

# Disaster Risk Reduction and Management Act, 2074



**Government of Nepal**  
**Ministry of Home Affairs**

# Table of Contents

Chapter-1:	Preliminary.....	53
Chapter-2:	Establishment of the Council and its Functions, Duties and Powers.....	56
Chapter-3:	Establishment of Executive Committee and its Functions, Duties and Powers.....	58
Chapter-4:	Establishment of Authority and its Functions, Duties and Powers.....	63
Chapter-5:	Provisions on Chief Executive and Staffs.....	66
Chapter-6:	Provision on Provincial Disaster Management Committee and Provincial Disaster Management Executive Committee.....	67
Chapter-7:	Provision on District and Local Disaster Management Committee.....	70
Chapter-8:	Functions, Duties and Powers of the Security Agencies and Other Agencies .....	74
Chapter-9:	Provision on Disaster Management Fund .....	77
Chapter-10:	Offence and Punishment .....	78
Chapter-11:	Miscellaneous .....	81

# Disaster Risk Reduction and Management Act, 2074

Date Assented: 2074/07/05 (10/22/2017)

First Amendment, 2075: 2075/11/19(2/23/2019)

## Act No.45 of the year 2074(2017)

**Preamble:** Whereas, it is expedient to amend and unify the prevailing law on reduction of disaster risks and management to protect human lives and properties of the public, private and individual, to preserve natural and cultural heritage, and to keep physical infrastructures safe from natural and non-natural disasters by effectively coordinating and managing all activities on reduction of disaster risk and management.

**Be it enacted by the Legislative- Parliament** in accordance with sub-article (1) of article 296 of the Constitution of Nepal.

## Chapter-1 Preliminary

### 1. Short Title and Commencement:

- (1) This Act may be called the Disaster Risks Reduction and Management Act, 2074 (2017)".
- (2) It shall come into force at once.

### 2. Definitions: In this Act, unless the context otherwise requires -

- (a) "Chief Executive" means the Chief Executive of the Authority;
- (b) "Executive Committee" means the Executive Committee established under section 6;
- (c) "Fund" means the Disaster Management Fund established under section 22;

- (d) "non-natural disaster" means an epidemic, famine, wild fire, insects or anthrax attack, animal and bird flu, pandemic flu, snake bite, animal attack, mine, aviation, road, water or industry related accident, fire, toxic gas, chemical or radiation leakage, gas explosion, consumption of toxic foods, environmental pollution, deforestation, or damage to physical infrastructure, and accidents in time of disaster rescue or similar other disasters occurred from non-natural disasters.
- (e) "District Disaster Management Committee" means the District Disaster Management Committee established under section 16;
- (f) "prescribed or as prescribed" means prescribed or as prescribed in rules made under this Act;
- (g) "Council" means the National Council for Disaster Risk Reduction and Management established under section 6;
- (h) "Provincial Disaster Management Committee" means the Provincial Disaster Management Committee established under section 14;
- (i) "natural disaster" means snowfall, hailstone, avalanche, glacial lake outburst flood (GLOF), extreme rainfall, low rainfall, flood, landslide and soil erosion, inundation, storm, drought, cyclone, cold wave, heat wave, lightening, earthquake, volcanic eruption, wild fire or similar other disasters occurred from natural causes.
- (j) "Authority" means the National Disaster Risk Reduction and Management Authority established under section 10;
- (k) "Ministry" means the Ministry of Home Affairs, Government of Nepal;

- (l) "disaster" means a natural or non-natural disaster causing a threatening situation in any place that results in loss of lives and properties and makes severe impacts on livelihood and the environment.
- (m) "disaster search and rescue team" means a specialized search and rescue team active in search and rescue in time of disaster or prepared to be mobilized for disaster management. It also refers to the trained humanitarian workers.
- (n) "reduction of disaster risk" means the activities in relation to assessing and evaluating risks prior to the occurrence of a disaster, mitigation of a disaster, or reduction of loss/damage to be occurred due to a disaster, and reduction of disaster risks in developmental activities.
- (o) "disaster recovery" means reconstruction and rehabilitation activities to be carried out in a post-disaster period.
- (p) "disaster response" means search, rescue and relief operations to be carried out immediately after the occurrence of any disaster. It also includes preparedness to disaster response;
- (q) "disaster management" means all activities in relation to disaster risks reduction, disaster response and disaster recovery;
- (r) "business establishment" means the business establishments such as industries, factories, cinema halls, shopping malls, multi-purpose commercial buildings such as may be prescribed.
- (s) "public entities" means government agencies, public enterprises fully or partially owned by Government of Nepal, a body corporate established under the prevailing law, or all types of health and academic institutions.

- (t) "security agency" means the Nepal Army, Nepal Police, Armed Police Force, Nepal, Department of National Intelligence, and Provincial Police;
- (u) "Local Level" means Village bodies, municipality and district assemblies;
- (v) "Local Disaster Management Committee" means the Local Disaster Management Committee established under section 17.

## **Chapter-2**

### **Establishment of the Council and its Functions, Duties and Powers**

#### **3. Establishment of Council:**

- (1) There shall be established a National Council for Disaster Risk Reduction and Management to discharge disaster related functions effectively.
- (2) The Council shall consist of:
  - (a) The Prime Minister - Chairperson
  - \*(b) Ministers to Government of Nepal -Member
  - (c) Leader of Opposition Party in the House of Representative - Member
  - (d) Chief Ministers of all Provinces - Member
  - (e) Vice-Chairperson of Nepal Planning Commission - Member
  - (f) Chief Secretary of Government of Nepal - Member
  - (g) Commander in-chief of the Nepal Army - Member
  - (h) Commander in-chief of the Nepal Army - Member

---

\* Added by first amendment

- (i) Three persons including at least one female nominated by the Council amongst the persons having expertise in the field of disaster management - Member
- (j) The Executive Officer - Member-Secretary
- (3) The term of office of the members nominated pursuant to clause (i) of sub-section (2) shall be five years.
- (4) Without prejudice to the foregoing sub-section (3), the Council may remove the nominated members at any time if performance seemed unsatisfactory.

#### **4. Meetings of the Council:**

- (1) The Council shall meet at least twice a year at such date, time and place such as may be prescribed by the Chairperson.
- (2) The member-secretary of the Council shall send all members with a notice, specifying date, time and venue of a meeting including agenda prior to forty-eight hours of a meeting held.  
  
Provided that the Chairperson of the Council may arrange any meeting prior to forty-eight hours as he thinks fit.
- (3) If more than fifty percent members of the Council present in a meeting, quorum therefor shall be constituted.
- (4) The Chairperson shall preside over the meetings of the Council.
- (5) Decision of the Council shall be made by a majority of vote and in case of tie the Chairperson shall cast a decisive vote.
- (6) The Council may invite representatives from the concerned agencies or organizations or experts in the meetings of the Council as it deems necessary.
- (7) The Council may make other rules of procedure for the meetings on its own.
- (8) The member-secretary shall attest decisions of the Council.

- 5. Functions, Duties and Powers of the Council:** The functions, duties and powers of the Council shall be as follows:
- (a) Lay down national policy and programs on disaster management;
  - (b) Provide necessary directions to the Executive Committee and the Authority in relation to policy and plan on disaster management;
  - (c) Provide necessary policy guidance to the provincial and local levels on disaster management;
  - (d) Provide direction to the Executive Committee and the Authority for the management financial resources for disaster management and facilitate therefor;
  - (e) Evaluate the functions of disaster management.

### **Chapter-3**

## **Establishment of Executive Committee and its Functions, Duties and Powers**

**6. Establishment of Executive Committee:**

- (1) There shall be established an Executive Committee for the purposes of implementing policies and plans laid down by the Council.
- (2) The Executive Committee shall consist of:
  - (a) Minister for Home Affairs of Government of Nepal - Chairperson
  - (b) Ministers looking after the portfolio of Urban Development, Health, Federal Affairs and Local Development of Government of Nepal - Member
  - \*(c) Secretaries of all Ministries of Government of Nepal - Member
  - (d) Secretary of the Office of Prime Minister and Council of Ministers, Government of Nepal - Member

---

\* Added by first amendment

- (e) Lieutenant General, the Nepal Army - Member
- (f) Chiefs of Nepal Police, the Armed Police Force, Nepal and National Investigation Department - Member
- (g) The Executive Director, Nepal Rastra Bank - Member
- (h) The Chairperson, Nepal Telecommunications Authority - Member
- (i) The Member Secretary, the Social Welfare Council - Member
- (j) The Chairperson, Nepal Chamber of Commerce - Member
- (k) The Chairperson, Nepal Red Cross Society - Member
- (l) The Chairperson, Federation of Nepalese Chambers of Commerce and Industries - Member
- (m) The Chief Executive - Member-Secret

**7. Meetings of the Executive Committee:**

- (1) The Executive Committee shall meet at the time, date and venue as such may be prescribed by the Chairperson.
- (2) The member secretary of the Executive Committee shall provide all the members with a notice specifying date, time, venue, and agenda of the meeting prior to twenty-four hours of the meeting held.

Provided that the Chairperson may call a meeting of the Executive Committee prior to twenty-four hours of the meeting held as he thinks fit.

- (3) If more than fifty percent members of the Council present in a meeting, quorum of a meeting shall be constituted.
- (4) The Chairperson shall preside over the meetings of the Executive Committee.
- (5) Decisions of the Executive Committee shall be made by a majority of vote and in case of tie the Chairperson shall cast a decisive vote

- (6) The Executive Committee may invite representatives of the concerned agencies or organizations or experts in the meeting as necessary.
- (7) The Executive Committee may make other rules of procedure for the meeting on its own.
- (8) The Member - Secretary of the Executive Committee shall attest the decisions of the Committee.

**8. Functions, Duties and Powers of the Executive Committee:**

The functions, duties and powers of the Executive Committee shall be as follows:

- (a) Prepare national policy and plan on disaster management and submit the same to the Council for its approval;
- (b) Approve integrated and sectoral policies, plans and programs on disaster risk reduction, disaster response and disaster recovery subject to the national policy and plan laid down by the Council, and implement or cause to implement the same;
- (c) Approve strategic plans and programs on disaster management and implement or cause to implement the same;
- (d) Suggest the roles of the public, private, Non-Governmental Organizations, including all entities and organizations on disaster management to be performed thereto and ensure that matters related to disaster management are incorporated in such organizations' policies, plans and programs;
- (e) Suggest the roles and responsibilities of the Ministries, Departments and other agencies of Government of Nepal on disaster management,
- (f) Enhance the institutional capacity of the Federal, Provincial, District and Local levels on disaster management,
- (g) Ensure that disaster management related matters are incorporated in the curriculum of schools up to higher level;

- (h) Lay down a sectoral contingency plan for reduction of disaster risks, and implement and cause to implement the same;
- (i) Identify risk pronged areas for reduction of threatening impacts of natural disasters, and prepare and cause to prepare risk and threatening mapping of such areas;
- (j) Prepare risk sensitive development and land use planning, and implement or cause to implement the same;
- (k) Assess or cause to assess disaster risk of public infrastructures,
- (l) Relocate or cause to relocate the people and communities in safe zones who are living along the riverbanks, in steep-slope lands threatening to landslide and inundation threatening areas or any other disaster risk threatening areas;
- (m) Lay down a special plan and program for women, children, senior citizen, Dalit, marginalized groups and communities, people with disabilities who are at disaster risk, and implement and cause to implement the same;
- (n) Identify the most vulnerable communities and implement or cause to implement the risk reduction programs;
- (o) Ensure that a national early warning system is developed and operated;
- (p) Lay down a national framework on disaster response, and implement or cause to implement the same;
- (q) Make arrangement for immediate relief operations to the disaster affected people,
- (r) Lay down necessary rules of procedure and standards on activation automatically the institutional mechanisms to carry out primary functions immediately, including search, rescue and relief operations in time of disaster, and ensure the implementation;
- (s) Make immediate provision of emergency medical treatment to disaster victims by setting up adequate settings and services in public and private hospitals or health centers,

- (t) Lay down necessary standards on the roles for mass media to be followed in time of disaster and ensure the implementation;
- (u) Provide suggestions to Government of Nepal on matters to national policies on immigration, customs and quarantines to be followed in time of disaster,
- (v) Ensure that the activities in relation to economic recovery, employment creation, and income generation for livelihoods are implemented;
- (w) Ensure that disaster recovery programs in the disaster affected areas are implemented;
- (x) Ensure that international, bilateral and multilateral assistance for disaster management are implemented subject to the prevailing law;
- (y) Ensure the implementation of other functions on disaster management as such may be prescribed by Government of Nepal or the Council,
- (z) Ensure the implementation of other functions in relation to disaster management as such may be prescribed.

**9. Establishment of Expert Committee:**

- (1) The Ministry may establish an Expert Committee consisting of such number of members, not exceeding five, amongst geologists, consultants doctors, experts on disaster management, the environment, or the infrastructure to formulate policies, plans and programs on disaster management and to provide suggestions to conduct study and research on disasters.
- (2) The qualifications, functions, duties and allowances of the Committee members pursuant to sub- section (1) shall be as such may be prescribed.

## **Chapter-4**

### **Establishment of Authority and its Functions, Duties and Powers**

#### **10. Establishment of Authority:**

- (1) There shall be established a National Disaster Risk Reduction and Management Authority under the Ministry to effectively carryout and manage disaster management activities.
- (2) The Authority shall function under direct the supervision and control of the Executive Committee.
- (3) The headquarters of the Authority shall be in the Kathmandu Valley and offices may be established in other places, as deemed necessary.
- (4) The Authority shall function as the secretariat in behalf of the Council and the Executive Committee.
- (5) Other provision related to Authority shall be as such my be prescribed.

#### **11. The Functions, Duties and Powers of the Authority:** The functions, duties and powers of the Authority shall be as follows:

- (a) Ensure that plans, programs and decisions made by the Council and the Executive Committee are implemented;
- (b) Function as the central resource agency in relation to reduction of disaster risk and management;
- (c) Ensure that programs on study and research on river training, flood control, landslide, earthquake, global warming, climate change, land use and various other hazards prevention and threatening situations to disaster, and mitigation measures are implemented;
- (d) Provide financial and technical assistance to the provincial and local levels to formulate periodic plans on disaster management;
- (e) Engage or cause to engage the Non-Governmental Organizations (NGOs), the private sector and local communities in discharging functions on disaster management, and facilitate their activities;

- (f) Provide or cause to provide search, rescue, and relief operations by constituting search and rescue teams at the federal, provincial and local levels, and enhance their capacity;
- (g) Rescue or cause to rescue the people at risk immediately after the occurrence of disasters, and coordinate with the concerned agencies to arrange reliable safety measures to save the lives and properties of disaster affected inhabitants;
- (h) Mobilize or cause to mobilize the security agencies, the search and rescue teams, flying squads, local communities, Nepal Red Cross Society, Nepal Scout, volunteers, technical experts including stakeholder organizations;
- (i) Manage or cause to manage national and international search and rescue teams, and distribute cash and relief materials to be received for humanitarian assistance following the occurrence of a disaster;
- (j) Maintain integrated records of international, bilateral and multilateral assistance to be received in the field of disaster management;
- (k) Collect, analyze, store and disseminate information and data on disaster management by developing and operating a national disaster management information system;
- (l) Provide suggestions/recommendations to the various agencies of Government of Nepal, including other organizations on matters in relation to disaster risks reduction and management;
- (m) Lay down standards and subject matters to the orientation training on disaster management to be provided to the staffs and workers of the public enterprises and business establishments;
- (n) Keep on high alert the administrative and security machineries related to disaster management at the federal, provincial and local levels to be mobilized at once;
- (o) Ensure the implementation of public awareness on reduction of disaster risk;

- (p) Conduct or cause to conduct study and research on geo-science, seismology, hydrology and meteorology, global positioning system, remote sensing system, early warning system including modern and traditional technologies for the reduction of disaster risks and utilize or cause to utilize the appropriate technologies,
- (q) Operate and manage a National Emergency Operations Centre to provide early information about the likely occurrence of disasters to all concerned, collect, analyze, disseminate information at once and coordinate and activate search, rescue and relief operations,
- (r) Constitute a flying squad to mobilize at once in time of disaster;
- (s) Constitute a volunteer bureau to mobilize at once for the search, rescue and relief operations in time of disaster,
- (t) Mobilize or cause to mobilize local communities and volunteers for the construction of disaster learning centers and temporary rehabilitation shelters for the citizens of disaster affected areas;
- (u) Mobilize or cause to mobilize the private sector, international non-governmental organizations, local communities and other stakeholders for disaster response in a coordinated manner;
- (v) Operate emergency warehouses and manage relief materials for disaster management,
- (w) Provide or cause to provide the psycho-social counseling services to the disaster affected persons,
- (x) Evaluate whether the roles and responsibilities as such may be prescribed by the Executive Committee to Ministries, Departments and other agencies of Government of Nepal have been performed or not, and submit its report to the Executive Committee in this regard;
- (y) Ensure the implementation of other activities on disaster management as such may be prescribed.

- (2) The Authority shall carry out disaster management activities in close coordination with the Council, the Executive Committee and the pertinent Ministries and other agencies of Government of Nepal.

## **Chapter-5**

### **Provisions on Chief Executive and Staffs**

#### **\*12. Chief Executive:**

- (1) Government of Nepal shall, on the recommendation of the committee under sub-section (2), appoint a person to the Chief Executive of the Authority having master's degree from a recognized University and ten years of experiences in the related filed.
- (2) Government of Nepal shall constitute a recommendation committee chaired by the Secretary to the Ministry consisting of expert members, not exceeding two, to recommend appropriate candidates for the appointment of Chief Executive. The committee may make rules of procedure to apply in the recommendation for the appointment of the Chief Executive as well as meetings therefor on its own.
- (3) Tenure of the office of the Chief Executive shall be five years.
- (4) Notwithstanding anything contained in sub-section (3), Government of Nepal may remove the Chief Executive from his position at any time if performance seemed unsatisfactory.
- (5) Before removing the Chief Executive from the position, an opportunity to furnish his/her clarifications shall be provided.
- (6) The Chief Executive shall remain under the direct control of the Executive Committee and be accountable to the Council and Government of Nepal for his/her performance.
- (7) The Chief Executive shall function as the disaster response controller in time of disaster.
- (8) Salary, allowance, terms and conditions of service and functions, duties and powers of the Chief Executive shall be such as may be prescribed.

---

\* Added by first amendment

**13. Staffs on Request and their Secondment:**

- (1) The Authority may forward a request in writing to the pertinent organizations or entities requesting staffs from the civil service, the security agencies, or public enterprises to discharge special tasks in time of disaster, if deemed necessary.
- (2) The pertinent organizations or entities shall second their staffs as may be demanded under sub-section (1) to the Authority.

**Chapter-6**

**\*Provision on Provincial Disaster Management Committee and Provincial Disaster Management Executive Committee**

**\*13a. Provincial Disaster Management Council:**

- (1) There shall be established a Provincial Disaster Management Council chaired by the Chief Minister for the purposes of laying down policy and plan on disaster management, providing policy guidance, and directing to the Provincial Disaster Management Committee in each province as and when necessary.
- (2) Members of the Council, its meetings, decision making, and other matters incidental thereto shall be such as may be prescribed in rules made by the Provincial Government.

**14. Provincial Disaster Management Committee:**

\*(1) Every Provincial Government shall, by notification in the Provincial Gazette, establish a Disaster Management Executive Committee chaired by the Interior Minister for disaster management.

\*(1a) The Provincial Disaster Management Executive Committee shall consist of the chairperson and members, not exceeding fifteen.

- (2) The functions, duties and powers of the Provincial Disaster Management Executive Committee shall be as follows:
  - (a) Lay down provincial level medium-term and short-term policies, plans and programs subject to the national policy and plan as laid down by the Council, and implement and cause to implement the same;

---

\* Added by first amendment

- (b) Facilitate and coordinate the disaster preparedness activities of the local disaster management committees and concerned agencies for their effectiveness;
- (c) Coordinate and collaborate with the federal, provincial, and local levels including other stakeholders to make search, rescue and relief operations more effective;
- (d) Lay down standards for the management of relief materials and implement and cause to implement the same;
- (e) Make or cause to make temporary shelters and other temporary structures for disaster affected people during emergency;
- (f) Make provision of essential supplies such as drinking water, food, clothing, and medical care in the disaster affected areas;
- (g) Mobilize or cause to mobilize volunteers in the disaster affected areas;
- (h) Requisite of vehicles, appliances, equipment, materials, food from the governmental, non-governmental and private organizations at the local levels subject to the prevailing law by keeping records thereof, and use and cause to use the same in the situation where a declaration on disaster threatening situation is imposed by Government of Nepal;
- (i) Ensure that unsafe buildings in the disaster threatening areas declared by Government of Nepal are destroyed, and support to the local levels therefor are provided;
- (j) Relocate or cause to relocate disaster affected people from the unsafe areas to the safe areas;
- (k) Distribute or cause to distribute relief materials and assistance made available by the national or international non-governmental organizations under the prevailing law in a coordinated way;
- (l) Develop or cause to develop the provincial disaster management information systems and early warning systems and operate the same;

- (m) Ensure that information and data on disaster management are collected, analyzed, stored and disseminated at provincial levels;
  - (n) Provide the Authority with the particulars of the activities on search, rescue and relief operations carried out in time of disaster;
  - (o) Supervise and monitor, as necessary, the activities on disaster management carried out by the public enterprises and business establishments under this Act, and provide necessary directions to the concerned organizations and establishments;
  - (p) Discharge necessary functions in relation to market price, false shortage, quality control and regulation in time of disaster;
  - (q) Carry out or cause to carry out other necessary functions in relation to disaster response, recovery, rehabilitation, reconstruction and relocation at provincial levels;
  - (r) Make recommendation to Government of Nepal if there exists a situation to declare disaster threatening situation in the disaster affected area;
  - (s) Discharge or cause to discharge other functions on disaster management such as may \*prescribed in rules made by the Provincial Government.
- (3) The Provincial Disaster Management Committee shall prepare once every year an annual report making evaluation and supervision of activities carried out within its jurisdiction during the previous fiscal year and copies thereof shall be forwarded to the Council through the Authority.
- (4) The secretariat for the Provincial Disaster Management Committee, rules of procedure of the meetings and other provisions shall be as such may be prescribed.

**15. Special Provision on Provincial Disaster Management Committee:**  
Notwithstanding anything contained elsewhere in this Act, Government

---

\* Added by first amendment

of Nepal shall, by notification in the Nepal Gazette, lay down necessary arrangements for disaster management at provincial levels until the formation of provincial governments by holding elections for the Provincial Assembly.

## **Chapter-7**

### **Provision on District and Local Disaster Management Committee**

#### **16. District Disaster Management Committee:**

- (1) There shall be established a District Disaster Management Committee in every district for the purposes of the implementation of disaster management activities as follows:
  - (a) Chief District Officer - Chairperson
  - (b) Representative, District Coordination Committee - Member
  - (c) Chairpersons and Chiefs of Local levels  
Within the district - Member
  - (d) Chief of health-related office of the district - Member
  - (e) Chiefs of Security Agencies of the district - Member
  - (f) Chiefs of infrastructure and social development related offices of the district - Member
  - (g) Chairpersons or representatives of nationally recognized political parties of the district - Member
  - (h) Chief, Nepal Red Cross Society District Chapter - Member
  - (i) Chief, NGO Federation of Nepal District Chapter - Member
  - (j) Chief, Federation of Nepalese Journalist District Chapter - Member
  - (k) Chief, District Chamber of Commerce and Industries - Member
  - (l) Officer as prescribed by the Chief District Officer - Member -Secretary

- (2) The functions, duties and power of the District Disaster Management Committee shall be as follows:
- (a) Support or cause to support for the implementation of the policies, plans and programs laid down by the Council, Executive Committee and the Provincial Disaster Management Committee;
  - (b) Lay down the disaster response plan of the district and implement or cause to implement the same;
  - (c) Run Emergency Operation Centers established at the district level;
  - (d) Carry out search and rescue operations in the disaster affected areas by optimum using and utilizing available resources;
  - (e) Distribute or cause to distribute the relief materials as per the standards laid down by Government of Nepal, and cause to distribute the same accordingly through the governmental and non-governmental offices at the district level;
  - (f) Control the movement of vehicles and peoples in the disaster affected areas as necessary;
  - (g) Take away or cause to take away the garbage and other unnecessary things produced due to disasters;
  - (h) Manage or cause to manage dead bodies of humans and animals died during a disaster,
  - (i) Manage shelters for the disaster affected peoples who are in the disaster threatening areas;
  - (j) Ensure that security agencies are on high alert being able to mobilize immediately in disaster situations;
  - (k) Make provision of essential supplies such as drinking water, food, clothing and medical care in the disaster affected areas,
  - (l) Ensure that temporary physical structures are constructed immediately in the disaster affected areas;

- (m) Requisite of vehicles, equipment, materials, food from governmental, non-governmental and the private sectors under the law, and use or cause to use the same;
  - (n) Ensure that the unsafe or disaster threatening buildings are demolished remained in the disaster affected areas;
  - (o) Relocate the people in a safe zone who are living in the unsafe buildings and disaster affected areas;
  - (p) Mobilize volunteers, experts and consultants in the disaster affected areas and supervise them;
  - (q) Coordinate rescue, relief operations and support activities to be provided by the national and international Non-Governmental Organizations;
  - (r) Coordinate with the local levels including the concerned agencies in relation to search, rescue, relief and recovery activities in disaster situations;
  - (s) Carry out necessary activities to the reduction of minor hazards to be occurred after main disasters;
  - (t) Recommend to Government of Nepal if there exists a situation to declare disaster threatening situation in the disaster affected area;
  - (u) Disseminate disasters related information;
  - (v) Submit a progress report of rescue and relief programs to the Authority;
  - (w) Discharge or cause to discharge other functions on disaster management such as such may be prescribed.
- (3) The provisions for a secretariat of the District Disaster Committee, rules of procedure of the meetings and other provisions shall be as such may be prescribed.

## **17. Local Disaster Management Committee:**

- \*(1) Every local level shall establish a Local Disaster Management Committee consisting of such members, not exceeding fifteen, chaired by the chairperson of village body or mayor of municipality.

---

\* Added by first amendment

- (2) The functions, duties and powers of the Local Disaster anagement Committee shall be as follows:
- (a) Lay down local disaster management plan in the light of the national policy and plan laid down by the Council, and the integrated and sectoral policy, plan and program approved by the Executive Committee and Provincial Disaster Management Committee, and implement the same;
  - (b) Ensure that budget for disaster management is allocated by the local level;
  - (c) Carry out or cause to carry out the activities in relation to disaster management in coordination, and with the involvement of governmental, Non-Governmental and private organizations, local volunteers, social mobilizers, including all concerned stakeholders;
  - (d) Make provision of the training on disaster management to local level officials, employees, volunteers, social mobilizers and communities;
  - (e) Ensure that building codes, other directives and standards are complied with in the construction of physical structures;
  - (f) Constitute a disaster preparedness and response committee at the communities or ward levels to raise awareness on disasters, formulate disaster related plans and programs, and mobilize for an immediate response after disasters;
  - (g) Conduct or cause to conduct drill exercises for a disaster response,
  - (h) Make provision of rescue and relief operations in the disaster affected areas;
  - (i) Monitor whether public organizations and business establishments have discharged the activities or not on disaster management under this Act;
  - (j) Develop or cause to develop an information system on disaster management and early-warning system at local level, and make them operational;
  - (k) Establish and run Emergency Operations Centers at local level and make them operational;

- (l) Ensure that the updated records of lost, damaged or destroyed documents in time of disaster are kept;
  - (m) Identify the number of affected households by a disaster, determine the level of loss and damage, and issue the identity cards, and cause to do the same;
  - (n) Make the fire brigades including other machineries at standby condition to use immediately in time of disaster;
  - (o) Discharge or cause to discharge other functions on disaster management as decided by the Executive Committee, the Provincial Disaster Management Committee and the District Disaster Management Committee;
  - (p) Discharge or cause to discharge other functions on disaster management such as may be prescribed.
- (3) The secretariat for the District Disaster Committee, rules of procedure of the meetings as well as other provisions shall be such as may be prescribed.

## **Chapter-8**

### **Functions, Duties and Powers of the Security Agencies and Other Agencies**

#### **18. Mobilization and Functions, Duties and Powers of Security Agencies:**

- (1) The security agencies shall get mobilized to discharge the functions of disaster management as and when necessary.
- (2) Government of Nepal may mobilize the Nepal Army for search, rescue and relief operations in time of disaster.
- (3) The security agencies shall discharge the following functions on disaster management under the direction and supervision of the Executive Committee, the Authority, the Chairperson of the Provincial Disaster Management Committee and the Chairperson of the District Disaster Management Committee:
  - (a) Provide an early warning on possible disasters and make aware of the communities to the disaster risks reduction;

- (b) Get mobilized immediately in any place once getting the information in relation to the occurrence of a disaster, and communicate such information to the concerned officials or agencies;
  - (c) Carry out emergency search, rescue and relief operations in an effective manner;
  - (d) Conduct training on search and rescue operations, and public awareness programs on disaster management,
- (4) The security agencies shall have the right to enter any place and use the available resources of any person or organization for a disaster response as per the order of Chief District Officer,
- (5) The security agencies may demand necessary materials for search and rescue operations with the Provincial Disaster Management Committee and the Local Disaster Management Committee in disaster situations.

**19. Functions, Duties and Powers of Fire Department and Other Service Providing Agencies:**

- (1) The Fire Department and other service providing agencies shall have to afford immediate information to the concerned Local Disaster Management Committee in time of disaster in any place.
- (2) The Fire Department and other service providing agencies shall comply with the directions issued by the District Disaster Management Committee and the Local Disaster Management Committee to carry out emergency search, rescue and relief operations.
- (3) The Fire Department shall have the right to enter any place and use the available resources of any person or organization in carrying out emergency functions as per the order of the Local Disaster Management Committee.

**20. Duties of Public Enterprise and Business Establishment:**

- (1) The duties of the public enterprises and business establishments on disaster management shall be follows:

- (a) Provide devices, equipment, materials, and make emergency exit to avoid the occurrence of a disaster in their buildings, industries, offices or business premises;
  - (b) Provide necessary support to the Authority and the other committees associated with disaster management in data collection, damage assessment, including all activities of relief, rehabilitation and reconstruction;
  - (c) Provide basic orientation training to their own employees and workers on disaster management as prescribed by the Authority;
  - (d) Keep on standby position of resources and materials to be used for disaster management;
  - (e) Make available their own premises and other structures for the emergency use as per the direction of Government of Nepal, the Authority, the Provincial Government, the Local Level and the Chief District Officer;
  - (f) Provide support to carry out rescue and relief operations under the supervision of the concerned official;
  - (g) Keep the disaster risk reduction machineries on standby position by provisioning the same;
  - (h) Apply measures to reduce the negative impacts on the environment and human lives through the proper management of waste and pollution;
  - (i) Inform the nearest security agencies and local emergency operations centers immediately after the occurrence of disasters.
- (2) The public enterprises and business establishments shall have to lay down disaster management plans in compliance with the disaster management plan of Government of Nepal, the Provincial Government and the Local Levels, and implement the same.

**21. Support for Disaster Management:** The government offices, Non-Governmental Organizations, local organizations, communities, volunteers, civil societies, the private

sector and individuals shall have to support for the activities on disaster management as follows:

- (a) Support in data collection, loss and damage assessment, and relief, rehabilitation, and reconstruction activities, including disaster management;
- (b) Make the public aware of disaster management;
- (c) Support for the capacity building, drill exercise and the training programs on disaster management, and participate therein;
- (d) Support in the activities in relation to search, rescue and relief operations.

## **Chapter-9**

### **Provision on Disaster Management Fund**

#### **22. Disaster Management Fund:**

- (1) A separate fund to be called a Disaster Management Fund shall be established at the central level.
- (2) In the Fund, the following amounts shall be credited there to:
  - (a) Amount made by Government of Nepal;
  - (b) Amount donated or gifted by any organization or individual;
  - (c) Amount provided as assistance, grant or loan by a foreign government, individual or international organization;
  - (d) Amount received from any other sources.
- (3) A concurrence of the Ministry of Finance, Government of Nepal shall be required in receiving any fund in accordance with clause (c) of sub-section (2).
- (4) The Fund shall be administered as such may be prescribed.
- (5) The fund may be used for meeting the expenses towards the disaster management activities and relief operations only.
- (6) Notwithstanding anything contained in the sub-section (5), the Fund's money shall not be used for regular administrative functions.

- (7) The Auditor General shall audit the accounts of the Fund.
- (8) The Authority shall prepare once every year an annual report giving a true and full account of its annual income and expenditure during the previous fiscal year and copies thereof shall be forwarded to the Executive Committee.

**\*23. Other Provisions in relation to the Fund:**

- (1) There shall be established a disaster management fund in every province, district and local level for disaster management.
- (2) Province disaster management executive committee shall work on disaster management functions through district disaster management committee. For that purpose, required fund shall be provided to district disaster management fund from province disaster management fund in accordance with sub-section (1).
- (3) The monies to be credited to the fund in accordance with sub-section (1) and its administration shall be as such may be prescribed by province and local level rules.

## **Chapter-10 Offence and Punishment**

**24. Offence and Punishment:**

- (1) Whoever commits negligence that may be a cause to occur any disaster, or directly involves to cause such incident, shall be punishable with fine up to five lakh rupees or imprisonment for a term which may extend to two years, or both based on the severity of an offence.
- (2) Whoever commits any of the following offence shall be punishable with fine up to one lakh rupees or imprisonment for a term which may extend to six months, or both based on the severity of an offence:
  - (a) whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude leading to panic;
  - (b) whoever, with or without permission, collects donation, relief goods or assistance, or distributes thereof on its own, or uses for personal gains;

---

\* Added by first amendment

- (c) whoever hikes market prices oddly or creates a false shortage or provides sub-standards goods and services in time of disasters.
- (3) Without prejudice to the provisions of sub-section (1), where the offence committed thereunder has attributable to a loss of life, or sustained impairment to any part of body, or bodily injury, such a person shall be punishable under the prevailing law.
- (4) Whoever commits any of the following acts or omissions shall be punishable with up to fifty thousand rupees:
  - (a) obstructs Government of Nepal, the Council, the Authority, or any committee constituted under this Act or any such person authorized in the discharge of his functions under this Act;
  - (b) refuses to comply with the orders or directions issued for the purposes of the implementation of this Act;
  - (c) obstructs to distribute relief goods, or misuse the same;
  - (d) commits any acts contravention to this Act and rules made thereunder, without prejudice to sub-sections (1), (2), and (3);
- (5) Where an offence under this Act has been committed by any organization/body corporate, the person involved in such act, or a head who, at the time the offence was committed, was in charge of, and was responsible to such a body corporate, in the case where the person involved in commissioning such act has not been identified, as the case may be, shall be liable to be proceeded and punished accordingly under this section.

**25. Compensation to be Recovered:** A reasonable amount of compensation may be recovered to every person who sustained losses or damages by way of offence committed by any person under this Act.

**26. Limitation:** A case for any offence under this Act shall be filed with a case- hearing- officer within thirty days from the commissioning date of offence.

**27. To be State Case:**

- (1) Any case under this Act shall be considered a state case.
- (2) Any case filed under sub-sections (1), (2) and (3) of section 24 shall be deemed to be included in Schedule-1 of the State Cases Act, 2049 (1993).

**28. Case Hearing Officer and Appeal:**

- (1) Any case under sub-section (4) of section 24 shall be proceeded and decided by the Chief District Officer.
- (2) An appeal may be filed with the concerned district court against the decision made by the Chief District Officer under sub-section (1) within thirty-five days.

**29. Investigation and Filing of Case:**

- (1) The investigation of a case under sub-section (4) of section 24 shall be carried out by an officer in-charge for the investigation as such may be prescribed.
- (2) The officer in-charge for the investigation under sub-section (1) shall forward the case to the government attorney following the completion of investigation for the decision whether case be filed or not and if decided to file, the office in-charge for the investigation shall file the case with.

**30. Not to be Derogatory to File Case under the Prevailing Law:** - Without prejudice to the provisions of this Chapter, where any act or omission committed against the provisions of this Act violates also the provisions of other acts, there is no restraint to file a case under the prevailing law in such condition.

**31. No Action taken in good faith:** - No suit or prosecution or other proceeding shall lie in any court against any civil servant or employee working in respect of any work done or intended to be done in good faith by such civil servant or employee under the provisions of this Act.

## **Chapter-11 Miscellaneous**

### **32. Declaration of Disaster Threatening Area:**

- (1) Government of Nepal shall declare a disaster threatening area, by notification in the Nepal Gazette, with specifying its borders and period thereof, if deemed necessary and expedient to doing so due to the occurrence of a severe nature of disaster in any part of the country.
- (2) Government of Nepal may extend such period, by notification in the Nepal Gazette, where situation created due to the disaster has not come under control within the period as specified in sub-section (1).
- (3) A notice declaring disaster threatening area pursuant to sub-sections (1) and (2) shall be, or shall cause to be, published and broadcasted by the national mass media.
- (4) Without prejudice to the generality of the provisions of sub-sections (1) and (2), Government of Nepal may, by notification in the Nepal Gazette, withdraw such a declaration at any time, where no situation as specified in sub-section (1) has existed so far.

### **33. Order may be Issued by Government of Nepal:**

- (1) Government may issue orders or directions to any person, organization or official to discharge any or all the functions as specified below in the disaster threatening area as declared in accordance with sub-section (1):
  - (a) Close down governmental or non-governmental offices, academic institutions or other organizations for some period in such area as it deems necessary;
  - (b) Forbid to perform activities that may adversely affect rescue operations in such area,
  - (c) Depute employees of governmental or non-governmental offices, academic institutions or other organizations;
  - (d) Requisition of movable or immovable properties of non-governmental offices, academic institutes, other

- organizations or individuals by keeping records thereof for a period as such may be prescribed if deemed necessary;
- (e) Use and mobilize governmental resources and equipment;
  - (f) Requisition of vehicles of non-governmental offices, academic institutions, other organizations or individuals of the concerned district for a certain period by keeping records thereof and use the same;
  - (g) Requisition of food, clothing, medicines, construction materials and other goods of Non-Governmental organizations, academic institutions, other organizations or individuals of the concerned district by keeping records thereof and distribute the same to the disaster affected people,
  - (h) Ensure that necessary measures are applied to protect lands, houses, factories, temples, religious places and such other important monuments or places from being damaged in such area;
  - (i) Deploy assisting teams in the disaster threatening area by constituting such teams;
  - (j) Restrict the movement of people and vehicles in the disaster threatening area,
  - (k) Adopt other necessary security measures to protect lives and properties of general public,
  - (l) Discharge other necessary functions for disaster management as deemed necessary.
- (2) It shall be the duty of all concerned individuals, organizations or officials to comply with orders issued in accordance with sub-section (1)

**34. To Enter Any Place:** The pertinent organization's officials involved in the functions of search, rescue and relief operations may, with giving a notice, enter any premises, house, etc. remained in areas likely to occur, or threatening to occur a disaster in time of disasters as and when necessary.

**35. Approval to be Obtained from Government of Nepal:** Approval of Government of Nepal shall be required to have obtained by any foreigner or foreign organization to enter any disaster affected area.

**36. International Humanitarian and Other Aids to be Sought:**

- (1) Government of Nepal may seek international humanitarian and other aids where it is deemed that internal resources and provisions are found insufficient to manage immediate requirements for disaster situations.
- (2) Government of Nepal may declare that additional international aids as specified in sub-section (1) are no longer required as disaster situations have come under control.

**37. Immediate Procurement and Construction:** Where by reason of any disaster situation, that immediate procurement of relief materials, or construction works are needed to carry out search, rescue, or relief operations, and prevent further damages from the damages already suffered, procurement may be made in accordance with the provisions on procurement in special circumstances stated in the prevailing law in relation to public procurement.

**38. Payment of Compensation:**

- (1) Whenever any property or vehicle of Non-Governmental Organizations, academic institutions, other organizations or individuals requisites in pursuance of clauses (d) or (f) of sub-section (1) of section 33 of the Act, a rental charge for the use of such property or vehicle shall be paid to the concerned offices, organizations or individuals as per the prevailing rates by the officials, organizations or the disaster management committees, as the case may be, such as may be prescribed by the Authority.

Provided that for the requisition of lands with harvests or to be harvested therein the essential compensation shall also be paid for such harvests damaged or would-be-damaged.

- (2) Whenever requisitions of food, clothing, medicines, construction materials and other supplies of Non-Governmental Organizations, academic institutions, other organizations or individuals pursuant to sub-clause (g) of sub-section (1) of section 33 of the Act,

compensation shall be paid to the concerned offices, organizations or individuals for the use of such items as per the prevailing rates by the officials, or organizations, or the disaster management committees, as the case may be, such as may be prescribed by the Authority.

**39. Minimum Standards for Relief Distribution:**

- (1) Government of Nepal, on the recommendation of the Executive Committee, shall lay down minimum standards on relief distribution to the disaster affected people.
- (2) Subject to the other matters, the following matters shall be incorporated in the minimum standards as specified in sub-section (1):
  - (a) Accommodation, food, drinking water, health and sanitation to be provided to the disaster affected people while staying in temporary shelters;
  - (b) Minimum relief to be provided to the persons, who have lost their family member(s) or their properties in time of disaster;
  - (c) Comfort of women, children, senior citizen, and people with disabilities;
  - (d) Livelihoods for the victims by way of self-employment or employment, except the minimum relief;
  - (e) Relief to be provided through non-governmental or individual basis;
  - (f) Relief distribution through one window system;
  - (g) Other fit and proper matters in relation to relief.
- (3) The minimum standards on relief operations pursuant to sub-section (1) shall be followed by all agencies, individuals or organizations engaged in relief distribution to the disaster affected people.

**40. Document lost or damaged in time of disaster:** Substantiation and making available a duplicate copy of document(s) lost or damaged in full

or partial, as the case may be, in time of disasters shall be as such may be prescribed.

- 41. Exemption:** Government of Nepal may exempt the expenses of the materials and equipment used for disaster management by the government offices or public enterprises pursuant to the prevailing law.
- 42. To Provide Direction:** The Executive Committee may issue necessary directions to any individual or agency in relation to disaster management pursuant to this Act and it shall be the duty of all concerned to comply with.
- 43. Constitution of Sub-Committee:**
  - (1) The Executive Committee, the Provincial Disaster Management Committee, the District Disaster Management Committee and the Local Disaster Management Committee may constitute sub-committees as and when necessary.
  - (2) The functions, duties, powers and working procedures of sub-committees constituted pursuant to sub-section (1) shall be as such may be prescribed during constitution.
- 44. Providing Reward:** The Authority shall make provision of reward to honor notable persons or organizations who makes special contribution to disaster management.
- 45. Annual report:**
  - (1) The Local Disaster Committee shall prepare once every year an annual report giving a true and full account of its activities during the previous fiscal year and copies thereof shall be forwarded to the District Disaster Management Committee, the Provincial Disaster Management Committee.
  - (2) The District Disaster Management Committee shall prepare once every year an annual report giving a true and full account of its activities during the previous fiscal year and copies thereof shall be forwarded to the Provincial Disaster Management Committee.
  - (3) The Provincial Disaster Committee shall prepare once every year an annual report giving a true and full account of its activities

during the previous fiscal year and copies thereof shall be forwarded to the Council through the Authority.

- (4) The Authority shall make public such annual reports submitted pursuant to sub-section (1).

**46. Delegation of Authority:**

- (1) The Executive Committee may delegate some of its authority, conferred to it under this Act and rules made thereunder, to the Authority and the Executive Chief such subject to such conditions, as such may be specified.
- (2) The Provincial Disaster Management Committee, the District Disaster Management Committee, and Local Disaster Management Committee may delegate some of its authority, conferred to them under this Act and rules thereunder, to the chairpersons of the concerned committee and other officers as necessary.

**47. Power to Make Rules:** The Government of Nepal may make necessary rules to implement this Act. The Government of Nepal may, by notification in the Nepal Gazette, make such rules for carrying the purposes of this Act.

**\*47a. Power of Provincial Government to Make Rules: -**

- (1) The Provincial Government may make rules to give effect to disaster management efficiently and effectively in accordance with the provisions of this Act.
- (2) Without prejudice to the generality of the provisions of this Act, the Provincial Government may make rules for all or any of the following matters, namely: -
  - (a) The composition of the Provincial Disaster Management Committee, and its functions, duties and powers;
  - (b) Amount credited to the Provincial Disaster Management Fund, its operation and management;
  - (c) Other matters to be specified in rules under this Act.
- (3) The rules to be made under this Act by the Provincial Governments shall come into force once notified in the Provincial Gazette.

---

\* Added by first amendment

**48. Power to Make Procedures and Standards:** \*The Executive Committee may make necessary Procedures and Standards under this Act and rules made thereunder.

**49. Repeal and Savings:**

- (1) The Natural Calamities (Relief) Act, 2039 (1982) is hereby repealed.
- (2) The functions discharged, and activities carried out, under the Natural Calamities (Relief) Act, 2039 (1982) are deemed have discharged and carried out under this Act.

---

\* Added from first amendment