

## Natural Calamity (Relief) Act. 2039 B.S. (1982)

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### **Amendment Acts**

|   |           |
|---|-----------|
| 1. Justice Administration Reform (Fourth Amendment) Act, 2043 | 2043.7.24 |
| 2. Natural Calamity (Relief) (First Amendment) Act, 2046      | 2046.7.11 |
| 3. Natural Calamity (Relief) (Second Amendment) Act, 2049     | 2049.6.14 |

### **Act No. 20 of the Year 2039 B.S. (1982)**

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

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

Now, therefore, His King Birendra Bir Bikram Shah Dev has enacted this Act on aid and advice of the National Panchayat.

**1 Short title and commencement :** (1) This Act may be called the "Natural Calamity (Relief) Act. 2039 B.S. (1982)".

(2) This Act shall come into force immediately.

**2. Definitions:** In this Act, Unless the subject and the consent otherwise require,-

(a) "Natural Calamity" means earthquake, fire, storm, flood, landslide, heavy rain, drought, famine, epidemic, and other similar natural disaster <sup>TM</sup> and this expression also includes the industrial accident or accident caused by explosions or poisoning and any other kinds of disaster.

(b) "Disaster area" means the area declared as Disaster area pursuant to Section 3.

\* (c) "Natural Calamity Relief Work" means any relief work to be carried out in the area affected or likely to be affected by the natural Calamity in order to

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<sup>TM</sup> Inserted by the first Amendment.

\* Amended by the first Amendment.

remove the grief and inconvenience caused to the people to rehabilitate the victims of the Natural Calamity and to protect the public property and life and property of the people in general and to control and prevent Natural Calamity and to make advance preparation thereof.

\* (d) "Central Committee" means the Central Natural Calamity Relief committee constituted pursuant to Section 5.

<sup>TM</sup> (d1) "Regional committee" means Regional Natural Calamity Relief committee constituted pursuant to Section 7.

(e) ~~.....~~

\* (f) "District Committee" means the District natural Calamity Relief committee constituted pursuant to Section 7.

<sup>TM</sup> (g) "Local Committee" means Local Natural Calamity Relief committee constituted pursuant Section 7.

3. **Declaration of Disaster Area:** \* (1) The Government of Nepal may, if it deems necessary, specify the extent of the area affected or likely to be affected by Natural Calamity and declare such area, by publishing a notification in the Nepal Gazette as Disaster Area for a period specified in the same notice.

(2) In case the situation arising out of the Natural Calamity could not be brought under control within the period specified under Sub-section (1) the Government of Nepal may, by a notification published in the Nepal Gazette, extend such period as required of Nepal.

4. **Government of Nepal may give order:** Government of Nepal may, in order to carry out or caused to be carried out the Relief Work in Disaster Area, give orders to any one concern to undertake any or all of the following works:

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\* Amended by the first Amendment.

<sup>TM</sup> Inserted by the first Amendment.

~~.....~~ Deleted by the Second Amendment.

<sup>TM</sup> Amended by the Second Amendment.

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

<sup>TM</sup> **4a. Control over foreigner's entry:** The Government of Nepal may issue an order requiring the foreign nationals and agencies to take the approval of the Government of Nepal to enter into any area for any purpose affected by natural Calamity.

**\*5. Formation of Central Natural Calamity Relief Committee:** (1) The Government of Nepal may by a notification published in Nepal Gazette, formed the Central Natural Calamity Relief Committee in order to formulate and implement the policy and programme relating to the Natural Calamity Relief Work and to undertake and cause to be undertaken other necessary works related thereof. The working procedure of the Central Natural Calamity Relief Committee and the tenure of office of the member shall be as specified in the said notice.

<sup>∞</sup>(2) The Central Natural Calamity Relief Committee to be formed pursuant Sub-section (1) shall have the following members:-

|     |   |             |
|-----|---|-------------|
| (a) | Minister, Ministry of Home Affairs                  | Chairperson |
| (b) | Minister, Ministry of Housing and physical planning | Member      |
| (c) | Minister, Ministry of Health                        | Member      |
| (d) | Secretary, Ministry of Finance                      | Member      |
| (e) | Secretary, Ministry of Defense                      | Member      |
| (f) | Secretary, Ministry of Home Affairs                 | Member      |
| (g) | Secretary, Ministry of External Affairs             | Member      |
| (h) | Secretary, Ministry of Water Resources              | Member      |
| (i) | Secretary, Ministry of Communication                | Member      |
| (j) | Secretary, Ministry of Forest and Environment       | Member      |
| (k) | Secretary, Ministry of Labor and Social Welfare     | Member      |
| (l) | Secretary, Ministry of Supplies                     | Member      |

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<sup>TM</sup> Inserted by the first Amendment.

\* Amended by the first Amendment.

<sup>∞</sup> Amended by the Second Amendment.

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|-----|---|------------------|
| (m) | Secretary, Secretariat of National Planning Commission                                    | Member           |
| (n) | Brigadier, Nepal Army   | Member           |
| (o) | Inspector, General of Police, Police Headquarters   | Member           |
| (p) | Representative, Social Service National Coordination Council                              | Member           |
| (q) | Representative, Nepal Red Cross Society   | Member           |
| (r) | Representative, Nepal Scout   | Member           |
| (s) | Director General, Mining and Geological Department  | Member           |
| (t) | Director General, Department Meteorology  | Member           |
| (u) | Two reputed persons nominated by the Government of Nepal                                  | Member           |
| (v) | Additional Secretary, (who looks after natural calamity related activities) Home ministry | Member-Secretary |

⌘(3) The Central Committee shall invite at its meetings the concerning Member of the Parliament representing the district affected by Natural Calamity.

(4) The Working Procedure of the Central Committee may be managed by the Central Committee itself.

⌘5a. **Formation of Sub-Committee:** The Central Committee may form Relief and Remedy Sub-Committee and Supplies. Shelter and Rehabilitation Sub-Committee to give necessary advice and suggestions to the Central Committee, to help execute policies and directives of the Central Committee and to effectively operate the relief and rehabilitation work during Natural Calamity.

⌘5b. **Relief and Remedy Sub-Committee:** (1) The Relief and Remedy Sub-Committee shall be composed of the following members:

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⌘ Amended by the Second Amendment.

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|-----|---|-------------|
| (a) | Minister, Ministry of Health                      | Coordinator |
| (b) | Secretary, Ministry of Communication              | Member      |
| (c) | Secretary, Ministry of public works and transport | Member      |
| (d) | Brigadier, Nepal Army                             | Member      |
| (e) | Inspector General of Police, Police Headquarters  | Member      |
| (f) | Representative, Nepal Red Cross Society           | Member      |
| (g) | Representative, Nepal Scout                       | Member      |

(2) The Secretary of the Relief and Remedy Sub-Committee shall be as designated by the coordinator.

(3) The working procedure of the Relief and Remedy Sub-Committee may be managed by the Relief and Remedy Sub-Committee itself.

(4) The functions and duties of the Relief and Remedy Sub-Committee shall be as specified by the Central Committee.

□5c. **Supplies, Shelter and Rehabilitation Sub-Committee** : (1) The Supplies, Shelter and Rehabilitation Sub-Committee shall be composed of the following members:

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

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□ Inserted by the Second Amendment .

(2) The Secretary of Supplies, Shelter and Rehabilitation Sub-Committee shall be as designated by the Coordinator.

(3) The internal procedures of the Supplies, Shelter and Rehabilitation Sub-Committee may be managed by the Supplies, Shelter and Rehabilitation Sub-Committee itself.

(4) The functions and the duties of the Supplies, Shelter and Rehabilitation Sub-Committee shall be as specified by the Central Committee.

**6. Function and duties of the Central Committee:** The function and the duties of the Central Committee shall be as follows:

- (a) To recommend to the Government of Nepal declare the areas affected by Natural Calamity as Disaster Area.
- \* (b) To formulate the national policy regarding the Relief Work including the rehabilitation of the victims of Natural Calamity and the reconstruction in the areas affected by the Natural Calamity etc. and for the control and prevention of Natural Calamity and the advance preparation thereof and to prepare to programme in accordance with the said policy and submit it to the Government of Nepal.
- (c) To implement and cause to be implemented the policy and the programme formulate pursuant to the Clause (b) after the approval of the Government of Nepal.
- (d) To keep the money, food, stuff, clothes, medicine construction materials and other goods received within Nepal and from outside as aid or donation under the Central Natural Calamity Aid and to send such goods as required for Relief Work in Disaster Area.
- (e) To associate the social organizations in Natural Calamity Relief Work and to Coordinate the activities of those organizations.

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\* Amended by the first Amendment.

- (f) To form groups and send them to Disaster Area to assist in Natural Calamity Relief Work.
- <sup>⊗</sup>(g) To give direction to the District Committee and Local Committee on the matter relating to Relief Work.
- (h) To perform the work specified by the Government of Nepal for the execution of Natural Calamity Relief Work.
- (i) To submit report on work progress to the Government of Nepal from time to time.

**\*7. Formation of other Natural Calamity Relief Committees:** The Government of Nepal may, by publishing a notification in the Nepal Gazette form the Regional Natural Calamity Relief Committee, <sup>⊗</sup>.....District Natural Calamity Relief Committee, Natural Calamity Relief Committee and Local Natural Calamity Relief Committee as required in order to undertake or cause to be undertaken the Natural Calamity Relief Work. The procedure of such committee and the tenure of office of the member shall be as specified in the said notice.

<sup>TM</sup>**7a. The Function and Duties of the Regional Committee:** The functions and duties of the Regional Committee shall be as follows:

- (a) To give necessary suggestions to the Central Natural Calamity Relief Committee regarding formulation of Regional level policy on Natural Calamity Relief Work and preparation of the programmes thereunder.
- (b) To coordinate or cause to be coordinated between among <sup>⊗</sup>District Committees regarding Natural Calamity Relief Work.

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<sup>⊗</sup> Amended by the Second Amendment.

\* Amended by the first Amendment.

<sup>⊗</sup> Deleted by the Second Amendment.

<sup>TM</sup> Inserted by the first Amendment.

<sup>⊗</sup> Amended by the Second Amendment.



- (c) To provide information to the Central Committee about Natural Calamity Relief Work from time to time.
- (d) To work in accordance with the directive of the Central Committee.

8. <sup>∞</sup> .....

**\*9. Function and duties of the District Committee:**(1) The functions and the duties of the District Committee shall be as follows:

- (a) To coordinate or cause to be coordinated between among Local Committees regarding Natural Calamity Relief Work,
- (b) To formulate district level plans on Natural Calamity Relief Work and submit such plans to <sup>∞</sup>the Regional Committee,
- (c) To monitor the Natural Calamity Relief Work being conducted by the Local Committee and to support the ongoing work,
- (d) To provide information to <sup>∞</sup>the Regional Committee about Natural Calamity Relief Work from time to time,
- <sup>∞</sup>(e) To work in accordance with the directives of the Central and Regional Committees.

(2) The activities to be undertaken pursuant to Sub-section (1) shall be in accordance with the decision of the District Committee.

<sup>TM</sup>**9a. Functions and duties of the Local Committees:** The Function and duties of the Local Committee shall be as follows:

- (a) To prepare detailed description of the loss caused by Natural Calamity and to submit to the District Committee the estimation of means and resource required for the relief and rehabilitation of the victims of Natural Calamity.
- (b) To organize volunteer's teams according to need and conduct or cause to be conducted the Relief Work.

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<sup>∞</sup> Deleted by the Second Amendment.

<sup>♣</sup> Amended by the first Amendment.

<sup>∞</sup> Amended by the Second Amendment.

<sup>TM</sup> Inserted by the first Amendment.

- (c) To make necessary arrangement to take the injured in the Natural Calamity to the nearest hospitals or health posts as soon as possible.
- (d) To make arrangement for the evacuation of the victims of Natural Calamity to a safe place.
- (e) To systematically distribute the cash and kind received in assistance from District Committee and local resources to the families of the victims of Natural Calamity.
- (f) To conduct an awareness programme as a precaution for the prevention and control of the possible events of the Natural Calamity.
- (g) To hand over the goods and cash and the accounts thereof to the District Committee upon completion of Natural Calamity.

**10. Rent to be given:** In case any movables or immovable properties or the means of transportation of no governmental office, institutions or individuals is acquired temporarily or used under Clause (e) or (h) of Section 4, the rent for such movable or immovable property or the means of transportation shall be given at prevalent rate to the concerned office, institution or individual by the officer, institution or \*Relief calamity Committee specified by the Government of Nepal.

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

**11. Cost to the give:** In case the food grains, clothing, medicine, construction materials and other goods are acquired from nongovernmental offices, institutions or individuals under Clause (1) of Section 4, the amount equivalent to the cost of such goods at prevailing rate shall be given to the concerned office, institution or individual by the officer, institution or \* Relief calamity Committee specified by the Government of Nepal.

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\* Amended by the first Amendment.

12. **Assistance to be given:** All the Governmental, nongovernmental offices, institutions or individuals of the concerned area and in the vicinity shall help the central, regional, <sup>×</sup>. ..... district and local committees providing assistance in the Relief Work.

13. **Fund:** \* (1) Natural Calamity Aid Fund may be set up by the following names:

- (a) Natural Calamity Central Aid Fund
- (b) Natural Calamity Regional Aid Fund
- (c) <sup>×</sup>.....
- (d) Natural Calamity District Aid Fund
- (e) Natural Calamity Local Aid Fund

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

- (a) The amount provided by the Government of Nepal
- (b) The amount received from national and international organizations
- (c) The amount received from other sources.

\* (3) Natural Calamity Regional Aid Fund, <sup>×</sup>..... Natural Calamity District Aid Fund and Natural Calamity Local Aid Fund shall be composed of the following amounts:

- (a) The amount provided by the Government of Nepal.
- (b) The amount received from Natural Calamity Central Aid Fund.
- (c) The amount received from other sources.

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

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

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<sup>×</sup> Deleted by the Second Amendment.

\* Amended by the first Amendment.

(6) The account of the fund shall be operated with the signature of at least two persons in accordance with the decision of the concerned committee.

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

(8) The record of house, means of transportation or land etc. made available by anybody temporarily shall also be maintained.

**14. Accounts and audits:** \* (1) The account of the materials or goods and cash amount obtained and expended by the Central Committee, Regional Committee, ~~.....~~ District Committee and Local Committee shall be maintained in accordance with the prevailing law and statement of such income and expenditure shall be published <sup>⌘</sup>upon the completion of audit for the information of the general public.

<sup>⌘</sup> (2) The account of the Central Committee, Regional Committee, District Committee, Local Committee shall be audited by the Auditor General's Department or any registered auditor designated by the said Department.

(3) The Government of Nepal may examine or cause to be examined the account related documents and other cash and kinds of the fund.

**15. Remission(Minha) :** The central Committee may recommend for remission of goods, material, or cash expended for relief in the natural calamity relief works by the governmental offices or institutions and Government of Nepal may remit the same pursuant to prevailing law.

**16. Penalties:** (1) One who violates the order issued pursuant to section 4 shall be punished with up to three months of imprisonment or a fine of not exceeding one thousand Rupees or both.

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\* Amended by the first Amendment.

~~×~~ Deleted by the Second Amendment.

<sup>⌘</sup> Amended by the Second Amendment.

(2) One who causes any obstacle in Natural Calamity Relief Work shall be punished with six months of imprisonment or a fine not of exceeding two thousand Rupees or both.

17. <sup>✕</sup> .....

18. **Government to be plan till:** Government of Nepal shall be the plaintiff in the cases under this Act:

19. **Government may issue Directives:** Government of Nepal may issue necessary directives relation to the natural calamity relief works to the <sup>\*</sup>Central Committee, Regional Committee, <sup>✕</sup>....., District Committee and Local Committee as well as any association institution, office, official or a person and it shall be the duty of such body or official or a person and it shall be the duty of such body or official or person to abide by the directives.

20. **Delegation of Powers:** (1) The Government of Nepal may delegate some of its power pursuant to this Act to any official or committee or person or institution by publishing a notification in Nepal Gazette.

(2) The Central Committee or any other committee may delegate some of its powers vested in it pursuant to this Act to any Committee or person or institution.

21. **Person to frame Rules:** The Government of Nepal may frame necessary Rules to execute the objectives of this Act.

22. **Savings:** The matter prescribed in this Act shall be pursuant to this Act and the other matter shall be deal pursuant to the prevailing law.

Note : (1) The following words have been changed by first Amendment-  
"Natural calamity relief work" instead of " relief work"

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<sup>✕</sup> Deleted by Justice Administration Reform (Fourth Amendment) Act, 2043

<sup>\*</sup> Amended by the first Amendment.

<sup>✕</sup> Deleted by the Second Amendment.

- (2) The following words have been changed by Second Amendment-  
"Local" instead of *Ilaka*