

Government of the People’s Republic of Bangladesh
Disaster Management Act
(Act No.- of 2007)

Whereas the Government of the People’s Republic of Bangladesh thinks it reasonable and needful to make an Act for the protection of life and property and to manage long term risks from the effect of hazards both natural, technological and human induced, and to respond to and recover from a disaster event,

So an Act is made as below:

The main objectives of this Act are as follows:

- (a) To help communities to:
 - (i) mitigate the potential adverse effects of hazard events,
 - (ii) prepare for managing the effects of a disaster event,
 - (iii) effectively respond to and recover from a disaster or an emergency situation, and,
 - (iv) adapt to adverse effects of climate change.
- (b) To provide for effective disaster management for Bangladesh.
- (c) To establish an institutional framework for disaster management.
- (d) To establish risk reduction as a core element of disaster management.

Part 1: Preliminary

1. Short title, instruction and execution:

- 1) This Act may be called “The Disaster Management Act, 2007”.
- 2) It extends throughout and operates in the whole of Bangladesh.
- 3) It shall come into force on such date as the Government may, by notification in the official gazette, appoint.
- 4) Notwithstanding anything contained to the contrary in any other law for the time being in force, the provisions of this Act shall have effect.

2. Definitions:

Definitions define particular words used in this Act.

- I. **Approved form** – means the form prescribed by the Government of the People’s Republic of Bangladesh with a gazette of notification.
- II. **Adaptation**- means the adjustment in natural or human systems in response to actual or expected climactic stimuli or their effects, which moderates harm and exploits beneficial opportunities.
- III. **Body** – means Government office, Statutory Authority, Non-Government Organisation, Development Agency, Development Aide Agency, Voluntary Organization, Professional Organization, Local Government, Committee or any other properly constituted group.
- IV. **Chairperson** – means the person appointed as chairperson of a committee or council constituted under this Act and may, include but not limited to;
 - a. National Disaster Management Council
 - b. Inter-Ministerial Disaster Management Co-Ordination Committee
 - c. District Disaster Management Committee
 - d. City Corporation Disaster Management Committee
 - e. Upazila Disaster Management Committee
 - f. Pourashava Disaster Management Committee
 - g. Union Disaster Management Committee
- V. **Climate Change**- means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.
- VI. **Committee** – means a body formed under this Act for the purpose of undertaking certain tasks of disaster management. Such bodies may include, but are not limited to;
 - a. Inter-Ministerial Disaster Management Co-ordination Committee (IDMCC)
 - b. Disaster Management Advisory Committee (DMAC)
 - c. District Disaster Management Committee (DDMC)
 - d. City Corporation Disaster Management Committee (CCDMC)
 - e. Upazila Disaster Management Committee (UpDMC)
 - f. Pourashave Disaster Management Committee (PDMC)
 - g. Union Council Disaster Management Committee (UnDMC)
 - h. any other committee formed by the Government in this context
- VII. **Council** – means the National Disaster Management Council.
- VIII. **DM/DC** – means the District Magistrate/Deputy Commissioner within the meaning of the section 10 of the Code of Criminal Procedure, 1898.
- IX. **Disaster** – means a serious disruption to a community caused by the impact of an event which requires a significant coordinated response by the Government and other entities

to help the community to recover from the disruption. Disasters are usually associated with severe damage to infrastructure and utilities, death, injuries and homelessness, and can be widespread or contained within a particular sector or sub sector.

- X. **Disaster Area** – means a district, city corporation, upazila, municipality, union or any part of Bangladesh declared to be a Disaster Area under this Act.
- XI. **Disaster Management** - means arrangements for managing the potential adverse risks and includes defining the risk environment, managing the risk environment and responding to the threat environment.
- XII. **Emergency Response Operations** – means activities undertaken immediately before, during or after an event which help to reduce loss of life, illness or injury to humans, property loss or damage, or damage to the environment. It may include, for example, planning, co-ordination and implementation of measures to lesson the effects of a disaster upon members of the public or to protect any property of the state.
- XIII. **Essential Services** – means the services declared essential by the Government and may include but is not limited to electricity supply, water, telecommunications, sewerage, fuel, gas and transportation.
- XIV. **Event** - means any of the following hazards impacting on a community or elements of a community:
- a. A cyclone, earthquake, flood, storm tide, tornado, tsunami, river erosion, drought or other natural happening.
 - b. An explosion or fire, a chemical, fuel or oil spill, or a gas leak.
 - c. An infestation, plague or epidemic.
 - d. A failure of, or the disruption to, an essential service or infrastructure.
 - e. Another event similar to an event mentioned in paragraphs (a) to (d).
- The event may be natural, technological or caused by human acts or omissions.
- XV. **Government** –means the Government of the People’s Republic of Bangladesh.
- XVI. **Hazard** – means an event which has the potential to cause a disaster, and can be either natural (e.g. flood, cyclone, tsunami), human induced (e.g. chemical spill, fire) or technological in nature (e.g. nuclear generator failure). Hazards are not by definition disasters.
- XVII. **Mitigation** – means the process of implementing measures that eliminate or significantly reduce the risks associated with potential hazards.
- XVIII. **Natural Disaster** –is a disaster (see definition of disaster) caused by the impact of a natural hazard.

- XIX. **Prime Minister** – means the Prime Minister of the People’s Republic of Bangladesh.
- XX. **Preparedness** – means measures that are designed to ensure that communities will have the knowledge and understanding of their risk environment to enable them to better cope with potential hazard impacts.
- XXI. **President** – means the president of the People’s Republic of Bangladesh.
- XXII. **Prevention** – means activities undertaken to reduce or eliminate risk.
- XXIII. **Relief** – means money, food, medicine, shelter, clothes or any other assistance public or private provided to people and communities to overcome the effects of a disaster event.
- XXIV. **Reconstruction** – means the process of restoring affected infrastructure to its pre event condition.
- XXV. **Recovery** - means measures that are designed to develop the systems required to support affected communities in the reconstruction of their physical infrastructure and restoration of their emotional, economic and physical well being.
- XXVI. **Resources** –means but is not limited to food, manpower, vehicles, machinery, plant, equipment, aircraft, transport, seeds and other agricultural supplies, live-stock, medicines and medical equipment, water, construction material, shelter, accommodation, and any other goods, materials services or technical skills needed for the effective functioning of a community.
- XXVII. **Risk** – means the measure of the likelihood of harmful consequences arising from the interaction of hazards, vulnerable elements and the environment.
- XXVIII. **Risk Reduction** – means the systematic process of defining and re-defining risk and managing risk.
- XXIX. **Standing Orders for Disaster Management** – means standing orders issued by the National Disaster Management Council under the direction of the Government.
- XXX. **Statutory Service** – means a body constituted by or under an Act of the State and whose role usually includes disaster management functions.
- XXXI. **Vulnerability** – means an measurement of elements at risk that are exposed to specific hazards both natural or human induced, and that have a low level of resilience to cope with the impacts of that hazard or characteristics of that hazard.
- XXXII. **Water Vessel** – means any type of ship, boat, tug-boat, ferry, launch, speed-boat, fishing boat or other vessel used for transportation of passengers or cargo and goods.

Part 2: Administration

3. **Administration of Act:** This Act will be administered by the Government or by authorized bodies constituted or officers appointed by the Government under this Act.

Part 3: Organization /Committee

4. National Level Committees:

- 1) There shall be established a national council and national committees for the purpose of formulating strategic policy, and for the guidance, supervision and control of field level committees. While such committees are permanently established under this Act, the Government may if need be constitute other committees by official Gazette Notification. The Council and Committees formed under this Act include the following:
 - a. **National Disaster Management Council:** There shall be a National Disaster Management Council at the national level.
 - b. **Inter-ministerial Disaster Management Co-ordination Committee:** There shall be an Inter-ministerial Disaster Management Co-ordination Committee at the national level.
 - c. **Disaster Management Advisory Committee:** There shall be a Disaster Management Advisory Committee at the national level.

5 Functions of the National Level Committees:

- 1) The functions of the national level council and committees shall be prescribed in Standing Orders for Disaster Management.
- 2) While the specific functions of committees shall be prescribed in Standing Orders, the general functions of the council and committees at the National level shall include;
 - a. to develop strategic policy directions for disaster management.
 - b. to ensure that effective risk reduction is implemented.
 - c. to ensure that arrangements between the national and field levels for matters relating to effective risk reduction and emergency operations are established and maintained.
 - d. to identify resources that may be used for emergency operations.
 - e. to ensure effective coordination across government, Non Government Organisations, civil society and private in activities and programs related to risk reduction and during emergency operations.
 - f. to provide reports and make recommendations to the Government about matters relating to risk reduction and emergency operations.

- g. to prepare documents pertaining to risk reduction and emergency operations which should include but are not limited to a National Disaster Risk Management Policy, a National Disaster Management Plan and Standing Orders for Disaster Management and other documents deemed necessary within the strategic policy directions as described in paragraph (a), and.
- h. to perform other functions as directed by the Government.

6 Membership:

- 1) The Government will appoint appropriately qualified persons to act as members of the council and committees. The council and committees shall consist of;
 - a. A member duly appointed as chairperson.
 - b. A member to act as deputy chairperson.
 - c. A number of persons as members of the committee by nature of their position or appointment, and.
 - d. A person appointed to perform the function of Member-Secretary to the committee.
- 2) Membership of each council or committees will be prescribed in Standing Orders for Disaster Management.

7 Chairperson and Deputy Chairperson:

- 1) For each council and committee, the following are to be appointed;
 - a. a person as chairperson of the Committee or Council, and.
 - b. a person as deputy chairperson of the Committee or Council
- 2) A person may be appointed as the chairperson or deputy chairperson at the same time the person is a member of the committee.
- 3) The deputy chairperson is to act as the chairperson;
 - a. during a vacancy in the office of chairperson, and.
 - b. during all periods when the chairperson is absent from duty or for another reason cannot perform the functions of the office.

8 Functions of Member-Secretary:

- 1) A member of the council or committee shall act as the Member-Secretary for the council or committee and shall manage and coordinate the business of the council or committee, and shall support the council or committee in the performance of their functions. The Member-Secretary shall have the following functions;

- a. to ensure the functioning of the council or committee is effective and efficient.
- b. to ensure regular meetings of the council or committee are conducted.
- c. to ensure directions and policies of the council or committee are carried out.
- d. to provide secretarial and administrative support for the efficient functioning of the council or committee.
- e. to ensure proper records of proceedings are maintained for all council or committee meetings, to issue notice of meetings, meeting agenda and to ensure the provision of papers or supporting documentation for consideration by members prior to the conduct of a meeting.
- f. to support the chairperson in the conduct of meetings.
- g. to prepare agenda items and documentation for consideration by the members, and.
- h. to undertake other duties as directed by the chairperson.

9 **Field Level Management Committees:**

- 1) There shall be established at District, City Corporation, Upazila, Pourashava and Union level disaster management committees for the implementation of risk reduction and emergency operations policy and practice at the field level. While such committees are permanently established under this Act, the Government may constitute by official gazette notification, other committees or bodies as it sees necessary for effective disaster management at the field level. The following committees are established;
 - a. **District Disaster Management Committee:**
The Government may constitute District Disaster Management Committees at District level.
 - b. **City Corporation Disaster Management Committee:**
The Government may constitute City Corporation Disaster Management Committees at city corporation level.
 - c. **Upazila Disaster Management Committee:**
The Government may constitute Upazila Disaster Management Committees at Upazila level.
 - d. **Pourashava Disaster Management Committee:**
The Government may constitute Pourashava Disaster Management Committees at Pourashava level.
 - e. **Union Disaster Management Committee:**
The Government may constitute Union Disaster Management Committees at Union level.

10. Functions of Field Level Committees:

- 1) The functions of field level committees shall be prescribed in Standing Orders for Disaster Management.
- 2) Notwithstanding specific roles and responsibilities for field level committees established in Standing Orders for Disaster Management, the following are the general functions of Field level committees;
 - a. to ensure that risk reduction and emergency operations at the Field level are consistent with national strategic policy.
 - b. to undertake effective risk reduction within the committee's particular area of responsibility including the preparation of community risk assessments and risk reduction plans, and to regularly review and assess the effectiveness of plans.
 - c. to ensure that any relevant decisions and policies made by the National committees are implemented.
 - d. to ensure that the community is aware of ways of mitigating the adverse effects of an event, and preparing for, responding to and recovering from a disaster.
 - e. To ensure the community is aware of long term risks of climate change and to be able to adapt to the adverse effects.
 - f. to manage emergency operations in the area under policies and procedures determined by National level committees.
 - g. to coordinate resources and services to disaster affected communities.
 - h. to identify local level resources that may be used during emergency operations.
 - i. to make plans for the allocation and coordination for the use of resources mentioned in paragraph (f) and (g).
 - j. to establish and maintain communications systems for use during emergency operations.
 - k. to ensure that information about the event or a disaster is promptly communicated to the National level and within the field level, and.
 - l. to perform any other function as given from the National level committee or other body constituted under this Act.

11. Membership:

- 1) Field level committees established under this Act shall be constituted within the following general guidelines for membership;
 - a. Chairperson.

- b. Deputy chairperson.
- c. Where appropriate representation from Government Ministries or Divisions.
- d. Where appropriate representation from the community.
- e. Where appropriate representation from Non Government Organisations.
- f. Where appropriate representation from community groups or institutions, and.
- g. Member-Secretary.

12. Functions of Member-Secretary:

- 1) The Member-Secretary shall manage and coordinate the business of the committee and support the committee members in the performance of the committee' functions. The Member-Secretary shall have the following functions;
 - a. to advise the committee about matters relating to disaster management that are relevant to the committee.
 - b. to regularly review and assess disaster management plans and to ensure the plans are consistent with any policy or guidelines.
 - c. to advise the Chairperson and committee during emergency operations.
 - d. to ensure the effectiveness and efficiency of the committee.
 - e. to provide secretarial and administrative support for the efficient functioning of the committee.
 - f. to ensure proper records of proceedings are maintained for all committee meetings, to issue notice of meetings, meeting agenda and to ensure the provision of papers or supporting documentation for consideration by members prior to the conduct of a meeting.
 - g. to verify that decisions of the committee are executed in a timely and effective manner.
 - h. to support the chairperson in the conduct of meetings.
 - i. to prepare agenda items and documentation for consideration by the members, and.
 - j. to undertake other duties as directed by the chairperson.

13. Business and Meetings of Committees:

1) Conduct of business

A disaster management council or committee, subject to any other direction or condition made under this Act, may conduct its business, including its meetings, in the way it considers appropriate.

2) Times and places of meetings

- a. Disaster management committees and councils meetings, at the national and field level, shall be held as prescribed through the Standing Orders for

Disaster Management, but shall be at least once in every six months at a time and place decided by the chairperson of the council or committee.

- b. However, the chairperson of committees shall call a meeting if directed to do so by the President, or the Government, or if requested by at least one half of the members of the committee.

3) Presiding over meetings

- a. The chairperson of the council or committee is to preside at all meetings of the council or committee at which the chairperson is present, or;
- b. If the chairperson is absent from a meeting of the council or committee, but the deputy chairperson is present, the deputy chairperson is to preside.
- c. If the chairperson and deputy chairperson are both absent from a meeting then a member of the council or committee nominated by the chairperson is to preside, or;
- d. If the chairperson does not nominate a member under paragraph(c) a member nominated by the deputy chairperson is to preside, or;
- e. If the offices of chairperson and deputy chairperson are vacant, the member of the council or committee chosen by the government is to preside.

4) Conduct of meetings

- a. The council or committee may hold meetings, or allow members of the council or committee to take part in its meetings, by using any method that reasonably allows members to hear and take part in discussions as they happen.
- b. A member who takes part in a meeting of the council or committee under subsection (a) is to be taken as present at the meeting.
- c. A resolution is validly made by the council or committee, even if it is not passed at a meeting of the council or committee, if;
 - i. A majority of the members at the council or committee gives written agreement to the resolution, and.
 - ii. Notice of the resolution is given under procedures approved by the council or committee.

5) Record of meetings

- a. The council or committees shall keep minutes of its meetings, properly recorded and accepted by resolution by a majority of members.
- b. Minutes of meetings shall be made available to persons duly authorized to inspect and assess the functions and proceedings of the council or committees.
- c. Minutes of the meetings of the council or committees shall be authorized by written signature by the chairperson, deputy chairperson and executive officer of the council or committee.
- d. Minutes of the meeting shall contain an accurate record of the conduct of the meeting, including but not limited to the resolutions of the meeting and assigned actions and timeframes for the completion of such actions.

14. Annual report:

- 1) As soon as practicable at the end of each financial year, each committee shall prepare and provide to the next higher committee a written report about disaster management within the committee's area of responsibility, and generally about the functions and activities of the committee.
- 2) The report shall include at least the following information;
 - a. Information about activities undertaken during the financial year to maintain or enhance risk reduction within the committee's area of responsibility.
 - b. Details about emergency operations performed during the financial year.
 - c. Information about the conduct of meetings and functions of the committee
 - d. Information about priorities for risk reduction within the committee's area of responsibility, and.
 - e. Other matters about disaster management that the committee considers appropriate.

15. Giving Directions:

1) President may give directions

- a. The President may give the Council or Committees a written direction about the performance of the Council or Committee's functions if satisfied that giving directions is necessary to ensure that the functions are performed appropriately.
- b. The council or committee shall comply with the direction.

- c. However, before giving the direction, the President shall consult with the chairperson of the council or committee.

2) The Chairperson of the Council may give directions

- a. The chairperson of the Council may give a committee, at the national or field level, written direction about the performance of the committee's functions if satisfied that giving direction is necessary to ensure the functions are performed appropriately.
- b. However, before giving the direction, the chairperson may consult with the chairperson of the committee, or committees to which the direction is given.

3) The Deputy Commissioner may give direction

- a. A Deputy Commissioner for a District Disaster Management Committee may give a local level committee (Upazila, Pourashava or Union) within the District a written direction about the performance of the committee's functions if satisfied that giving direction is necessary to ensure the functions are performed appropriately.
- b. The committee or committees to which the written direction is given shall comply with the direction.
- c. However, before giving the direction, the Deputy Commissioner may consult with the chairperson/s of the local level committee/s to which the direction is given.

16. Other Committees Established:

- 1) The Chairperson of the Council may, in consultation with and by agreement of members of the Council, establish committees, other than those constituted under this Act, to perform any of the following functions;
 - a. To help the council or committees perform their functions
 - b. To advise and make recommendations to the Council or any other committee about matters relating to disaster management referred by the Council or a member of the council.
 - c. To perform other functions incidental to a function mentioned in sub paragraph (1) and (2)
- 2) The Chairperson of the Council may, in consultation with and by agreement of members of the Council, appoint an individual to a committee if satisfied the individual has the necessary expertise or experience to assist the committee to perform its functions.

- 3) A committee established under this section may conduct its business, including its meetings, in the way it considers appropriate. However, it shall maintain proper minutes of meetings and conform to the requirements for managing the business of the committee and conducts of meetings as specified in section 13 of this Act

Part 4: Disaster Management Plans and Guidelines

17. Disaster Management Plans:

1) National Plan for Disaster Management

- a. The Council shall approve a plan (“National Disaster Management Plan”) for disaster management in Bangladesh.
- b. The plan shall include matters as required by the Council, but shall make provision for the following;
 - i. The strategic policy for disaster risk management
 - ii. The roles and responsibilities of entities involved in emergency operations and risk reduction
 - iii. The coordination of emergency operations and risk reduction undertaken by entities mentioned in paragraph (b)
 - iv. Priorities for risk reduction
 - v. Matters stated in disaster management guidelines as matters to be included in the plan, and.
 - vi. Other matters about disaster management the Council considers appropriate or are prescribed to the Council.
- c. Requirements to plan

The National Disaster Management Plan shall be considered with the disaster management guidelines prescribed in Section 18.

- d. Reviewing and Revision
 - i. The Council may review and revise the National Disaster Management Plan when the Council considers it appropriate.
 - ii. If the Council revises the National Disaster Management Plan, the chairperson shall provide a copy to each other National level committee, to each Ministry of Government, and to each other District Disaster Management Committee or City Corporation Disaster Management Committee.

- iii. The Chairperson shall also make available the National Disaster Management Plan to civil society, Non Government Organisations, the business sector and regional and international organizations or persons.

2) Field Level Plan for disaster management

- a. Field level committees shall prepare a plan (the “Disaster Management Plan”) for disaster management for the area of responsibility of the committee.
- b. The plan shall include provision for the following-
 - i. The strategic policy framework for disaster management as it applies to disaster management within the area of responsibility of the committee.
 - ii. The roles and responsibilities of entities involved in emergency operations and risk reduction within the area of responsibility of the committee.
 - iii. The coordination of emergency operations and activities relating to disaster management performed by entities mentioned in sub-sub-section (ii).
 - iv. Events that are likely to happen within the area of responsibility of the committee.
 - v. Priorities for risk reduction within the area of responsibility of the committee.
 - vi. Matters stated in the disaster management guidelines as matters to be included in the plan, and.
 - vii. Other matters about disaster management within the area of responsibility of the committee which the committee considers appropriate or are prescribed by a National level committee.
- c. Requirements to plan

The Disaster Management Plan shall be considered with the disaster management guidelines prescribed in Section 18.
- d. Reviewing and Revision
 - i. The committee may review and revise its disaster management plan when the committee considers it appropriate.
 - ii. However, the committee shall review the effectiveness of the plan at least once per year.
 - iii. The Chairperson of the committee shall make available copies of the disaster management plan to the next higher level disaster

management committee, and where appropriate the next lower level disaster management committee, or any other body or entity the chairperson considers appropriate to receive the plan.

- iv. The Chairman shall also make available a copy of the plan for inspection to members of the public and other persons or bodies not mentioned in sub section c.

18. Guidelines for Disaster Management Plans:

- 1) The council may prepare guidelines to inform committees at the national and Field level, and other relevant bodies about matters relating to any of the following;
 - a. the preparation of disaster management plans
 - b. the matters to be included in a disaster management plan
 - c. other matters relating to disaster management, emergency operations or
 - d. other matters about the operation, coordination or functions of committees or other entities or bodies relating to disaster management.

2) Review and Revision

Guidelines prepared under sub section 1) shall be periodically reviewed and where appropriate revised. Review and revision of guidelines is to be when the Council considers it appropriate, or by recommendation of a National level committee to the Council.

3) Guidelines to be made available

The Chairperson of the Council shall make the guidelines available to each National level committee, and as appropriate, field level committees, Non Government Organisations, Ministries and Divisions of Government, and any other body or organization.

Part 5: Declaration of the State of Disaster and Area of Disaster

19 Declaration by the President of a State of Disaster:

- 1) The President shall declare by proclamation a State of Disaster for the whole of the State, or part of the State or area(s) specified in the proclamation, if satisfied;
 - a. An event has happened, is happening or is likely to happen.
 - b. The Inter-Ministerial Disaster Management Co-ordination Committee or its Chairperson conveys that the magnitude or threatened magnitude of the event or impending event is or is likely to be so great in extent or severity in a district or part of a district or more than one district or the whole of

Bangladesh that additional measures are necessary or desirable to enable the community to cope with the event.

- c. That the impact of the event on communities is likely to be beyond the resources or means normally available at the disposal to the statutory services.
- d. That execution of the powers prescribed in this Act is necessary to prevent or minimize any of the following;
 - i. Loss of human life.
 - ii. Illness or injury to humans.
 - iii. Property loss or damage.
 - iv. Damage to the environment.

20 Responsibility of the Chairperson of the Inter-Ministerial Disaster Management Co-ordination Committee:

- 1) If a declaration of a State Of Disaster is made in pursuant to the section 19, the Chairperson of the Inter-Ministerial Disaster Management Co-ordination Committee;
 - a. Shall institute such measures as are in accordance with the National Disaster Management Plan and Standing Orders for Disaster Management.
 - b. May take such other action as the Council considers appropriate to counter the effects of the disaster.
 - c. Direct and coordinate the use of all available resources within such area as the case may be necessary to counter the effects of the disaster.
- 2) Upon declaration of State of Disaster the Government may grant reasonable exemption on revenue, education or any other field or sanction grant for the disaster area for a certain period of time.

21. Form and notice of declaration:

- 1) A declaration of a State of Disaster under section 19 shall be the proclamation in an approved form;
 - a. The approved form shall include provision for;
 - i. The time and date of the declaration, and.
 - ii. The declared area for the State of Disaster.

22. Duration:

- 1) A State of Disaster:
 - a. Starts when it is declared by proclamation under Section 19.

- b. Unless any of the following happens, ends 7 days after the day that it is declared;
 - i. The President ends the declaration of a State of Disaster sooner.
 - ii. The President extends the period of the declaration beyond the end of 7 days.

23. Extending a declaration of a State of Disaster:

A proclamation may extend, or from time to time further extend, the period of a State of Disaster. A proclamation extending the period of the State of Disaster expires 14 days after the State of Disaster is declared unless it is sooner repealed or it expires under Section 22.

24. Ending a declaration of a State of Disaster:

- 1) As soon as the President is satisfied that exercise of the powers that are available under the declaration of a State of Disaster is no longer necessary, the President shall end the State of Disaster. If the President ends the State of Disaster, the President shall;
 - a. Make a written record of the time and date the State of Disaster ended.
 - b. Immediately inform the Chairperson of the Inter-Ministerial Disaster Management Co-ordination Committee and the relevant Deputy Commissioners of the ending of the declaration of the State of Disaster.
- 2) The President shall as soon as practicable give notice of the ending of a State of Disaster by proclamation.

25. Declaration of an Area of Disaster by the Chairperson of the Inter-Ministerial Disaster Management Co-ordination Committee:

- 1) If the magnitude of an event, or an impending event, goes, or may go, beyond the control and limit of a District Disaster Management Committee, the Chairperson of the Inter-Ministerial Disaster Management Co-ordination Committee may constitute temporary disaster area(s) for the purpose of providing the affected Districts with additional resources.
- 2) The declaration of an Area of Disaster is to be made in the approved form and through Gazette Notification under this Act.
- 3) The declaration of an Area of Disaster may assign responsibilities to the area(s) naming them with definite name.
- 4) The Area of Disaster may be constituted with a part or whole of a division or whole or part of one or more areas of local Government.

26. Form and notice of declaration of an Area of Disaster:

- 1) A declaration of an Area of Disaster under section 25 shall be the proclamation in an approved form which makes provision for;
 - a. The time and date of the declaration, and
 - b. The declared area for the Area of Disaster

27. Duration of a Declaration of an Area of Disaster:

- 1) The declaration of an Area of Disaster:
 - a. Starts when it is declared by proclamation under Section 25.
 - b. Unless any of the following happens, ends 7 days after the day that it is declared;
 - i. The Chairperson of the Inter-Ministerial Disaster Management Co-ordination Committee in consultation and agreement of the Council, sooner ends the declaration of an Area of Disaster.
 - ii. The Chairperson of the Inter-Ministerial Disaster Management Co-ordination Committee, in consultation and agreement of the Council, extends the period of the declaration beyond the end of 7 days.

28. Extending a declaration of an Area of Disaster:

- 1) A proclamation may extend, or from time to time further extend, the period of a declaration of an Area of Disaster.
- 2) A proclamation extending the period of the declaration of an Area of Disaster expires 14 days after the Area of Disaster is declared unless it is sooner repealed or it expires under Section 27.

29. Ending a declaration of an Area of Disaster:

- 1) As soon as the Chairperson of the Inter-Ministerial Disaster Management Co-ordination Committee, in consultation and by agreement of the Committee, is satisfied it is no longer necessary to have an area/s declared as an Area of Disaster the Chairperson shall end the declaration of an Area of Disaster.
- 2) If the Chairperson of the Inter-Ministerial Disaster Management Co-ordination Committee ends the declaration of an Area of Disaster, the Chairperson shall;
 - a. Make a written record of the time and date the Area of Disaster is ended.
 - b. Immediately inform the Committee and the relevant Deputy Commissioner/s of the ending of the declaration of the Area of Disaster.

- 3) The Chairperson shall give notice of the ending of a State of Disaster by proclamation as soon as practicable.

30. Responsibility of the Inter-Ministerial Disaster Management Co-ordination Committee:

- 1) If a declaration of an Area of Disaster is made in pursuant to the section 25, the Inter-Ministerial Disaster Management Co-ordination Committee:
 - a. Shall institute such measures as are in accordance with the National Disaster Management Plan, Policy and Standing Orders for Disaster Management.
 - b. May take such other action as the Committee considers appropriate to counter the effects of the disaster.
 - c. Direct and coordinate the use of all available resources within such area as the case may be necessary to counter the effects of the disaster.

31. Overall responsibility for an Area of Disaster:

The over-all responsibility of the declared Area of Disaster may be assigned to an officer of the Ministry of Food and Disaster Management, Divisional Commissioner, Deputy Commissioner, Upazila Nirbahi Officer, Union Parishad Chairman or any other officer.

32. Powers under the declaration of a State of Disaster:

1) General provisions about powers

- a. A relevant Deputy Commissioner/s or other appropriate and suitably qualified person/s for the declaration of a State of Disaster has/have the powers given in this sub division.
- b. The relevant Deputy Commissioner/s of other appropriate and suitably qualified person/s, to whom these powers are allocated, shall be nominated in writing by the Chairperson of the Council.
- c. However the relevant Deputy Commissioner/s or other appropriate and suitably qualified person/s may exercise a power only during the period of a State of Disaster.
- d. To do any of the following;
 - i. ensure public safety or public order
 - ii. prevent or minimize loss of human life, or illness or injury to humans or animals

- iii. prevent or minimize property loss or damage, or damage to the environment

2) General powers

- a. The relevant Deputy Commissioner/s or other persons duly nominated to exercise these powers may do any of the following;
 - i. Control the movement of persons, animals, vessels or vehicles within, into, out of or around the declared area for the State of Disaster.
 - ii. Give a direction to a person to regulate the movement of the person, an animal or a vehicle or vessel within, into, out of or around the declared area for the State of Disaster.
 - iii. Evacuate persons or animals from the declared area or a part of the area.
 - iv. Enter a place in the declared area.
 - v. Take into a place in the declared area the equipment, persons or materials the commissioner reasonably requires for exercising a power.
 - vi. Control an animal or substance within the declared area.
 - vii. Remove or destroy an animal, vegetation or substance within the declared area.
 - viii. Remove, dismantle, demolish, or destroy a vehicle, or a building or other structure, in the declared area.
 - ix. Use, close off or block a facility for drainage.
 - x. Shut off or disconnect a supply of fuel, gas, electricity or water, and take and use the fuel, gas, electricity or water.
 - xi. Turn off, disconnect or shut down any motor or equipment.
 - xii. Open a container or other thing, or dismantle equipment.
 - xiii. Excavate land or form tunnels.
 - xiv. Build earthworks or temporary structures, or erect barriers.
 - xv. Close to traffic any road.
 - xvi. Maintain, restore, or prevent destruction of, essential services.
 - xvii. Require a person to give the relevant Deputy Commissioner reasonable help to exercise the powers under the sub division.
- b. The relevant Deputy Commissioner/s or other relevant person/s may also;
 - i. Enter a place in the declare area without a warrant of entry or the consent of the occupier/ owner of the place.
 - ii. Exercise a power with the help, and using force that is reasonable in the circumstances.
- c. When giving direction or making a requirement mentioned in Section 32, sub-section 1) the relevant Deputy Commissioner/s or person/s shall warn

the person/s it is an offence to fail to comply with the direction or requirements unless the person has a reasonable excuse.

3) Power to give direction about property

- a. A Deputy Commissioner or other authorized person may direct the owner of any property, by notice in an approved form, given to the owner, to put the property under the control, or at the disposal of the person stated in the notice.
- b. When giving direction a Deputy Commissioner or other authorized person shall warn the person it is an offence to fail to comply with the direction unless the person has a reasonable excuse.

4) Requirements for direction about property

The approved form for the direction about property shall include provision for the following:

- a. information about the nature of the disaster.
- b. identifying the property to which the direction relates.
- c. information about the purpose for which the property is to be used.
- d. the provision under this Act under which the direction is given.
- e. that the person to whom the direction is given shall comply with the direction.

Part 6 Powers and Responsibilities of the Deputy Commissioners.

33. Powers of the Chairman of District Disaster Management Committee/Deputy Commissioner during emergency operations :

- 1) The Chairman of the District Disaster Management Committee/D.C or authorized person/persons emergency operations within a declared Area of Disaster shall have the following powers:
 - a. To enter, with the assistance of Civil or Military authorities or both, any place which is believed, on reasonable ground, to be in urgent necessity for such action for the purpose of saving human life and property or the prevention of injury to human life or the prevention of injury to persons or rescuing injured person or persons whose lives are endangered or facilitating the carrying out of other urgent measures with respect to the relief of suffering and distress.
 - b. To evacuate people, property and live-stocks from vulnerable areas.

- c. To close traffic on any road or street, whether public or private for such a duration as becomes necessary for the continuation of counter disaster measures with the assistance of Civil or Military or both, if it is essential to do so.
- d. To remove any obstacle impeding the implementation of emergency operations measures with the assistance of Civil or Military authorities.
- e. To take under requisition of any movable or immovable property which is deemed necessary for the purpose of implementing effective emergency operations and to pay compensation according to law as determined by the concerned Deputy Commissioner under which jurisdiction such property is situated.
- f. To do any other act for the purpose of implementing effective emergency operations or to perform any act preliminary or incidental or essential financial expenditure to carry out the tasks assigned, subject to completion of official formalities later on.
- g. To collect information related to the event and to convey information as required under any Standing Order, rules, instruction, direction or plan made under this Act.
- h. To take requisition of equipments, utensils and services or employees of any department, autonomous or local bodies or agencies.
- i. To take the communication facility of Government, Semi-government, Autonomous bodies or to take requisition of services of any person for the management of risk related to disaster.
- j. To receive priority in use of essential services.
- k. To establish a restricted area to which access shall be restricted or prohibited to any person other than those engaged in emergency operations or to order any person other than those so engaged to leave the area, when an event has occurred or is imminent and when deemed necessary to prevent danger to person.
- l. If deemed necessary, to request assistance from neighboring district/city/town/village. The authority so requested shall not refuse to provide necessary assistance.

34. Responsibilities of persons so directed during emergency operations:

- 1) Person/s as directed by the chairman of District Disaster Management Committee shall undertake the following responsibilities:

- a. Collection and transmission of information concerning the disaster event.
- b. Issue warnings, alarms and signals based on forecasts.
- c. Taking protective and control measures against natural and human induced hazards.
- d. Emergency evacuation of women, children and other vulnerable groups.
- e. Functioning and restoration of critical facilities, lifelines, essential utility services and equipments.
- f. Management of cleanup, epidemic control, public health and sanitation.
- g. Traffic control, maintenance of law and order and crime prevention.
- h. Requisition of communication facilities of Government/Semi-Government/Autonomous/Private bodies or to take requisition of services of any person in respect to emergency operations.
- i. Additional measures for limiting the effects of a hazard on communities including the loss of life and damage or loss of property, or damage to the environment.
- j. Any other matters relating to disaster operation assigned by the government.

35. Responsibility of the Armed Forces during emergency operations:

If the Chairman of the District Disaster Management Committee or Deputy Commissioner does not have sufficient time to inform the Government during the time of an event or any other emergency situation, about the event or emergency situation in such case the local Military authority shall ensure the assistance of the armed forces as per requisition of the local Civil authority.

Part 7 Bar and suits

36. Offences under this Act:

- 1) Whoever contravenes any of the provisions of an authority depicted authorized under this Act will be deemed constitute an offence.
- 2) Any person who ;
 - a. assaults, obstructs, threatens, abuses, insults or intimidates an officer of any rank and status or any other person authorized under this Act, or.
 - b. attempts to do, or.
 - c. fails to discharge necessary duties which the person is directed to do, or.
 - d. does that which the person is forbidden to do, or.
 - e. enhances or causes to enhance prices of essential commodities.
- 3) will be deemed constitute an offence under this Act.

37. Penalties:

The person who shall be guilty of an offence under section 36 of this Act shall on conviction, punishable with the imprisonment, which may extend to 03 (three) months, rigorous or non-rigorous or with fine which may extend to taka 50,000 (fifty thousands) or with both. But if a government officer/employee constitutes such an offence action will be taken according to the Act/ Rules applicable to him.

38. Procedure:

- 1) Notwithstanding any thing contained in the code of criminal procedure 1898 (v of 1898)
 - a. An offence under this Act shall be cognizable and bailable.
 - b. No court other than that of the 1st class Magistrate or a Metropolitan Magistrate shall try an offence under this Act.
 - c. A court trying an offence under this Act shall try this offence summarily in accordance with procedure laid down in the said code for summary trial.

Part 8: Financial Arrangements

39. National Disaster Response, Relief and Rehabilitation Fund:

The Government may constitute a fund called the National Disaster Response, Relief and Rehabilitation Fund from its own resources and donations from home and abroad for the purposes of disaster response, relief and rehabilitation. The fund shall be used for response, relief and rehabilitation. The allocation and utilization of the fund shall be as per rules and guidelines laid down by the Government.

40 National Risk reduction Fund:

The Government may constitute a fund called the National Risk reduction Fund for projects which are designed for the purpose of risk reduction and mitigation. The allocation and utilization of the fund shall be as per rules and guidelines laid down by the Government.

41. Fund for immediate post-disaster relief:

The local government(s) shall as specified by rules establish a disaster fund to meet emergency expenses for disaster relief. The un-utilized fund for relief may be used for rehabilitation purposes.

42. Reporting:

The authority/authorities responsible for the utilization of funds shall submit specific report(s) to the Governments regarding executions of, and expenditures of funds along with an audit certification. The period of time not for such reports shall be as prescribed by the rules and guidelines for the use of funds.

Part 9: Miscellaneous

43. Responsibility of discoverer to report:

Any person having detected an unusual event which may lead to a disaster shall notify without delay the chairman or any other member of the Disaster Management Committee or the nearest Police Station. The concerned authority shall undertake necessary steps instantly.

44 Public servant:

Any person empowered to perform any function under this Act shall be deemed to be a public servant within the meaning of Section 21 of the penal code (Act XLV of 1860)

45. Bar of suits:

No suit or other proceeding shall be permissible against Government or any authority or any person for anything done in good faith and due manner under this Act or under any rules/orders made there under.

46. Power to make Rules/Regulation:

The Government may make Rules/Regulations to give effect to the provisions of this Act.

47. Power to pass order/standing orders:

The Government may issue orders or Standing Orders for Disaster Management in consistence with the provision of this Act to carry out the purpose of this Act.

48. Saving:

Any order/orders including Standing Orders for Disaster Management passed on Disaster Management or any action taken or any appointment made shall continue to remain in force and be deemed to have been passed, done, taken or made under the corresponding provision of this Act.