

Disaster Risk Reduction and Management Rules, 2076 (2019)



Government of Nepal
Ministry of Home Affairs

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Disaster Risk Reduction and Management Rules, 2076 (2019) **Notice Published date in Nepal Gazette : 23 Baishakh, 2076**

In exercise of the powers conferred by section 47 of the Disaster Risk Reduction and Management Act, 2074, Government of Nepal hereby makes the following rules, namely;

1. Short title and commencement:

- (1) These rules may be called "Disaster Risk Reduction and Management Rules, 2076 (2019)".
- (2) These rules shall come into force at once.

2. Definitions: In these rules, unless the context otherwise requires, -

- (a) "Act" means "Disaster Risk Reduction and Management Act, 2074 (2017);
- (b) "business establishment" means industries and enterprises including industries, factories, theaters, shopping malls, multi-purpose commercial complexes, joint residential buildings, hotels, resorts, party palaces and petrol pumps.

3. Functions, Duties and Powers of the Executive Committee:

- (1) Subject to the functions, duties and powers of the Executive Committee as specified in the Act, the additional functions, duties and powers of the Committee shall be as follows:
 - (a) Coordinate with the concerned agencies and stakeholders of the federal, provincial, district and local levels to implement the integrated and sectoral policies, plans, strategic plans and programs made pursuant to clauses (b) and (c) of section 8 of the Act, and monitor the implementation of such programs in a regular basis;
 - (b) Ensure that such roles of the public, private, Non-Governmental Organizations, including all agencies and organizations as specified in clause (d) of section 8 of the Act are performed, by monitoring as to whether they have performed or not;

- (c) Provide material and technical supports to the concerned agencies of the federal, provincial, districts and local levels required for disaster management by maintaining coordination with them;
- (d) Provide suggestions to the concerned agencies to incorporate matters in relation to disaster management in academic curriculum by preparing the same;
- (e) Determine disaster risks reduction system and method, including insurance and social security, and implement or cause to implement the same;
- (f) Make necessary arrangements for the safety of staffs and volunteers to be deployed in time of disaster.

4. Expert Committee:

- (1) The Ministry may establish an Expert Committee consisting of expert members, not exceeding five, as specified in sub-section (1) of section 9 of the Act.
- (2) The qualifications of members of the Expert Committee to be established under sub-rule (1) shall be as follows:
 - (a) having attained 35 years of age;
 - (b) having gained a ten- year of experience in the related sector after holding master's degree in the related subject from a recognized university;
 - (c) not having convicted of a case of corruption, rape, human trafficking and transportation, sale, distribution, import and export of drugs, money laundering, misuse of passport, hijacking and other criminal cases of moral turpitude;
- (3) The functions, duties and powers of the Expert Committee to be established under sub-rule (1) shall be as follows:
 - (a) Provide suggestions for the reduction of disaster risks by identifying disaster risks threatening areas based on geological condition of Nepal;
 - (b) Provide suggestions for enhancing capacity building on disaster risks, disaster management information system

- and information dissemination by assessing, mapping and analyzing disasters based on their intensity;
- (c) Provide suggestions/opinions on related subjects of disaster to be incorporated in academic syllabi;
 - (d) Provide suggestions for making early forecast, prevention and management on pandemic and public health related occurrences in accordance with the national and international knowledge and methods;
 - (e) Provide suggestions with the identification of a variety of disaster risk reduction and management aspects by discussing with the experts and stakeholders on the impact of climate change;
 - (f) Provide suggestions for the methods to be applied to make the public and private sectors active and responsible to contributing in the activities of disaster recovery;
 - (g) Provide suggestions for the construction of suitable infrastructures based on further enhanced and resilient standards;
 - (i) Provide suggestions for making the activities on disaster risk reduction, disaster preparedness, disaster dividends and reconstruction more effective by protecting economic and social development, and the environment;
 - (j) Provide opinions and suggestions on the subjects as requested by the Executive Committee and the Ministry.
- (4) Meeting allowances may be provided to members of the Disaster Management Committee as prescribed by the Ministry with concurrence of the Ministry of Finance.
 - (5) Rules of procedure for the Expert Committee as referred to in sub-rule (1) shall be such as may be prescribed by the Ministry at the time of its formation.

5. Functions, Duties and Powers of the Authority: Subject to the functions, duties and powers of the Authority as specified elsewhere in the Act, the additional functions, duties and powers of the Authority shall be as follows:

- (a) Lay down curriculum and standards for orientation and training programs on disaster management to be provided to the staffs and workers based on the nature of public enterprises and business establishments;
 - (b) Discharge or cause to be discharged capacity building related functions to enhance public awareness on disaster management;
 - (c) Coordinate with the security agencies to establish a flying squad with a view to mobilizing immediately in time of disaster, and make arrangement for the training and orientation programs required to such squad;
 - (d) Stock safely the relief materials to be made available in time of disaster and make distribution arrangements to the affected people in a transparent manner;
 - (e) Provide guidance to the related agencies of the federal, provincial and local levels on matters in relation to reduction of disaster risk to be followed in carrying out developmental activities;
 - (f) Provide guidance to conduct programs/activities of governmental entities, Non-Governmental Organizations and the private sector engaged in disaster management based on the priority and need of Government of Nepal;
- (2) The Authority shall submit a report of activities performed by it to the Ministry regularly.
 - (3) The Government of Nepal shall approve organizational structure and job descriptions of the staffs of the Authority.
 - (4) The Division to oversee the matter on disaster management at the Ministry shall discharge the functions of the Authority until its establishment.

6. Secretariat and Meeting of District Disaster Management Committee:

- (1) The District Administration Office shall discharge the secretarial functions of the District Disaster Management Committee.
- (2) The District Disaster Management Committee shall meet at such time, date and place as such may be prescribed by the chairperson of the Committee.

- (3) The member-secretary of the District Disaster Management Committee shall provide to all members with a notice specifying date, time and venue of the meeting along with agenda to be discussed prior to the meeting held.
- (4) The Chairperson shall preside over the meetings of the District Disaster Management Committee and if for any reason, the Chairperson of the Committee is unable to attend the meeting of the Committee, the member as such may be nominated among themselves shall preside at the meeting.
- (5) Decisions of the District Disaster Management Committee shall be made by a majority of vote and in case of tie the Chairperson shall cast a decisive vote.
- (6) The District Disaster Management Committee may invite representatives from the concerned agencies or organizations and experts in its meetings if deemed necessary.
- (7) The Committee shall meet at least once in every quarters.
- (8) The District Disaster Management Committee shall make its rules of procedure for the meetings on its own.
- (9) The Member-Secretary of the District Disaster Committee shall attest, and keep record of the decisions of the District Disaster Committee.

7. Functions, Duties and Powers of the District Disaster Management Committee: Subject to the functions, duties and powers of the District Disaster Management Committee as specified elsewhere in the Act, the additional functions, duties and powers of the Committee shall be as follows:

- (a) Coordinate with the Authority, the Provincial Disaster Management Committee and the Local Disaster Management Committee in relation to operation and management of disaster management activities;
- (b) Lay down a disaster preparedness action plan for reduction of disaster risk and implement the same;
- (c) Make necessary arrangement to store search and rescue materials necessary for the use of up to fifty rescue workers;

- (d) Mobilize and manage communications sets to transmit information in time of disaster;
- (e) Prohibit in transmitting such information such as may create unnecessary panic or fear to the citizen in time of disaster;
- (f) Coordinate and monitor the activities carried out by the national and international Non-Governmental Organizations active in the field of disaster management in a regular basis.

8. Functions, Duties and Powers of the Local Disaster Management Committee: Subject to the functions, duties and powers of the Local Disaster Management Committee as specified elsewhere in the Act, the additional functions, duties and powers of the Committee shall be as follows:

- (a) Lay down plans and programs on reduction of disaster risk and disaster management along with action plan, and implement or cause to implement the same;
- (b) Make necessary arrangements for reduction of disaster risk in development related works by assessing, mapping and analyzing disaster risks at local level;
- (c) Ensure that the national building codes, building construction standards, including other approved guidelines or standards are followed, by monitoring the same;
- (d) Make provision for capacity building of the staffs and volunteers to be deployed for disaster management;
- (e) Arrange the safety equipment and insurance necessary for the protection of persons involved in rescue operations in time of disaster;
- (f) Make available search and rescue materials to the security agencies on demand pursuant to sub-section (5) of section 18 of the Act;
- (g) Use traditional knowledge, skills, and know-how for disaster management, and make necessary provision for mobilization of local communities;
- (h) Lay down disaster risks reduction methods and processes, including the insurance and social security, and implement or cause to implement the same;

- (i) Establish a sector-wise team for disaster management and mobilize the same.
- (2) The Local Disaster Management Committee may establish a disaster preparedness and response committee at ward levels and mobilize the same.

9. Responsibility of Public Enterprise and Business Establishment:

- (1) The public enterprises and business establishments shall perform their duties as specified in sub-section (1) of section 20 of the Act and the directions given by the Authority from time to time in order to prevent the occurrence of a disaster.
- (2) The public enterprises and business establishments shall lay down a business continuity plan to give their business continuity in pre, during and post disaster periods.
- (3) The Public enterprises and business establishments shall install fire extinguisher, including disaster prevention devices as such may be prescribed by the Authority.
- (4) The Authority and the concerned disaster management committees shall monitor whether the public enterprises and business establishments have fulfilled their responsibilities as specified in the Act and rules.

10. Administration of the Fund:

- (1) The Disaster Management Fund at the central level shall be kept in the accounts by the Executive Committee in any class 'a' commercial bank selected through competition.
- (2) The Fund shall be used towards meeting the expenses for disaster management activities and relief distribution programs only as decided by the Executive Committee.
- (3) The Fund's money as specified in sub-rule (2) shall not be used for regular administrative functions.
- (4) The Fund shall be operated with the joint signature of the Chief Executive or such other officer of the Authority as such power may be delegated by him and the head of finance section of the Authority.

- (5) Other provisions in relation to administration of the Fund shall be as such may be prescribed by the Executive Committee.

11. District Disaster Management Fund:

- (1) A District Disaster Management Fund shall be established for disaster management in every district.
- (2) The following amounts shall be credited to the District Disaster Management Fund:
 - (a) An amount provided by Government of Nepal;
 - (b) An amount provided by the Authority;
 - (c) An amount provided by the Province Government;
 - (d) Aid or grant provided by foreign governments, individuals or international organizations, with the approval of the Ministry of Finance, Government of Nepal;
- (3) The fund may be used for meeting the expenses towards the disaster management activities and relief distribution programs only as decided by the District Disaster Management Committee.
- (4) The Fund's money as specified in sub-rule (3) such shall not be used for regular administrative functions.
- (5) The District Disaster Management Fund shall be operated with the joint signatures of the chairperson of the District Disaster Management Committee or such other officer of the district administration office as such power may be delegated by him and the head of finance section of the District Administration Office
- (6) District Disaster Management Fund shall be kept in the accounts by the District Disaster Management Committee in any class 'a' commercial bank.
- (7) Accounts of the District Disaster Management Fund shall be audited by the Auditor-General.
- (8) The Authority may make inspection of the District Disaster Management Fund's operation as and when necessary.
- (9) Other provisions in relation to the District Disaster Management Fund's operation shall be as such may prescribed by the District Disaster Management Committee.

12. Requisition of Property: Where the office buildings of Non-Governmental Organizations, academic institutions or other organizations, and movable or immovable properties of any individual requisition pursuant to clause (d) of section 33 of the Act by the Government of Nepal, it shall remain further for a maximum period of thirty days from elapsing the period of disaster threatening declaration.

13. Certification and Provide of copies of Documents Lost or Destroyed in Disaster:

- (1) The concerned agencies shall provide new copies of such documents lost or destroyed in a disaster under the prevailing law and keep record of the same if the local levels have certified as per recommendation of the Local Disaster Management Committee stipulating that vital documents were lost and not found, or such documents were fully or partially damaged.
- (2) Notwithstanding anything contained in sub-rule (1), the concerned agency may certify such document or a duplicate copy thereof, based on the recommendation of the Local Disaster Management Committee, based on any other evidentiary document issued by a government entities in the case that any certified copy thereof has not found.
- (3) If a duplicate copy of such document lost or destroyed as referred to in sub-rule (1) is known remained in any government entities or organizations, or business establishments, the concerned person may make a request to obtain a copy of such documents therefrom, and it shall be the duty of such entities to provide a copy thereof.

14. Honor and reward be given:

- (1) The Ministry may honor, or give reward to, a person or organization making special contribution to disaster management based on a recommendation of the Provincial or local levels each year.
- (2) The amount of reward as specified in sub-rule (1) shall be as such may be prescribed by the Executive Committee in consultation with the Ministry of Finance, Government of Nepal.
- (3) The Authority may lay down necessary standards in relation to honor and reward to be awarded pursuant to sub-rule (1).

15. Liaison with the Ministry: The Authority shall liaison with the Ministry while mobilizing the security forces for disaster response in time of disaster.

16. Annual Report:

- (1) The Local Disaster Management Committee shall prepare once every year an annual report giving true and full accounts of all activities carried out by it in each fiscal year and copies thereof forward to the District Disaster Management Committee and the Provincial Disaster Management Committee within twenty days following the elapse of preceding fiscal year.
- (2) The District Disaster Management Committee shall prepare once every year an integrated annual giving true and full accounts of all activities carried out by it and copies thereof forward to the Provincial Disaster Management Committee within forty days following the elapse of preceding fiscal year.
- (3) The Provincial Disaster Management Committee shall prepare once every year an annual report giving true and full accounts of all activities carried out by it, the District Disaster Committee and the Local Disaster Committees in each fiscal year and copies thereof forward to the Council through the Authority within sixty days following the elapse of preceding fiscal year.
- (4) The Authority shall prepare once every year an annual report giving true and full accounts of all activities carried out by it in each fiscal and copies thereof forward to the Council through the Executive Committee.
- (5) The reports as specified in sub-rules (3) and (4) shall be made public by the Authority.