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Following Act is adopted by the Parliament and got consent of the President on 24 September, 2012/09 Ashwin, 1419 and the Act is hereby going to be published for information of the public:-

**Act No. 34 of the year 2012**

**The Act enacted to make the activities about disaster management coordinated, object oriented and strengthened and to formulate rules to build up infrastructure of effective disaster management to fight all types of disaster**

Whereas, it is expedient and necessary to mitigate overall disaster, conduct post disaster rescue and rehabilitation program with more skill, provide emergency humanitarian aid to vulnerable community by bringing the harmful effect of disaster to a tolerable level through adopting disaster risk reduction programs and to enact rules to create effective disaster management infrastructure to fight disaster to make the activities of concerned public and private organizations more coordinated, object oriented and strengthened to face the disasters;

Therefore, the following Act is enacted hereby: --

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(173441)

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**Chapter one**  
**Preamble**

1. **Short Title and Commencement.**-- (1) This Act may be called as Disaster Management Act.  
(2) It would come in to effect immediately.
2. **Definition.**--In this Act, unless there is anything repugnant in the subject or context-
  - (1) **'Department'** means 'Disaster Management Department' as mentioned in section 7;
  - (2) **'Hazard'** means any unnatural incident which is created by natural law, due to technical faults or by humans and as a result bring down the normal lifestyle of peoples in to danger and risk through occurring devastation and create sorrows and sufferings including devastating and irreparable damages to necessary items to maintain livelihood;
  - (3) **'Committee'** means to include, in case, the group, committee, board, platform or taskforce formed under section 14, 17 and 18;
  - (4) **'Council'** means 'National Disaster Management Council' formed under section 4;
  - (5) **'Climate Change'** means global weather change occurred as result of change of physical elements of atmosphere in the long run in a place on the surface of the earth within the process of absorption and radiation of sunlight under natural rule or due to creation of obstacle to above mentioned natural rules by any direct or indirect activities of humans;
  - (6) **'Vessel'** means mechanical or human driven ship, boat, tug-boat, ferry, launch, speedboat, fishing boat and any such vehicle that ply on the water to carry passenger or goods or used for any other tasks;
  - (7) **'Risk'** means hazards, factors of dangers and possible harmful situation created due to internal process of the environment or assembling and capability;
  - (8) **'Schedule'** means schedules of this Act.
  - (9) **'Relief'** means food, blanket and winter cloths including essential other cloths, medicines, essential materials for new borne baby and infants, pure drinking water, money, energy, seeds, agricultural materials, cattle, fish fries, corrugated tin or house building materials and any other assistance;

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- (10) '**Disaster Zone**' means declared disaster zone under section 22
- (11) '**Disaster**' means any such incidents mentioned below created by nature or human or created due to climate change and its massiveness and devastation cause such damage to cattle, birds and fisheries including life, livelihood, normal life, resources, assets of community and the environment of the damaged area or create such level of hassle to that community whose own resources, capability and efficiency is not sufficient to deal this and relief and any kind of assistance is needed to deal that situation, such as: -
- (a) Cyclone, northwester, tornado, sea high tides, abnormal tides, earthquake, tsunami, excessive rains, shortfall of rains, flood, erosion of river, erosion of coastal area, drought, excessive salinity, excessive pollution of arsenic, building slide, landslide, hill slide, gushing water from hills, hailstorm, heat wave, cold wave, long term water logging etc.;
  - (b) Explosion, fire, capsizing of vessel, massive train and road accident, chemical and nuclear radiation, pilferage of oil or gas, or any mass destruction incident;
  - (c) Disease causing pandemic, such as pandemic influenza, bird flu, anthrax, diarrhea, cholera, etc.;
  - (d) Harmful microorganism, poisonous materials and infection of life active object including infection by bio based or biological infectious object;
  - (e) Ineffectiveness or damage of essential service or disaster protection infrastructure; and
  - (f) Any unnatural incident or a misfortune causing massive life loss and damage;
- (12) '**Standing Orders on Disaster**' means the Standing Orders on Disaster (SOD) formulated regard to disaster management by the Ministry of Food and Disaster Management;
- (13) '**Disaster Management**' means methodical institutional structure and program for disaster risk reduction and immediate response after disaster, through which following steps and programs may be taken to deal disaster, such as:-
- (a) determination of danger, scale and duration of disaster;
  - (b) management including adoption of plans, coordination and implementation;

- (c) provide early warning, caution, danger or extreme danger signal and arrange for propagation and transfer of life and assets to secure places;
  - (d) conducting search and rescue after disaster, determination of estimation and demand of life and assets damaged, under humanitarian aid program distribution of relief, rehabilitation and reconstruction and adoption programs for essential service, rescue and development; and
  - (e) conducting relevant other programs;
- (14) “**Disaster Management Plans**” means, in case of, National Disaster Management Plans or Local Disaster Management Plans formulated under section 20;
- (15) “**Rehabilitation**” means –
- (a) bring back any infrastructure damaged by disaster to previous condition or better condition;
  - (b) bring back normal life, livelihood and working environment to damaged area through accomplishment of psychological, economical and physical welfare of affected community including increasing their organizational capability;
  - (c) to bring back the affected community to a normal life, if necessary, transfer to another place;
  - (d) arrangement for better treatment to affected cattle, fisheries etc. and if applicable, bring back the concerned firms to a previous condition;
  - (e) take immediate steps to remove dead body, cattle, fish, etc. remain in ponds, river-canals, marsh and water bodies and arrange pure and secure drinking water for humans and cattle including arrangement for purify the water there;
  - (f) to remove poisonous objects from the affected area, arrangement for cleaning the poisonous microbes and dirty-garbage and take necessary measures to deal the situation arise;
- (16) “**Preparation**” means steps taken to develop the knowledge and concepts about risky situation to increase awareness and capability among the community to deal the affect of hazards and conduct program to reduce the damage by possible disaster and search, rescue and humanitarian aid program after the disaster;

- (17) “**Rules**” means the rules formulated under this Act;
  - (18) “**Vulnerability**” means any such existing socio-economic, geographical and environmental condition of any community which may make expected capability of the community vulnerable, weak, unskilled and limited to adapt with affect of natural or human created hazard or any adverse reaction;
  - (19) “**Individual**” means, where applicable, any company, association and organizations also be included;
  - (20) “**Armed Forces**” means Bangladesh Army, Bangladesh Navy and Bangladesh Air Force;
  - (21) “**Response**” means activities taken to protect life and assets, to meet the fundamental demand of affected community or to provide essential service; and
  - (22) “**Services**” means shelter, foods, pure drinking water, cloths to wear, treatment, power and gas supply, telecommunication, sewerage, services concerned to energy and transport, fire extinguishing, security, search, rescue operation provided by any organization, institution or individual to accomplish disaster management activities and services provided by the police including other services specified by the government.
3. **Preference of the Act.** --- Whatever is mentioned differently in any existing effective act, rules of this Act would be preferred.

## **Chapter two**

### **Organizational Structure of Disaster Management**

4. **National Disaster Management Council.** – (1) To fulfill the objectives of this Act, there would be a council named National Disaster Management Council to provide guidelines to concerned authority and persons about formulation of policies and plans on disaster management and other related issues.
- (2) Council would be consists of the following members, such as:--
- (1) Prime Minister, who would be its chairperson also;
  - (2) Minister assigned for the responsibility of Local Government, Rural Development and Cooperative Ministry;
  - (3) Minister assigned for the responsibility of Agricultural Ministry;

- (4) Minister assigned for the responsibility of Home Ministry;
- (5) Minister assigned for the responsibility of Communication Ministry;
- (6) Minister assigned for the responsibility of Health and Family Welfare Ministry;
- (7) Minister assigned for the responsibility of Food and Disaster Management Ministry;
- (8) Minister assigned for the responsibility of Water Resources Ministry;
- (9) Minister assigned for the responsibility of Shipping Ministry;
- (10) Minister assigned for the responsibility of Housing and Public Works Ministry;
- (11) Cabinet Secretary, who would be also its member secretary;
- (12) Army Chief;
- (13) Navy Chief;
- (14) Air Force Chief;
- (15) Principal Secretary of Prime Minister's Office;
- (16) Principal Staff Officer of Armed Forces Division;
- (17) Secretary of Finance Division;
- (18) Secretary of Agricultural Ministry;
- (19) Secretary of Local Government Division;
- (20) Secretary of Health and Family Welfare Ministry;
- (21) Secretary of Home Ministry;
- (22) Secretary of Defense Ministry;
- (23) Inspector General of Police, Bangladesh Police;
- (24) Secretary of Education Ministry;
- (25) Secretary of Primary and Mass Education Ministry;
- (26) Secretary of Road Division;
- (27) Secretary of Railway Division;
- (28) Secretary of Water Resources Ministry;
- (29) Secretary of Shipping Ministry;

- (30) Secretary of Information Ministry;
- (31) Secretary of Bridge Division;
- (32) Secretary of Disaster Management and Relief Division;
- (33) Secretary of Food Division;
- (34) Secretary of Land Ministry;
- (35) Secretary of Housing and Public Works Ministry;
- (36) Secretary of Fisheries and Animal Resources Ministry;
- (37) Director General, Border Guard Bangladesh;
- (38) Director General, Rapid Action Battalion (RAB);
- (39) Director General, Ansar & VDP Department;
- (40) Director General, Bangladesh Coast Guard;
- (41) Chairman National Disaster Management Advisory Committee.

(3) In case of, if there is no minister assigned for the responsibility of any Ministry or Division as mentioned in clause (2), the Minister of State or Deputy Minister assigned for the responsibility of that ministry or Division would be, if any, member of the council.

(4) The Council, if necessary, may co-opt any other person as member of the council.

(5) The Government, if necessary, may reduce or increase the number of council member by government gazette notification.

**5. Meeting of the Council.** – (1) Subject to other rules of this section, Council may determine the rules of procedures for its meetings.

(2) Meetings of the Council would be held in specific place and time determined by the Chairman.

(3) At least one meeting of the council would be held every year.

(4) Chairman of the Council would preside over all meetings.

(5) In absence of Chairman, any member approved by chairman may preside the meeting.

- (6) Quorum of the meeting would be in presence of at least two-third members.
- (7) Decision would be taken in council meeting by majority vote of present members and in case of equal votes; the person in the chair would have the power to give a deciding vote.
- (8) No function or procedure would be considered invalid only for vacancy of member post or any error remains in formation of council and no question may be presented before any court or other place.

**6. Responsibility and functions of the Council.** – (1) Followings would be the Responsibility and Functions of the Council, such as:-

- (a) Provide strategic guidelines concerned to policies and plans about disaster management;
- (b) Provide necessary guidelines to all concern about law, policy and plan implementation on disaster management;
- (c) Review method of existing disaster risk reduction and emergency response programs and provide strategic guidelines for its revision, correction and change after evaluation;
- (d) Evaluation of disaster preparedness programs and provide strategic consultancy to concern authority, committee and persons in this regard;
- (e) Provide strategic guidelines to concern authority, committee and persons for development of post disaster response and rescue operations and its method and process;
- (f) Implementation progress review of government projects and programs taken to face the disaster and rehabilitation;
- (g) Provide necessary directives or consultation to concern authority and persons to arrange seminars, workshops etc. to increase awareness about all concern issues, activities, directives, programs, laws, rules, policies, etc, related to disaster; and
- (h) Take other relevant measures to fulfill the objectives of this Act.

(2) Disaster Management and Relief Division would perform the secretarial responsibility of the council while conducting the activities of Council and would be responsible for decision implementation of the Council.



7. **Establishment of Department:**-- (1) There would be a Department namely 'Department of Disaster Management' to fulfill the objectives of this Act.  
(2) While this Act would come in to effect, according to the rules of this Act, existing Relief and Rehabilitation Division under Disaster Management and Relief Department would be changed into Department of Disaster Management to fulfill the objectives of clause (1).
8. **Head Office of the Department, etc..** --(1) Head Office of the Department would be situated in Dhaka.  
(2) The government, if necessary, may set up subordinate or branch office of the Department in any place out of Dhaka.
9. **Responsibility and functions of the Department.** --- To fulfill the objectives of this Act, followings are to be the responsibilities and functions of the Department, such as:---  
(a) Reduce the overall affect of disaster by bringing the damaging affect of different type of disaster to a tolerable level through taking disaster risk reduction programs;  
(b) Conduct the emergency humanitarian aid, rescue and rehabilitation programs with skill for the community affected and distressed by the disaster;  
(c) To make the programs coordinated, object oriented and strengthened taken by concerned government and non-government organizations alongside the disaster risk reduction and emergency response programs;  
(d) Implementation of directives, recommendations etc. given by the government about disaster management;  
(e) Implementation of National Disaster Management Policy and National Disaster Management plans;  
(f) Adoption of other programs considered to be expedient and necessary to build up an effective disaster management structure to face al kind of disaster.
10. **Director General.** --- (1) There would be one Director General of the Department, who is to be Chief Executive of the Department.  
(2) Director General would be appointed by the government and the terms of reference for his job would be determined by the government.

- (3) Director General ---
- (a) would conduct all administrative and financial activities of the Department;
  - (b) would supervise the functions of officers and employees and provide them guidelines;
  - (c) would accomplish the functions, if any, enforce the power and perform other responsibility subject to this Act and directives given by the government and Council time to time;
  - (d) would take measures on the basis of letter, fax, e-mail sent to him by any person to take action on any issue related to disaster management; and
  - (e) may take all other programs considered to be expedient and necessary by him.
- (4) If the post of Director General become vacant or the Director General become unable to perform his duties due to absence, illness or any other cause, until a new Director General take over the vacant post or the incumbent Director General become able to perform his duties again any officer directed by the government may perform temporarily the responsibility of the Director General.
11. **Appointment of officers and employees.** --- The government may appoint necessary number of officers and employees to accomplish properly the functions the Division and the terms and conditions of their jobs would be determined by the Rules.
12. **Establishment of National Disaster Management Research and Training Institute.** –
- (1) To fulfill the objectives of this Act, the government, if necessary, may establish a ‘National Disaster Management Research and Training Institute’ to take relevant programs including research on the effects of disaster and climate change and increasing capability of disaster management method.
- (2) Functions and method of conducting including other relevant issues of the institution established under clause (1) would be determined by the rules.
13. **Formation of National Disaster Voluntary Organization.** --- (1) The government may formulate a program based on the community and under it may form a voluntary organization namely National Disaster Volunteers.

- (2) Responsibility, training, dress, benefits, functions and conducting method of volunteer organization formed under clause (1) would be determined by the rules.
- (3) Whatever is mentioned in clause (1), if any volunteer organization is formed with similar objectives before this Act come in to effect, it would be considered that the organization is formed under this Act and would perform the responsibility according to the directives of the government.

**14. National Disaster Response Coordination Group.** --- (1) A National Disaster Response Coordination Group would be formed consists of the following members to conduct the response program well organized and effective during large scale disaster, such as:---

- (1) Minister in charge of Food and Disaster Management ministry, who would be its chairman also;
- (2) Minister in charge of Local Government, Rural Development and Cooperative ministry;
- (3) Principal Staff Officer of Armed Forces Division;
- (4) Secretary of Finance Division;
- (5) Secretary of Home Ministry;
- (6) Secretary of Information Ministry;
- (7) Secretary of Health and Family Welfare Ministry;
- (8) Secretary of Post and Telecommunication Ministry;
- (9) Secretary of Water Resources Ministry;
- (10) Secretary of Education Ministry;
- (11) Secretary of Shipping Ministry;
- (12) Secretary of Implementation, Monitor and Evaluation Division;
- (13) Secretary of Disaster Management and Relief Division, who would its member secretary also.

(2) National Disaster Response Coordination Group, if necessary, may co-opt any body as a member of the group.

(3) The government, through governmental gazette notification, may reduce or increase the number of National Disaster Response Coordination Group.

(4) National Disaster Response Coordination Group may invite any person or organization in its meetings to make the response activities well organized, effectively conducted and coordinated and that person or organization should be present in the meeting and should be obliged to provide assistance to National Disaster Response Coordination Group.

**15. Meeting of National Disaster Response Coordination Group.**—(1) Subject to other rules of this section, National Disaster Response Coordination Group, may determine the rules of procedure of its meeting.

(2) Its all meeting should be held presided by the chairman of coordination group in a place and time specified by him:

But provided that, any member nominated by chairman may preside the meeting in absence of him.

(3) According to necessity National Disaster Response Coordination Group may hold its meeting in any date and time:

But provided that, presence of one-third members is must to create quorum.

(4) Decision should be taken in coordination group meeting with majority vote of present members and in case of equal vote the person presiding would have the power to cast a determining vote.

(5) No function or procedure would be considered invalid only for vacancy of member post or any error remains in formation of council and no question may be presented before any court or other place.

(6) Disaster Management and Relief Division would provide secretarial assistance to National Disaster Response Coordination Group.

**16. Responsibility and functions of National Disaster Response Coordination Group.**— Following would be the responsibility and functions of National Disaster Response Coordination Group, such as:---

(1) Evaluation of disaster situation and activate the method and process of disaster response and speedy rescue;

(2) Ensure sending resources to response in disaster;

- (3) Ensure proper propagation of warning signals;
- (4) Coordinate the response and speedy rescue operation;
- (5) Supervision of post disaster rescue and search operations;
- (6) Coordinate the post disaster relief operations;
- (7) Ensure speedy sending of additional equipments and materials to areas where telecommunication is disrupted;
- (8) Determination of preference about relief materials, fund and vehicles and provide directives;
- (9) Sending additional workforce to the areas of disaster and coordination of specific responsibility to give communication facility including issue of sending Armed Forces;
- (10) Maintain information flow in emergency situation during disaster;
- (11) Implementing the decision of Council and inform the Council about the situation disaster;
- (12) Formulation and update the directives to implement Multi-agency Disaster Incident Management System;
- (13) Recommend on disaster preparedness and risk reduction steps;
- (14) To provide directives on resources, services, complex identified as emergency shelter, vehicles and other facilities requisition;
- (15) Send recommendation to the government to seek cooperation from the Armed Forces in devastating type of disaster situation or any such a deteriorating situation where fatal disaster may occur;
- (16) Recommend to take consent about early purchase in pre-disaster period for one or more years altogether from the cabinet committee concern to economic affairs to ensure supply, delivery or use of necessary materials or resources in emergency basis during disaster or post disaster situation.

**17. National level disaster management committee, etc..** --- (1) To fulfill the objectives of this Act, there would be following committee, board and platform at national level, such as:--

- (a) Inter-ministry disaster management coordination committee;
- (b) National Disaster Management Advisory Committee;
- (c) Policy Committee of Cyclone Preparedness program;
- (d) Cyclone Preparedness Program Implementation Board;
- (e) Earthquake Preparedness and Awareness increase Committee;
- (f) National Platform for Disaster Risk Reduction;
- (g) Committee for speedy propagation of disaster warning message, strategy determination and implementation.

(2) Formation of Committee, Board or Platform as mentioned in clause (1) and its responsibility and functions would determined by the Rules.

(3) Besides, Committee, Board or Platform as mentioned in clause (1), the government, if necessary, may form one or more Committee, Board, Platform, Group or Taskforce and determine their functions through government gazette notification.

(4) Whatever is mentioned in this section, to fulfill the objectives of clause (2) until no rule formulated or, in case, to fulfill the objectives clause (3) until no notification is issued, any Committee, Board, Platform, Group or Taskforce formed under standing orders on disaster for same purpose, if any, should be considered as formed under this Act and, subject to consistency with this Act, they may accomplish the responsibility and functions as mentioned in that orders.

**18. Local Level Disaster Management Committee and Group.**--- (1) To fulfill the objectives of this Act, at local level following disaster management committee or, in case, Health Management Committee should be formed, such as:--

- (a) City Corporation Disaster Management Committee;
- (b) District Disaster Management Committee;
- (c) Upazilla Disaster Management Committee;
- (d) Pourashava Disaster Management Committee;
- (e) Union Disaster Management Committee; and
- (f) If necessary, disaster period District or Upazilla Health Management Committee.

(2) To fulfill the objectives this Act, following Disaster Response Coordination Group would be formed in local level, such as:--

- (a) City Corporation Disaster Response Coordination Group;
- (b) District Disaster Response Coordination Group;
- (c) Upazilla Disaster Response Coordination Group;
- (d) Pourashava Disaster Response Coordination Group.

(3) Formation of committee and group and their responsibility and functions as mentioned in clause (1) and (2) would be determined by the rules.

(4) Besides the committee and groups as mentioned in clause (1) and (2), the government, if necessary, through government gazette notification, may form one or more committee or group and determine their responsibility and functions.

(5) Whatever is mentioned in this section, to fulfill the objectives of clause (3) until no rule is formulated or, in case, until no notification is issued to fulfill the objectives of clause (4), any committee or group formed by standing order on disaster for same purpose, if any, should be considered as formed under this Act and, subject to consistency with this Act, they may accomplish the responsibility and functions as mentioned in that order

**19. Formulation of National Disaster Management Policy.** -- To fulfill the objectives of this Act, the government may formulate a National Disaster Management Policy considering different communities, geographical region, hazard and sectors in consistence with working structure concern to international and regional disaster management.

**20. Formulation of National and Local Disaster Management Plan.** – (1) To fulfill the objectives of this Act, the government may formulate a National Disaster Management Plan.

(2) Maintaining the consistency with the plan mentioned in clause (1), Local Disaster Management Committees would formulate local disaster management plans based on their own areas and local hazards.

(3) Whatever is mentioned in clause (1), until a National Disaster Management Plan formulated under that clause, National Plan for Disaster Management 2010-2015 formulated by the Ministry Food and Disaster Management for same purpose would remain effective with necessary adaptation, subject to consistence with this Act.

21. **Liability, responsibility and duties of different ministry, division and organizations.** --  
- The government may, by order, determine the liability, responsibility and duties of different ministry, division, directorate, office, and government and non-government organizations about disaster management:

Provided that until the order is not issued, the liability, responsibility and duties of different ministry, division, directorate, office, and government and non-government organizations as mentioned in standing order on disaster would remain ongoing and continuous in such way that it was determined under this Act.

[Explanation: To fulfill the objectives of this chapter, “Resources” means among other things the relief materials, workforce, vehicles, vessel, equipments, land and facilities or instruments usable for search, rescue, removal of debris and garbage, aircraft, and medical and construction equipments including shelter, habitat and other relevant object, materials, service, and technical skills to be given or would be usable to conduct disaster management program skillfully or to maintain life-livelihood of affected community effectively.]

### **Chapter three** **Disaster zone declaration, participation of different forces, etc.**

22. **Declaration as distress zone.** ---(1) The President, in his own consideration or in case of, after receiving recommendation under clause (3), and if he become satisfied that, it is emergency and necessary to enforce special power to take additional measures to deal any situation of disaster happened in any region of the country and to contain more loss and devastation, he may declare the concern area as distressed zone by issuing government gazette notification.

(2) If it become emergency and necessary to enforce the special power restrain more loss and devastation of disaster by taking additional measures to control any devastating disaster situation happened in any region, any local level disaster management committee, group or organization may submit recommendation to government through Deputy Commissioner to take necessary action to declare the concern region as distressed area.

(3) After receiving the recommendation under clause (2), the Deputy Commissioner would verify the justification of the issue immediately and would send the concern recommendation with their opinions to the government and the government may accept the recommendation of National Disaster Response Coordination Group on concern issue and may submit the recommendation to the President to declare the concern region as distressed zone.

(4) If notification is issued to declare the area as distressed, its duration may not more than 2 (two) months unless the President decreases, increase or withdraw it before completion of its duration.



**23. Special activities to be done about distressed area.**—(1) If any region is declared as distressed zone under section 22 clause (1), the government, if necessary, may give order to accomplish following special activities to be done on emergency basis by concern ministry, division, directorate, office, government and semi-government organization and committees formed under this Act, such as:--

- (a) ensure availability of resources stocked at government private level in distressed areas to control disaster situation;
- (b) if necessary, ensure availability of increased resources;
- (c) ensure public security and control of law and order situation;
- (d) take proper steps to decrease losses of life-assets and the environment; and
- (e) take all necessary measures according to local disaster management plan.

(2) All concern officers and employees of concern ministry, division, directorate, office, government and semi-government organization would be obliged comply the order given under clause (1)

**24. Power given to implement the special imperatives about distressed area.** --- The government may provide power and authority to concern Deputy Commissioner by written or, for immediate need, fax, e-mail, telephone, mobile phone or any other electronic media to implement special imperatives mentioned in section 23 and supervise in the field in any distressed area.

**25. Involvement of private organizations and individuals in activities concerned to distressed area management.** —(1) The government, if necessary, may give necessary directives to involve any private organization and individuals in activities concern to distressed area management.

(2) The government could utilize treatment facilities of hospitals, clinics or treatment centers running under any autonomous, privately run and Non- Government Organizations for disaster management activities and all physicians, nurses, and other employees and health workers serving in those hospitals, clinics or centers should be obliged to provide necessary medical services on demand of government or local committee during disaster situation.

(3) Relevant expenditure to provide medical services under clause (2) would be given by the government in specified method determined by the rules.

26. **Requisition.** – (1) According to guidelines of National Disaster Response Coordination Group, the Deputy Commissioner may take requisition of assets, service residence, vehicle and other facilities identified as emergency shelters from any authority or individuals.

(2) If any order for requisition is given under clause (1), the concern authority or individual would be obliged to comply it.

(3) The government, to fulfill the objectives of clause (1), would determine the method requisition and other relevant issues by the rules.

27. **Assistance for the person affected and vulnerable by the disaster.** – (1) The government, through specified method by rule, may take program to provide necessary assistance for proper rehabilitation or to reduce the risk of affected or vulnerable community due to disaster:

Provided that preference would be given on protection and risk reduction for ultra poor and under privileged community specially the older persons, women, children and handicapped persons while providing assistance.

(2) If any officer, employee or person assigned to provide emergency response or to provide humanitarian assistance program while dealing disaster situation become affected or endangered, the government may take program to provide necessary support in a method specified by the rule for their proper rehabilitation or reduction of risk.

[Explanation: To fulfill the objectives of this section, under privileged community means the community, tribal group, small ethnic group and anthropological community which are deprived of socio-economic and other facilities.]

28. **Imperatives about information on disaster situation.**—If the chairman or any member of national or local level committee himself or by any body or organization become informed and satisfied that a disaster situation is imminent in a area, then he will inform the concern committee immediately about the issue to take necessary steps.

29. **Irregularity, negligence or mismanagement related allegation, appeal, etc.**---(1) If any person, family or community affected by disaster find any irregularity, negligence, or mismanagement about disaster management, then he or they may present the allegation to concerned national or local level committee and that committee would investigate if necessary and settle the concern allegation not more than 30 (thirty) days after it receive the application.

(2) If any body become enraged by any decision of any committee under clause (1), he may appeal, for a decision of national level committee, to the government and for decision of local level committee, where applicable, to Divisional Commissioner or Deputy Commissioner and in this respect the decision of the government or, in case, Divisional Commissioner or Deputy Commissioner would be final.

**30. Participation of Armed Forces in Emergency Response activities.** – (1) In any deadly disaster situation or in respect to apprehension of occurring any deadly disaster, necessity of Armed Forces assistance become essential, then the National Disaster Response Coordination group would submit recommendation to the government for cooperation of the Armed Forces.

(2) If any recommendation received from National Disaster Response Coordination group under clause (1), the government may give directives to the Armed Forces to provide necessary assistance to civil administration in pre-disaster or emergency response activities during a disaster accordingly.

(3) Whatever is mentioned in clause (1), in a local level deadly disaster situation or apprehension of deadly disaster, if necessity become evident to take assistance of Armed Forces to deal concern disaster situation effectively, the District Disaster Response Coordination group may submit recommendation to Deputy Commissioner to take cooperation from Armed Forces.

(4) If the Deputy Commissioner got any recommendation from District Disaster Response Coordination group under clause (3), he may send a demand note to the Armed Forces Division through Disaster Management and Relief Division seeking assistance of Armed forces:

Provided that the Deputy Commissioner, in emergency, may seek cooperation directly from local armed forces authority and in this regard he would inform this matter to Disaster Management and Relief Division and Armed Forces Division as soon as possible through written, fax or e-mail.

(5) If the Armed Forces Division get any directive or, in case of, demand note under this section, local armed forces authority would provide necessary cooperation to concern authority in disaster management on the basis of preference.

**31. Participation law and order protection forces in emergency response activities.**--- If any necessity perceived to get cooperation from law and order protection forces in a disaster situation and any deteriorating situation where disaster may occur, then the concern Deputy Commissioner may seek cooperation of local law and order protection forces directly and the law and order protection forces would be obliged to provide such cooperation on the basis of preference.

**[Explanation:** To fulfill the objectives of this section, ‘law and order protection forces’ means Rapid Action Battalion (RAB), Bangladesh Police, Coast Guard, Border Guard Bangladesh, Ansar and Village Defence Police (VDP) and similar para-military and non-military forces.]

## Chapter four

### Disaster Management Fund, Relief vault, etc

32. **Forming Disaster Management Fund, Relief vault.** --- (1) To fulfill the objectives of this Act, the government would form two separate fund namely 'National Disaster Management Fund' and 'District Disaster Management Fund'.
- (2) Money received from the following sources would be deposited to these funds, such as:---
- (a) Grant given by the government;
  - (b) Grant given by any foreign government, organization or any international organization with the approval the government;
  - (c) Grant given by any local authority;
  - (d) Donation given by any elite person of local level;
  - (e) Money received from any other legal source.
- (3) Money deposited to National Disaster Management Fund and District Disaster Management Fund should be deposited to any nationalized scheduled bank approved by the government.
- (4) 'National Disaster Management Fund' would be maintained under supervision of Disaster Management and Relief Division and its bank account would be maintained with joint signature of Secretary and Joint Secretary (Relief) of that Division.
- (5) 'District Disaster Management Fund' would be maintained under supervision of District Disaster Management Committee and its bank account would be maintained with joint signature of Deputy Commissioner and District Relief and Rehabilitation Officer.
- (6) Executing method of 'National Disaster Management Fund' and 'District Disaster Management Fund' would be determined by the rules:  
Provided that, until the rules are not formulated in this regard, execution of those funds and fund money may be spent according to government financial rules and regulations.
- (7) During a disaster or soon after disaster, the Disaster Management and Relief Division may receive foreign relief or other assistance directly:  
Provided that, according to requirement, this matter should be informed to concern ministry, division or office later.

- (8) To fulfill the objectives of this Act, the Government may form a fund and establish central relief store and district relief store and run those under clause (1).
- (9) Whatever is mentioned in clause (8), until a relief store is set up under this clause, the directorate would continue the system to run the existing central relief store and its district level godowns in such a way that these are set up and running under this Act.

**33. Emergency purchase to response in disaster.** ---(1) If the necessity arise a situation of early purchase for one or more years altogether to ensure delivery, supply and use of materials or resources on emergency basis during disaster or post disaster situation, the National Disaster Response Coordination Group may recommend to Disaster Management and Relief Division to take consent from Cabinet Committee for economic issues in this regard.

(2) According to rules of clause (1), on early purchase for one or more year, subject to approval of concerned Cabinet Committee on economic affaires, where applicable, the Director General, Deputy Commissioner, and Upazilla Executive Officer may accomplish the necessary purchase under Public Procurement Act, 2006 and Public Procurement Rules, 2008.

**34. Directives for Media and Broadcast centers.** --- To fulfill the objectives of this Act, the government may give directives to controlling authority or individual of any radio or Betar, television, satellite television channel, printing media, telecommunication network or electronic or cable network or any such information and technology based broadcast media to broadcast, publish and display the information, picture or news etc. on imminent disaster situation, disaster related early warning signals or disaster preparedness or public awareness issue and concerned authority or individual would be obliged to comply such directives.

**35. Emergency imperatives for disaster management.** ---(1) Concern everyone should comply the directives on emergency imperatives for disaster management as mentioned in the schedule and, where applicable, necessary measure should be taken according to the directives as mentioned in it:

Provided that, to inform all concern about above mentioned directives the government must have to issue a public notification.

(2) The government and local administration would take measures about motivation and propagation so that all concern individuals, institutions, organizations, owner or authority comply the concern directives about emergency imperatives for disaster management mentioned in the schedules and they could enter and search into organizations and establishment to monitor and supervise regularly so that all concern implement and follow those directives.

## Chapter five

### Offense, punishment, etc

36. **Punishment for impeding or efforts to impeding duties.**--- (1) If anybody illegally struck, intimidate, insult, disgrace any officer or person assigned with power or engaged in duties of disaster management or impede to disaster management tasks, then it is to be considered that the person committed the offense under this Act and he would be punished for this offense for not more than 1 (one) year rigorous imprisonment or not more than 1 (one) lakh Taka fine or both punishment.
- (2) If anybody try to illegally struck, intimidate, insult, disgrace any officer or person assigned with power or engaged in duties of disaster management or to impede disaster management tasks, then it is to be considered that the person committed the offense under this Act and he would be punished for this offense for not more than 6 (six) months of rigorous imprisonment or not more than 50 (fifty) thousand Taka fine or both punishment.
37. **Punishment for disobey directives or failure to comply.**—If any body deliberately disobey or deliberately do not comply with the directives given by the government, National Disaster Response Coordination Group or District Disaster Response Coordination Group, then it is to be considered that the person committed the offense under this Act and he would be punished for this offense for not more than 1 (one) year rigorous imprisonment or not more than 1 (one) lakh Taka fine or both punishment.
38. **Punishment for presenting false, untrue or baseless claim.**---If any individual or organization present any false, untrue or baseless claim to get aid or facility from disaster management program running under this Act, then it is to be considered that the person committed the offense under this Act and he would be punished for this offense for not more than 1 (one) year rigorous imprisonment or not more than 1 (one) lakh Taka fine or both punishment.
39. **Punishment for misuse or personal use of resources.**---If any body assigned for management or to control resources to be used for disaster management tasks misuse those resources or use for his own interest or instigate some other to misuse or use for own interest, then it is to be considered that the person committed the offense under this Act and he would be punished for this offense for not more than 1 (one) year rigorous imprisonment or not more than 1 (one) lakh Taka fine or both punishment.
40. **Punishment for increasing value of essential items in disaster area.**--- If any body increase or crate cause to increase value of essential items to earn illegal profit in disaster area, then it is to be considered that the person committed the offense under this Act and he would be punished for this offense for not more than 1 (one) year rigorous imprisonment or not more than 1 (one) lakh Taka fine or both punishment.

41. **Punishment for creating salinity or flood or creating impediment to current water flow or damage to embankment, etc..** ---- If any body deliberately for own interest or with negligence create salinity or flood in any area or impede ongoing functions of sluice gate or commit damage to it or create obstacle to water flow or cause any loss to life and assets through creating disaster situation by damaging embankment or cutting the embankment or take effort or give assistance for such occurrence, then it is to be considered that the person committed the offense under this Act and he would be punished for this offense for not more than 3 (three) years but at least 1 (one) year rigorous imprisonment or not more than 2 (two) lakh Taka fine or both punishment.
42. **Punishment for disobey the order of section 34 by media or broadcast center.**--- If any body disobey or assist to disobey the order given under section 34, then it is to be considered that he committed the offense under this Act and he would be punished for this offense to pay not more than 5 (five) lakh Taka fine.
43. **Punishment for disobey emergency order on disaster management.**---if any body disobey the emergency directives, should be read with section 35, on disaster management mentioned in the schedule or do not take necessary steps according to those directives, then it is to be considered that he committed offense under this Act and he would be punished for this offense for not more than 5 (five) lakh Taka fine and if unrealized would be penalized for non rigorous jail term for not more than 3 (three) months.
44. **Failure to accomplish the duty by government officers and employees.** --- (1) If any government employee failed to accomplish any duty or breach any rule under this Act and rule formulated under it, he would be responsible for such failure or breach, if he can not prove that such failure or, in case, breach has occurred without his knowledge or he become unsuccessful while trying best to prevent such failure or breach.  
(2) If any government employee is accused of any failure or breach as mentioned in clause (1), he would be indicted for offence of breaching code of conduct and discipline applicable for government officers and employees and for this reason departmental disciplinary action should be taken against him.
45. **Taking the offense in to cognizance.** --- No Court would take into cognizance any litigation against any individual under this Act for prosecution without a written allegation by the Deputy Commissioner or representative given power on be half of him.
46. **Non- cognizable, bail able and non-compromise able terms of offense.** ---All offenses under this Act would be considered as non- cognizable, bail able and non-compromising.

47. **Enforcement of Act V of 1898.** ---Rules of Code of Criminal Procedure, 1898 (Act V of 1898) would be applicable to file allegation, investigation, prosecution and appeal of any offense under this Act.
48. **Enforcement of Act No. 59 of 2009.**—Whatever is mentioned differently in this Act, the offences occurred under section 43 would be prosecuted according to Mobile Court Act, 2009 (Act No. 59 of 2009).
49. **Claim for compensation due to human created disaster.**—(1) If anybody deliberately or with negligence occurred any such devastation to the environment by any action without taking proper protective measure which create cause for any disaster and as a result loss incurred to life, assets resources, establishment or trade-commerce of any individual or firm, then affected person or firm may file a litigation to proper court to realize compensation from that person or firm.
- (2) Rules of Code of Civil Procedure, 1908 (Act No. V of 1908) would be applicable to conduct litigation to realize compensation under this section.
- (3) If any compensation litigation is filed under the clause (1), the court may give order to pay equivalent to actual damage considering witness and evidences or on court's consideration an appropriate sum of money as compensation.
50. **Evidence value of picture snapped on camera, recorded talks etc.**--- Whatever is mentioned in Evidence Act, 1872 (Act No. I of 1872), if any body involved with disaster management or any member of law enforcing agencies or any other person record or take video or still picture or record any talks or discussion on tape recorder or disk about occurrence of offense or damage or preparation of occurrence or assistance to occurrence, then those video, still picture, tape or disk would be acceptable as evidence during prosecution of litigation concerned to above mentioned offence or damage.
51. **Occurrence of offense by company.** --- If any offense occurred or any rule breached under this Act or rule enacted under it by any company or firm which has direct involvement with that offense or breach, it is to be considered that every director, partner, executive, manager, secretary or any other officer or employee or representative of that company or firm has done the offense or breaches, unless he may not prove that the offense or breach has been occurred without his knowledge or he was unsuccessful while trying his best to prevent that offense or breach.



[Explanation: In this section -----

- (a) “company or firm” means any company, firm, organization, partnership business, association or the body organization formed consists of more than one person; and
- (b) “director” means partners or it would include members of governing body also.

## **Chapter six**

### **Miscellaneous**

- 52. Conferring Award, honor and benefits, etc..** --- (1) The government may confer award and honor to any person or organization acknowledging outstanding contribution in disaster management.
- (2) The government may special benefit to any officer or employee who performing round the clock duties to conduct activities from disaster monitoring and issuing early warning to post disaster programs.
  - (3) Method and amount to confer award, honor and provide benefit would be determined by the rules mentioned in clause (1) and (2).
- 53. Power to formulate international and regional agreement.** – (1) To fulfill the objectives of this Act, the government may receive cooperation from any foreign state, government, and international and regional organizations and may provide them cooperation to conduct relief operation during disaster period including exchange of disaster management related information data, analysis and research and uses of geo-satellite.
- (2) To fulfill the objectives of clause (1), the government may accomplish necessary memorandum of understanding, agreement, convention, treaty or any other legal document with any foreign state, government, and international and regional organizations.
- 54. Protection of tasks accomplished in good faith.** ---No criminal or civil litigation or any other legal procedure can not be filed against the government, or any government employee or any council, committee or group or platform formed under this Act for any task accomplished or taking initiative to accomplish any task with good faith, without negligence, under this Act or rule enacted under it.
- 55. Enforcement of standing orders on disaster management, etc.**—(1) Until rules are not enacted under this Act, to fulfill the objectives of this Act standing orders on disaster management published by the government, with necessary adaptation, would be applicable.

(2) Until the Council, National Voluntary Organization, National Disaster Response Coordination Group, Committee, Platform, Group or Taskforce, whatever it may be called, is not formed under this Act, any Council, National Voluntary Organization, National Disaster Response Coordination Group, Committee, Platform, Group or Taskforce formed under standing orders on disaster, if any, subject to consistency with this Act, would be effective in such a way that those were formed under this Act.

**56. Power of the Government in solving complexity.**---If any complexity or problem arise while make the rule effective due to its obscurity of this Act, the government, by notification in government gazette, subject to consistency with the rules of this Act, may provide guidelines about imperatives on that issue by clearing or giving explanation of that rule.

**57. Responsibility of the government for effective implementation of the Act.**—The government would take all necessary measures for effective implementation of this Act and may issue, if necessary, directives in this regard.

**58. Power to enact rules.**—To fulfill the objectives of this Act, the government, by government gazette notification, may enact rules.

**59. Publication of text translated in English.** --- (1) After introducing this Act, the government, by government gazette notification, may publish an Authentic English Text translated into English from Bengali text of this Act.

(2) Bengali text would get preference in any conflict between Bengali and English Text.

**60. Repeal, transformation, custody, etc. of Department of Relief and Rehabilitation and Disaster Management Bureau.**—(1) The very moment this Act come into effect, the executive order No. RRD-Sec-Admin-I/67/82/35 and Sec-Admin-II/5/84-30 dated respectively on 09-01-1983 and 29-01-1984 of then Department of Relief and Rehabilitation would be repealed and existing Relief and Rehabilitation Division which were formed and reformed by that order, would be abolished; later it would be mentioned as abolished Department.

(2) With the very moment of repealed and abolishment under the clause (1), the abolished division would be transformed into Department of Disaster Management under section 7 and its (abolished Division)-----

(a) all resources, power, authority, facilities and movable-immovable assets, cash and money deposited to banks, projects and all other claims and rights would be transferred to the Department and the Department would be its owner;

- (b) all case-litigation filed against or by it would be considered as the case-litigation filed against or by the Department;
- (c) all debt, liability and responsibility and all agreement done by it, on behalf of it or with it would be considered as debt, liability and responsibility done by, on behalf of or with the Department;
- (d) all records, documents, files and papers, and information-data would be transferred to the Department and the Department would reserve these transferred records, documents, files and papers, and information-data according to government rules-regulations;
- (e) activities of subordinate or branch offices established or set up under it, whatever be its name and wherever it was established or set up, until a subordinate or branch office of the Department under this Act is set up, in case, until it is not abolished, would remain effective and continued as they were established or set up under this Act;
- (f) all order, directives, policy or instrument formulated or issued, subject to consistency with this Act, until nothing formulated and issued by the Department on same subject and objectives, in case, until it is not abolished, with necessary adaptation, remain continued and effective as they were formulated and issued by the Department;
- (g) adopted activities, provided decision, training or any other program remain continued, unfinished or unimplemented, those would be accomplished or implemented in such a way under this Department that those activities, decision, training or program were adopted by the Department;
- (h) as the officers and employees were employed in the abolished Department following rules and terms, until no change or reorder is given, on the same rules and terms they would be transferred to this Department, remain employed as officers and employees of the Division and its control and would get salary, benefits and other facilities according to previous rules; and
- (i) applicable and existing service rules, appointment rules or any other legal instruments, until they are not changed or no reorder is given or, in case, until abolished, may remain effective on the same rule and terms for the officers and employees of abolished Department to the transferred Department in such a way that the above mentioned service rules, appointment rules or legal instruments were formulated under this Act.

(3) At the very moment the Act come in to effect, the office memo No. RM/Admin-1/27/13/260(65) dated 8-5-1993 of the then Ministry of Relief would be repealed and the Disaster Management Bureau formed by that memo, later mentioned as Bureau, would be abolished.

(4) At the very moment the Bureau would be repealed and abolished under the clause (3), its (abolished Bureau)-----

- (a) all resources, power, authority, facilities and movable-immovable assets, cash and money deposited to banks, projects and all other claims and rights would be transferred to the Department and the Department would be its owner;
- (b) all case-litigation filed against or by it would be considered as the case-litigation filed against or by the Department;
- (c) all debt, liability and responsibility and all agreement done by it, on be half of it or with it would be considered as debt, liability and responsibility done by, on be half of or with the Division;
- (d) all records, documents, files and papers, and information-data would be transferred to the Department and the Department would reserve these transferred records, documents, files and papers, and information-data according to government rules-regulations;
- (e) activities of subordinate or branch offices established or set up under it, whatever be its name and wherever it was established or set up, until a subordinate or branch office of the Department under this Act is set up, in case, until it is not abolished, would remain effective and continued as they were established or set up under this Act;
- (f) all order, directives, policy or instrument formulated or issued, subject to consistency with this Act, until nothing formulated and issued by the Division on same subject and objectives, in case, until it is not abolished, with necessary adaptation, remain continued and effective as they were formulated and issued by the Division;
- (g) adopted activities, provided decision, training or any other program remain continued, unfinished or unimplemented, those would be accomplished or implemented in such a way under this Division that those activities, decision, training or program were adopted by the Division;

- (h) as the officers and employees were employed in the abolished Division following rules and terms, until no changed or reorder is given, on the same rules and terms they would be transferred to this Division, remain employed as officers and employees of the Division and its control and would get salary, benefits and other facilities according to previous rules; and
- (i) applicable and existing service rules, appointment rules or any other legal instruments, until they are not changed or no reorder is given or, in case, until abolished, may remain effective on the same rule and terms for the officers and employees of abolished Division to the transferred Division in such a way that the above mentioned service rules, appointment rules or legal instruments were formulated under this Act.

(5) the Division would prepare a coordinated seniority list after determining the interpersonal seniority considering the following issues as soon as possible, for the transferred officers and employees from abolished Division under clause (1) and abolished Bureau under clause (3) and reserve that list, such as:--

- (a) Seniority must be counted from the date of joining to concern post;
- (b) If more than one officers and employees were employed at the same time, interpersonal seniority of those officers and employees should be determined according to merit list prepared by concern selection committee or employing authority;
- (c) For promotion, seniority of promoted officers and employees should be counted from the date the promotion order was issued or the date was mentioned in that order;
- (d) If more than one officers and employees were promoted at the same time, interpersonal seniority should be determined in promoted post on the basis of their interpersonal seniority in that post, from the post they were promoted;
- (e) Seniority must be given to promoted officers or employees among the directly appointed and promoted officers or employees who joined on the same date;
- (f) If there are more than one officer or employees remain under consideration for same date to count the seniority as mentioned in above mentioned clauses, then seniority must be given to the person who is senior according to birth date.

### Schedule

#### [Section 35 and 43]

Emergency imperatives and liabilities-duties to protect life and resources for during disaster management

No.	Emergency imperatives and liabilities-duties
(1)	Proper fire protection, fire extinguisher, search, rescue, and primary treatment equipments should be set up and stores as effective condition according to risks in all hospital, clinic, community center, shopping mall, cinema hall, restaurant, industry, factory, and godown
(2)	There should be more than one exit way including emergency exit way according to Occupant Load to facilitate for secured exit during hazardous situation in all hospital, clinic, community center, shopping mall, cinema hall, restaurant, industry, factory and the emergency exit way should be identified by Floor Marking.
(3)	No obstacle may be created in plying fire brigade and rescue vehicles during a fire broke out, earthquake, building slide or other disaster.
(4)	Adequate number of Lifebuoy, one transistor, whistle, torchlight and other materials of disaster preparedness must be stored in passenger vessels in river routes and fishing boats and trawlers in the sea.
(5)	If the weather Directorate suggest to hoist local cautionary signal no. 4, all vessels of 150 feet and less than that, which are not capable to defend against gusty wind at the speed of 61 kilometer, should get back to secured shelter immediately.
(6)	No such impediment should be created in the way of water incoming and outgoing or no such development work should be done which can cause water logging or create distress for general people.
(7)	'Danger sign' should be set up on electric poles and other dangerous establishments, which can create hazards and disaster.
(8)	Materials contain highly flammable chemicals or dangerous chemicals should not be stored and trade without adequate protection arrangement in residential areas or any general trading house or markets.

No.	Emergency imperatives and liabilities-duties
(9)	Sands and trees on sea cost should not be removed or cut down.
(10)	If any unnatural incident seen and found to rational, which may turn into disaster, should be immediately informed to chairman or member of committee concerned to local disaster management or to local police station.
(11)	No impediment should be created during implementation of directives to relocate the people staying in houses, shops or trading establishment lying on slop or bottom of hills in pre-disaster, during disaster and post disaster situation.

**Bheem Charan Roy**

Additional Secretary (HR)

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