



STATE DISASTER MANAGEMENT GUIDELINES

GUIDELINES FOR ADMINISTRATION OF STATE DISASTER MITIGATION FUND

June 2012



**STATE DISASTER MANAGEMENT AUTHORITY
GOVERNMENT OF KERALA**

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GUIDELINES FOR ADMINISTRATION OF STATE DISASTER MITIGATION FUND

(H/A – 2245-80-102-96)



**STATE DISASTER MANAGEMENT AUTHORITY
GOVERNMENT OF KERALA**

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Acknowledgment

The Disaster Management Act 2005, which is acknowledged as a major development in the area of disaster management, provides for the effective management of disasters and for matters connected therewith, or incidental thereto. Kerala State has adopted the National DM Act, 2005 and has notified the constitution of State Disaster Management Authority and District Disaster Management Authorities in accordance with the DM Act.

The system of financing for disaster management in the country mainly revolved around the Calamity Relief Funds (presently known as SDRF) maintained at the state level and the National Calamity Contingency Fund at the central level (earlier 'NCCF' presently known as NDRF). But both these funds targeted immediate relief measures and excluded measures for prevention and mitigation. The Disaster Management Act provided for the establishment of certain financial mechanisms such as creation of funds for mitigation at the national and state level. The Act states that the State Government shall, immediately after notification of constituting the State Authority, establish for the purposes of this Act a fund to be called the State Disaster Mitigation Fund.

As yet, there does not seem to be any clear thinking among experts on the nature, composition, scope and quantum of Disaster Mitigation Fund that would be established at National, State and District levels; considering the necessity to constitute State Disaster Mitigation Fund by the State, the State of Kerala has made a budgetary provision such as "State Disaster Mitigation fund" which will be refurbished with annual budgetary allocations. This fund shall be spent only on such mitigation activities that are not covered under any of the existing plan schemes. This also ensures that the state is not relief centric as a certain percentage of the total funds spent on response and relief is earmarked for mitigation.

At this juncture, I would like to thank and appreciate the Chair Person and Members of the Core Group whose untiring effort has resulted in not only establishing State Disaster Mitigation Fund, but also preparing these guidelines on the administration of the fund. I would also like to place on record the significant contributions made by others.

The purpose of this guideline is to provide guidance on the appropriate use of State Disaster Mitigation Fund. This will ensure consistency in the use of the Mitigation Fund and promote measures that reduce future loss to life and property, protect the infrastructure and ultimately and ultimately, help build disaster resistant communities.

Thiruvananthapuram

30-Sept-2012

(Sd/-)

**Dr. K B Valsalakumari IAS
Principal Secretary Revenue and DM
Department & Secretary, SDMA**

1. INTRODUCTION

1.1 The Disaster Management Act, 2005 and Legal, Institutional & Financial Framework for Disaster Management

The Disaster Management Act, 2005, which is acknowledged as a major development in the area of disaster management, provides for the effective management of disasters and for matters connected therewith or incidental thereto. The Act provided for the establishment of a legal, institutional and financial framework in the country.

The Disaster Management Act provided for the establishment of a financial mechanism such as creation of funds for response and mitigation at the national and state level. Chapter IX (Finance, Accounts and Audit) of the Act states that the Central Government may constitute, a) Fund to be called the 'National Disaster Response Fund' for meeting any threatening disaster situation or disaster and b) Fund to be called the 'National Disaster Mitigation Fund' for projects exclusively for the purpose of mitigation.

Chapter IX section 48 (1) states that the State Government shall, immediately after notifications of constituting the State Authority and the District Authorities, establish for the purposes of this Act the following funds, namely:—

- (a) the fund to be called the State Disaster Response Fund
- (b) the fund to be called the District Disaster Response Fund
- (c) the fund to be called the State Disaster Mitigation Fund
- (d) the fund to be called the District Disaster Mitigation Fund

1.2 Constitution of National Disaster Response Fund (NDRF) and State Disaster Response Fund (SDRF)

As per the recommendations of the Thirteenth Finance Commission, the existing National Calamity Contingency Fund (NCCF) was merged into the National Disaster Response Fund proposed under the Act with effect from 1 April 2010. Similarly, the Calamity Relief Fund (CRF) was merged into the SDRF constituted under the Act.

1.3 Constitution of National Disaster Mitigation Funds (NDMF)

The DM Act authorizes the Central Government to constitute the National Disaster Mitigation Fund for projects exclusively for the purpose of mitigation and this Fund shall be established after due appropriation by Parliament by law in this behalf. The modalities of constitution of NDMF are under consideration of Ministry of Home Affairs by way of deliberations with Ministry of Finance, Planning Commission and NDMA.

1.4 Constitution of State Disaster Mitigation Fund (SDMF)

The DM Act directs the State Governments to establish State Disaster Mitigation Fund immediately after the notification constituting the State Authority is issued. Therefore constitution of the Disaster Mitigation Fund in the State is a mandatory requirement of law immediately after the State Authority is set up, but the National Disaster Mitigation Fund may come up as and when it is notified by the Central Government.

The State of Kerala on request of Department of Revenue and Disaster Management has constituted 'State Disaster Mitigation fund' under Section 48 (1) of Chapter IX of National Disaster Management Act, 2005.

'State Disaster Mitigation fund' shall be utilised based on the following guidelines only that are being issued under Section 63 of the National Disaster Management Act, 2005, on such mitigation activities that are not covered under any of the existing plan schemes. The provision for relief, rehabilitation and reconstruction should not be a part of State Disaster Mitigation Fund.

1.5 Contributions to the Fund

The amount of annual contribution to the State Disaster Mitigation Fund for each financial year would be as recommended by the State Disaster Management Authority and allocated in the State Budget by State Planning Board.

As and when the Government of India constitutes National Disaster Mitigation Fund, the yearly allocation of Government of India shall be remitted and unified in to State Disaster Mitigation Fund as a non – Plan Grant.

1.6 Mobilisation of additional resources

The State Disaster Mitigation Fund needs to be conceptualized as a mechanism which can support risk reduction and mitigation measures and hence, it has the potential for developing into a full-fledged Social Fund that generally use community-driven development approaches to ensure the active participation of local actors. As a Social Fund, State Disaster Mitigation Fund may also have the flexibility to receive donations from Government Departments, Panchayat Raj Institutions, Corporate entities, individuals etc., as in the case of Chief Minister Disaster Relief Fund (CMDRF).

2. GUIDELINES FOR ADMINISTRATION OF STATE DISASTER MITIGATION FUND

2.1 Purpose of Guidelines

The purpose of this guideline is to provide guidance on the appropriate use of State Disaster Mitigation Fund available to State Disaster Management Authority under the provisions of National Disaster Management Act. This will ensure consistency in the use of the Mitigation Fund and promote measures that reduce future loss to life and property, protect the infrastructure and ultimately, help build disaster resistant communities.

2.2 Scope, Audience and Period

This guideline is applied to all hazards and related disasters included in the State Disaster Management Policy or all disasters qualified under the norms of State Disaster Response Fund or any potential natural or human-induced hazard / disastrous event that the State Disaster Management Authority or State Executive Committee may deem to be assimilated for mitigation. This guideline is intended to guide all officials responsible for the management and administration of State Disaster Mitigation Fund under the provisions of National Disaster Management Act 2005 adopted by the State Government.

These guidelines will be operative from the date of the constitution of the fund and will continue till further orders.

2.3 Authority and Custodian

The State Government / Department of Revenue and Disaster Management shall ensure that the funds established as State Disaster Mitigation Fund shall be available to the State Disaster Management Authority and the Department of Revenue and Disaster Management shall be the principal authority of all matters pertaining to State Disaster Mitigation Fund. The State Executive Committee which assists the State Disaster Management Authority in the performance of its functions shall be the custodian of State Disaster Mitigation Fund.

As the Secretariat of State Disaster Management Authority headed by 'Secretary, State Disaster Management Authority' to assist the State Executive Committee to coordinate actions, 'Secretary, State Disaster Management Authority' will be responsible for undertaking measures for the prevention or mitigation of disasters through State Disaster Mitigation Fund under the guidance of State Executive Committee.

The account of the State Disaster Mitigation Fund shall be maintained by the Secretariat of State Disaster Management Authority in such manner and details as may be considered necessary by the State Government.

2.4 Geographic area

The geographic area for the State Disaster Mitigation Fund consists of all properties within the boundaries of the State of Kerala.

2.5 Disaster Mitigation Planning and Strategy

Mitigation is defined as lessening or limitation of the adverse impacts of hazards and related disasters. It is denoted by the steps taken to contain or reduce the effects of an anticipated disastrous event or a disaster causing phenomena. The adverse impacts of hazards or effects of a disaster often cannot be prevented fully, but their scale or severity can be substantially lessened by various strategies and actions.

Ideally, the State shall formulate a State Disaster Management Plan (SDMP) having three basic components, of which 'Long Term/Short Term Prevention and Mitigation Plan' based on Hazard, Vulnerability and Risk Assessment (HVRA) shall be the first component, while 'Preparedness and Capacity Building Plan' and 'Emergency Response Plan' being the other components. All Mitigation Activities to be taken up by the State shall be generally guided by the State Plan (SDMP) and the State Plan (SDMP) shall be the guide in the effective utilisation of State Disaster Mitigation Fund. Therefore, once the state level mitigation strategy has been detailed; the works, which could be taken up at the district, block and Panchayat level for shorter duration can be culled out of the Long term disaster mitigation/prevention plans. Preferably, long and medium term mitigation activities shall be prepared as independent / standalone interventions and shall be undertaken by the State through separate budgetary allocations of departments concerned and through centrally sponsored programmes.

The State Disaster Mitigation Fund shall be employed for supporting mitigation projects (as distinguished from preparedness and response activities) of short term nature that may be implemented within a period of maximum three years either identified in the State Disaster Management Plan or for implementing mitigation projects that emerge out of a threatening situation. In any case, the interventions should be in the field which are otherwise not supported by regular or any other government schemes.

State Disaster Mitigation Fund shall employ a broader concept of risks and shall include not just physical risks, but also social risks associated with livelihoods, health, education and issues relevant to social protection and climate change. It shall provide a practical and concrete dimension to community-based disaster risk management also by demonstrating to the local authorities the viability of a comprehensive disaster risk reduction approach. Funding high priority disaster risk reduction interventions through this fund gives the local Disaster Management Committees/Task Forces at the village level an opportunity to get involved with the implementation of these measures. This encourages local authorities to take ownership of disaster risk reduction initiatives and increases the level of community participation in such programmes. While the interventions for mitigation could be a combination of structural and non-structural measures, it is important to identify and support projects in a way that it makes a visible and demonstrable impact on local risks, and hence may include building of assets and diversification of livelihoods at village level, and support development of social capital /organization at community level. These interventions together have more impact on building resilience of households and communities. In course of approving the interventions, local contribution / facilitation should be a critical consideration. The Fund should encourage local government / communities to be active stakeholders, and provide financial or in-kind contribution. Those proposals that include local participation and accountability should be given greater preference. To conclude, State Disaster Mitigation Fund is not just a funding window; it is a mechanism for implementing risk reduction projects. Hence, the State shall not seek Request for Proposals for utilisation of this fund, as it results in receiving a large number of proposals which have no strong risk context and would lead to a large number of proposals, which would be a counterproductive arrangement.

The State Executive Authority shall provide funds to government departments, districts, local bodies, Scientific Organisations, Civil Society Organisations, NGOs, Universities, Technical Institutions etc., for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Mitigation Fund shall be awarded on a competitive basis and without reference to district allocations, quotas, or other formula-based allocation of funds for eligible mitigation activities that reduce disaster losses and protect life and property from future disaster damages. In its functioning, the State Disaster Mitigation Fund should be a demand-driven rather than supply-driven mechanism. It should be based on a risk reduction plan which suggests a definite set of measures— structural or non-structural.

The actual expenditure on Mitigation Fund will be booked only under the respective head.

2.6 Administration

a. Responsibility

The State Executive Committee of State Disaster Management Authority shall be solely responsible for,

- i) Selection, approval/disapproval of projects/project proposals
- ii) Establishment of policies and procedures for the administration and management of State Disaster Mitigation Fund and review/revision of such policies and procedures, as necessary
- iii) Final decisions concerning Disaster Mitigation Fund expenditures

b. Submission of Proposals

It is envisaged that District Disaster Management Authorities should have a proper role in the operation and execution of State Disaster Mitigation Fund or related activities. Hence, the mitigation projects evolved by any agency – District Administration, Departments of the State/District, NGOs/Community Based Organisations/Civil Society Organisations, Scientific Organizations, etc should first be submitted to District Disaster Management Authorities concerned, assessed and approved by District Disaster Management Authorities. The District Disaster Management Authorities then shall forward the project proposals to Secretary, State Disaster Management Authority. The Secretary, State Disaster Management Authority will ensure financial feasibility of the project, ensure that no other funding from Government of Kerala is available or possible for the proposed project and ensure the compliance with the guidelines for the utilization of the State Disaster Mitigation Fund. The proposals accepted by Secretary, State Disaster Management Authority shall be placed before the State Executive Committee and the State Executive Committee shall, wherever necessary, refer the project to the Expert Members of the Advisory Committee of the Kerala State Disaster Management Authority for scientific/technical review.

All projects proposals seeking assistance from State Disaster Mitigation Fund shall have the following elements.

i) Introduction – A brief introduction of the purpose and relevance of the proposed project. The scientific quality of this chapter will be assessed by the technical reviewers appointed by State Disaster Management Authority for a total mark of 10 with 10 being the best and 1 being the least.

ii) Identification of hazards / Proposed implementation site – A brief description of the hazards to be addressed/implementation site where the project

will be undertaken. Proposal shall enclose a map of the study area/implementation site if available or illustrate with photographs, if relevant. The proposal shall also provide a discussion of past hazard events and include information on the probability of future hazard events. The relevance of undertaking this project in the proposed area/site will be assessed by the technical reviewers for a total mark of 5 with 5 being the best and 1 being the least.

iii) Materials and methods – Depending on the proposed project, this chapter should illustrate the materials/methods that will be used for the implementation of the project. The novelty and relevance of the proposed methodology of the implementation of this project will be assessed by the technical reviewers for a total mark of 10 with 10 being the best and 1 being the least. Usage of latest and cutting edge techniques, technology, materials and methods will be encouraged. Usage of non-structural measures (bioengineering solutions, modern socio-psychological tools, community participation that can develop and encourage social cohesion and resilience etc.) will be encouraged. Structural measures should be resorted to, only when considered extremely unavoidable.

iv) Deliverables – Tangible and intangible deliverables of the project should be clearly outlined and the relevance of these toward risk reduction should be detailed. The deliverables may have only local mitigation impacts, however if the project results in replicable best practices with state wide or country wide relevance, such projects will be encouraged. The technical reviewers will evaluate this chapter for a total mark of 10 with 10 being the best and 1 being the least.

v) Financial budgeting – A detailed financial budget should be enclosed specifying the heads in which the utilisation is proposed. This chapter will be reviewed by the Secretary, State Disaster Management Authority. Community contribution, contribution of the local self government and contribution of the district administration in terms of cash or kind will be encouraged. Part funding from sources other than Govt. of Kerala (departments, institutions, boards etc.) for the proposed project will be encouraged. This chapter will be evaluated for a total mark of 5 with 5 being the best and 1 being the least.

vi) Time Line – A detailed implementation time line should be included in the proposal and this time line will be binding. This chapter will be reviewed by the Secretary, State Disaster Management Authority. Any delays beyond the originally approved timeline will lead to 5% of the project cost being retained by the State Disaster Management Authority as penalty. No projects with time line of more than 3 years will be accepted. This chapter will be evaluated for a total mark of 5 with 5 being the best and 1 being the least.

vii) Profile of the proposing or implementing authority(ies)/agency(ies) and technical advisor(s) – This section should explain the competence of the implementing authority or agency who will undertake the proposed mitigation plan and the technical advisor under whose guidance the plan was prepared. Involvement of subject experts will be highly encouraged so as to ensure the technical and scientific quality of the proposed project. The technical advisor(s) will also have to oversee the project implementation and hence have to be competent enough in the respective domain. This chapter will be reviewed by the technical reviewers and will be evaluated for a total mark of 5 with 5 being the best and 1 being the least.

c. Proposal Review System

The State Executive Committee shall be responsible for sanction of project proposals. The State Executive Committee may entrust the scientific review of individual proposals to experts from different fields / experts on different hazards who are empanelled in the Advisory Committee of State Disaster Management Authority to ensure effective and efficient utilization of the State Disaster Mitigation Fund.

The committee will review the scientific/technical quality of individual chapters of the proposal and will prepare an interim verdict sheet within 2 weeks. If any modifications are suggested by the advisory committee, it will be communicated to the proposing agency. Once accepted, the advisory committee will recommend the proposal for funding to the State Executive Committee of State Disaster Management Authority. The finalized mark sheet of the review will also be attached with this communiqué. The advisory committee will also look in to aspects such as Cost – Effectiveness of the project, Engineering Feasibility and Environmental Impact Assessment, if necessary.

d. Approval of Proposals

All proposals recommended by the Review Committee with or more than 35 marks out of 50 marks will be considered for approval by State Executive Committee. The State Executive Committee shall review all pertinent information regarding the project proposal based on the recommendation of Review Committee and guidelines and spirit of the Mitigation Fund and approve or disapprove the said proposed project. Depending on the availability of funding, the Department of Revenue and Disaster Management Authority will allocate funds to the Projects and make it available to the State Executive Committee or Secretariat of State Disaster Management Authority through necessary government orders.

If several proposals qualify in a year, State Executive Committee will request the Review Committee to prepare a priority list based on the importance of the project and the one with the highest priority will be awarded first and the second in the list will be awarded the next and so on. Every priority list will have a life time of two years and after which, new proposal will have to be mooted by the proposing agencies.

e. Implementation and Monitoring

On approval of Project Proposals, the State Disaster Management Authority or District Disaster Management Authority and the proposing agency with the implementing agency, shall enter into a Project Cooperation Agreement for the effective implementation of the proposed project. The Project Cooperation Agreement will detail the objectives and scope of the project, duration of the project, general responsibilities of the parties, terms and obligations of personnel involved, procurement and operational arrangements, financial arrangements, maintenance of records, reporting requirements, audit requirements and terms of suspension or early termination.

If the Project Proposal was mooted through District Disaster Management Authority, the State Disaster Management Authority will grant sanction for the project and transfer the funds to District Disaster Management Authority in instalments who in turn will supervise the implementation and monitoring of the project.

Immediately after entering the project cooperation agreement, State/District Disaster Management Authorities may release mobilisation funds up to 30% of the total approved amount based on the finance requirements, timeline and deliverables of the project. Periodic and end term reviews including physical visits to project sites by members of Advisory Committee and State/District Disaster Management Authorities will be conducted to assess the progress of the implementation of activities and based on achievement of overall objectives, fund disbursements will be effected. Funds up to 85% of the total project cost may be released in three instalments during the course of the project on the recommendation of the advisory committee based on interim reviews and field visits. The final settlement may be made based on submission of the project completion report and its approval by the advisory committee through an end term review.

3. Powers & Functions of Secretary, State Disaster Management Authority

The Secretariat of State Disaster Management Authority may develop project proposals for hazard mitigation or conceive feasible projects for the purpose of assisting and protecting the community in anticipation or response to any threatening disaster situation and implement the same through District Disaster Management Authorities concerned, if the identified hazards have inter-district or state level ramifications.

Further, in such cases, as per the provisions of the Disaster Management Act, the Department of Revenue and Disaster Management may release funds available under State Disaster Mitigation Fund for projects conceived by Secretariat of State Disaster Management Authority, relinquishing usual proposal submission and proposal review system.

In case of a threatening disaster situation, where immediate measures for prevention or mitigation are necessary to protect the community from an anticipating disaster, 'Secretary, State Disaster Management Authority' will examine the vulnerability of that part of the State, identify potential hazard and carry out necessary measures for its prevention or mitigation by taking approval from the Convenor and Chair Person of State Executive Committee in the file. Any such action taken by Secretariat of State Disaster Management Authority should be submitted for ratification before the State Executive Committee in the subsequent meeting. All programmes implemented under State Disaster Mitigation Fund should be reported to State Disaster Management Authority.

4. Potential Mitigation Measures & Ineligible Activities

4.1 Potential Mitigation Measures

Suggestive mitigation activities may include support for structural and non-structural mitigation such as raising of plinth level above flood level, identification and establishment of emergency evacuation routes from risk areas to emergency shelters, diversification of livelihoods, risk communication and promoting risk awareness initiatives and training in life saving skills at the community level. It should combine mitigation, livelihoods diversification, access to financial services, formation of social networks, and public awareness in a way that reinforces and consolidates risk reduction and builds resilience. Areas of Support may include developing the physical infrastructure to protect human lives or reduce asset losses; strengthening the capacity of local institutions to reduce and manage the impact of shocks, improving community-local government linkages in disaster management planning and implementation (local DM planning) and strengthening the capacity of government departments in mitigating the impacts of a potential hazard.

4.2 Ineligible Activities

The following list provides a few examples of activities that are not eligible for State Disaster Mitigation Funding.

- Projects that do not reduce the risk to people, structures, or infrastructure;
- Projects for which actual physical work has occurred prior to award or final approval.
- Projects for which demolition or debris removal related to structures proposed for mitigation has already occurred may be eligible when such activities were initiated or completed under Govt. programmes to alleviate a health or safety hazard.
- Projects that create revolving loan funds;
- Activities required as a result of negligence or intentional actions, or those intended to remedy a code violation, or the reimbursement of legal obligations such as those imposed by a legal settlement, court order, or State law;
- All projects related to property acquisition and relocation projects

- Major flood control projects related to the construction or repair of dams, dikes, levees, floodwalls, seawalls, groins, jetties, breakwaters, and erosion projects related to beach nourishment or re-nourishment;
- Projects that address unmet needs from a disaster that are not related to mitigation;
- Retrofitting facilities primarily used for private or religious purposes, such as places of worship (or other projects that solely benefit private or religious organizations)
- Projects for the purpose of landscaping for ornamentation (trees, shrubs, etc); Site remediation of hazardous materials
- Projects for Water quality infrastructure; Address ecological or agricultural issues; Protection of the environment and/or watersheds; Forest management; Prescribed burning or clear-cutting; Creation and maintenance of fire breaks, access roads, or staging areas; and Irrigation systems;
- Research of long term nature that require huge investments and that do not result in a specific local (sub-district) mitigation activity
- Studies not directly related to the design/implementation of a mitigation project;
- Response equipments that may be procured under State Disaster Response Fund;
- Standalone intervention in a village/community, without analyzing its impact on the overall risk reduction within the village/community or which do not take into account linkages with other interventions.

Core Group for preparing guidelines to State Disaster Mitigation Fund

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2012



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KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

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PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LVII } വാല്യം 57 }	Thiruvananthapuram, Monday തിരുവനന്തപുരം, തിങ്കൾ	2nd January 2012 2012 ജനുവരി 2 12th Pousha 1933 1933 ചൊവ്വ 12	No. } നമ്പർ } 8
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GOVERNMENT OF KERALA

Disaster Management (Revenue-K) Department

NOTIFICATION

G. O. (P) No. 660/2011/DMD. Dated, Thiruvananthapuram, 28th December, 2011.

S. R. O. No. 5/2012—In exercise of the powers conferred by clause (c) of sub-section (1) of section 48 of the Disaster Management Act, 2005 (Central Act 53 of 2005), the Government of Kerala hereby establish the State Disaster Mitigation Fund for projects exclusively for the purpose of mitigation of disaster.

By order of the Governor,

DR. NIVEDITA P. HARAN,
Additional Chief Secretary to Government.

PRINTED AND PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESSSES
AT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2012.

33/48/2012/DTP

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 48 of the Disaster Management Act, 2005 (Central Act 53 of 2005), empowers the State Government to establish a State Disaster Mitigation Fund. Accordingly Government have decided to establish State Disaster Mitigation Fund for the purpose of the said Act.

The notification is intended to achieve the above object.