

Annex 2: Disaster Management Legislation

The National Calamities (Prevention and Relief) Act, 1958

This Act was passed by the West Pakistan Assembly on 3rd April, 1958; assented to by the Governor of West Pakistan on 19th April, 1958; and published in the West Pakistan Gazette (Extraordinary), dated 24th April, 1958, pp711-716. The Act provides for the maintenance and restoration of order in areas affected by certain calamities and for the prevention and control of and relief against such calamities.

Provincial Relief Commissioners (who also happen to be Senior Members of the Board of Revenue) have been given the responsibility of relief with the following powers under section 4 of the Act.

- To evacuate or segregate the population
- To requisition bulldozers, tractors, motor vehicles, carts, carriages, boats, and other means of transport by air, land or water, and beasts of burden
- To require the residents to declare surplus stocks of food, fodder, firewood, and clothing and bedding and to requisition all or any of these articles
- To requisition building materials
- To requisition any building or land
- To demolish any building or other structure
- To conscript labour
- To direct any person to abstain from a certain act or to take certain orders with regard to certain property in his possession or under his management

And after approval of the government --

- acquire any land and
- remit in whole or part any government dues payable by any person or in respect of any property affected by the calamity

Under section 11 of the Act, the government is asked to provide all or any of the following matters by rules.

- The procedure to be adopted in giving an alarm of an impending calamity
- The method of securing information with regard to floods or any other impending calamity
- The measures and precautions to be taken to avert any such calamity
- The procedure to be followed for surveying places of safety and the entry into any such place for the purpose of such survey after a proper notice
- The method of assessment and payment of compensation on account of requisition and acquisition of property under this Act
- The procedure with regard to revisions against an order passed under this Act and the period during which such revisions can be presented

The Punjab National Calamities (Prevention and Relief) Act, 1951, the Khairpur National Calamities (Prevention and Relief) Act, 1954, and the West Pakistan National Calamities (Prevention and Relief) Ordinance 1956 were repealed after this Act.

Emergency Services Ordinance, 2002

The Ordinance establishes emergency services to deal with emergencies in an effective manner and encounter threats to the public from modern warfare, terrorism, and disasters and defines responsibilities at each level. The National Council has also been established to regularly monitor the performance of this service and ensure continuity in the process of rule-making in the management of emergencies and disasters during peace time.

According to the Ordinance, the provincial governments shall have the administrative powers. Likewise, the District Emergency Officer has been made responsible for the functional management of the service.

The Federal Government will mainly be responsible for ensuring uniform standards for the service throughout the country, providing advance training to officers through the National Academy, and overseeing the performance of the provinces. The Ordinance includes definitions of disaster-related terms, i.e., natural and man-made disasters, emergencies, preparedness, response and support services, etc. Under the Emergency Services' Ordinance, the federal, provincial, and district governments shall set up emergency services, which shall be responsible for preparedness and rapid response to emergencies and disasters of any scale. The National and Provincial Crisis Management Cells, of the Ministry of the Interior and Home Departments respectively, shall coordinate the activities of all emergency services at the national and provincial levels.

Being an important organ of emergency services at the district level, the District Emergency Service shall be responsible for administrative control, incident response, communication, recruitment and training of volunteers, implementation of safety codes, community awareness programmes, collection and maintenance of incident response data, facilitation of non-government organisations for rescue and relief work, and provision and management of emergency ambulance services.

Local Government Ordinance 2001

The Local Government Ordinance (LGO) provided several new avenues for effective and context-specific disaster management. The institutional framework, functions, and responsibilities assigned to various local government officials are given below.

1. Zila (District) Nazim - Being the head of the district, the Zila Nazim is to “take charge, organise, and prepare for relief activities in disasters or natural calamities.”
2. Zila (District) Council - The Zila Council is to “make recommendations to the district government for enhancement of the care of disabled persons, paupers, the aged, sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug addicts, abused children, and needy and disadvantaged persons.”
3. Zila Council in a City District - In the case of a City District, the Zila Council has the responsibility and powers to (a) approve master plans, zoning, land-use plans—including classification and reclassification of land— environmental control, urban design, urban renewal, and ecological balance; (b) review implementation of rules and bye-laws governing land use, housing, markets, zoning, the environment, roads, traffic, taxes, infrastructure and public utilities; and (c) review development of the integrated system of water reservoirs, water sources, treatment plants, drainage, liquid and solid waste disposal, sanitation, and other municipal services.
4. Tehsil (Sub District) Municipal Administration (TMA) - Under the LGO, the TMA is to provide, manage, operate, maintain, and improve the municipal infrastructure and services, including:
 - i. water supply and control and development of water sources, other than systems maintained by the union and village councils;
 - ii. sewerage, sewage, and sewage treatment and disposal;
 - iii. storm water drainage; and
 - iv. fire fighting.
5. Tehsil (Sub District) Council - The Tehsil Council is to approve land use, zoning, and master plans for Tehsil development and maintenance programmes or projects proposed by the Tehsil Municipal Administration. The Town Council also has similar powers and responsibilities to be executed under the LGO.
6. Union Administration - Unions are sub-divisions of the sub-district and consist of a group of villages depending upon their collective population and proximity to each other. The Union Administration is to assist the relevant authorities in disasters and natural calamities and assist in relief activities, including de-silting of canals.
7. Union Nazim - According to clause (f) of section 18 of the LGO, the Union Nazim shall report to the authorities concerned in respect of:
 - i. encroachment on state and local government property and violation of land use and building laws, rules, and bye-laws, and
 - ii. environmental and health hazards.
8. Union Council (UC) - Under the Local Government Ordinance the Union Council is to promote plantation of trees, landscaping, and beautification of public places in the Union.
9. Village Council (VC) - The VC is responsible for (a) developing and improving water supply sources; (b) making arrangements for sanitation, cleanliness, and disposal of garbage and carcasses; and (c) taking measures to prevent contamination of water.

Part D of the First Schedule of the Local Government Ordinance states that the City District Government may set up district municipal offices for integrated development and management of the following services.

- a. Water source development and management, storage, treatment plants, and macro-distribution
- b. Sewage tertiary and secondary networks, treatment plants, and disposal
- c. Storm water drainage networks and disposal
- d. Flood control protection and rapid response contingency plans
- e. Natural disaster and civil defence planning
- f. Solid waste management, treatment, and disposal, including landfill sites and recycling plants
- g. Treatment and disposal of hazardous and toxic waste from industries and hospitals
- h. Environmental control, including control of air, water, and soil pollution in accordance with federal and provincial laws and standards
- i. Urban design and urban renewal programmes, promulgation of building rules, and planning standards