



**DISASTER MANAGEMENT BILL OF THE KINGDOM OF
BHUTAN, 2010**

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Preamble

WHEREAS, pursuant to Article 33(2) of the Constitution of the Kingdom of Bhutan, 2008 the Royal Government of Bhutan may, in the event of public emergency or calamity which threatens or affects the nation as a whole or part thereof, take measures to the extent strictly required by the exigencies of the situation.

Parliament of the Kingdom of Bhutan during its Session held on..... Day of theMonth of **2010** enacts the National Disaster Management Act of the Kingdom of Bhutan, **2010**.

Chapter 1 Preliminary

Short title, commencement and extent

1. This Act shall:
 - (a) be called the National Disaster Management Act of the Kingdom of Bhutan, **2010**;
 - (b) come into force on the ...Day of the...Month of the ***Iron Male Tiger Year*** of the Bhutanese Calendar corresponding to ...Day of the ... Month of **2010**;and
 - (c) extend to the whole of the Kingdom of Bhutan.

Repeal

2. This Act shall repeal the provisions of any law including directives and circulars that are inconsistent with this Act.

Limitation on the application of the Act

3. This Act shall not apply to acts of war, terrorism, internal strife and armed rebellion.

Purpose

4. This Act provides for:
 - (a) an integrated and effective disaster management focusing on prevention, risk reduction and mitigation of the potential adverse effects of a disaster;
 - (b) an effective preparedness for managing the effects of a disaster;
 - (c) an efficient response and relief during a disaster;
 - (d) an effective recovery, rehabilitation and reconstruction following a disaster; and
 - (e) matters incidental thereto.

Chapter 2 National Disaster Management Authority

Membership

5. The National Disaster Management Authority shall be the highest decision making body on disaster management in Bhutan.
6. The National Disaster Management Authority shall comprise:
 - (a) the Prime Minister, who shall be the ex-officio Chairperson;
 - (b) the Minister in charge of the Department having administrative control of disaster management, who shall be the ex-officio Vice Chairperson;
 - (c) the Finance Minister;
 - (d) Dasho Zimpon, Office of the Gyalpoi Zimpon; and
 - (e) such other members as may be appointed by the Prime Minister on the basis of relevancy, in accordance with the rules framed under this Act.

Functions of the National Disaster Management Authority

7. The National Disaster Management Authority shall:
 - (a) approve strategic policy and policy framework for disaster management;
 - (b) approve the National Disaster Management Contingency Plan;
 - (c) approve hazard zonation maps and infrastructure safety codes and standards prepared by the concerned Ministry and Agency and direct its

- implementation;
 - (d) approve resources required for disaster operations from government budget;
 - (e) approve the allocation of budget for disaster prevention, mitigation and preparedness budget;
 - (f) approve the allowances and standards as determined by the National Committee for Disaster Management;
 - (g) direct the National Committee for Disaster Management on such matters as it deems necessary for the effective implementation of this Act.
8. The Chairperson of the National Disaster Management Authority shall, in the case of emergency, have the power to exercise all or any of the powers of the Authority, subject to post facto ratification by the Authority.

CHAPTER 3

Disaster Management Committee

National Committee for Disaster Management

9. The National Committee for Disaster Management shall assist the National Disaster Management Authority in the performance of its functions.
10. The National Committee for Disaster Management shall comprise:
- (a) the Secretary in charge of the Department having administrative control of disaster management, who shall be the ex-officio Chairperson;
 - (b) Representative from the Office of the Gyalpoi Zimpon;
 - (c) Secretaries of all Ministry;
 - (d) Head of the National Environment Commission;
 - (e) Secretary of the Gross National Happiness Commission;
 - (f) Dagchong of the Dratshang Lhentshog;
 - (g) Deputy Chief (A) of the Royal Bhutan Army;
 - (h) Chief of Police;
 - (i) Head of the Department having administrative control of disaster management, who shall be the Member-Secretary; and
 - (j) such other members as may be appointed by the Chairperson on the basis of relevancy, in accordance with the rules framed under this Act.

11. The Vice Chairperson of the National Committee for Disaster Management shall be elected by the Committee for a period of three years.

Functions of the National Committee for Disaster Management

12. The National Committee for Disaster Management shall:
 - (a) implement decisions of the National Disaster Management Authority;
 - (b) lay down strategic policy and policy framework for disaster management;
 - (c) ensure the establishment of Disaster Management Committee, Inter-Ministerial Task Force and National Emergency Operation Centre;
 - (d) approve various standards, guidelines and standard operating procedures for effective disaster management;
 - (e) endorse the National Disaster Management and Contingency Plan;
 - (f) direct Ministry, Agency and Local Governments to mainstream disaster risk reduction initiatives into their development plans and programmes;
 - (g) identify and secure resources, in and outside the country, that may be used for disaster management;
 - (h) approve activities to be financed from the National Disaster Prevention, Mitigation and Preparedness Budget;
 - (i) determine allowances and compensation to be paid to members of various disaster management committee and teams;
 - (j) endorse hazard zonation maps and infrastructure safety codes and standards prepared by the concerned Ministry and Agency and ensure compliance by all government agencies, Private Sector and individuals;
 - (k) advise and coordinate the activities of the Ministry, Departments and bodies engaged in disaster management;
 - (l) coordinate and support the Office of the Gyalpoi Zimpon and concerned disaster management committee in the management of disaster response, relief and recovery operations;
 - (m) reclassify Type I, II and III disaster after consultation with the concerned Disaster Management Committee;
 - (n) direct Disaster Management Committee on such matters as it deems necessary for the effective implementation of this Act;
 - (o) direct coordination with International Organizations, Government of other countries and International Non-Governmental Organizations for the purposes of this Act;
 - (p) establish Research, Development and Training Institute in the field of disaster management; and

- (q) perform such other functions as may be prescribed under this Act or any law in force.

Dzongkhag Disaster Management Committee

13. Every Dzongkhag Administration shall establish a Dzongkhag Disaster Management Committee.

14. The Dzongkhag Disaster Management Committee shall comprise:

- (a) Dzongdag, who shall be the ex-officio Chairperson;
- (b) Regional Office of His Majesty's Representative for People's Welfare
- (c) Dzongkhag Forest Officer;
- (d) Dzongkhag Health Officer;
- (e) Dzongkhag Education Officer
- (f) Dzongkhag Engineer;
- (g) Dzongkhag Environment Officer;
- (h) Dzongkhag Agriculture Officer;
- (i) Superintendent of Police/Officer-in-Charge, Royal Bhutan Police;
- (j) Drungchen of the Dratshang;
- (k) Chairperson of the Dzongkhag Tshogdu;
- (l) Member-Secretary of the Thromde Disaster Management Committee;
- (m) Dzongkhag Disaster Management Officer, who shall be the Member Secretary; and
- (n) such other members as may be appointed by the Chairperson on the basis of relevancy, in accordance with the rules framed under this Act.

15. The Vice Chairperson of the Dzongkhag Disaster Management Committee shall be elected by the Committee for a period of three years.

Functions of the Dzongkhag Disaster Management Committee

16. The Dzongkhag Disaster Management Committee shall:

- (a) prepare, review, update and implement the Dzongkhag Disaster Management and Contingency Plan;
- (b) monitor and evaluate measures taken for prevention, mitigation, preparedness, response and capacity building by each Sector and various Disaster Management Committee at all levels in the Dzongkhag;
- (c) promote with the support of the Department having administrative

- control of disaster management the general education, awareness and community training on various hazards, risks, vulnerabilities and measures to be taken by the community to prevent, mitigate and respond to disasters;
- (d) ensure the establishment and functioning of a Dzongkhag Emergency Operation Centre;
 - (e) ensure the establishment and efficient functioning of communication system and conduct of regular mock drills;
 - (f) ensure the integration of disaster prevention, risk reduction and mitigation initiatives into development plans and projects;
 - (g) report on the progress of the implementation of its Disaster Management Plan to the National Committee for Disaster Management on quarterly basis;
 - (h) maintain and operate emergency funds allocated from His Majesty's Relief Fund, as per the guidelines and directives of the Office of the Gyalpoi Zimpon;
 - (i) ensure the enforcement of the approved hazard zonation maps and infrastructure safety codes and standards prepared by the concerned Ministry and Agency;
 - (j) support implementation of disaster response, relief and recovery operations and activities under the direction and supervision of the Office of the Gyalpoi Zimpon;
 - (k) direct Dungkhag, Thromde and Gewog Disaster Management Committee on such matters as deemed necessary for the effective implementation of this Act; and
 - (l) perform such other functions as may be prescribed under this Act or any law in force or as directed by the National Committee for Disaster Management.

Dzongkhag Disaster Management Officer

17. There shall be a Dzongkhag Disaster Management Officer in every Dzongkhag.

Functions of the Dzongkhag Disaster Management Officer

18. The Dzongkhag Disaster Management Officer shall:

- (a) function as the member secretary of the Dzongkhag Disaster

- Management Committee;
- (b) facilitate the preparation, implementation, review and update of the Dzongkhag Disaster Management Plan;
 - (c) function as a member of the Thromde Disaster Management committee;
 - (d) facilitate and assist in the preparation and implementation of disaster management plans of the Dungkhag, Thromde and Gewogs within the Dzongkhag;
 - (e) facilitate the implementation of prevention, mitigation, preparedness, capacity building and awareness programmes and activities in the Dzongkhag;
 - (f) facilitate and assist in coordination of response activities in the Dzongkhag and ensure conduct of regular mock drills;
 - (g) facilitate the implementation and monitoring of recovery and reconstruction activities in the Dzongkhag;
 - (h) be responsible for the functioning of the Dzongkhag Emergency Operation Centre and emergency communication network;
 - (i) facilitate the mainstreaming of disaster prevention, risk reduction and mitigation initiatives into development plans and programmes;
 - (j) facilitate formulation of quarterly reports on the implementation of the Dzongkhag Disaster Management Plan;
 - (k) facilitate the institutionalization and functioning of the Disaster Management Information System in the Dzongkhag;
 - (l) function as the focal person for the Department having administrative control of disaster management; and
 - (m) perform such other functions as may be prescribed by the Dzongkhag Disaster Management Committee.

Dungkhag Disaster Management Committee

- 19. Every Dungkhag Administration shall establish a Dungkhag Disaster Management Committee.
- 20. The Dungkhag Disaster Management Committee shall comprise:
 - (a) the Dungpa, who shall be the ex-officio Chairperson;
 - (b) Medical Officer/Health Assistant;
 - (c) Officer-in-charge/ In-charge, Royal Bhutan Police;
 - (d) School Principal;
 - (e) representative of the Dratshang;

- (f) one Member-Secretary of a Gewog Disaster Management Committee under the jurisdiction of that Dungkhang appointed by the Chairperson; and
 - (g) such other members as may be appointed by the Chairperson on the basis of relevancy, in accordance with the rules framed under this Act.
21. The Vice Chairperson of the Dungkhang Disaster Management Committee shall be elected by the Committee for a period of three years.
22. The Chairperson of the Dungkhang Disaster Management Committee shall designate one of the members as Member-Secretary to the Committee.

Functions of the Dungkhang Disaster Management Committee

23. The Dungkhang Disaster Management Committee shall:
- (a) prepare, implement, review and update the Dungkhang Disaster Management and Contingency Plan;
 - (b) monitor and evaluate measures taken for prevention, mitigation, preparedness, response and capacity building by each Sector and the Gewog Disaster Management Committee within its jurisdiction;
 - (c) promote with the support of the Department having administrative control of disaster management the general education, awareness and community training on various hazards, risks, vulnerabilities and measures to be taken by the community to prevent, mitigate and respond to disasters;
 - (d) ensure the establishment and efficient functioning of communication system and conduct of regular mock drills;
 - (e) ensure the integration of disaster prevention and mitigation measures into sector development plans and projects;
 - (f) report on the progress of the implementation of its Disaster Management Plan to the Dzungkhag Disaster Management Committee on quarterly basis;
 - (g) maintain and operate emergency funds allocated from His Majesty's Relief Fund as per guidelines and directives of the Office of the Gyalpoi Zimpon;
 - (h) ensure the enforcement of the approved hazard zonation maps and infrastructure safety codes and standards prepared by the concerned Ministry and Agency;

- (i) direct Gewog Disaster Management Committee in its jurisdiction on such matters as deemed necessary for the effective implementation of the Act;and
- (j) perform such other functions as may be directed by the Dzongkhag Disaster Management Committee.

Thromde Disaster Management Committee

24. Every Thromde Tshogde shall establish a Thromde Disaster Management Committee.

25. The Thromde Disaster Management Committee shall comprise:

- (a) the Thrompon, who shall be the ex-officio Chairperson;
- (b) two members of the Thromde Tshogde nominated by the Thrompon;
- (c) Medical Officer;
- (d) Officer-in-charge, Royal Bhutan Police;
- (e) Thromde Education Officer;
- (f) Representative of the Dratshang;
- (g) Executive Secretary of the Thromde Dagchong;
- (h) Dzongkhag Disaster Management Officer; and
- (i) such other members as may be appointed by the Chairperson on the basis of relevancy, in accordance with the rules framed under this Act.

26. The Vice Chairperson of the Thromde Disaster Management Committee shall be elected by the Committee for a period of three years.

27. The Chairperson of the Thromde Disaster Management Committee shall designate one of the members as Member-Secretary to the Committee.

Functions of the Thromde Disaster Management Committee

28. The Thromde Disaster Management Committee shall:

- (a) formulate, implement, review and update the Thromde Disaster Management and Contingency Plan;
- (b) monitor and evaluate measures taken for prevention, mitigation, preparedness, response and capacity building by each sector, and provide feedback for enhancing disaster management;

- (c) promote with the support of the Department having administrative control of disaster management the general education, awareness and community training on various hazards, risks, vulnerabilities and measures to be taken by the community to prevent, mitigate and respond to disasters;
- (d) ensure the establishment and efficient functioning of communication system and conduct of regular mock drills;
- (e) ensure the integration of disaster prevention and mitigation measures into Thromde plans and projects;
- (f) report on the progress of the implementation of its Disaster Management Plan to the Dzongkhag Disaster Management Committee on quarterly basis;
- (g) maintain and operate emergency funds allocated from His Majesty's Relief Fund as per the guidelines and directives of the Office of the Gyalpoi Zimpon;
- (h) ensure the enforcement of the approved hazard zonation maps and infrastructure safety codes and standards prepared by the concerned Ministry and Agency;
- (i) implement disaster response, relief and recovery operations and activities as required under the directives and supervision of the Office of the Gyalpoi Zimpon; and
- (j) perform such other functions as may be directed by the Dzongkhag Disaster Management Committee.

Gewog Disaster Management Committee

- 29. Every Gewog Tshogde shall establish a Gewog Disaster Management Committee.
- 30. The Gewog Disaster Management Committee shall comprise:
 - (a) the Gup, who shall be the ex-officio Chairperson;
 - (b) Mangmi;
 - (c) two Tshogpas nominated by the Gewog Tshogde;
 - (d) Gewog Administrative Officer of that Gewog Administration, who shall be the Member Secretary;
 - (e) Health Assistant;
 - (f) School Proincipal;
 - (g) one RNR Extension Staff ; and

- (h) such other members as may be appointed by the Chairperson on the basis of relevancy, in accordance with the rules framed under this Act.
31. The Vice Chairperson of the Gewog Disaster Management Committee shall be elected by the Committee for a period of three years.
32. The Gewog Administrative Officer shall function as the focal person for the Department having administrative control of disaster management.

Functions of the Gewog Disaster Management Committee

33. The Gewog Disaster Management Committee shall:
- (a) formulate, implement, review and update the Gewog Disaster Management and Contingency Plan;
 - (b) monitor and evaluate measures taken for prevention, mitigation, preparedness, response and capacity building by each sector, and provide feedback for enhancing disaster management;
 - (c) promote with the support of the Department having administrative control of disaster management the general education, awareness and community training on various hazards, risks, vulnerabilities and measures to be taken by the community to prevent, mitigate and respond to disasters;
 - (d) ensure the establishment and efficient functioning of communication system and conduct of regular mock drills;
 - (e) ensure the integration of disaster prevention and mitigation measures into Gewog plans and projects;
 - (f) report on the progress of the implementation of its Disaster Management Plan to the Dzongkhag and Dungkhag Disaster Management Committee on quarterly basis;
 - (g) maintain and operate emergency funds allocated from His Majesty's Relief Fund as per the guidelines and directives of the Office of the Gyalpoi Zimpon;
 - (h) ensure enforcement of the approved hazard zonation maps and infrastructure safety codes and standards by the concerned Ministry and Agency;
 - (i) implement disaster response, relief and recovery operations and activities as required under the direction and supervision of the Office of the Gyalpoi Zimpon; and

- (j) perform such other functions as may be directed by the Dzongkhag and Dungkhag Disaster Management Committee.

Chapter 4

The Inter-Ministerial Task Force

Establishment of Inter-Ministerial Task Force

34. The National Committee for Disaster Management shall establish an Inter-Ministerial Task Force comprising of technical experts from relevant Ministry and Agency.

Membership

35. The Inter-Ministerial Task Force shall consist of such number of members as may be prescribed by the National Committee for Disaster Management.
36. The Head of the Department having administrative control of disaster management shall be the ex-officio Chairperson of the Inter-Ministerial Task Force.
37. The Vice Chairperson of the Inter-Ministerial Task Force shall be elected by the Task Force for a period of three years.
38. The Chairperson of the Inter-Ministerial Task Force shall designate one of the members as Member-Secretary to the Task Force.

Functions of the Inter-Ministerial Task Force

39. The Inter-Ministerial Task Force shall:
 - (a) assist the National Committee for Disaster Management in the discharge of its functions under this Act;
 - (b) review Standards, Guidelines and Standard Operating Procedures for disaster management;
 - (c) provide necessary technical assistance in the formulation and review of Disaster Management Plans, contingency plans and mitigation activities at all levels;
 - (d) assist the Department having administrative control of disaster

- management in setting up the disaster communication network and institutionalization of effective early warning system;
- (e) facilitate development and review hazard zonation maps and infrastructure safety codes and standards prepared by relevant Ministry and Agency;
 - (f) provide guidance, expert advice and facilitate multi-sectoral disaster management activities;
 - (g) assess various disaster risk reduction initiatives and projects;
 - (h) review and recommend to the National Committee for Disaster Management the requirement for resources and expertise for the implementation of Disaster Management Plans;
 - (i) provide regular inputs to the National Committee for Disaster Management as required by it; and
 - (j) perform such other functions as may be directed by the National Committee for Disaster Management.

Chapter 5 Department

40. The Department having administrative control of disaster management shall be headed by a Director or Director General who shall be a civil servant.

Secretariat to the National Committee for Disaster Management

41. The Department having administrative control of disaster management shall serve as the National Coordinating Agency for disaster management, and also function as the Secretariat to the National Committee for Disaster Management.

Functions of the Department

42. The Department having administrative control of disaster management shall:
- (a) facilitate the institutionalization of Disaster Management Committees at all levels and ensure it functions efficiently and effectively;
 - (b) formulate various standards, guidelines and standard operating procedures for disaster management;
 - (c) facilitate formulation of hazard zonation maps and conduct of risk

- assessments;
- (d) formulate the National Disaster Management Plan and the National Contingency Plan in coordination with relevant Ministry and Agency;
 - (e) coordinate and facilitate the implementation of Disaster Management and Contingency Plans and disaster management activities at all levels;
 - (f) facilitate the setting up of Emergency Operation Centre and disaster communication network and coordinate its functioning;
 - (g) facilitate and support capacity building and institutionalization of mechanisms for disaster management at all levels;
 - (h) develop and implement disaster awareness and education at all levels;
 - (i) develop standard training modules and curriculum on various hazards, risks, vulnerabilities and measures to be taken to prevent, mitigate and respond to disasters;
 - (j) ensure preparedness of all relevant Ministry and Agency to issue effective warnings to the Disaster Management Committee and coordinate the functioning of an effective early warning system;
 - (k) coordinate and facilitate mainstreaming of disaster management and risk reduction initiatives into development plans and programmes;
 - (l) collaborate with relevant international, regional and national organizations on matters pertaining to disaster management;
 - (m) develop National Disaster Management Information System in coordination with relevant Ministry and Agency;
 - (n) submit periodic report on all issues pertaining to disaster management to the National Committee for Disaster Management;
 - (o) facilitate the establishment of Research, Development and Training Institute in the field of disaster management;
 - (p) support and coordinate disaster relief and response activities under the direction and supervision of the Office of the Gyalpoi Zimpon; and
 - (q) perform any other activities as deemed appropriate by the National Committee for Disaster Management.

CHAPTER 6

Ministry, Agency and Corporations

Responsibilities of Ministry, Agency and Corporations

43. Every Ministry, Agency, Corporation and Private Sector notified by the Ministry in charge of Department responsible for Disaster Management shall

institute a Disaster Management Unit in its organization.

44. It shall be the responsibility of the notified Ministry and Agency to:
- (a) formulate, implement, review and update Disaster Management Plan in accordance with the guideline formulated under this Act;
 - (b) facilitate the development of Sector Contingency Plans;
 - (c) develop hazard zonation maps and infrastructure safety codes and standards, as applicable;
 - (d) comply with, ensure compliance and monitor implementation of approved hazard zonation maps and infrastructure safety codes and standards;
 - (e) integrate measures for prevention, mitigation and preparedness for disasters and capacity building activities into its development plans and projects;
 - (f) respond effectively and promptly to any threatening disaster situation or disaster under the direction and supervision of the Office of the Gyalpoi Zimpon;
 - (g) ensure the establishment, functioning and maintenance of an effective Early Warning System involving the vulnerable communities;
 - (h) allocate funds for prevention and mitigation of disaster, capacity-building, preparedness, response, rehabilitation, recovery and reconstruction; and
 - (i) provide assistance to Disaster Management Committee as and when required.

CHAPTER 7

Disaster Management and Contingency Plan

Gewog, Dungkhag, Thromde and Dzongkhag Disaster Management Plan

45. There shall Disaster Management and Contingency Plan for every Gewog, Dungkhag, Thromde and Dzongkhag.
46. The Disaster Management Committee shall draw up its own plan in accordance with the guidelines and procedures formulated under this Act.
47. The Disaster Management and Contingency Plan shall include:

- (a) the hazards, risks and vulnerabilities;
 - (b) the priorities for disaster management;
 - (c) the prevention, mitigation, and preparedness activities, and the manner in which mitigation measures shall be integrated development plans and projects;
 - (d) disaster risk reduction and response mechanisms and contingency action plans;
 - (e) the capacity building measures for effective risk reduction, preparedness and response to disasters;
 - (f) activities for public awareness, education and advocacy;
 - (g) the budget projection for implementation of Plan;
 - (h) other matters as provided for in the guidelines formulated under this Act.
48. The Disaster Management Committee shall, within the time prescribed in the guidelines, make copies of its Disaster Management and Contingency Plan available to the next higher disaster management committee and to the Department having administrative control of disaster management

Disaster Management Plan by Ministry, Agency, Corporations and Private Sector

49. Every Ministry, Agency, Corporations and Private Sector notified by the Ministry in charge of the Department having administrative control of disaster management shall draw up its Disaster Management and Contingency Plan in accordance with the Dzongkhag, Dungkha, Thromde, Gewog Disaster Management Plans and the guidelines and procedures formulated under this Act.
50. The Ministerial, Agency, Corporation and Private Sector Disaster Management and Contingency Plan shall specify:
- (a) the hazards, risks and vulnerabilities likely to occur in its sphere;
 - (b) the measures to be taken by it for prevention, preparedness and mitigation of disasters and the manner in which disaster risk reduction shall be integrated into its development plans and projects;
 - (c) response mechanisms, plans and procedures at the sector-specific level providing for allocation of responsibilities at the National, Dzongkhag, Dungkha and local level in accordance with the National Contingency

Plan;

- (d) the budget projection for the implementation of its Plan; and
- (e) other matters as provided for in the guidelines formulated under this Act.

51. The Ministry, Agency, Corporation and Private Sector shall, within the time so prescribed in the guidelines, make copies of its Disaster Management and Contingency Plan available to the Dzongkhag, Dungkha, Thromde and Gewog Disaster Management Committee and to the Department having administrative control of disaster management.

National Disaster Management and Contingency Plan

52. There shall be a National Disaster Management and Contingency Plan which shall be referred to as the National Plan.

53. The National Plan shall be prepared by the Department having administrative control of disaster management incorporating all Disaster Management and Contingency Plans.

54. The Department having administrative control of disaster management shall submit the National Plan to the National Committee for Disaster Management for endorsement.

55. The National Committee for Disaster Management shall submit the National Plan to the National Disaster Management Authority for approval.

Reviewing and updating the Disaster Management Plan

56. The bodies responsible for formulating Disaster Management Plan shall review the effectiveness of its Disaster Management Plan at least once a year and update its plan as deemed appropriate in accordance with the guidelines and procedures formulated under this Act.

Plan to be available for inspection

57. The Department having administrative control of disaster management shall ensure that the National Plan is available for inspection for members of the

public.

CHAPTER 8

Meetings and Proceedings

Time of meeting

58. The National Disaster Management Authority and the Disaster Management Committee meeting shall be held at least once every six months.
59. The Inter-Ministerial Task Force meeting shall be held at least once every three months.
60. The Chairperson of the National Disaster Management Authority, and Disaster Management Committee and the Inter-Ministerial Task Force may call a special meeting:
 - (a) whenever there is a declaration of disaster;
 - (b) in the event or aftermath of a disaster;
 - (c) whenever a written request is made by a simple majority of its total number of members; or
 - (d) as and when deemed necessary.
61. The Chairperson of the Disaster Management Committee and Inter-Ministerial Task Force shall call a meeting as and when directed by the Chairperson of the National Committee for Disaster Management.
62. The Chairperson of the Dungkha, Thromde or Gewog Disaster Management Committee shall call a meeting as and when directed by the Chairperson of the Dzongkhag Disaster Management Committee.

Quorum

63. A simple majority of the members of National Disaster Management Authority, Disaster Management Committee and Inter-Ministerial Task Force shall constitute a quorum for the conduct of its business.

Presiding at a meeting

64. The Chairperson of the National Disaster Management Authority, Disaster Management Committee and Inter-Ministerial Task Force shall preside at all meetings.
65. The Vice Chairperson shall preside in the absence of the Chairperson.
66. In the absence of both Chairperson and Vice Chairperson from a meeting of the National Disaster Management Authority, Disaster Management Committee or Inter-Ministerial Task Force:
 - (a) a member of the Authority, Committee or Task Force nominated by the Chairperson shall preside; or
 - (b) if the Chairperson does not nominate a member under sub-section (a) a member nominated by the Vice Chairperson shall preside.
67. The members of the National Disaster Management Authority, Disaster Management Committee and Inter-Ministerial Task Force present at the meeting shall elect the Chairperson pro tem if the offices of Chairperson and Vice Chairperson are vacant.

Conduct of meeting

68. The National Disaster Management Authority, Disaster Management Committee and Inter-Ministerial Task Force may hold meetings or allow members to be present in its meetings by using any technology that reasonably allows members to hear and take part in discussions as they happen.
69. A resolution of the National Disaster Management Authority, Disaster Management Committee or Inter-Ministerial Task Force which has not been passed at a meeting shall be considered as valid if:
 - (a) a majority of the members of the committee provides a written agreement to the resolution; and
 - (b) notice of the resolution is given under procedures approved by the Authority, Committee or the Task Force.

Observer in the meetings

70. The Chairperson of the National Disaster Management Authority, Disaster Management Committee and Inter-Ministerial Task Force may invite technical experts to its meetings indicating the items on the agenda for which such observers may be admitted.

CHAPTER 9 Financial Arrangements

His Majesty's Relief Fund

71. His Majesty's Relief Fund shall be established in accordance with Article 14 Section 12 of the Constitution of the Kingdom of Bhutan.
72. His Majesty's Relief Fund shall be maintained under the Office of the Gyalpoi Zimpon as a separate account.
73. The corpus of His Majesty's Relief Fund shall be constituted through:
- (a) Government contribution, maintained at not less than Nu. 100 million at all times, and supplemented in case of major emergencies as required;
 - (b) Contributions made by individuals, national and international agencies and bilateral and multilateral sources, for the specific purpose of response and relief;
 - (c) Support from international and global emergency funds and resources for the provision of immediate humanitarian relief; and
 - (d) Any other sources of funding.
74. His Majesty's Relief Fund shall be utilized for coordinating and supporting immediate response and humanitarian activities and as per the command of His Majesty the King.

Recovery and Re-construction

75. Any fund provided by the government or resources mobilized or received for recovery and reconstruction shall be channeled through the Ministry of Finance.

Disaster Prevention, Mitigation and Preparedness Budget

76. Ministry, agency and disaster management committee, shall ensure budgeting and mainstreaming of their disaster management and contingency plan activities in their annual plans and programs.
77. The Department in charge of disaster management shall lead and coordinate, with support from the Inter-Ministerial Task Force, the budgeting and mainstreaming of multi-sectoral mitigation and preparedness activities and activities prioritized in the National disaster management and contingency plan.
78. The government shall accord high priority to disaster management activities and ensure adequate budget in the five yearly and annual plans is accorded towards disaster risk reduction and mitigation activities.

Emergency Procurements

79. The steering committee/ National Committee for Disaster Management may, where exigencies of the disaster situation require, authorize concerned Ministry, Agency and Disaster Management Committee to make emergency procurements circumventing standard procurement procedures.

CHAPTER 10 Disaster Classifications

Type I Disaster

80. A disaster shall be classified as Type I, if the event:
 - (a) affects a single Thromde or Gewog or any part thereof;
 - (b) does not involve loss of human life, major loss to property and damage to the environment; and
 - (c) is within the coping capacity of the Thromde or Gewog Disaster Management Committee.
81. The Thromde or Gewog Disaster Management Committee may make

recommendations to the Dzongkhag Disaster Management Committee for up gradation of disaster classification as deemed expedient.

Type II Disaster

82. A disaster shall be classified as Type II, if the event:

- (a) affects a greater part of a Thromde or more than one Gewog;
- (b) causes or threatens to cause death, injury, major loss to property, damage to the environment and/or disruption to the community; and
- (c) Severity and magnitude is beyond the coping capacity of the Thromde or Gewog Disaster Management Committee and requires the intervention by the Dzongkhag Disaster Management Committee.

83. The Dzongkhag Disaster Management Committee may make recommendations to the National Committee for Disaster Management for up gradation of disaster classification as deemed expedient.

Type III Disaster

84. A disaster shall be classified as Type III, if the event:

- (a) affects a greater part of a Dzongkhag or more than one Dzongkhag;
- (b) causes or attempts to cause serious disruption of a community or communities, causing major loss to human lives, property and the environment; and
- (c) severity and magnitude is beyond the coping capacity of the Dzongkhag Disaster Management Committee and requires the intervention by the National Committee for Disaster Management.

85. The National Committee for Disaster Management may make recommendations to the National Disaster Management Authority for up gradation of disaster classification as deemed expedient.

Type IV Disaster

86. A disaster shall be classified as Type IV, if the event:

- (a) affects the nation as a whole or in part;

- (b) existing legislation and contingency arrangements do not adequately provide for the National Committee for Disaster Management to deal effectively with the disaster; and
- (c) severity and magnitude is beyond the coping capacity of the National Committee for Disaster Management.

Coordination and Management of Disaster

87. Immediate response and relief and management during various types of disaster shall be the responsibility of the concerned Disaster Management Committee. However, overall coordination and management of relief and response during a disaster shall be under the direction and supervision of the Office of the Gyalpoi Zimpon and in accordance with the standards, guidelines and procedures framed under this Act.

Reclassification of Disaster

88. The Disaster Management Committee on submission of request for reclassification from concerned Disaster Management Committee, in consultation with the Office of the Gyalpoi Zimpon may, reclassify disaster types.

Declaration of Disaster

89. The process for declaration of a disaster shall be as per the guidelines for declaration formulated under this Act.

CHAPTER 11 Powers of Chairperson

Operation Coordinator

90. The Chairperson of the Disaster Management Committee may, upon declaration of disaster situation, assume the role of the Operation Coordinator or by a special order appoint a person as the Operation Coordinator.

Delegation

91. The Chairperson of the Disaster Management Committee shall, in addition to presiding over the meetings of the Committee, exercise and discharge powers and functions delegated by the Disaster Management Committee.
92. The Chairperson of the Disaster Management Committee shall, in the case of a disaster, have the authority to exercise all or any of the powers of the Disaster Management Committee but the exercise of such powers shall be subject to post facto ratification by the Committee.
93. The Chairperson of the Disaster Management Committee may in writing delegate powers and functions to Operation Coordinator or an authorized person, subject to such conditions and limitations if any, as deemed fit.

General Powers

94. The Chairperson of the Disaster Management Committee shall, on declaration of a disaster, issue directions or authorize the issue of directions for immediate response, rescue, evacuation, implementation of contingency actions plans and for any other steps as may be necessary to contain, alleviate or minimize the effects of the disaster.

Power to Requisition

95. The Chairperson of the Disaster Management Committee, Operation Coordinator or any other authorized person shall for the purposes of preparedness, emergency response, rescue and relief by an order in writing:
 - (a) requisition necessary resources such as human resources or material from any Governmental, Non-Governmental Organization, Private Sector or person; and
 - (b) secure any premises that may be necessary for the conduct of response and rescue operations.
96. Any Ministry, Agency, Non-Governmental Organization, Private Sector or any person shall, when requested under section 95 of this Act, make available to that Committee, Operation Coordinator or an authorized person resources so requested.
97. The Disaster Management Committee may recommend to the Government to

direct any authority, Private Sector or person to make available the use of any communication equipment to carry any warning or advisories regarding threatening disaster situation or disaster as may be required.

Entry without warrant

98. A Chairperson of the Disaster Management Committee, Operation Coordinator or any other authorized person may enter or authorize any person to enter a place if he/she is satisfied on reasonable grounds that it is necessary to enter the place to avoid an imminent risk of death or injury of a person.
99. The person entering may enter using reasonable force and without a warrant or the consent of the owner or occupant of the place, provided that he/she makes a reasonable attempt to do the following:
- (a) inform the occupant the purpose of the entry; and
 - (b) inform the occupant that he/she is permitted under this Act to enter the place without the occupant's consent.
100. The person entering may do all of the following having regard to the purpose of the entry:
- (a) search any part of the place;
 - (b) open using reasonable force a container or other thing at the place;
 - (c) remove any thing from the place;
 - (d) take into or onto the place equipments, persons or materials that he/she reasonably requires to discharge his/her duty under this section;
 - (e) direct a person to leave, or not to enter an area in or near the place, if the person considers the direction is necessary to protect a person's life or health.

Power to give direction about property

101. The Chairperson of the Disaster Management Committee, Operation Coordinator or any other authorized person may, by notice to the owner, direct the owner of any property to put the property under the control or at the disposal of a person stated in the notice.
102. The notice shall include provision on the following:

- (a) information about the nature of the disaster situation;
- (b) identifying the property to which the direction relates;
- (c) information about the purpose for which the property is to be used;
- (d) information about rent and rates payable for movable and immovable property;
- (e) information about compensation under this Act in relation to any loss or damage incurred because of the use of the property;
- (f) state the provision of this Act under which the direction is given;
- (g) that the person to whom the direction is given must comply with the direction.

Duration of the exercise of power

103. A Chairperson of the Disaster Management Committee, Operation Coordinator or any other person authorized may exercise powers under this Act only during the period specified in the Declaration.

Warning

104. The Chairperson of the Disaster Management Committee, Operation Coordinator or any other authorized person proceeding under this Act, shall warn a person that:

- (a) it is an offence to obstruct or refuse to comply with any directives given by the Chairperson, Operation Coordinator or an authorized person unless the person has a reasonable excuse; and
- (b) the Chairperson, Operation Coordinator or a person authorized considers the person's conduct an obstruction.

CHAPTER 12

Emergency Operation Centre

Emergency Operation Centre

105. There shall be an Emergency Operation Center established at the National and Dzongkhag Level.
106. The Emergency Operation Centre shall report to the Department having administrative control of disaster management.

Establishment of Emergency Operation Centre

107. The National Committee for Disaster Management shall establish the National Emergency Operation Centre in the Department having administrative control of disaster management.
108. The Dzongkhag Disaster Management Committee shall establish the Dzongkhag Emergency Operation Centre and may establish additional Emergency Operation Centre in the Dzongkhag as may be deemed necessary.
109. The Disaster Management Committee shall ensure the establishment and functioning of on-site emergency operation centers, as required.

Personnel of the Emergency Operation Centre

110. The Emergency Operation Centre shall be manned by personnel appointed by the Royal Civil Service Commission as requisitioned by the department having administrative control of disaster management.
111. During Emergencies, the Emergency Operation Centre shall be manned by relevant members of the Inter-Ministerial Task Force as deemed appropriate by the Chairperson.

Functions

112. The Emergency Operation Centre shall:
- (a) operate as the Command and Control Centre during a threatening disaster

- situation or a disaster.
- (b) function as the Centre for collecting, gathering, analyzing and dissemination of data and information for appropriate decision making.
 - (c) carry out functions as specified in the guidelines and standard operating procedures for Emergency Operation Centers formulated under this Act.
113. The Chairperson of the Disaster Management Committee shall be responsible for the establishment, coordination, facilitation and management of the Emergency Operation Centre as per the guidelines and standard operating procedures formulated under this Act.

CHAPTER 13

Relief Assistance and Compensation

Relief Assistance

114. The National Committee for Disaster Management in collaboration with the Office of the Gyalpoi Zimpon shall formulate the minimum standards and procedures for relief to be awarded from His Majesty's Relief Fund.

Compensation for use, loss and damage of property

115. The Disaster Management Committee shall, ensure payment of compensation to persons whose property is used, lost or damaged, for the purpose of relief, response and recovery, from His Majesty's Relief fund, as per the guidelines and standards formulated under this Act.
116. 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

117. The disaster management committee shall liaise with the concerned insurance companies in expediting payment of insurance compensation, where applicable.

CHAPTER 14

Offences and Penalties

Impersonation of authorised person

118. A person who impersonates the Chairperson of the Disaster Management Committee, or any authorized person under this Act shall, on conviction, be guilty of the offence of misdemeanour.

Obstruction

119. A person who obstructs the Chairperson of the Disaster Management Committee, or any authorized person in the discharge of his/her functions under this Act shall, on conviction, be guilty of the offence of petty misdemeanour unless he/she has a reasonable excuse.

Non-Compliance

120. 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 he/she has a reasonable excuse.

Making False Claims

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

Misappropriation

122. If a person entrusted with or having custody over any resources meant for providing relief in any disaster or impending disaster situation 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 Bhutan Penal Code, 2004.

False Alarm or Warning

123. 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

124. Any officer on whom responsibilities have been entrusted under this Act ceases or refuses to perform or withdraws from his/her duties or office without a written permission of his/her supervisor nor has lawful reasons for doing so shall, on conviction, be guilty of the offence of petty misdemeanour.

Offences not specified under the Act

125. The National Disaster Management Authority shall have the power to impose reasonable penalty not exceeding a fine of ninety days minimum wage where a particular offence is not covered by this Act.

CHAPTER 15 Miscellaneous

Affirmative Action on Gender

126. Due care shall be taken to ensure that women are adequately represented on Disaster Management Committees established under this Act.

Protection from liability

127. The Chairperson, Disaster Management Committee, or any other authorized person under this Act exercising powers or performing his/her 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 his/ her duty.

Accounts and Audit

128. The Royal Audit Authority shall be the auditor for all Disaster Management Funds.

129. The Royal Audit Authority of Bhutan shall examine and audit funds, receipts and disbursements in accordance with the Audit Act of Bhutan, 2006 and relevant provisions under this Act.

Sub-Committee

130. The Disaster Management Committee may, as and when it considers necessary, constitute one or more advisory Committee and Sub Committee for the efficient discharge of its functions.

Power to make rules

131. The National Committee for Disaster Management may, with the approval of the National Disaster Management Authority, make rules from time to time to carry out the provisions of this Act.

Authoritative text

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

Amendment

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

Definition

134. In this Act, unless the context otherwise requires:

- (a) “Act” means the National Disaster Management Act of the Kingdom of Bhutan, 2010;
- (b) “Affected area” means an area or part of the nation affected by disaster;
- (c) “Agency” means permanent or semi-permanent organizations in both the government and private sector;
- (d) “Capacity Building” means the identification, acquiring and creating of

- resources – human, technical, financial, institutional – for increased effectiveness in whole disaster management cycle;
- (e) “Constitution” means the Constitution of the Kingdom of Bhutan 2008;
 - (f) “Disaster” means disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope, using its own resources, as classified under Chapter 10 of this Act;
 - (g) “Disaster area” means an area declared as affected by a disaster under this Act;
 - (h) “Disaster management” means a continuous and integrated multi-sectoral process of planning, organizing, coordinating and implementing measures aimed at:
 - (i) Preventing and reducing disaster risks;
 - (ii) Mitigating severity of disasters;
 - (iii) Capacity building;
 - (iv) Emergency preparedness;
 - (v) Effective response to disasters;
 - (vi) Effective search, rescue, evacuation and relief;
 - (vii) Post-disaster recovery and rehabilitation.
 - (i) “Disaster Management Committee” means the National Committee for Disaster Management, Dzongkhag Disaster Management Committee, Dungkhag Disaster Management Committee, Thromde Disaster Management Committee or Gewog Disaster Management Committee in order of precedence;
 - (j) “Disaster Management Plan” means disaster management plans formulated by the Ministry, Agency, Dzongkhags, Dungkhags, Thromdes and Gewogs;
 - (k) “Disaster Risk Reduction” means the conceptual framework of elements considered with the possibilities to minimize vulnerabilities and disaster risks throughout the society and to avoid or to limit the adverse impacts of hazards within the broad context of sustainable development;
 - (l) “Dratshang” means the monastic body;
 - (m) “Dzongdag” means the chief executive of the Dzongkhag or any official for the time being exercising the functions of the office of Dzongdag;
 - (n) “Dzongkhag” means a district;
 - (o) “Dzongkhag Administration” means the executive arm of the Royal Government headed by the Dzongdag;
 - (p) “Gewog” means a County;
 - (q) “Gewog Tshogde” means a County Committee;

- (r) “Gup” is the chairperson of the Gewog Tshogde;
- (s) “Government” means the Royal Government of Bhutan;
- (t) “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;
- (u) “Mangmi” means an elected representative of the Gewog and also the Deputy Gup;
- (v) “Mitigation” means measures aimed at reducing risks, impacts or effects of a disaster or an impending disaster situation;
- (w) “National disaster risk management framework” means the national disaster risk management framework endorsed by the National Authority for Disaster Management;
- (x) “National Plan” means the Disaster Management Plan for the whole of the country;
- (y) “Non Governmental Organization” includes Civil Society Organization registered with the Civil Society Organization Authority of Bhutan;
- (z) “Premises” means any land, building, part of building or other structures or any part thereof;
- (aa) “Preparedness” means the state of readiness to deal with a potential disaster situation or disaster and its effects thereof;
- (bb) “Property” means both movable and immovable property as defined in the Moveable and Immovable Property Act of the Kingdom of Bhutan, 1999;
- (cc) “Post-disaster recovery and rehabilitation” means efforts including development, aimed at:
 - (i) Restoring normalcy in conditions caused by disaster;
 - (ii) Mitigating the effects of disaster; or
 - (iii) Creating circumstances that will reduce the risk of similar disasters occurring.
- (dd) “Risks” means the level or value of expected losses in the form of deaths, injuries, damage to property etc. caused by a hazard;
- (ee) “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;
- (ff) “Re-construction” means the construction or restoration of any property, infrastructure, public assets, and sources of livelihood after a disaster;
- (gg) “Resources” include human resources, equipment, vehicles, other modes of transportation, funds and such other material resources;

- (hh) “Steering committee” means the committee formed under Chapter 9 Section 79 of this Act;
- (ii) “Thromde” means a municipality;
- (jj) “Thromde Tshogde” means a municipal committee;
- (kk) “Thrompon” means a Mayor;
- (ll) “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;
