(4) The State Executive Committee may invite Principal Secretary or Secretary. Whenever required by Chairperson, as a special invitee to assist it in discharge functions.

(5) The State Executive Committee shall for ware minutes of its meeting to the State Authority.

10. District Disaster Management Authority.- (1) The State Government hereby establishes. For every district, a Disaster Management Authority, which shall be known (name of the District) Disaster Management Authority.

(2) Every District Disaster Management Authority consist of following-

(i) Collector and District Magistrate - Chairperson;

(ii) Pramukh Zila Perished - Co-Chairperson;

(iii) Chief Executive Officer Zila Perished - Member;

- (iv) District Superintendent of Police - Member;
- (v) Senior most officers of the public Works Department, in the district - Member;
- (vi) Senior most officers of the public Works Department, in the district - Member;
- (vii) Additional Collector and District Magistrate (Officer In charge of Relief Section) - Ex Officer;

(3) The following shall be permanent invitees to the Authority-

- (i) Members of Parliament (Lock Shaba) elected from the district.
 - (ii) Members of Legislative Assembly representing the Area of the District.
 - (iii) Senior most officers of the Public Health Engineering Department, Medical Department and Animal Husbandry Department posted in the district.
- (4) The Chairperson of District Authority, under special circumstances, if he feels necessary, may invite any person a special invitee.
- (5) The District Authority could associate any district level officer of any department under the State Government or Central Government who is not a member of the Authority. If the Authority feels it desirable that his presence is essential for immediate prevention, mitigation and response.

11. Office and Staff of the District Authority.- The office of the district authority shall be in the office of the Additional District authority shall be in the office of the Additional District Magistrate and Collector/Officer-in-charge of Relief section of the Collect-orate and all necessary staff shall be provided by that office.

12. Power and Functions of the District Authority.- The District Disaster Management Authority shall-

- (i) perform all functions entrusted to it under section 30,31,33, and 34 of the Act,

- (ii) Perform such other functions as are assigned to it by the State Government or State Authority,
- (iii) Perform such other functions as it deems necessary for Disaster Management in the District, and
- (iv) submit to the State Authority all such matters requiring policy decisions.

13. Advisory Committee.- (1) The state Authority or the District Authority may, as and when it considers necessary, constitute Advisory Committees, 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 number and tenure of members of the Advisory Committee shall be such, as decided by the Authority, as per requirement from time to time.

(3) The members of the Advisory Committee shall be paid such allowances as may be specified by the State Government from time to time.

14. Repeal and savings.- (1) All notifications, orders, directions and guidelines inconsistent to these rules or in relation to matters covered by these rules are here by repealed:

Provided that such repeal shall not affect any right, title or liability already acquired, accrued or incurred or anything done or suffered.

15. Removal of doubts.- If any doubt arises relating to application, interpretation and scope of these rules, it shall be referred to Disaster Management and Relief Department whose decision thereon shall be final.

[F.8(9)DM&R/DM/04/303]

By order of the Governor,

ओ. पी. गुप्ता

शासन उप सचिव,

आपदा प्रबन्धन एवं सहायता विभाग।