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PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 17th March, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/12809.—The National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 3rd March, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 13th March, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE NATIONAL DISASTER MANAGEMENT (KHYBER PAKHTUNKHWA) (AMENDMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. VI OF 2012)

(first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 17th March, 2012)

AN
ACT

to amend the National Disaster Management Act, 2010.

Preamble.—WHEREAS it is expedient to amend the National Disaster Management Act, 2010 (Act No. XXIV of 2010), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

(2) It shall extend to the whole Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. General amendments of Act No. XXIV of 2010.---In the National Disaster Management Act, 2010 (Act No. XXIV of 2010), hereinafter referred to the said Act, for the words "District Authority" and "District Disaster Management Authority", wherever occurring, the words "District Unit" and "District Disaster Management Unit" shall respectively be substituted.

3. Amendment of section 2 of Act No. XXIV of 2010.---In the said Act, in section 2,-

(a) in clause (b),-

(i) after the word "accident", the words "or fire, bomb blast, terrorist activities, militancy annoyed or provoked mob" shall be inserted; and

(ii) after the word "property", the words "both movable and immovable" shall be added;

(b) in clause (j), after the word "rules", the words "or regulations" shall be inserted;

(c) in clause (l), the word "and" at the end shall be deleted; and

(d) in clause (m), the full-stop at the end shall be replaced by semi-colon and thereafter, the following new clauses shall be added, namely:

"(n) "regulations" mean the regulations made under this Act; and

(o) "rules" mean the rules made under this Act."

4. Amendment of section 13 of Act No. XXIV of 2010.---In the said Act, in section 13, after clause (b), the following new clauses shall be inserted, namely:

“(b-i) the Secretary to Government of the Khyber Pakhtunkhwa Relief, Rehabilitation and Settlement Department, shall be ex-officio member;

(b-ii) the Director General of the Provincial Authority, shall be ex-officio member-cum- secretary;”.

5. Amendment of section 14 of Act No. XXIV of 2010.---In the said Act, in section 14, in sub-section (2),-

(a) in clause (f), the word “and” appearing at the end shall be deleted; and

(b) in clause (g), the full-stop at the end shall be replaced by semi-colon and the word “and” and thereafter, the following new clause shall be added, namely:

“(h) direct the Provincial Authority to undertake any project under its administrative control for the purpose of expedient recovery including relief, rehabilitation, reconstruction and settlement etc, of the affected people.”.

6. Amendment of section 15 of Act No. XXIV of 2010.---In the said Act, in section 15,-

(a) in sub-section (2), for the words “the Provincial Director General or Provincial Relief Commissioner”, the words and commas “the Secretary to Government of the Khyber Pakhtunkhwa, Relief, Rehabilitation and Settlement Department and the Provincial Director General shall be the member-cum-secretary of the Provincial Authority” shall be substituted; and

(b) after sub-section (3), a new sub-section shall be added, namely:

“(4) The Provincial Authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act to acquire and hold property both movable and immovable and may by the said name sue and be sued.”.

7. Insertion of new sections to Act No. XXIV of 2010.---In the said Act, after section 15, the following new sections shall be inserted namely:

“15(A) Appointment of officers and employees.---The Provincial Authority may appoint such officers, advisors, experts, consultants and employees as it may consider necessary for the efficient performance of its functions on such terms and conditions as it may deem suitable.

15(B) Committees.---(1) The Provincial Authority may constitute financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act.

(2) The Provincial Authority may, by general or special order, delegate to the committees any of its power or function under this Act subject to such conditions as it may deem fit.”.

8. Amendment of section 18 of Act No. XXIV of 2010.---In the said Act, in section 18, in sub-section (2),-

(a) for clause (a), the following shall be substituted, namely:

“(a) Head of the local council at the district level (by whatever name called) or the Administrative Head of the district who shall be Chairperson, ex-officio;”; and

(b) after clause (c), the following new clauses shall be inserted, namely:

“(c-i) the Executive Engineer (Communication and Works);

(c-ii) the Executive District Officer (Education);”.

9. Amendment of section 30 of Act No. XXIV of 2010.---In the said Act, in section 30,-

(a) in sub-section (4), after the words “expenses for”, the words and comma “its establishment and operation” shall be inserted; and

(b) after sub-section (4), as so amended, the following new sub-sections shall be added, namely:

“(5) The Provincial Director General shall, in respect of each fiscal year, submit for approval of the Provincial Authority, by such date and in such manner as may be prescribed, a statement showing the estimated receipts, the current and development expenditures and the sums required as grant-in-aid from the Federal Government and Provincial Government.

(6) The Provincial Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such manner as may be prescribed.

(7) The accounts of the Provincial Authority shall be audited annually by duly qualified auditors appointed by the Provincial Authority in addition to the internal audit.”.

10. Substitution of section 38 of Act No. XXIV of 2010.—In the said Act, for section 38, the following shall be substituted, namely:

“38. Power of requisition of resources provisions, vehicles etc., for rescue operations, etc.—If it appears to the Provincial Authority or District Unit or any officer as may be authorized by it in this behalf, that-

- (a) any resources with the Provincial Government or District Government or any Authority or person, needs for the purpose of prompt response;
- (b) any building or building materials or land or premises to demolish any building or other structure, as the case may be, needed or likely to be needed for the purpose of rescue operations;
- (c) any vehicle including bulldozers, tractors, motor vehicles, carts, carriages, boats and other means of transport by air, land or water is needed or is likely to be needed for the purposes of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, rehabilitation or reconstruction;
- (d) for evacuation or segregation of population or require the residents to declare surplus stocks of food, fodder, fire-wood, clothing and beddings and requisition all or any of these articles;

- (e) issue directions to any person to abstain from a certain act or to take certain order with regard to certain property in his possession or under his management; and
- (f) on approval of the Provincial Government, may remit in whole or part any Provincial Government dues, payable by any person or in respect of any property affected by the disaster,

the Provincial Authority or the District Unit or any officer authorized in this behalf may, by order in writing, requisition such resources or premises or vehicle, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in this connection:

Provided that with respect to the powers conferred by clauses (b), (c), (d) and (e), the owners of premises, resources, vehicles, shall be entitled to claim reasonable compensation as admissible under any law for the time being in force, or and such compensation shall be paid immediately in respect of human resources and within year from day it falls due in respect of others:

Provided further that any owner of premises, resources, vehicle, etc., being aggrieved by the amount of compensation so determined may within thirty days make an application to the Provincial Government:

Provided also 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 to the Provincial Government for taking a decision as may be expedient for just and equitable apportionment of the amount of compensation.”.

11. Substitution of section 39 of Act No. XXIV of 2010.—In the said Act, for section 39, the following shall be substituted, namely:

“39. Payment of compensation.—Where by reason of any disaster, which results in a substantial loss of life or human suffering or damage to, and destruction of property or a large scale migration of the affected people consequent to the disaster, there shall be paid compensation to the affected people for the losses to the life or property, in addition to relief, rehabilitation, settlement activities:

Provided that amount of compensation shall be determined by the Provincial Government.”.

12. Insertion of new section to Act No. XXIV of 2010.---In the said Act, after section 41, the following new section shall be inserted, namely:

“41(A). Employees of the Provincial Authority deemed to be public servants.---The Provincial Director General and all other officers and employees of the Provincial Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).”.

13. Insertion of new section to Act No. XXIV of 2010.---In the said Act, after section 47, the following new section shall be inserted, namely:

“47(A). Power to make regulations.---Subject to the provisions of this Act and rules made thereunder, the Provincial Authority may make regulations, as may be necessary for carrying out the purposes of this Act.”.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber
Pakhtunkhwa