

Gujarat State Disaster Management Rules, 2006

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Gujarat State Disaster Management Rules, 2006

In exercise of the powers conferred by sub-sec, of Sec. 47 of the Gujarat State Disaster Management Act, 2003 (Guj. 20 of 2003), the Government of Gujarat hereby makes the following Rules, namely:

1. Short title and commencement :-

(1) These Rules may be called the Gujarat State Disaster Management Kules, 2006.

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

2. Definitions :-

In these rules, unless the context otherwise requires,

(1) (a) "Act" means the Gujarat State Disaster Management Act, 2003 (Guj 20 of 2003).

(b) "form" means a form appended to these rules;

(c) "section" means a section of the Act;

(d) "year" means a financial year;

(2) The words and expressions used but not defined in these rules

shall have the meaning as assigned to them in the Act.

3. Remuneration to be received by the members :-

A member shall receive such travelling and daily allowances for undertaking journey in connection with the work of the Authority as are admissible to him under the rules for the time being in force and applicable to him for undertaking journey in connection with his duty of office by virtue of which he is a member.

Provided that such member shall not receive any travelling and daily allowance under this rule for the journey undertaken by him in connection with the work of the Authority if he receives such allowance for the same journey under the rules for the time being in force and applicable to him.

4. Salary and allowances and conditions of service of the Chief Executive Officer and the Commissioner :-

(1) The Chief Executive Officer shall be entitled to receive such salary and allowances and shall be governed by such conditions of service which would have been receivable by him or by which he would have been governed under the rules made by the Government and applicable to him if he had not been appointed as the Chief Executive Officer.

(2) The Commissioner shall be entitled to receive such salary and allowances and shall be governed by such conditions of service which would have been receivable by him or by which he would have been governed under the rules made by the Government and applicable to him if he had not been appointed as the Commissioner.

5. Terms and conditions of taking possession of property, vehicles etc. :-

(1) If it appears to the State Relief Commissioner or as the case may be, the Collector in connection with the disaster management, that:

(a) any building is needed or is likely to be needed for being used or

(b) any property, vehicle, equipment or means of communication is needed or is likely to be needed for use or transport, the Commissioner or, as the case may be, the Collector may, by order in writing, requisition such building or such property, vehicle,

equipment or, as the case may be, means of communication and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Commissioner or, as the case may be, the Collector to be the owner or person in possessing of the building, or property, vehicle, equipment or, as the case may be, means of communication and such order shall be served by post, or by any other suitable means.

(3) The period of such requisition shall not extend beyond the period for which such building, or property, vehicle, equipment or, as the case may be, the means of communication is required for the purpose mentioned in sub-rule (1).

(4) Whenever under this rule or sub-clause (xi) of clause (d) of sub-sec. (2) of Sec. 21 or, as the case may be, clause (x) of sub-sec. (2) of Sec. 23, the Commissioner or, as the case may be, the Collector takes possession of any building, then the compensation, shall be paid to the persons interested, the amount of which shall be determined by the State Government by taking into consideration the following factors, namely:

(i) the rent payable in respect of the building or, if no rent is so payable, the rent payable for similar building in the locality;

(ii) if, in consequence of the taking of possession of the building, the person interested is compelled to change his residence or place of business, the reasonable expenses if any incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within sixty days from the date of determination of compensation to the State Government for referring the matter to an arbitrator the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the Government for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation. In this sub-rule, expression "person interested" means the person who was in actual possession of the building requisitioned under this rule immediately before the requisition or where no person was in such actual possession, the owner of such building.

(5) Whenever under this rule or sub-clause (xi) of clause (d) of sub-sec. (2) of Sec. 21 or, as the case may be, clause (x) of sub-sec. (2) of Sec. 23 the Commissioner or the Collector takes possession of property, vehicle, equipment or means of communication, the compensation shall be paid to the owner of the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such property, vehicle, equipment or means of communication:

Provided that where the owner of such property, vehicle, equipment or means of communication being aggrieved by the amount of compensation so determined makes an application within sixty days from the date of determination of compensation for referring the matter to an arbitrator the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where the possession of the property, vehicle, equipment or means of communication was taken from a person other than the owner who, by virtue of a hire purchase agreement, was in possession of such property, vehicle, equipment or means of communication, the amount determined under this sub-rule as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement in such manner as an arbitrator appointed by the State Government in this behalf may decide.

6. Reimbursement of expenses for other payments :-

Notwithstanding anything contained in Sec. 33, any costs, charges and expenses incurred by members in relation to exercise of powers and performance of functions under the Act, or any expenses incurred by the Chief Executive Officer in relation to performance of functions prescribed by regulations shall be paid from the fund.

7. Submission of budget to the State Government for its approval :-

The Authority shall on or before the 1st day of February in each

financial year, submit to the State Government for approval a budget in Form 1, 2 and 8 for the next financial year showing the estimated receipts and expenditure and the sums which would be required from the State Government during that financial year.

8. Preparation and maintenance of accounts :-

The Authority shall prepare the accounts and maintain in Form 4.

9. Preparation of annual statement of accounts :-

The Authority shall prepare an annual statement of accounts in Forms 5 and 6 for each financial year.

10. Annual Report and Programme of Work :-

The Authority shall once in a year prepare in Form 7 within three months after the end of the financial year

(a) an annual report giving a full, true and fair account of its activities during the previous year and

(b) programme of work likely to be undertaken by the Authority in the next year.