



## **DISASTER MANAGEMENT BILL OF THE KINGDOM OF BHUTAN, 2011**

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## **Preamble**

WHEREAS, in pursuit of Gross National Happiness, the Royal Government of Bhutan deems it necessary to protect the lives and properties of the people, ensure safety and security of the public assets and services by reducing and managing risk arising out of disaster, which threatens or affects the nation as a whole or part thereof.

Parliament of the Kingdom of Bhutan during its ..... Session held on..... Day of the .....Month of **2011** enacts the Disaster Management Act of the Kingdom of Bhutan, **2011**.

## **Chapter 1 Preliminary**

### **Short title, commencement and extent**

1. This Act shall:
  - 1) be called the Disaster Management Act of the Kingdom of Bhutan, **2011**;
  - 2) come into force on the ...Day of the...Month of the Bhutanese Calendar corresponding to ...Day of the ... Month of **2011**; and
  - 3) extend to the whole of the Kingdom of Bhutan.

### **Repeal**

2. This Act shall repeal the National Disaster Risk Management Framework, 2006 and provisions of any law including directives and circulars that are inconsistent with this Act.

### **Limitation of application of Act**

3. This Act shall not apply to an emergency wherein the financial stability or credit of Bhutan is threatened or the sovereignty, security and territorial integrity of Bhutan or any part thereof is threatened by an act of external aggression, armed rebellion, terrorism or civil disorder.

### **Relationship to other Acts**

4. Nothing in this Act prevents a declaration of an emergency under another Act such as the National Emergency Act of the Kingdom of Bhutan.
5. The powers during threatening disaster situation or disaster are in addition to and do not limit the powers a person may have under another Act such as National Emergency Act of

the Kingdom of Bhutan.

### **Construction**

6. In this Act, the singular shall mean the plural wherever applicable.

### **Purpose**

7. The purpose of this Act is to provide for:

- 1) the establishment and strengthening of institutional capacity for disaster management;
- 2) mainstreaming of disaster risk reduction;
- 3) an integrated and coordinated disaster management focusing on community participation; and
- 4) matters incidental thereto.

## **Chapter 2**

### **National Disaster Management Authority**

#### **Establishment of National Disaster Management Authority**

8. The National Disaster Management Authority shall be the highest decision making body on disaster management in Bhutan.

#### **Composition of National Disaster Management Authority**

9. The National Disaster Management Authority shall comprise:
- 1) the Prime Minister, who shall be the ex-officio Chairperson;
  - 2) the Minister of Home and Cultural Affairs, who shall be the ex-officio Vice Chairperson;
  - 3) the Finance Minister;
  - 4) the Secretaries of all Ministries;
  - 5) Dasho Zimpon, Office of the Gyalpoi Zimpon;
  - 6) the Head of the National Environment Commission;
  - 7) the Secretary of the Gross National Happiness Commission;
  - 8) the Head of the Department of Disaster Management, who shall be the Member-Secretary; and
  - 9) such other member as may be co-opted in accordance with the rules framed under this Act.
10. On the expiry of the term of the National Assembly or in the event of its dissolution, the Chief Advisor of the Interim Government shall assume the duties of the Chairperson of the Authority until the reconstitution of the new National Assembly.
11. Composition of the National Disaster Management Authority shall not exceed 20 including compulsory members.

#### **Function of National Disaster Management Authority**

12. The National Disaster Management Authority shall:
- 1) lay down the Disaster Management Strategic Policy Framework;
  - 2) approve the National Disaster Management and Contingency Plan;
  - 3) approve hazard zonation and vulnerability map;
  - 4) approve structural and non-structural measures and direct its implementation;
  - 5) approve national standard, guideline and standard operating procedure for effective disaster management;
  - 6) recommend allocation of fund for the purpose of recovery and reconstruction;
  - 7) direct agencies to mainstream disaster risk reduction into their development plans, policies, programmes and projects;

- 8) allocate resources from the National Disaster Management Budget; and
  - 9) ensure the establishment of an Inter-Ministerial Task Force.
13. Without prejudice to the generality of the provision contained in section 12 of this Act, the National Disaster Management Authority may:
- 1) direct any agency including private sector on disaster management;
  - 2) establish/commission research, development and training in the field of disaster management;
  - 3) direct the Department of Disaster Management, Dzongkhag Disaster Management Committees and agencies including the private sector as may be necessary for the effective implementation of this Act; or
  - 4) perform such other function as may be prescribed under this Act or any law in force.
14. In the case of disaster, the Chairperson of the National Disaster Management Authority may exercise all or any of the functions of the Authority, subject to ex post facto ratification by the Authority.

### **International Assistance**

15. The National Disaster Management Authority shall build relationship in the field of disaster management and disaster risk reduction with Government of other countries, legitimate international organizations, international non-governmental organizations, business establishments or volunteer groups.
16. The National Disaster Management Authority shall put in place a mechanism for international cooperation in the field of disaster risk reduction and disaster management.
17. The National Disaster Management Authority may, based on needs assessment and national capacity to respond to disaster, make recommendations to the Government to appeal for international humanitarian assistance to deal with disaster effectively.
18. The Government may accept assistance of Government of other countries, legitimate international organizations, international non-governmental organizations, business establishments or volunteer groups to discharge its duties under this Act.
19. Subject to agreements entered between the Government and Governments of other countries or legitimate international organizations, the National Disaster Management Authority may frame rules and regulations under this Act to regulate:
- 1) procedure for initiating and terminating international disaster response, relief and recovery assistance;
  - 2) procedure for accepting international disaster response, relief and recovery assistance; and
  - 3) conduct of international disaster response, relief and recovery operation.

## **Meeting and Procedure**

20. The National Disaster Management Authority shall meet at least once every six months.
21. The Chairperson of the National Disaster Management Authority may call a special meeting, if:
  - 1) there is a threatening disaster situation or disaster;
  - 2) a written request is made by a simple majority of the total number of members of the Authority; or
  - 3) the Chairperson considers necessary.
22. The quorum for the transaction of business of the National Disaster Management Authority shall be a simple majority of the total number of members of the Authority.
23. The National Disaster Management Authority may allow members to be present in its meeting by using any technology that reasonably allows a member to participate in the discussion.
24. The National Disaster Management Authority may frame rules and regulations concerning conduct of its meeting.



### **CHAPTER 3**

#### **Dzongkhag Disaster Management Committee**

##### **Constitution of Dzongkhag Disaster Management Committee**

25. Every Dzongkhag Administration shall constitute a Dzongkhag Disaster Management Committee.

##### **Composition of Dzongkhag Disaster Management Committee**

26. The Dzongkhag Disaster Management Committee shall comprise:
- 1) the Dzongdag, who shall be the ex-officio Chairperson;
  - 2) an official from the Regional Office of His Majesty's Representative for People's Welfare;
  - 3) Chairperson of the Dzongkhag Tshogdu;
  - 4) all Gups;
  - 5) all Thrompons, if any;
  - 6) the Superintendent of Police or Officer-in-Charge, Royal Bhutan Police;
  - 7) the Drungchen of the Zhung Dratshang or Dzongkhag Rabdeys ;
  - 8) the Dzongkhag Disaster Management Officer, who shall be the Member-Secretary; and
  - 9) such other member as may be co-opted in accordance with the rules framed under this Act.
27. The Dzongkhag Disaster Management Committee shall elect a Vice Chairperson from amongst its members in accordance with the rules and regulations framed under this Act.
28. The term of the Vice Chairperson elected under section 27 of this Act shall be for three years.

##### **Function of Dzongkhag Disaster Management Committee**

29. The Dzongkhag Disaster Management Committee shall be responsible for coordinating and managing all disaster management operations in the Dzongkhag under the direction and supervision of the National Disaster Management Authority.
30. The Dzongkhag Disaster Management Committee shall:
- 1) prepare, review, update and implement the Dzongkhag Disaster Management and Contingency Plan;
  - 2) monitor and evaluate measures taken for prevention, mitigation, preparedness, response and capacity building by each sector in the Dzongkhag;
  - 3) ensure establishment and functioning of Critical Disaster Management Facility;
  - 4) ensure mainstreaming of disaster risk reduction into the development plan, policy, programme and project;

- 5) ensure compliance of the approved hazard zonation and vulnerability map;
  - 6) ensure the enforcement of structural and non-structural measures;
  - 7) ensure that information about an event or a disaster is promptly communicated to the National Disaster Management Authority, Department of Disaster Management and all concerned;
  - 8) ensure that detailed reports and regular updates on disaster event is provided to the Department of Disaster Management upon completion of field assessment of the situation;
  - 9) with the support of the Department of Disaster Management promote education, awareness, capacity building and community training on hazard, risk, vulnerability and measure to be taken by the community to prevent, mitigate and respond to disaster;
  - 10) conduct regular mock drill;
  - 11) report on a quarterly basis to the National Disaster Management Authority on the progress of implementation of its Disaster Management and Contingency Plan;
  - 12) direct Dungkhag, Thromde and Gewog Disaster Management subcommittee, if any, on such matters as may be necessary for the effective implementation of this Act; and
  - 13) perform such other function as may be prescribed under this Act or any law in force or as directed by the National Disaster Management Authority.
31. In the case of a disaster, the Chairperson of the Dzongkhag Disaster Management Committee may exercise all or any of the functions of the Dzongkhag Disaster Management Committee, subject to ex post facto ratification of the committee.
  32. The Dzongkhag Disaster Management Committee may frame rules and regulations concerning the conduct of its meeting.

### **Disaster Management Subcommittee**

33. The Dzongkhag Disaster Management Committee may, if it considers necessary, constitute a subcommittee at the Dungkhag, Thromde or Gewog level to assist the Dzongkhag Disaster Management Committee in the performance of its functions under this Act.
34. The Dzongkhag Disaster Management Committee may frame rules and regulations under this Act to determine the composition and function of a subcommittee constituted under section 33 of this Act.

### **Function of Chairperson**

35. The Chairperson of the Dzongkhag Disaster Management Committee shall exercise and discharge such functions of the Dzongkhag Disaster Management Committee as the committee may delegate.
36. Without prejudice to the generality of the provision contained in section 35 of this Act, the Chairperson of the Dzongkhag Disaster Management Committee shall:

- 1) regularly review and assess the effectiveness of Dzongkhag Disaster Management and Contingency Plan;
- 2) ensure decision and policy formulated by the Dzongkhag Disaster Management Committee is implemented;
- 3) ensure that disaster risk reduction and disaster management activities are consistent with Disaster Management Strategic Policy Framework;
- 4) provide prompt information on a disaster or an impending disaster situation to the Department of Disaster Management;
- 5) provide regular updates and detailed reports on a disaster event to the Department of Disaster Management upon completion of field assessment of the situation;
- 6) manage response and relief operation in accordance with the directives issued by the National Disaster Management Authority; and
- 7) coordinate delivery of services and resources to disaster affected communities.

### **Function of Gup and Thrompon**

37. Gup and Thrompon shall:

- 1) assist in the preparation of the Dzongkhag Disaster Management and Contingency Plan;
- 2) ensure mainstreaming of disaster risk reduction into Gewog and Thromde plan, policy, programme and project;
- 3) report to the Dzongkhag Disaster Management Committee on the measures taken by each sector on awareness, prevention, mitigation, preparedness, response and capacity building;
- 4) report on a quarterly basis to the Dzongkhag Disaster Management Committee on the progress of the implementation of Dzongkhag Disaster Management and Contingency Plan or Gewog or Thromde Disaster Management and Contingency Plan, if any;
- 5) educate and raise awareness on various hazard, risk and vulnerability in the community
- 6) promote and support community capacity building;
- 7) conduct regular mock drill;
- 8) facilitate efficient functioning of Critical Disaster Management Facility;
- 9) ensure adherence to hazard zonation and vulnerability map;
- 10) ensure implementation of structural and non-structural measures;
- 11) ensure that information about a disaster is promptly communicated to the Dzongkhag Disaster Management Committee and all concerned;
- 12) conduct disaster response, relief and recovery operation under the direction and supervision of the Dzongkhag Disaster Management Committee; and
- 13) identify and mobilize local resource that may be required during response and relief operation.

### **Powers during threatening disaster situation or disaster**

38. The Chairperson of the Dzongkhag Disaster Management Committee may, by an order in writing, for the purpose of response and relief operation:

- 1) requisition necessary human and material resources from any agency, civil society organization, private sector or person; and
  - 2) secure any premises that may be necessary for the conduct of response and relief operation.
39. Any agency, civil society organization, private sector or person shall make available to the Dzongkhag Disaster Management Committee resources requisitioned under section 38 of this Act.
40. The Chairperson of the Dzongkhag Disaster Management Committee may, by an order in writing, direct the owner of a property to put the property under the control or at the disposal of a person stated in the notice.
41. The Chairperson of the Dzongkhag Disaster Management Committee may enter or authorize any person to enter a place, if satisfied on reasonable grounds that it is necessary to enter the place to avoid imminent risk of death or injury to a person.
42. The Chairperson or a person entering a place under section 41 of this Act may enter using reasonable force and without a warrant or the consent of the owner or occupant of the place, provided that the person makes a reasonable attempt to do the following:
- 1) inform the owner or occupant the purpose of the entry; and
  - 2) inform the owner or occupant that it is permitted under this Act to enter the place without the owner or occupant's consent.
43. The Chairperson or a person entering a place under section 41 of this Act may:
- 1) search any part of the place;
  - 2) open a container or other item at the place using reasonable force;
  - 3) remove any item from the place;
  - 4) take into the place equipment, persons or materials that is reasonably required to discharge the duties under this section; or
  - 5) direct a person to leave or not to enter, if the direction is necessary to protect the person's life or health.
44. The Chairperson of the Dzongkhag Disaster Management Committee or a authorized person proceeding under this Act, may inform a person that:
- 1) it is an offence to obstruct or refuse to comply with any directives given by the Chairperson unless the person has a reasonable excuse; and
  - 2) the Chairperson considers the person's conduct an obstruction.
45. The provisions under sections 38 to 44 shall apply mutatis mutandis to Operation

Coordinator, Thrompon or Gup.

## **Chapter 4**

### **The Inter-Ministerial Task Force**

#### **Constitution of Inter-Ministerial Task Force**

46. The National Disaster Management Authority shall constitute an Inter-Ministerial Task Force.

#### **Composition of Inter-Ministerial Task Force**

47. The Inter-Ministerial Task Force shall comprise of technical experts from relevant Agencies.
48. The Inter-Ministerial Task Force shall consist of such number of members as prescribed by the National Disaster Management Authority.
49. The Head of the Department of Disaster Management/Executive Head of the Secretariat shall be the ex-officio Chairperson of the Inter-Ministerial Task Force.
50. The Inter-Ministerial Task Force shall elect a Vice Chairperson from amongst its members in accordance with rules and regulations framed under this Act.
51. The term of the Vice Chairperson elected under section 50 of this Act shall be for three years.
52. The Chairperson of the Inter-Ministerial Task Force shall designate one of the members as Member-Secretary to the Task Force.

#### **Function of Inter-Ministerial Task Force**

53. The Inter-Ministerial Task Force shall:
- 1) review hazard zonation and vulnerability map and structural and non-structural measures;
  - 2) review disaster risk reduction and disaster management activities;
  - 3) review national standard, guideline and standard operating procedure for disaster management;
  - 4) provide necessary technical assistance in the preparation of Disaster Management and Contingency Plan, where necessary;
  - 5) advise relevant agency in setting up Critical Disaster Management Facility; and
  - 6) perform such other function as may be directed by the National Disaster Management Authority.
54. The Inter-Ministerial Task Force shall frame rules concerning the conduct of its meeting.

## **Chapter 5**

### **Department/Secretariat of National Disaster Management Authority**

55. The Department of Disaster Management under the Ministry of Home and Cultural Affairs/Secretariat of National Disaster Management Authority shall be headed by a Director or Director General/Executive Head who shall be a civil servant.

### **Secretariat to the National Disaster Management Authority**

56. The Department of Disaster Management/Secretariat of National Disaster Management Authority shall serve as the secretariat and executive arm of the National Disaster Management Authority and also function as the National Coordinating Agency for disaster management.

### **Function of the Department/Secretariat**

57. The Department of Disaster Management/Secretariat of National Disaster Management Authority shall:
- 1) prepare the National Plan in coordination with relevant Agencies;
  - 2) formulate national standard, guideline and standard operating procedure for disaster management;
  - 3) develop and implement public education, awareness and capacity building programme on disaster management;
  - 4) develop standard training module and curriculum on disaster management in coordination with relevant agencies;
  - 5) develop, maintain and update Disaster Management Information System in coordination with relevant agencies;
  - 6) ensure the implementation of Disaster Management and Contingency Plan and disaster management activities at all levels;
  - 7) facilitate the constitution of Disaster Management Committees and ensure its efficient functioning;
  - 8) facilitate the formulation of hazard zonation and vulnerability map by relevant agencies;
  - 9) facilitate and coordinate the setting up of Critical Disaster Management Facility and ensure its effective and efficient functioning;
  - 10) facilitate the establishment/commissioning of research, development and training in the field of disaster management;
  - 11) collaborate with Government of other countries, legitimate international organizations, international non-governmental organizations, business establishments or volunteer groups identified by the National Disaster Management Authority;
  - 12) facilitate and coordinate international disaster response, relief and recovery assistance on a day-to-day basis in accordance with the rules and regulations framed under this Act;

- 13) coordinate and support Dzongkhag Disaster Management Committee during disaster response and relief operation including recovery and reconstruction;
- 14) submit periodic report to the National Disaster Management Authority on all issues pertaining to disaster management; and
- 15) perform such other function as may be prescribed under this Act or any law in force or as directed by the National Disaster Management Authority.

### **Operation Coordinator**

58. Upon declaration of a disaster, the Head of the Department of Disaster Management/Executive Head shall assume the role of Operation Coordinator under the supervision and direction of the Chairperson of the National Disaster Management Authority.

### **Dzongkhag Disaster Management Officer**

59. The Government shall recruit or designate a Dzongkhag Disaster Management Officer in every Dzongkhag, as the case may be.

### **Function of the Dzongkhag Disaster Management Officer**

60. Subject to the direction and control of the Department of Disaster Management/Secretariat of National Disaster Management Authority, the Dzongkhag Disaster Management Officer shall:
  - 1) assist in the preparation, implementation, review and update of the Dzongkhag Disaster Management and Contingency Plan;
  - 2) facilitate the preparation and implementation of Disaster Management and Contingency Plans of the Dzongkhag, Thromde and Gewog, if any;
  - 3) facilitate mainstreaming of disaster risk reduction into development plan, policy, programme and project of the Dzongkhag;
  - 4) facilitate the implementation of disaster risk reduction and capacity building activity and awareness programme;
  - 5) facilitate the implementation and monitoring of recovery and reconstruction activity;
  - 6) coordinate response and relief operation during a disaster;
  - 7) ensure conduct of regular mock drill;
  - 8) maintain, update and ensure efficient functioning of the Disaster Management Information System;
  - 9) compile quarterly report on the implementation of the Dzongkhag Disaster Management and Contingency Plan;
  - 10) ensure timely submission of a report to the Department of Disaster Management on the occurrence of disaster or threatening disaster situation; and
  - 11) perform such other function as may be prescribed under this Act or any law in force or as directed by the Department or Dzongkhag Disaster Management Committee.



61. Without prejudice to the generality of the provision contained in section 60 of this Act, the Dzongkhag Disaster Management Officer shall ensure the efficient functioning of the Critical Disaster Management Facility.

## **CHAPTER 6**

### **Agency and Private Sector**

#### **Function of Agency and Private Sector**

62. Every agency including the private sector notified by the National Disaster Management Authority shall institute a Disaster Management Unit in its organization.
63. An agency notified by the National Disaster Management Authority shall:
- 1) prepare, implement, review and update Disaster Management and Contingency Plan in accordance with the guideline formulated under this Act;
  - 2) put in place a plan that would reasonably ensure continuity of critical services in the event of disaster;
  - 3) develop hazard zonation and vulnerability map including structural and non-structural measures;
  - 4) ensure compliance of approved hazard zonation and vulnerability map;
  - 5) ensure compliance and monitor implementation of structural and non-structural measures;
  - 6) ensure the establishment, functioning and maintenance of Critical Disaster Management Facility;
  - 7) provide assistance to Dzongkhag Disaster Management Committee, as and when required; and
  - 8) perform such other function as may be prescribed under this Act or any law in force or as directed by the National Disaster Management Authority.
64. The private sector notified by the National Disaster Management Authority shall:
- 1) prepare, implement, review and update Disaster Management and Contingency Plan in accordance with the guideline formulated under this Act;
  - 2) put in place a plan that would reasonably ensure continuity of critical services in the event of disaster;
  - 3) provide assistance to Dzongkhag Disaster Management Committees, as and when required; and
  - 4) perform such other function as may be prescribed under this Act or any law in force.

#### **Mainstreaming Disaster Risk Reduction**

65. Gewog, Thromde, Dzongkhag, agency and private sector notified under sections 63 and 64 of this Act shall ensure mainstreaming of disaster risk reduction into its development plan, policy, programme and project.
66. The Department of Disaster Management shall coordinate the mainstreaming of disaster risk reduction into the development plan, policy, programme and project of a Gewog, Thromde, Dzongkhag, agency and private sector notified under sections 63 and 64 of this

Act.

67. Every Gewog, Thromde, Dzongkhag and agency shall make provision for funds in its five year plan and annual plan and budget for the purpose of mainstreaming of disaster risk reduction and carrying out the activities set out in its Disaster Management and Contingency Plan.
68. The Government shall accord high priority to mainstreaming of disaster risk reduction and ensure agencies receive adequate budget.

## **CHAPTER 7**

### **Disaster Management and Contingency Plan**

69. The Disaster Management and Contingency Plan shall make provision for:
- 1) prevention, mitigation and preparedness;
  - 2) maintaining emergency stockpiles including procedure for its release, replenishment and distribution;
  - 3) efficient response and relief during disasters;
  - 4) budget projection for the implementation of the plan; and
  - 5) such other matter as provided for in the guideline formulated under this Act.

#### **National Disaster Management and Contingency Plan**

70. The National Disaster Management Authority shall approve the National Disaster Management and Contingency Plan.
71. The Department of Disaster Management shall prepare the National Plan in line with the Disaster Management and Contingency Plan prepared by agencies and Disaster Management Committees.
72. The Department of Disaster Management shall ensure that the National Plan is available for inspection by members of the public.

#### **Disaster Management and Contingency Plan prepared by Agency and Private Sector**

73. Every agency and private sector notified under sections 63 and 64 of this Act shall prepare its Disaster Management and Contingency Plan.

#### **Dzongkhag Disaster Management and Contingency Plan**

74. The Dzongkhag Disaster Management Committee shall prepare a Dzongkhag Disaster Management and Contingency Plan for its Dzongkhag in consultation with the Local Governments within its jurisdiction.
75. The Dzongkhag Disaster Management Committee shall submit a copy of its Disaster Management and Contingency Plan to the National Disaster Management Authority.

#### **Update and Review of Disaster Management and Contingency Plan**

76. Dzongkhag Disaster Management Committee, agencies and private sector notified under sections 63 and 64 of this Act shall update its Disaster Management and Contingency Plan at least once a year and review the Plan every five years.

## **CHAPTER 8**

### **Financial Arrangement**

#### **Response and Relief Expenditure**

77. The Dzongkhag Disaster Management Committee shall, as an emergency measure, meet the expenses for response and relief operation from the annual budget of the Dzongkhag in accordance with the guideline formulated jointly by the National Disaster Management Authority and the Ministry of Finance.
78. The National Disaster Management Authority shall recommend to the Minister of Finance to authorize the use of public funds to defray expenditure incurred for response and relief operation in accordance with the Public Finance Act of Bhutan, 2007.

#### **Budget for National Disaster Management Activities**

79. There shall be a separate budget head to be called the budget for National Disaster Management Activities and it shall receive adequate budgetary allocation.
80. The budget specified in section 79 of this Act shall be utilized for immediate restoration of essential public infrastructure and service centres.
81. The budget specified in section 79 of this Act shall be managed and operated by the National Disaster Management Authority.

#### **Department of Disaster Management Budget**

82. There shall be a separate budget head to be called the Department of Disaster Management Budget.
83. The Department of Disaster Management Budget shall comprise, among others, the following activities:
  - 1) capacity building;
  - 2) establishing and maintaining Critical Disaster Management Facility including purchase of equipment; and
  - 3) any other activity as may be required to strengthen the preparedness of the nation against disaster.

#### **Recovery and Re-construction**

84. The Dzongkhag Disaster Management Committee shall, for the purpose of recovery and reconstruction, undertake damage assessment of public assets and infrastructure within its area of responsibility and submit the assessment along with a work programme and cost estimate to the Department of Disaster Management for review and onward submission to

National Disaster Management Authority.

85. The National Disaster Management Authority shall, for the purpose of recovery and reconstruction under section 84 of this Act, make recommendation to the Government for release of fund to the sectors concerned.

### **Emergency Procurement**

86. Where exigencies of the disaster situation demand, the National Disaster Management Authority upon obtaining prior approval from the Ministry of Finance may, to ensure direct and least time consuming method to procure good and service, exempt specific supply of goods and service from the standard procurement procedure specified in the Procurement Rules and Regulations.

### **Accounts and Audit**

87. The agency concerned shall submit to the Ministry of Finance the accounts of the response and relief expenditure as per the Financial Rules and Regulations.
88. The Royal Audit Authority shall be the auditor for all Disaster Management expenditures.

## **CHAPTER 9**

### **Classification of Disaster**

#### **Types of Disaster**

89. A disaster shall be classified as Type I, if it:
- 1) affects a single Thromde or Gewog or any part thereof;
  - 2) causes casualties of less than 50 people or affects less than 10 households or both;
  - 3) causes loss to property and damage to the environment; and
  - 4) can be managed with available resources and is within the coping capacity of the Gewog concerned.
90. A disaster shall be classified as Type II, if it:
- 1) affects a Dzongkhag or more than one Dzongkhag;
  - 2) causes casualties of more than 50 and less than 500 people or affects more than 10 and less than 100 households or both;
  - 3) causes substantial loss to property and damage to the environment; and
  - 4) can be managed with available resources and is within the coping capacity of the Dzongkhag concerned.
91. A disaster shall be classified as Type III, if:
- 1) it affects the nation as a whole or in part;
  - 2) it causes casualties of more than 500 people or affects more than 100 households or both;
  - 3) causes major loss to property and damage to the environment;
  - 4) severity and magnitude is so great that it is beyond available resources and the coping capacity of the Dzongkhag concerned; and
  - 5) other special circumstances warrant such classification.

#### **Reclassification of Disaster**

92. The National Disaster Management Authority may reclassify disaster types in accordance with rules and regulations framed under this Act.

#### **Declaration of Disaster**

93. The Druk Gyalpo may, on the written advice of the Prime Minister, proclaim Type III disaster in accordance with the provisions of the Constitution.
94. Notwithstanding anything contained in section 93 of this Act, the Druk Gyalpo may, on the written advice of the Chief Advisor of the Interim Government, proclaim Type III disaster for a period not exceeding 21 days on each occasion, if the disaster occurs on or during the

expiry of the term of the National Assembly or in the event of its dissolution.

95. The Chairperson of the Dzongkhag Disaster Management Committee may, subject to approval of the National Disaster Management Authority, declare Type I and II disaster in accordance with rules and regulations framed under this Act.

### **Extension or disapproval**

96. Parliament may extend or disapprove the continuance in force of a proclamation for type III disaster in accordance with the provisions of the Constitution.
97. Notwithstanding anything contained in section 96 of this Act, the Interim Government may extend or disapprove the continuance in force of a proclamation for type III disaster, if the disaster occurs on or during the expiry of the term of the National Assembly or in the event of its dissolution.

Provided that the duration of the proclamation and extension shall not extend beyond the tenure of the Interim Government.

98. The Dzongkhag Disaster Management Committee may, subject to approval of the National Disaster Management Authority, extend or disapprove a Type I and II disaster in accordance with rules and regulations framed under this Act.

### **Revocation**

99. The Druk Gyalpo on the written advice of the Chief Advisor of the Interim Government may revoke the proclamation or extension of the proclamation of type III disaster.
100. The National Disaster Management Authority may on the recommendation of Dzongdag revoke the declaration or extension of the declaration of type I and II disaster.



## **CHAPTER 10**

### **Critical Disaster Management Facility**

#### **Emergency Operation Centre**

101. There shall be a National Emergency Operation Centre in the Department of Disaster Management and Dzongkhag Emergency Operation Centre in every Dzongkhag.
102. The Dzongkhag Disaster Management Committees may establish Dungkhag, Gewog or Thromde Emergency Operation Centre, if it considers necessary.
103. The National Emergency Operation Centre shall supervise the functioning of the Dzongkhag Emergency Operation Centre.
104. An Emergency Operation Centre shall be manned by personnel appointed by the Royal Civil Service Commission as requisitioned by the National Disaster Management Authority.

#### **Early Warning System**

105. The National Disaster Management Authority shall direct relevant agencies to put in place early warning system as a monitoring and advisory tool to identify hazard and notify all vulnerable population and responding agencies of threatening disaster situation or disaster.
106. The National Disaster Management Authority shall institute a system of alerts to determine the condition of disaster, resources needed for response and relief operations and other necessary requirements.
107. The National Disaster Management Authority may authorize the use of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisories regarding any threatening disaster situation or disaster.

#### **Emergency Medical Service**

108. The Ministry of Health shall put in place emergency medical services throughout the country.
109. The Ministry of Health shall be responsible for managing emergency medical services during disaster.

#### **Search and Rescue Team**

110. There shall be a Search & Rescue Team both at the National and Local Government level.
111. The National Disaster Management Authority shall ensure that the Search & Rescue Team

is well equipped and trained.

### **Regulation of Critical Disaster Management Facility**

112. The National Disaster Management Authority shall frame rules and regulations to determine the composition, organization, operation and coordination of the Critical Disaster Management Facility constituted under this Act or such other Critical Disaster Management Facility as may be constituted by an order of the Authority.

## **CHAPTER 11**

### **Relief Assistance and Compensation**

#### **Relief Assistance**

113. The National Disaster Management Authority shall formulate the minimum standards and procedures for relief assistance.
114. No person shall be discriminated on the ground of race, sex, language, religion, politics or other status in relation to relief assistance provided to the victims of disaster.

#### **Compensation for use, loss and damage of property**

115. The Dzongkhag Disaster Management Committee shall ensure payment of compensation from the annual budget of the Dzongkhag to persons or private entities whose property is used, lost or damaged during relief, response and recovery operation.
116. The compensation under section 113 and 115 of this Act shall be paid as per guideline and standard formulated under this Act.
117. Compensation is not payable for loss or damage in the event that an amount for the loss or damage is recovered or recoverable under a policy of insurance.

#### **Insurance Compensation**

118. The Dzongkhag Disaster Management Committee concerned shall liaise with the insurance company in expediting payment of insurance compensation, where applicable.
119. The National Disaster Management Authority shall ensure transfer of risk by encouraging individual and business to insure life and property against disaster, where practicable.

#### **Grievance Redressal System**

120. The National Disaster Management Authority shall institute a Grievance Redressal System to redress grievance of any person arising out of performance of duty under this Act.

## **CHAPTER 12**

### **Offences and Penalties**

#### **Impersonation of authorised person**

121. A person who impersonates any authorized person under this Act shall, on conviction, be guilty of the offence of misdemeanour.

#### **Obstruction**

122. A person who obstructs any authorized person in the discharge of functions under this Act shall, on conviction, be guilty of the offence of petty misdemeanour unless the person has a reasonable excuse.

#### **Non-Compliance**

123. A person who fails to comply with the directives given under this Act shall, on conviction be guilty of the offence of petty misdemeanour unless the person has a reasonable excuse.

#### **Making False Claims**

124. A person who makes false claims to obtain any relief assistance or other benefits from a Dzongkhag Disaster Management Committee shall, on conviction, be guilty of the offence of petty misdemeanour.

#### **Misappropriation**

125. If a person entrusted with or having custody over any resources under this Act, misappropriates such resources, or any part thereof, or willfully compels any other person to do so shall, on conviction, be guilty of the offence of embezzlement under the Penal Code of Bhutan, 2004.

#### **False Alarm or Warning**

126. A person who makes or circulates a false alarm or warning as to a disaster or its severity or magnitude leading to panic shall, on conviction, be guilty of the offence of petty misdemeanour.

#### **Dereliction of Duty**

127. An officer, on whom a responsibility has been entrusted under this Act, ceases or refuses to perform or withdraws from duty or office without a written permission of the supervisor or does not have lawful reason to do so shall, on conviction, be guilty of the offence of petty misdemeanour.

**Offences not specified under this Act**

128. The National Disaster Management Authority may, where a particular offence is not covered under this Act, impose reasonable penalty not exceeding a fine of ninety days national minimum wage.

## **CHAPTER 13**

### **Miscellaneous**

#### **Isolated Local Incident**

129. An isolated local incident is an incident, which does not have a widespread effect on people and property and can be managed within the normal operations of the agencies concerned, and such incident shall not require emergency procurement and funding.

#### **Affirmative Action**

130. Due care shall be taken to ensure that women are adequately represented on Disaster Management Committees established under this Act.
131. Special care shall be taken of children, women, elderly persons and persons with disability during rescue operation.

#### **Participation of Civil Society Organization, Religious Organization and Volunteer**

132. The National Disaster Management Authority shall encourage the participation of civil society organization, religious organization and volunteer to support the Government in its disaster risk reduction and disaster management activities.
133. The National Disaster Management Authority shall formulate guideline for the participation of civil society organization, religious organization and volunteer in disaster risk reduction and disaster management activities.

#### **Delegation**

134. The Chairpersons of the National Disaster Management Authority and Dzongkhag Disaster Management Committee, Operation Coordinator, Gup and Thrompon may in writing delegate any of their function to any other person, subject to such condition and limitation if any, as they consider fit.

#### **Protection from liability**

135. A person performing a duty under the provisions of this Act shall not be liable for anything done or omitted to be done in good faith and in the due course of duty.

#### **Vacancy or defect in appointment not to invalidate act or proceeding**

136. No act or proceeding of the authorities created under this Act shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution

thereof.

### **Power to make rules and regulations**

137. The National Disaster Management Authority may frame rules and regulations from time to time to carry out the provisions of this Act.

### **Amendment**

138. The amendment of this Act by way of addition, variation or repeal may be effected only by Parliament.

### **Authoritative text**

139. The Dzongkha text shall be the authoritative text in case of any difference in meaning between the Dzongkha and the English text.

## Definition

140. In this Act unless the context otherwise provides:

- 1) “Act” means the National Disaster Management Act of the Kingdom of Bhutan, .....
- 2) “Agency” means a Ministry, Dzongkhag Administration, Local Government, autonomous organization and government controlled company;
- 3) “Authority” means the National Disaster Management Authority;
- 4) “Budget” means a plan of intended expenditures along with a plan of how to meet them;
- 5) “Capacity Building” means the identification, acquiring and creating of resources – human, technical, financial, institutional – for increased effectiveness in the disaster management cycle;
- 6) “Casualties” includes both death and injury sustained;
- 7) “Committee” means the Dzongkhag Disaster Management Committee;
- 8) “Constitution” means the Constitution of the Kingdom of Bhutan, 2008;
- 9) “Coping Capacity” means the ability of the people, organization and system using available skills and resources to manage a disaster;
- 10) “Critical Disaster Management Facility” means physical structure, technical facility and system which are essential in detecting and managing a disaster;
- 11) “Department” means the Department of Disaster Management;
- 12) “Disaster” subject to section 129 of this Act, means a natural or man-made occurrence which causes environmental loss, increased mortality, illness or injury, and destroys or disrupts livelihoods, affecting the people or an area as classified under Chapter 9 of this Act;
- 13) “Disaster Management” means a continuous and integrated multi-sectoral process of planning, organizing, coordinating and implementing measures aimed at:
  - (i) preventing and reducing disaster risk;
  - (ii) mitigating severity of disaster;
  - (iii) capacity building;
  - (iv) emergency preparedness;
  - (v) effective response to disaster;
  - (vi) effective search, rescue, evacuation and relief operation; and
  - (vii) recovery and reconstruction activities.
- 14) “Disaster Management Strategic Policy Framework” means a policy covering amongst other the following principles:
  - (i) institutionalization of efficient, well-coordinated and participatory disaster management as one of the basic ingredients of good governance;
  - (ii) creation of an enabling environment for ensuring greater participation of all stakeholders;
  - (iii) promotion of a multi-hazard approach to disaster management;
  - (iv) creation and strengthening physical infrastructure;
  - (v) promotion of a culture of prevention and preparedness among individuals; and
  - (vi) strengthening transparency and accountability of Government by establishing strategic priorities to guide the application of resources and reporting on achievement.



- 15) “Disaster Risk Reduction” means the conceptual framework of elements considered with the possibility to minimize vulnerability and disaster risk throughout the society and to avoid or to limit the adverse impact of hazard within the broad context of sustainable development;
- 16) “Dratshang” means the monastic body;
- 17) “Dzongdag” means District Administrator;
- 18) “Dzongkhag” means a district;
- 19) “Dzongkhag Administration” means the executive arm of the Royal Government in the Dzongkhag headed by the Dzongdag;
- 20) “Gewog” means a County;
- 21) “Gup” means the Chairperson of the Gewog Tshogde;
- 22) “Government” means the Royal Government of Bhutan;
- 23) “Hazard” means a phenomenon, substance or a situation that may adversely affect human life, property, activity or the environment to the extent of causing a disaster;
- 24) “Hazard Zonation Map” means a map identifying a high risk geographical area due to a potential hazard;
- 25) “Local Government” means Dzongkhag Tshogdu, Gewog Tshogde and Thromde Tshogde;
- 26) “Mitigation” means a measure aimed at reducing risk, impact or effect of a disaster or an impending disaster situation;
- 27) “National Plan” means the National Disaster Management and Contingency Plan;
- 28) “International Non Governmental Organization” means a civil society organization registered as a non-governmental organization in a foreign country;
- 29) “Premises” means any land, house, part of the house or other structures or any part thereof;
- 30) “Preparedness” means the state of readiness to deal with a potential disaster situation or disaster and its effect thereof;
- 31) “Property” means both movable and immovable property as defined in the Moveable and Immovable Property Act of the Kingdom of Bhutan, 1999;
- 32) “Rabdeys” means monastic bodies in Dzongs other than Punakha and Thimphu;
- 33) “Recovery and Reconstruction” means efforts including development aimed at:
  - (i) restoring normalcy in condition caused by disaster;
  - (ii) mitigating the effect of disaster; or
  - (iii) creating circumstances that will reduce the risk of similar disasters from occurring.
- 34) “Risk” means the level or value of expected losses in the form of deaths, injuries, damage to property etc. caused by a hazard;
- 35) “Response” means measures taken during or immediately after a disaster in order to bring relief to people and communities affected by the disaster and includes activities such as search and rescue, evacuation, rapid assessment, relief distribution among others;
- 36) “Resources” include human resources, equipment, vehicles, other modes of transportation, funds and such other material resources;

- 37) “structural measures” means physical construction to reduce or avoid possible impacts of hazards or application of techniques to achieve hazard resistance and resilience in structures or systems;
  - 38) “non-structural measures” means any measure not involving physical construction that uses knowledge, practice or agreement to reduce risk and impact;
  - 39) “Thromde” means a municipality;
  - 40) “Thrompon” means a Mayor;
  - 41) “Vulnerability” means a condition resulting from physical, social, economic, and environmental factors or processes which increases the susceptibility of a community to the impact of a hazard; and
  - 42) “Vulnerability Map” means a map which provides a precise location of sites where people, natural environment or properties are at risk due to a potential hazard.
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