

Disaster Management Act, 2005

Chapter 3 - CHAPTER 3: STATE DISASTER MANAGEMENT AUTHORITIES:

SECTION 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-sec. (1) of (S.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-sec. (2) to be 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 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 the 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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-sec. (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.

SECTION 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.

SECTION 20: Constitution of State Executive Committee: (1) The State Government shall, immediately after issue of notification under sub-sec. (1) of (S.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 the 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 States Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the State Government.

SECTION 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-sec. (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.

SECTION 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-sec. (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 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 disaster 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.

SECTION 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 representation as the State Executive Committee may deem fit. (3) The State Plan prepared by the State Executive Committee under sub-sec. (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 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-sees. (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.

SECTION 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.