

No.39-26/2014-DM-III (RTI)/931
Government of India
Ministry of Home Affairs
(Disaster Management Division)

NDCC-II Building, 3rd Floor, B Wing
Jai Singh Road, New Delhi- 110001

Dated: 15-07-2014

OFFICE MEMORANDUM

Subject:- Ist Appeal of Shri Sunjay Kumar Jain under the RTI Act, 2005 – uploading of information regarding.

Please refer to MHA RTI Cell U.O. NO.A-43020/01/2014-RTI dated 24.06.2014 on the subject mentioned above.

2. A copy of Ist appeal and it's reply to the applicant is enclosed for further action.

Encl: As above.



(Surendra Thakur)

Under Secretary (DM-III)

Tel: 23438144

To

✓ The Section Officer,
(IT Cell), MHA, North Block
New Delhi.

Copy to :-

Shri S. Samant, US (RTI) MHA, North Block, New Delhi w.r.t. U.O. NO.A-43020/01/2014-RTI dated 24.06.2014 for information.

श्री (१०१) (३१०)



Dated: 23.06.2014

To,

The Joint Secretary / Appellate Authority
Disaster Management Division
Ministry of Home Affairs
'B' Wing, 3rd Floor
NDCC-II Building, Jai Singh Road, New Delhi-110001

Sub: Non -providing the information by CPIO under RTI Act

Respected sir,

This has reference to my RTI application dated 06.06.2014 for getting some information under RTI Act. In reply of my above noted RTI application, I received letter dated 18.06.2014 vide No. 39-22/2014-DM-III(RTI)/839 from the Director & CPIO, D.M. Division, MHA (copy of the reply is enclosed herewith for your kind information & further action).

I want to inform you that CPIO has replied towards question no. 1 & 2 of my application and for the question no. 3 to 6 of my RTI application has been transferred to the Ministry of Urban Development and I am not satisfied with the reply of CPIO towards transfer of question no. 3 to 6 of my RTI application.

In this connection, I want to bring in your kind notice that Ministry of Home Affairs had constituted a Committee on dated 20.01.2004 which has been confirmed by CPIO towards my question no. 1 and also provided a copy of order to me.

That as per question no. 3-5 of my application, the above noted committee of expert had submitted report dated 01.07.2004 to the Ministry of Home Affairs not to the Ministry of Urban Development as this committee had been constituted by the Ministry of Home Affairs and CPIO has not provided the information of acceptance of this report by the Ministry of Home Affairs alongwith the copy of order.

That as per question no. 6 of my application, I want to get information that whether Ministry of Home Affairs had issued any order to follow the proposed amendments as suggested by the committee of experts in report dated 01.07.2004 alongwith the copy of order.

CPIO has transferred question no. 3 - 6 to the Ministry of Urban Development without providing the information or reason of transfer of questions which pertains, only to the Ministry of Home Affairs.

So I request you to please look into the matter and issue direction to the CPIO for providing the required information towards question 3 - 6 alongwith the copy of order of acceptance of report or transfer of report to the Ministry of Urban Development at your earliest.

Thanking you and hoping your kind co-operation in the matter.

(Sunjay Kumar Jain)
Jain Engg. Technocrats
IX/1983, Lane No. 3, Kailash Nagar, Delhi-31
Mob#: 8800001532, 9312278313

42/RTI/14
26/6/14

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pt. discuss
with detail.

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By Speed Post

No.39-22/2014-DM-III(RTI) 1839
Government of India
Ministry of Home Affairs
(Disaster Management Division)

NDCC-II Building, 3rd Floor, B Wing
Jai Singh Road, New Delhi- 110001
Dated:18-06-2014

To ✓

Shri Sunjay Kumar Jain,
JAIN ENGG. TECHNOCRATS,
IX/1983, Lane No.3, Kailash Nagar,
Delhi-110031.

Subject:- Information sought by Shri Sunjay Kumar Jain under Right to Information Act,
2005.

Sir,

Please refer to your RTI application dated 06.06.2014 on the subject mentioned above.

2. A copy of Order No.31/35/2003-NDM.II dated 20th January, 2004 regarding development of model building bye laws for Seismic Zones III, IV & V and the review of city, town and country planning Act and the zoning regulations – Constitution of a Committee as asked by you at **point Nos. 1 & 2** in your aforesaid application is enclosed.

3. As regard the required information at **point Nos.3, 4, 5 & 6**, these points related to the Ministry of Urban Development. As such, your application is being transferred under Section 6(3) of the RTI Act 2005 to them for providing requisite information/documents directly to you.

4. The name and address of the Appellate Authority is as under :-
Shri G.V.V. Sarma,
Joint Secretary,
D.M. Division, Ministry of Home Affairs,
NDCC-II Building, 3rd Floor, 'B' Wing,
Jai Singh Road, New Delhi-110001.

Encl: As above.

Yours faithfully,

Sanjay
(Sanjay Agarwal)
Director & CPIO
Tel :23438154

Copy to :-

1. Director/Deputy Secretary (UD)/CPIO, Ministry of Urban Development, Room No.212-C, Nirman Bhawan, New Delhi-110 108 alongwith a copy of RTI application dated 06.06.2014 received from Shri Sunjay Kumar Jain.
2. Shri S. Samant, US & CPIO (RTI Section), MHA, North Block, New Delhi, along with a copy of RTI application referred to above for information & necessary action.

Sanjay
(Sanjay Agarwal)
Director & CPIO
Tel :23438154

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By Speed Post

No.39-26/2014-DM-III (RTI)
Government of India
Ministry of Home Affairs
(Disaster Management Division)

NDCC-II Building, 3rd Floor, B Wing
Jai Singh Road, New Delhi- 110001

Dated: 10-07-2014

ORDER

14 JUL 2014

Whereas an application dated 06.06.2014 under Right to Information Act, 2005 was filed by Shri Sunjay Kumar Jain, resident of IX/1983, Lane No.3 Kailash Nagar, Delhi-31 seeking the information/providing copies of the documents relating to develop Model Building Bye-Laws, Land Use Zoning Regulations and review of the Town and Country Planning Act.

2. And whereas Shri Sanjay Agarwal, Director (DM-III) and CPIO, DM Division, MHA vide his letter of even number dated 18.06.2014 has replied to Question No.1 and 2 and transferred Question No.3-6 of the said RTI application to Ministry of Urban Development under section 6(3) of Right to Information Act, 2005 for providing the information/documents directly to the applicant.

3. And whereas Shri Sunjay Kumar Jain, the applicant, has filed first appeal vide his appeal dated 23.06.2014, which was received in the Office of the Appellate Authority on 25.06.2014 stating that reply of CPIO towards transfer of question No.3 to 6 of your RTI application is not satisfactory.

4. And whereas though the Committee of Expert had been constituted by this Ministry under the Prof. A.S. Arya and accordingly the report was forwarded to the Ministry of Urban Development. The Ministry of Urban Development, the nodal Ministry for Model Building Bye-Laws, Land Use Zoning Regulations and review of the Town and Country Planning Act etc. has already been approached by CPIO for reply to Question No.3 to 6 directly to the applicant.

5. And whereas the reply from the Ministry of Urban Development to the applicant and copy to this Ministry has been received vide their letter No.K-14011/4/2014-UD-II dated 02.07.2014 (copy enclosed). They have intimated that the information pertaining to para No.3, 4, 5 & 6 seeks specific reply from the MHA and needs to be replied by MHA. They have also intimated that the State Governments/UTs have been requested to in-corporate the recommendations of Prof. Arya Committee Report in enabling legislation, Zoning Regulations & Building Bye-Laws vide their letter No.K-14011/130/2006-UD-II (Vol.VI) dated 09.04.2012.

6. Accordingly, the following information is provided herewith:-

Q) Whether the proposed amendments in report dated 01.07.2004 of committee of Experts for the subject, as mentioned at Sl.No.1 in two Volumes with containing Chapter 1 – 5, Appendix A, B & C and format of Forms had been approved/accepted by the NDMD, MHA as a whole.

Answer No. There is no need for the Ministry of Home Affairs to approve such amendments, as every Ministry is required as per Section 36 and 37 of the Disaster Management Act, 2005 to draw up their own plans, indicating the measures required for prevention, mitigation, preparedness and capacity building.

Q) If the answer of question No.3 is yes then please provide a copy of order/notification for acceptance of committee report dated 01.07.2004 by the NDMD, MHA to amend the Building Bye-Laws, T & C Planning Act etc.

Answer Does not arise.

Q) If the answer of question No.3 is no then please inform that following proposal in above noted committee report date 01.07.2004 had been accepted or not :-

- a) In Chapter No.3 :- Proposal No.3.8.1.(d) i.e. "Whereas, earthquake hazard prone....."
 - b) In Appendix B:- Proposal No.B1.8 i.e. "Registered Geo-Technical Agency (RGA)"
 - c) In Appendix B:- Proposal No.B2 i.e. "Appointment of Professionals"
 - d) In Appendix B:- Proposal No.B3.1A (iii) i.e. "A structural design report....."
- In Appendix B :- Proposal No.B3.1B (ii) i.e. "get required soil (geo-technical)....."
- Proposal No.B3.6 i.e. "Geo-Technical Agency on Record (GAR)....."

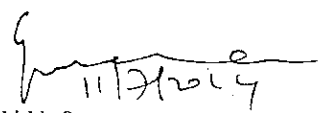
Answer No. Does not arise.

Q) Whether NDMD, MHA had issued any order/notification/guidelines to all states & UTs of India to follow the proposed amendments in Model Building By-Laws and Review of City, Town & Country Planning Act and the Zoning Regulations etc. as suggested by the Committee of Experts and if the answer of this question is yes then please provide a copy of the same.

Answer No. There is no organization called 'NDMD'. However, this Ministry issued D.O. letters to all the States and UTs with the request to set up a Committee under the Chairmanship of Development Commissioner/Addl. Chief Secretary with Secretary, Disaster Management, Secretary, Urban Development, Chief Town and Country Planning Officer and Engineer-in-Chief (Works) as members to go through the recommendations made in the report and adapt them to the requirements of the State. A copy of the D.O. letter written to the Chief Secretary, Manipur, Imphal vide No.31-1/2004-NDM-III dated 13.09.2004 is enclosed for ready reference.

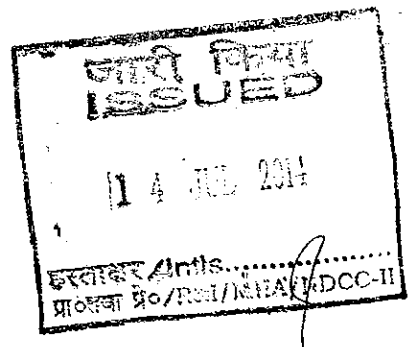
7. With this the appeal stands disposed off.

Encl :- As above


 (G.V.V. Sarma)
 Joint Secretary (DM) &
 Appellate Authority
 Tel : 23093126

To

Shri Sunjay Kumar Jain,
JAIN ENGG. TECHNOCRATS,
IX/1983, Lane No.3, Kailash Nagar,
Delhi-110031.



(10) (7)

No. K-14011/4/2014-UD-II
Government of India
Ministry of Urban Development

Nirman Bhavan, New Delhi
Dated: 2nd July, 2014

To

Shri Sunjay Kumar Jain,
JAIN ENGG. TECHNOCRATS,
IX/1983, Lane No. 3, Kailash Nagar,
Delhi - 110031

Subject: Information sought by Shri Sunjay Kumar Jain under RTI-Act, 2005.

Sir,

I am to refer to the Ministry of Home Affairs letter No. 39-22/2014-DM-III(RTI)/840 dated 18.06.2014 transferring the RTI application mentioned above for furnishing information pertaining to Para No. 3, 4, 5 & 6 of your application and to state that the questions seeks specific reply from the Ministry of Home Affairs and hence the same may kindly be obtained from Ministry of Home Affairs. I would however, like to inform you in this regard that the State governments / Union Territories have been requested to in-corporate the recommendations of professor Arya Committee Report in enabling legislation, Zoning Regulations & Building Bye-Laws. In this connection, copy of this Ministry's letter No. K-14011/130/2006-UD-II (Vol. VI) dated 09.04.2012 is enclosed.

2. If you are not satisfied with the reply, you may approach the appellate authority as per particulars given below:-

Shri Neeraj Mandloi,
Joint Secretary (UD)
Ministry of Urban Development,
Nirman Bhawan,
New Delhi - 110011

Encl: As above

Yours faithfully,



(Parmod Kumar)
Director (UD & CPIO)
Telefax: 23062195

Copy to Shri Sanjay Agrawal, Director & PIO, Ministry of Home Affairs with reference his letter mentioned above for giving an appropriate reply to the applicant.

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अशोक कुमार रस्तोगी

सचिव (रक्षा प्रबंधन)

ASHOKA KUMAR RASTOGI, I.A.S.
SECRETARY (BORDER MANAGEMENT)
TEL : 23092440
FAX : 23092717



गृह मंत्रालय
भारत सरकार

नार्थ ब्लॉक, नई दिल्ली-110001
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NORTH BLOCK, NEW DELHI-110 001

D.O.No.31-1/2004-NDM-III

Dated the 13th September 2004

Dear Shri Singh,

A major part of our country is vulnerable to multiple natural hazards including earthquakes. There has been large-scale loss of lives and property due to disasters in the recent past. It has also been established that disasters are essentially developmental problems and therefore this Ministry in conjunction with the State Governments is working for 'safe development' at all levels.

To reduce disaster risk, we have to put in place appropriate institutional framework, to review and amend Town and Country Planning Acts, Land use zoning regulations and Building regulations, to undertake awareness generation campaigns and training and capacity building programmes. I am sure that a number of steps may have been taken in this regard in your State. May I request you to kindly review these measures and advise the concerned departments to ensure that disaster vulnerability is factored in all aspects of our planning and development.

One of our major concerns has been that existing development control regulations, building regulations and land use zoning regulations don't adequately provide for "multi-hazard safety" provisions. Wherever these provisions exist, they are not strictly enforced by the concerned authorities. This aspect was reviewed in a meeting held in the Ministry during 2003 with all Relief Commissioners and Secretaries of Urban Development of States/UTs in seismic zone III, IV and V. One of the recommendations was to have Model amendments developed for Town and Country Planning Acts, land use zoning regulations and building regulations. We had set up a national expert committee to develop these model amendments/bye-laws which could be shared with the States/UTs. The Expert Committee set up by MHA has furnished its report and a copy of the report is attached. The report is in two volumes-Volume I is the model amendments/byelaws suggested and Volume-II is a compilation of documents referred to by the Expert Committee.

I would request you to kindly set up a Committee under the Chairmanship of Development Commissioner/Addl Chief Secretary with Secretary Disaster Management, Secretary, Urban Development, Chief Town and Country Planning

....Contd.2/-

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:2:

officer and Engineer-in-Chief (Works) as members to go through the recommendations made in the report attached and adapt them to the requirements of the State. It is necessary that this exercise is undertaken in a time bound manner in your State and new techno-legal regime is given effect within six months.

I would request you to kindly give personal attention to this matter, as this is one of the most important exercises for putting in place appropriate techno-legal regime for hazard mitigation in your State.

With regards,

Yours sincerely,



(Ashoka Kumar Rastogi)

Shri Jarnail Singh,
Chief Secretary,
Manipur,
Imphal.