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SERIES I No. 43

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

### No. 2

#### GOVERNMENT OF GOA

Department of Revenue

#### Notification

19-5-2005/RD(Part file)

In exercise of the powers conferred by Section 78 of the Disaster Management Act, 2005 (No. 53 of 2005), the Government of Goa hereby makes the following Rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa State Disaster Management Rules, 2007.

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

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “Act” means the Disaster Management Act, 2005 (No. 53 of 2005);

(b) “District Authority” means the District, Disaster Management Authority established by the Government under Section 25 of the Act;

(c) “Executive Committee” means the State Executive Committee constituted by the Government under Section 20 of the Act;

(d) “Government” means the Government of Goa;

(e) “Chief Executive Officer” means Chief Executive Officer of the District Authority;

(f) “Official Gazette” means the Official Gazette of the Government;

(g) “Section” means a section of the Act;

(h) “State” means the State of Goa;

(i) “State Authority” means the State Disaster Management Authority established by the Government under Section 14 of the Act;

(j) “Year” means a financial year.

The words and expressions used but not defined under these rules, shall have the same meaning as assigned to them in the Act.

3. *Composition of the State Disaster Management Authority.*— (1) The State Authority may consist of the following members, namely:—

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

(b) such number of officials of the Government, not exceeding four, to be nominated by the Chairperson of the State Authority;

(c) such number of non-officials, not exceeding four, to be nominated by the Chairperson of the State Authority; possessing qualifications, knowledge and experience of scientific, engineering or Management aspect of flood control, environment etc;

(d) the Chairperson of the State Executive Committee ex officio Chief Executive Officer of the State Authority.

(2) The Chairperson of the State Authority may designate one of the members nominated under clauses (b) and (c) above to be the Vice-Chairperson of the State Authority. The Chairperson of the State Authority shall, in case of emergency, have the power to exercise all or any of the powers of the State Authority but exercise of such power shall be subject to ex-post facto ratification by the State Authority.

4. *Term of office and conditions of service of members of the State Authority.*— (1) Save as otherwise provided by or under the Act, a non-official member of the State Authority other than the Chairperson, shall hold office for a period of three years from the date of his nomination. The term may be extended by the Government for further period not exceeding one year:

Provided that a member shall, notwithstanding expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of an Official member nominated under clause (b) of sub-rule (1) of rule 3, shall cease to be member as soon as if he ceases to hold office under the Government.

5. *Removal of a member of the State Authority.*— (1) The Government may, if it thinks fit, remove any member of the State Authority before expiry of the term of his office, after giving him a reasonable opportunity of showing cause against the same.

(2) A non-official member of the State Authority may, at any time, resign his office by writing under his hand addressed to the Chairperson of the State Authority and on acceptance of his resignation, the office of such member shall thereafter become vacant.

6. *Filling up casual vacancy.*— A casual vacancy of a member in the State Authority shall be filled up by as fresh nomination and the person nominated to fill up a casual vacancy shall hold office only for the remainder of the term of the member in whose place he was nominated.

7. *Allowances admissible to a member of an advisory committee constituted by the State*

*Authority.*— A member of an advisory committee constituted by the State Authority shall be entitled to TA/DA if he is non-official, as admissible to Class I Officer of the Government.

8. *Composition of the State Executive Committee.*— Subject to the provisions of the Act, the State Executive Committee, constituted by the Government to assist the State Authority shall consist of the following members, namely:—

- |  |                                    |
|--|------------------------------------|
| (1) The Chief Secretary to the Government  | .... Chairperson, ex officio       |
| (2) The Secretary (P. W. D.)               | .... Member, ex officio            |
| (3) The Secretary (Road and Transport)     | .... Member, ex officio            |
| (4) The Secretary (Science and Technology) | .... Member, ex officio            |
| (5) The Secretary (Revenue)                | .... Member-Secretary, ex officio. |

9. *Powers and functions of the Chairperson of the State Executive Committee.*— (1) Subject to the provisions of the Act, the Chairperson, in addition to presiding over the meetings of the State Executive Committee, shall have powers to take all such measures as he deems necessary or expedient for the purpose of protecting, preventing any disaster and to provide all necessary assistance in implementation of the State plan prepared by the Government from time to time.

(2) In particular and without prejudice to the generality of the provision of sub-rule (1), the Chairperson shall exercise such powers or take such measures in respect of all or any of the following matters, namely:—

(i) coordinate action of the Government officers and other authorities:—

(a) under the Act or the rules, made thereunder;

(b) under any other law for the time being in force which is relatable to the object of the Act;

(ii) planning and execution of the State wise programmes prepared for the prevention, control, abatement of any disaster in the State;

(iii) inspection of affected area due to disaster and issuing such directions to authority or Officer or person as he may consider necessary to take appropriate steps for prevention relief control, abatement of disaster;

(iv) to exercise such other powers and functions as delegated by the State Authority.

10. *Procedure for transaction of business of the Executive Committee.*— (1) The meeting of the Executive Committee shall be held on such date as may be fixed by its Chairperson.

(2) The Chairperson shall, upon written request of not less than three members of the Executive Committee or upon a direction of the State Authority for the Government, as the case may be, call a special meeting of the Executive Committee.

(3) Eight clear days notice of an ordinary meeting and two days notice of a special meeting specifying time, the place at which such meeting to be held and an agenda of the business to be transacted thereat, shall be given by the Chairperson or any other officer of the Executive Committee.

(4) Notice of the meeting may be given to the member by delivering the same by messenger or sending it at his office or by such other manner as the Chairperson may, in the circumstances of the case, think fit.

(5) No member shall be entitled to bring forward for the consideration of meeting any matter of which he has not given five days notice to the officer or Chairperson of the Executive Committee, as the case may be, unless the Chairperson in his discretion permit him to do so.

(6) If the Chairperson or presiding officer adjourns a meeting from day to day or any particular day, he shall give reason therefor and no fresh notice shall be required for such adjourned meeting.

11. *The Chairperson to preside over the meeting.*— Every meeting of the Executive Committee shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.

12. *All questions to be decided by the majority.*— (1) All questions or issues at a meeting shall be decided by a majority of votes of members present and voting shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the Chairperson or Presiding Officer shall have a second or casting vote.

13. *Quorum.*— (1) Three members of the Executive Committee shall form the quorum for any meeting.

(2) If, at any time fixed for any meeting or during the course of any meeting, a quorum is not present, the Chairperson or the Presiding Officer shall adjourn the meeting for twenty minutes and if a quorum is not available after the expiration of twenty minutes from such adjournment, the Presiding Officer shall adjourn the meeting to such time on the following day or on such other future date as he may fix.

(3) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting.

14. *Minutes.*— (1) Records of proceedings of every meeting alongwith the names of members who attended the meeting shall be kept by the office of the Executive Committee as specified by the Chairperson, in a book maintained by him exclusively for the purpose.

(2) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting and shall be confirmed and signed by the Chairperson or Presiding Officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Executive Committee, Secretariat, during office hours.

15. *Maintaining order at meeting.*— The Chairperson or Presiding Officer shall preserve order at a meeting.

16. *Transaction of business at a meeting.*— (1) No business shall be transacted in the meeting without any quorum.

(2) Except with the permission of the Chairperson or presiding officer no business which is not entered in the agenda or of which notice as not been given by a member under sub-rule (5) of rule 10 shall be transacted at any meeting.

(3) At any meeting, the business shall be transacted in the order in which it is entered in the agenda circulated to the members under sub-rule (3) of rule 10.

(4) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the Chairperson or Presiding Officer or member may suggest a change in the order of business as entered in the agenda and if the majority of the members present agree, the Chairperson or Presiding Officer shall agree to such change.

17. *Remuneration of expert.*— Any person associated as an expert with any Committee or sub-Committee shall be paid such daily allowance and also travelling allowance at such rate as is admissible to Grade I or Class I Officer of the Government for each day of the actual meeting of the Committee which he attends or such honorarium/fee as fixed by the Government as it deems fit.

18. *Composition of District Disaster Management Authority.*— (1) Sub to the provisions of the Act, the District Disaster Management Authority (hereinafter referred to as the "District Authority") constituted by the Government for North Goa District, and for South Goa District, shall consist of the following members, namely:—

(I) North Goa District, Disaster Management Authority:—

- |   |                                 |
|---|---------------------------------|
| (1) Collector of North Goa District                             | .... Chairperson, ex officio    |
| (2) Mayor of the Corporation of City of Panaji                  | .... Co-Chairperson, ex officio |
| (3) Chairman of North Goa District, Zilla Panchayat, North-Goa  | .... Co-Chairperson, ex officio |
| (4) Superintendent of Police North-Goa                          | .... Member, ex officio         |
| (5) Director of Health Services, Directorate of Health Services | .... Member, ex officio         |
| (6) Director of Panchayats                                      | .... Member, ex officio         |
| (7) Director of Municipal Administration                        | .... Member, ex officio         |
| (8) Additional Collector, North-Goa District                    | .... Chief Executive Officer.   |

(II) South Goa District, Disaster Management Authority:—

- |  |                                 |
|--|---------------------------------|
| (1) Collector of South Goa District                  | .... Chairperson, ex officio    |
| (2) President of Margao Municipal Council            | .... Co-Chairperson, ex officio |
| (3) Chairman of South Goa District, Zilla Panchayat  | .... Co-Chairperson, ex officio |
| (4) Superintendent of Police South-Goa               | .... Member, ex officio         |
| (5) Medical Superintendent Hospicio Hospital, Margao | .... Member, ex officio         |
| (6) Deputy Director of Panchayats                    | .... Member, ex officio         |
| (7) Deputy Director of Municipal Administration      | .... Member, ex officio         |
| (8) Additional Collector, South Goa District         | .... Chief Executive Officer.   |

5. The Chief Executive Officer of the District Authority shall be Member Secretary of the District Authority.

19. *Powers and functions of the Chief Executive Officer.*— (1) Subject to the provisions of the Act, the Chief Executive Officer, in addition to powers delegated to him by the District Authority, shall have power to take all such necessary measures as he deems necessary or expedient for the purpose of prevention or mitigation of disaster and for providing all necessary assistance in implementation of district plan in the District.

(2) In particular and without prejudice to the generality of the foregoing powers, the Chief Executive Officer shall exercise such powers and perform such functions in respect of all or any of the following matters, namely:—

(a) collection and dissemination of information in respect of matter relating to any disaster likely to be affected in the District;

(b) co-ordinate action of the Government Officers and other authorities under the Act, and the rules made thereunder;

(c) give instructions to different authorities at the Taluka levels as well as at the District levels to take such necessary measures or preventive actions in order to avoid any disaster in the area thereof;

(d) direct such persons or authority to desist from taking such action as is likely to cause hardship to the people in an area affected by disaster;

(e) to inspect an area affected by disaster and to ascertain for the propose of determining whether and if so, in what manner, any function to be performed by the authority concerned or whether any provisions of the Act or the rules made thereunder or any notice, order, direction or authorization served, made, given or granted under the Act is being or has been complied with;

(f) to maintain proper record, relating to meeting of the District Authority;

(g) to assist the Chairperson of the District Authority in performance his functions;

(h) to take follow up action, to ensure that decisions taken in the meeting of the District Authority are implemented time;

(i) to exercise such powers and discharge such functions as assigned by the District Authority from time to time.

20. *Constitution of Fund.*— (1) The State Government, shall after due appropriation made by the Legislature of the State by law in this behalf, make in its annual budget a provision relating to fund under the following Heads and contribute such some of money as it thinks fit for the purpose of carrying out the activities and programmes set in the Disaster Management Plan by the various Authorities under the Act. The funds shall be established under the following Heads, namely:—

- (i) the State Disaster Response Fund;
- (ii) the District Disaster Response Fund;
- (iii) the State Disaster Mitigation Fund;
- (iv) the District Disaster Mitigation Fund.

(2) The State Executive Committee, the State Authority and District Authority, as the case may be, may spend such as they think fit for performing their functions under the Act and all such sums shall be treated as expenditure payable out of respective fund Head. The authority thereof shall maintain all the expenditure in form as specified by the Government.

21. *Form of Annual Report.*— The State Authority shall during each financial year prepare annual report in respect of the year last ended giving a true and full account of its

activities during the previous financial year furnishing particulars as specified in Form "A", appended to the rules. The annual report shall be forwarded to the Government within three months from the end of the previous financial year and the Government shall cause every such report to be laid before the State Legislature.

By order and in the name of the Governor of Goa.

D. M. Redkar, Under Secretary (Revenue-I/II).

Porvorim, 23rd January, 2008.

#### FORM 'A'

#### BUDGET OF PROJECT ACTIVITIES

(See rule 21)

Budget head	Last year budget estimates		Last year revised budget estimates		Last year actuals		Current year budget estimates	
	Physical Unit	Am-ount	Physical Unit	Am-ount	Physical Unit	Am-ount	Physical Unit	Am-ount

#### Expenditure Housing

Goods  
Works  
Consulting Service  
Others

#### Social Sector

Goods  
Works  
Consulting Service  
Others

#### Urban and Rural Infrastructure

Goods  
Works  
Consulting Service  
Others

#### Community Participation Support

Goods  
Works  
Consulting Service  
Others

#### Disaster Management Capacity

Goods  
Works  
Consulting Service  
Others

#### Income

Grants  
Government of India  
Government of Gujarat  
World Bank  
Asian Development Bank  
Donation