



His Majesty's Government of Nepal

**Natural Calamity (Relief) Act, 2039
(1982 A.D.)**

**Ministry of Home Affairs
Kathmandu, Nepal
2039 (1982)**

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AN ACT MADE TO PROVIDE FOR THE RELIEF WORK RELATING TO THE NATURAL CALAMITY

Preamble

Whereas it is experience to make arrangement for the operation of relief work and the maintenance of people convenience with a view to [protect the life and property the people in general and public property.

Now therefore His King Birendra Bir Bikram Shah Deva has enacted this act on the advice and with the consent of the National Panchayat.

1. Short title and commencement

- A) This act shall be called the "Natural Calamity Relief Act. 2039 B.S. (1982)".
- B) This Act shall come into force immediately.

2. Definition

Unless the subject and the consent otherwise require in the Act:-

- A) "Natural Calamity " Means earthquake, fire, storm, flood, landslide, heavy rain, drought, famine, epidemic, and other similar natural disaster it includes the industrial accident or accident caused by explosions or poisoning and any other kinds of disaster.
- B) "Disaster area" means the area declared as Disaster area pursuant to Section 3.
- C) "Natural Calamity Relief Work" means any relief work to be carried out in the area affected or likely to be affected by the Natural Calamity in order to remove the grief and inconvenience caused to the people to rehabilitate the victims of the Natural Calamity and to protect the public property and life and property of the people in general and to control and prevent Natural Calamity and to make advance preparation thereof.
- D) "Central Committee" means the Central Natural Calamity Relief Committee constituted pursuant to Section 5.
- D1) "Regional Committee" Regional Natural Calamity Relief Committee constituted pursuant to Section 7.
- E) * (Repealed by Second Amendment 2049/6/14 (30 Sep, 1992))
- F) "District Committee" Means the District Natural Calamity Relief Committee constituted pursuant to Section 7
- G) "Local Committee" Local Natural Calamity Relief Committee constituted pursuant Section 7.

3. Declaration of Disaster Area

- A) His Majesty's Government may if it deems necessary, specify the extent of the area affected or likely to be affected by Natural Calamity and declare such area,

by publishing a notification in the Nepal Gazette as Disaster Area for a period specified in the same notice.

- B) In case the situation arising out of the Natural Calamity could be brought under control within the period specified under subsection (1) His Majesty's Government may, by a notification published in the Nepal Gazette, extent such period according to need.

4. His Majesty's Government may give order

His Majesty's Government may, in order to carry out or caused to be carried out the Relief Work in Disaster Area, give orders to any one concern to undertake any or all of the following works

- a. To close down according to necessity the government and non government office educational institute or other institution in Disaster Area.
- b. To prohibit the activities in Disaster Area which may cause adverse effect on Relief Work?
- c. To depute the employee of the governmental or nongovernmental offices or of institutions.
- d. To evacuate or caused to be evacuated the people from the Disaster Area to the area of safety.
- e. To requisition movable and immovable property of any individual or institutional on temporary basis for a prescribed period, if such property is required to be used for the purpose of Relief Work.
- f. To evacuate or cause to be evacuated goods and commodities from Disaster Area to the areas of safety.
- g. To make use of the means and resource of the government.
- h. To requisition and make use of the means of transportation owned by nongovernmental offices, associations an individual of the concern district for some fixed period of time.
- i. To requisition the food grains, clothes, medicine construction materials and other item belonging to nongovernmental offices, institutions and individuals of the concern district and distribute it to the victim of Natural Calamity.
- j. To try to save the real-estate, factories, temples and shrines and religious places and other significant objects and places from destruction.
- k. To constitute aid group and send them to Disaster Area.
- l. To take other necessary security measures for the safeguard of the life and property of the common people.
- m. To do other works as specified by His Majesty's Government.

4a. Control over foreigner's entry

His majesty Government may issue an order requiring the foreign nationals and agencies to take the approval of His Majesty's Government to enter into any area affected by Natural Calamity for any purpose.

5. Constitution of Central Natural Calamity Relief Committee

A) His Majesty's Government may by a notification published in Nepal Gazette, constitute the Central Natural Calamity Relief Committee in order to formulate and implement the policy and programme relating to the Natural Calamity Relief Work and to undertake and caused to be undertake other necessary work s to related thereof. The working procedure of the Central Natural Calamity Relief Committee and the term of office of the member shall be as specified in the said notice.

B) The Central Natural Calamity Relief Committee to be constituted pursuant subsection (1) shall be composed of the following members:-

1. Home Minister	Chairman
2. Housing and physical planning Minister	Member
3. Health Minister	Member
4. Secretary, Ministry of Finance	Member
5. Secretary, Ministry of Defence	Member
6. Secretary, Ministry of Home Affairs	Member
7. Secretary, Ministry of External Affairs	Member
8. Secretary, Ministry of Water Resources	Member
9. Secretary, Ministry of Communication	Member
10. Secretary, Ministry of Forest and Environment	Member
11. Secretary, Ministry of Labor and Social Welfare	Member
12. Secretary, Ministry of Supplies	Member
13. Secretary, Secretariat of National Planning Commission	Member
14. Brigadier, Royal Nepal Army	Member
15. Inspector General of Police, Police Headquarter	Member
16. Representative, Social Service National Coordination Council	Member
17. Representative, Nepal Red Cross Society	Member
18. Representative, Nepal Scout	Member
19. Director General, Mining and Geological Department	Member
20. Director General, Department Meteorology	Member
21. Two reputed persons nominated by His Majesty's Government	Member
22. Additional Secretary (who looks after natural calamity related activities) Home Ministry	Member-Secretary

(C) The Central Committee shall invite at its meetings the concerning member of the parliament representing the district affected by Natural Calamity.

(D) The working procedure of the Central Committee may be managed by the Central Committee itself.

5a. Constitution of Sub-Committee

The Central Committee may constitute Relief and Treatment Sub-Committee and Supplies, Shelter and Rehabilitation Sub-Committee to give necessary advice and suggestions to the Central Committee, to help execute policies and directives of the Central Committee and to effectively operate the relief and rehabilitation work during Natural Calamity.

5b. Relief and Treatment Sub-Committee

- (1) The Relief and Treatment Sub-Committee shall be composed of the following members:

(i)	Health Minister	Coordinator
(ii)	Secretary, Ministry of Communication	Member
(iii)	Secretary, Ministry of public works and transport	Member
(iv)	Brigadier, Royal Nepal Army	Member
(v)	Inspector General of Police, Police Headquarters	Member
(vi)	Representative, Nepal Red Cross Society	Member
(vii)	Representative, Nepal Scout	Member

- (2) The Secretary of the Relief and Treatment Sub-Committee shall be as designated by the coordinator.
- (3) The working procedure of the Relief and Treatment Sub-Committee may be managed by the Relief and Treatment Sub-Committee itself.
- (4) The functions and duties of the Relief and Treatment Sub-Committee shall be as specified by the Central Committee.

5c. Supplies, Shelter and Rehabilitation Sub-Committee

- (1) The Supplies, Shelter and Rehabilitation Sub-Committee shall be composed of the following members:

a)	Housing and Physical Planning Minister	Coordinator
b)	Secretary, Ministry of Finance	Member
c)	Secretary, Ministry of Home Affairs	Member
d)	Secretary, Ministry of Supplies	Member
e)	Secretary, Ministry of Labor and Social Welfare	Member
f)	Secretary, Ministry of Water Resource	Member
g)	Secretary, Ministry of Public Works and Transport	Member
h)	Representative, Social Service National Coordination Council	Member

- (2) The Secretary of Supplies, Shelter and Rehabilitation Sub-Committee shall be as designated by the Coordinator.
- (3) The working procedures of the Supplies, Shelter and Rehabilitation Sub-Committee may be managed by the Supplies, Shelter and Rehabilitation Sub-Committee itself.
- (4) The functions and the duties of the Supplies, Shelter and Rehabilitation Sub-Committee shall be as specified by the central committee.

6. Functions and duties of the Central Committee

The functions and the duties of the Central Committee shall be as follows:

- a) To recommend to His Majesty's Government to declare the areas affected by Natural Calamity as Disaster Area
- b) To formulate the national policy regarding the Relief Work including the rehabilitation of the victims of Natural Calamity and the reconstruction in the areas affected by the Natural Calamity etc. and for the control and prevention of Natural Calamity and the advance preparation thereof and to prepare to programme in accordance with the said policy and submit it to His Majesty's Government.
- c) To implement and cause to be implemented the policy and the programme formulate pursuant to the clause (b) after it has been approved by His Majesty's Government.
- d) To keep the money, food, stuff, clothes, medicine construction materials and other goods received within the Kingdom of Nepal and from outside as aid or donation under the Central Natural Calamity Aid and to send such goods as required for Relief Work in Disaster Area.
- e) To associate the social organizations in Natural Calamity Relief Work and to coordinate the activities of those organizations.
- f) To form groups and send them to Disaster Area to assist in Natural Calamity Relief Work.
- g) To give direction to the District Committee and Local Committee on the matter relating to Relief Work.
- h) To perform the work specified by His Majesty's Government for the execution of Natural Calamity Relief Work.
- i) To submit report on work progress to His Majesty's Government from time to time.

7. Constitution of other Natural Calamity Relief Committees

His Majesty's Government may, by publishing a notification in the Nepal Gazette. Constitute according to need the Regional Natural Calamity Relief Committee. District Natural Calamity Relief Committee and Local Natural Calamity Relief Committee in order to undertake or cause to be undertaken the Natural Calamity Relief Work. The working procedure of such committee and the term of office of the member shall be as specified in the said notice.

7a. The Function and Duties of the Regional Committee

The functions and duties of the Regional Committee shall be as follows:

- a) To give necessary suggestions to the Central Natural Calamity Relief Committee regarding the function of Regional level policy on Natural Calamity Relief Work and preparation of the progress there under.
- b) To coordinate or cause to be coordinated between Committee regarding Natural Calamity Relief Work.
- c) To provide information to the Central Committee about Natural Calamity Relief Work from time to time.

d) To accordance with the directives of the Central Committee.

8. # (Repealed by Second Amendment 2049/6/14 (30 Sep, 1992))

9. Functions and duties of the District Committee

The functions and the duties of the District Committee shall be as follows:

- a) To accordance or cause to be coordinated between Local Committee regarding Natural Calamity Relief Work.
- b) To formulate district level plans on Natural Calamity Relief Work and submit such plans to the Regional Committee.
- c) To monitor the Natural Calamity Relief Work being conducted by the Local Committees and to support the ongoing work.
- d) To provide information to the Regional Committee about Natural Calamity Relief Work from time to time.
- e) To work in accordance with the directives of the Central and Regional Committees.
- f) The activities to be undertaken pursuant to sub-section (1) shall be in accordance with the decision of the District Committee.

9a. Functions and duties of the Local Committees

The functions and duties of the Local Committee shall be as Follows:

- a) To prepare detailed description of the loss caused y Natural Calamity and to submit to the District Committee the estimation of means and resource required for the relief and rehabilitation of the victims of Natural Calamity.
- b) To organize volunteer's teams according to need and conduct or cause to be conducted the Relief Work.
- c) To make necessary arrangement to take the injured in the Natural Calamity to the nearest hospitals and health posts as soon as possible
- d) To make arrangement for the evacuation of the victims of Natural Calamity to a safe place.
- e) To systematically distribute the cash and kind received in assistance from District Committee and local resources to the families of the victims of Natural Calamity.
- f) To conduct an awareness programme as a precaution for the prevention and control of the possible events of the Natural Calamity.
- g) To hand over the goods and cash and the accounts thereof to the district Committee upon completion of Natural Calamity Relief Work.

10. Rent to be given

In case any movables or immovable properties of the means of transportation of non governmental offices, institutions or individuals is acquired temporarily or used under clause (e) or (h) of Section 4 the rent for such movable or immovable property or the means of transportation shall be given prevalent rate to the concerned office, institution or individual by the officer, institution or Relief Committee specified by His Majesty's Government.

Provided that in case the cultivated land is also acquired while acquiring the immovable property the necessary compensation shall be given for the crops lost or to be lost.

11. Cost to be given

In case the food grains, clothing, medicine, construction materials and other goods are acquired from nongovernmental offices, institutions or individuals under clause (1) of Section 4, the amount equivalent to the cost of such goods at prevailing rate shall be given to the concerned office, institution or individual be the officer, institution or Relief Committee specified by His Majesty's Government.

12. Assistance to be given

All the Governmental, nongovernmental offices, organizations and individuals of the concerned area and in the vicinity should help the central, regional, district and local committees providing assistance in the Relief Work.

13. Fund

A) Natural Calamity Aid Fund may be set up by the following names:

- a) Natural Calamity Central Aid fund.
- b) Natural Calamity Regional Aid Fund
- c) # (Repealed by Second Amendment 2049/6/14 (30 Sep, 1992))
- d) Natural Calamity District Aid Fund
- e) Natural Calamity Local Aid Fund

B) The Natural Calamity Central Aid Fund shall be composed of the following amount:

- a) The amount provided by His Majesty's Government.
- b) The amount received from national and international organizations

Natural Calamity Local Aid Fund shall be composed of the following amount:

- a) The amount provided by His Majesty's Government.
- b) The amount received from Natural Calamity Central Aid Fund.
- c) The amount received from other sources.

D) All the amount of the fund shall be deposited in any bank in the Name of Natural Calamity Aid Fund.

E) All the expenses to be incurred for Natural Calamity Relief Work shall be borne by this fund.

F) The amount of the fund shall be operated with the signature of at least two persons in accordance with the decision of the concerned committee

G) The account of income and expenses of food grains, clothes, medicines, construction materials etc. received for the Natural Calamity Aid Fund shall be maintained separately

H) The record of house means of transportation, land etc. made available by anybody for some period of time shall be maintained.

14. Accounts and audits

- A) The account of the materials or goods and cash amount obtained and expended by the Central Committee, Regional Committee, District Committee and Local Committee shall be maintained in accordance with the prevalent Law and the statement of such income and expenditure shall be published upon the completion of audit for the information of the general public
- B) The account of the Central Committee, Regional Committee, District Committee and Local Committee shall be audited by the Auditor General's Department or any registered auditor designated by the said department.
- C) His Majesty's Government may examine or cause to be examined the account related documents and other cash and kinds of the fund.

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