

Disaster Management Act, 2005

Chapter 4 - CHAPTER 4: DISTRICT DISASTER MANAGEMENT AUTHORITY:

SECTION 25: Constitution of District Disaster Management Authority: (1) Every State Government shall, as soon as may be after issue of notification under sub-sec. (1) of (S.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.

SECTION 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-sec. (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.

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

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

SECTION 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.

SECTION 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-sec. (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 of 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 upgradation as may be necessary; (xi) review the preparedness measures and give directions to the concerned departments as 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; (xxi) 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.

SECTION 31: District Plan: (1) There shall be a plan for disaster management for every district 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-secs. (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 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.

SECTION 32: Plans for 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.

SECTION 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.

SECTION 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.