

THE GAZETTE



OF PAKISTAN

EXTRAORDINARY
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PART 1

Acts, Ordinance, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 11th December, 2010

No. F. 9 (28)/2010-Legis. – The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 8th December, 2010 and is hereby published for general information: -

ACT No. XXIV OF 2010

An Act to provide for the establishment of a National Disaster Management System for Pakistan

WHEREAS it is expedient to provide for an effective national disaster management system and for matters connected therewith or incidental thereto;

AND WHEREAS the Provincial Assemblies of Balochistan, the Khyber Pakhtunkhwa, and the Punjab have passed resolutions under Article 144 of the Constitution of the Islamic Republic of Pakistan to the effect that Majlis-e-Shoora (Parliament) may, by law, regulate the national disaster management system to overcome unforeseen situations:

It is hereby enacted as follows: -

1. **Short title, extent and commencement.** – (1) This Act may be called the National Disaster Management Act, 2010.

(2) It extends to whole of Pakistan.

(3) It shall come into force on the 17th August, 2007.

2. **Definitions.** In this Act, unless the context otherwise requires:-

- (a) “affected area” means an area or part of the country affected by a disaster:
- (b) “disaster” means a catastrophe or a calamity in an affected area, arising from natural or man made causes or by accident or fire, bomb blast, terrorist activities, militancy, annoyed or provoked mob¹ which results in a substantial loss of life or human suffering or damage to, and destruction of, property both movable and immovable²:
- (c) “disaster management” means managing the complete disaster spectrum, including: -
 - (i) preparedness;
 - (ii) response;
 - (iii) recovery and rehabilitation; and
 - (iv) reconstruction;
- (d) “District Unit” means the District Disaster Management Unit established under section 18³;
- (e) “District Plan” means a Disaster Management Plan prepared for a particular district under section 21;
- (f) “Federal Government” means the Ministry or Division of the Federal Government having administrative control of disaster management;
- (g) “National Authority” means the National Disaster Management Authority established under section 8;
- (h) “National Plan” means the plan for disaster management for the whole of the country prepared under section 10;
- (i) “National Commission” means the National Disaster Management Commission established under Section 3;

¹ Inserted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

² Amended vide Act *ibid*.

³ Amended vide Act *ibid*.

- (j) “Prescribed” means prescribed by rules or regulations¹ made under this Act;
- (k) “Provincial Authority” means the Provincial Disaster Management Authority established under section 15;
- (l) “Provincial Commission” means the Provincial Disaster Management Commission established under section 13; [...]²
- (m) “Provincial Plan” means the plan for disaster management for a Province prepared under section 17; []³
- (n)⁴ “Regulations” mean the regulations made under this Act; and
- (o)⁵ “rules” mean the rules made under this Act.”.

CHAPTER II

THE NATIONAL DISASTER MANAGEMENT COMMISSION

3. Establishment of National Disaster Management Commission.

- (1) As soon as may be after the commencement of this Act the Federal Government may, by a notification in the Official Gazette, establish a Commission to be known as the National Disaster Management Commission.
- (2) The National Commission shall consist of:-
 - (a) the Prime Minister of Pakistan who shall be the Chairperson, *ex officio*;
 - (b) Leader of Opposition in the Senate;
 - (c) Leader of Opposition in the National Assembly;
 - (d) Minister for Defence;
 - (e) Minister for Health;
 - (f) Minister for Foreign Affairs;

¹ Amended vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

² The word “and deleted vide the act *ibid*.”

³ full stop replaced with semi-colon vide the act *ibid*

⁴ Inserted vide Act *ibid*.

⁵ Inserted vide Act *ibid*.

- (g) Minister for Social Welfare and Special Education;
- (h) Minister for Communications;
- (i) Minister for Finance;
- (j) Minister for Interior;
- (k) Governor Khyber Pakhtunkhwa (for federally administered tribal Areas);
- (l) Chief Ministers of all the Provinces;
- (m) Prime Minister, AJ&K;
- (n) Chief Executive, Gilgit Baltistan;
- (o) Chairman, JCSC or his nominee; and
- (p) Representatives of civil society or any other person appointed by the Prime Minister.

(3) The Director General, appointed under sub-section (3) of section 8 shall act as *ex officio* Secretary of the National Commission.

4. **Meetings of the National Commission.** – (1) The National Commission shall meet as and when necessary and at such time and place as the Chairperson of the National Commission may think fit.

(2) The Chairperson of the National Commission shall preside over the meetings of the National Commission.

5. **Appointment of officers and other employees of the National Commission.** – The Federal Government shall provide the National Commission with such officers, consultants and employees, as it considers necessary for carrying out its functions.

6. **Powers and functions of National Commission.** – (1) Subject to the provisions of this Act, the National Commission shall have the responsibility for laying down the policies, plans and guidelines for disaster management.

(2) Without prejudice to generality of the provisions in sub-section (1), the National Commission may: -

- (a) lay down policies on disaster management;
- (b) approve the National Plan;

- (c) approve plans prepared by the Ministries or Divisions of the Federal Government in accordance with the National Plan;
- (d) lay down guidelines to be followed by Federal Government and Provincial Authorities;
- (e) arrange for, and oversee, the provision of funds for the purpose of mitigation measures, preparedness and response;
- (f) provide such support to other countries affected by major disasters as Federal Government may determine; and
- (g) take such other measures for the prevention of disaster or the mitigation or for preparedness and capacity building for dealing with disaster situation as it may consider necessary.

(3) The Chairperson of the National Commission shall, in the case of emergency, have power to exercise all or any of the powers of the National Commission but exercise of such powers shall be subject to *ex post facto* ratification by the National Commission.

7. Constitution of advisory committees by National Commission. –

(1) The National Commission may constitute an advisory committee or committees as required, of experts in the field of disaster management.

(2) The members of the advisory committees shall be paid such allowances as may be prescribed by the Federal Government.

8. Establishment of the National Disaster Management Authority. –

(1) The Federal Government shall, immediately after issue of notification under sub-section (1) of section 3, establish an Authority to be known as National Disaster Management Authority.

(2) The National Authority shall consist of such number of members as may be prescribed and shall include [the Director General] as its Chairperson.

(3) There shall be a Director General of the National Authority, to be appointed by the Federal Government, on such terms and conditions, as may be prescribed.

9. Powers and functions of the National Disaster Management Authority. – The National Authority shall: -

- (a) act as the implementing, co-ordinating and monitoring body for disaster management;

- (b) prepare the National Plan to be approved by the National Commission;
- (c) implement, co-ordinate and monitor the implementation of the National policy;
- (d) lay down guidelines for preparing disaster management plans by different Ministries or Departments and the Provincial Authorities;
- (e) provide necessary technical assistance to the Provincial Governments and the Provincial Authorities for preparing their disaster management plans in accordance with the guidelines laid down by the National Commission;
- (f) co-ordinate response in the event of any threatening disaster situation or disaster;
- (g) lay down guidelines for or give directions to the concerned Ministries or Provincial Governments and the Provincial Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster;
- (h) for any specific purpose or for general assistance requisition the services of any person and such person shall be a co-opted member and exercise such power as conferred upon him by the Authority in writing;
- (i) promote general education and awareness in relation to disaster management; and
- (j) perform such other functions as the National Commission may require it to perform.

10. **National Plan.** – (1) There shall be drawn up a plan for disaster management for the whole of the country to be called the National Plan.

(2) The National Plan shall be prepared by the National Authority having regard to the national policy and in consultation with the Provincial Governments and expert bodies or organizations in the field of disaster management, and approved by the National Commission.

(3) The National Plan shall include:-

- (a) measures to be taken for the prevention of disasters or the mitigation of their effects;
- (b) measures to be taken for the integration of mitigation measures in the development plans;

- (c) measures to be taken for preparedness and capacity building to effectively respond to any threatening disaster situations or disaster; and
 - (d) roles and responsibilities of different Ministries or Divisions of the Federal Government in respect of measures specified in clauses (a), (b) and (c).
- (4) The national plan shall be reviewed and updated annually.
- (5) The Federal Government shall make appropriate provisions for financing the measures to be carried out under the national plan.

11. **Guidelines for minimum standards of relief.** – Subject to directions of the National Commission, the National Authority shall lay down guidelines for the minimum standards of relief to be provided to persons affected by disaster which shall include: -

- (a) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation;
- (b) the special provisions to be made for vulnerable groups;
- (c) *ex gratia* assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood; and
- (d) such other relief as may be necessary.

12. **Relief in loan repayment, etc.** – Subject to such directions as the National Commission may give, the National Authority may, in cases of disasters of severe magnitude, give directions regarding relief in repayment of loans or for grant of fresh loans to the persons affected by disaster on such concessional terms as may be appropriate.

CHAPTER III

PROVINCIAL DISASTER MANAGEMENT AUTHORITIES

13. **Establishment of Provincial Disaster Management Commission.** – (1) Each Provincial Government shall, as soon as may be after the issue of the notification under sub-section (1) of section 3, by notification in the Official Gazette, establish a Provincial Disaster Management Commission for the Province.

- (2) The Provincial Commission shall consist of –
 - (a) the Chief Minister of the Province who shall be Chairperson, *ex officio*;

- (b) Leader of the opposition and one member nominated by him to be member of the provincial commission;
- (b-i)¹ the Secretary to Government of the Khyber Pakhtunkhwa Relief, Rehabilitation and Settlement Department, shall be ex-officio member;
- (b-ii)² the Director General of the Provincial Authority, shall be ex-officio member-cum- secretary;
- (c) Other members to be nominated by Chief Minister; and
- (d) the Chairperson of the Provincial Commission may designate one of the members nominated under clause (c) to be the Vice-Chairperson.

14. **Powers and functions of Provincial Commission.** – (1) Subject to the provisions of this Act, a Provincial Commission shall have the responsibility for laying down policies and plans for disaster management in the Province.

(2) Without prejudice to the generality of provisions specified in sub-section (1), the Provincial Commission may –

- (a) lay down the Provincial disaster management policy;
- (b) lay down the Provincial Plan in accordance with the guidelines laid down by the National Commission;
- (c) approve the disaster management plans prepared by the departments of the Provincial Government;
- (d) review the implementation of the plan;
- (e) oversee the provision of funds for mitigation and preparedness measures;
- (f) review the development plans of the different departments of the Province and ensure that prevention and mitigation measures are integrated therein;
- (g) review the measures being taken for mitigation, capacity building and preparedness by the departments of the Provincial Government and issue such guidelines or directions as may be necessary; and

¹ Inserted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012

² Amended vide Act ibid

(h)¹ direct the Provincial Authority to undertake any project under its administrative control for the purpose of expedient recovery including relief, rehabilitation, reconstruction and settlement etc, of the affected people.

(3) The Chairperson of the Provincial Commission shall, in the case of emergency, have power to exercise all or any of the powers of the Provincial Commission but the exercise of such powers shall be subject to *ex post facto* approval of the Provincial Commission.

15. **Establishment of Provincial Disaster Management Authority.**

(1) Each Provincial Government shall, as soon as may be after issue of the notification under sub-section (1) of section 3, by notification in the official Gazette establish a Provincial Disaster Management Authority for the Province.

(2) The Provincial Authority shall consist of such number of members as may be prescribed and shall include as its Chairperson the Secretary to Government of the Khyber Pakhtunkhwa, Relief, Rehabilitation and Settlement Department and the Provincial Director General shall be the member-cum-secretary of the Provincial Authority².

(3) There shall be a Director General of the Provincial Authority, to be appointed by the Provincial Government, with the status and powers on such terms and conditions, as may be prescribed by the Provincial Government.

“(4)³ The Provincial Authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act to acquire and hold property both movable and immovable and may by the said name sue and be sued.

15(A)⁴ Appointment of officers and employees.---The Provincial Authority may appoint such officers, advisors, experts, consultants and employees as it may consider necessary for the efficient performance of its functions on such terms and conditions as it may deem suitable.

15(B)⁵ Committees.---(1) The Provincial Authority may constitute financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act.

¹ Amended vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

² Inserted vide Act *ibid*.

³ Inserted vide Act *ibid*.

⁴ Amended vide Act *ibid*.

⁵ Amended vide Act *ibid*.

(2)¹ The Provincial Authority may, by general or special order, delegate to the committees any of its power or function under this Act subject to such conditions as it may deem fit.

16. **Powers and Functions of Provincial Authority.** – (1) Subject to the provisions of this Act, a Provincial Authority shall be responsible for implementing policies and plans for disaster management in the Province.

(2) Without prejudice to the generality of the foregoing provisions, the Provincial Authority may: -

- (a) formulate the provincial disaster management policy obtaining the approval of the Provincial Commission;
- (b) coordinate and monitor the implementation of the National Policy, National Plan and Provincial Plan;
- (c) examine the vulnerability of different parts of the Province to different disasters and specify prevention or mitigation measures;
- (d) lay down guidelines to be followed for preparation of disaster management plans by the Provincial Departments and District Authorities;
- (e) evaluate preparedness at all governmental or non-governmental levels to respond to disaster and to enhance preparedness;
- (f) co-ordinate response in the event of disaster;
- (g) give directions to any Provincial department or authority regarding actions to be taken in response to disaster;
- (h) promote general education, awareness and community training in this regard;
- (i) provide necessary technical assistance or give advice to district authorities and local authorities for carrying out their functions effectively;
- (j) advise the Provincial Government regarding all financial matters in relation to disaster management;
- (k) examine the construction in the area and if it is of the opinion that the standards laid down have not been followed and it may direct the following same to secure compliance of such standards;

¹ Inserted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

- (l) ensure that communication systems are in order and disaster management drills are being carried out regularly; and
- (m) perform such other functions as may be assigned to it by the National or Provincial Authority.

17. **Provincial Plan.** – (1) There shall be a plan for disaster management for every Province to be called the Provincial Disaster Management Plan.

(2) The Provincial Plan shall be prepared by the Provincial Authority having regard to the guidelines laid down by the National Authority after consultation with the District Government.

(3) The Provincial Plan shall include –

- (a) the vulnerability of different parts of the Province to different forms of disasters;
- (b) the measures to be adopted for prevention and mitigation of disasters;
- (c) the manner in which the mitigation measures shall be integrated with the development plans and projects;
- (d) the capacity building and preparedness measures to be taken;
- (e) the roles and responsibilities of each Department of the Government of the Province in relation to the measures specified in clauses (b), (c) and (d); and
- (f) the roles and responsibilities of different Departments of the Government of the Province in responding to any threatening disaster situation or disaster.

(4) The Provincial Plan shall be reviewed and updated annually.

CHAPTER IV

DISTRICT DISASTER MANAGEMENT UNIT¹

18. **Constitution of District Disaster Management Unit**². – (1) Each Provincial Government shall, as soon as may be after issue of notification under sub-section (1) of

¹ Amended vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

² Amended vide Act *ibid*.

section 13, by notification in the Official Gazette, establish a District Disaster Management Unit for every district.

(2) The District Unit shall consist of such number of members, as may be prescribed by the Provincial Government and unless the rules otherwise provide, it shall consist of the following members, namely:-

- (a) Head of the local council at the district level (by whatever name called) or the Administrative Head of the district who shall be Chairperson, ex-officio;
- (b) the District Co-ordination Officer;
- (c) the District Police Officer, *ex-officio*;
- (c-i)¹ the Executive Engineer (Communication and Works);
- (c-ii)² the Executive District Officer (Education);
- (d) the Executive District Officer, Health; and
- (e) such other district level officers, to be appointed by the District Government.

19. **Powers of Chairperson of District Unit.** – (1) The Chairperson of the District Unit shall, in the case of an emergency, have power to exercise all or any of the powers of the District Unit but the exercise of such powers shall be subject to *ex-post facto* approval of the District Unit.

20. **Powers and functions of District Unit.** – (1) Subject to the provisions of this Act, the District Unit shall be as the district planning, co-ordinating and implementing body for disaster management and take all measures for the purposes of disaster management in the district in accordance with the guidelines laid down by the National Authority and the Provincial Authority.

(2) Without prejudice to the generality of the foregoing provisions, the District Unit may –

- (a) prepare a disaster management plan including district response plan for the district;
- (b) co-ordinate and monitor the implementation of the National Policy, Provincial Policy, National Plan, Provincial Plan and District Plan;

¹ Inserted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

² Inserted vide Act *ibid*.

- (c) ensure that the areas in the district vulnerable to disasters are identified and measures for the prevention of disasters and the mitigation of its effects are undertaken by the departments of the Government at the district level as well as by the local authorities;
- (d) ensure that the guidelines for prevention, mitigation, preparedness and response measures as laid down by the National Authority and the Provincial Authority are followed by all departments of the Government at the district level and the local authorities in the district;
- (e) give directions to different authorities at the district level and local authorities to take such other measures for the prevention or mitigation of disasters as may be necessary;
- (f) lay down guidelines for preparation of disaster management plans by the departments of the Government at the districts level and local authorities in the district;
- (g) monitor the implementation of disaster management plans prepared by the Departments of the government at the district level;
- (h) lay down guidelines to be followed by the departments of the Government at the district level;
- (i) organize and co-ordinate specialized training programmes for different levels of officers, employees and voluntary rescue workers in the district;
- (j) facilitate community training and awareness programmes for prevention of disaster or mitigation with the support of local authorities, governmental and non-governmental organizations;
- (k) set up, maintain, review and upgrade the mechanism for early warnings and dissemination of proper information to public;
- (l) prepare, review and update district level response plan and guidelines;
- (m) co-ordinate with, and give guidelines to, local authorities in the district to ensure that pre-disaster and post-disaster management activities in the district are carried out promptly and effectively;
- (n) review development plans prepared by the departments of the Government at the district level, statutory authorities or local authorities with a view to make necessary provisions therein for prevention of disaster or mitigation;

- (o) identify buildings and places which could, in the event of disaster situation, be used as relief centres or camps and make arrangements for water supply and sanitation in such buildings or places;
- (p) establish stockpiles of relief and rescue materials or ensure preparedness to make such materials available at a short notice;
- (q) provide information to the Provincial Authority relating to different aspects of disaster management;
- (r) encourage the involvement of non-governmental organizations and voluntary social-welfare institutions working at the grassroots level in the district for disaster management;
- (s) ensure communication systems are in order and disaster management drills are carried out periodically; and
- (t) perform such other functions as the Provincial Government or Provincial authority may assign to it or as it deems necessary for disaster management in the District.

21. **District plan.** – (1) There shall be a plan for disaster management for every district of the Province.

(2) The District Plan shall be prepared by the District Unit having regard to the National Plan and the Provincial Plan.

(3) The District plan shall be reviewed and updated annually.

22. **Additional Powers of District Unit.** – For the purpose of assisting, protecting or providing relief to the community, in response to any disaster, the District Unit may –

- (a) give directions for the release and use of resources available with any department of the Government and the local authority in the district;
- (b) control and restrict vehicular traffic to, from and within, the vulnerable or affected area;
- (c) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;
- (d) remove debris, conduct search and carry out rescue operations;
- (e) provide shelter, food, drinking water and essential provisions, healthcare and services;

- (f) establish emergency communication systems in the affected area;
- (g) make arrangements for the disposal of the unclaimed dead bodies;
- (h) direct any department of the Government of the Province or any authority or body under that Government at the district level to take such measures as are necessary in its opinion;
- (i) require experts and consultants in the relevant fields to advise and assist as it may deem necessary;
- (j) procure exclusive or preferential use of amenities from any authority or person;
- (k) construct temporary bridges or other necessary structures and demolish structures which may be hazardous to public or aggravate the effects of the disaster;
- (l) ensure that the non-governmental organizations carry out their activities in an equitable and non-discriminatory manner; and
- (m) take such other steps as may be required or warranted to be taken in such a situation.

CHAPTER V

MEASURES BY THE GOVERNMENT FOR DISASTER

MANAGEMENT

23. **Federal Government to take measures.** – (1) Subject to the provisions of this Act, the Federal Government may take all such measures as it deems necessary or expedient for the purpose of disaster management.

(2) In particular and without prejudice to the generality of the foregoing provisions, the measures which the Federal Government may take shall include measures with respect to all or any of the following matters, namely:-

- (a) co-ordination of actions of the Ministries and Divisions of the Federal Government, Provincial Governments, National Authority, Provincial Authorities, governmental and non-governmental organizations in relation to disaster management;
- (b) co-operation and assistance to Provincial Governments, as requested by them or otherwise deemed appropriate by it;

- (c) requisition and deployment of armed forces, civil armed forces or any other civilian personnel or foreign contingents required for the purposes of this Act;
 - (d) co-ordination with the United Nations agencies, international organizations and governments of foreign countries for the purposes of this Act;
 - (e) establish institutions for research, training and developmental programmes in the field of disaster management; and
 - (f) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.
- (3) The Federal Government may extend such support to other countries affected by major disaster as it may deem appropriate.

24. **Provincial Government to take measures.** – Subject to the provisions of this Act, each Provincial Government shall take all measures specified in the guidelines laid down by the National Authority and such further measures as it deems necessary or expedient for the purpose of disaster management.

CHAPTER VI

LOCAL AUTHORITIES

25. **Functions of the local authority.** – (1) Subject to the directions of the District Unit, a local authority shall –

- (a) ensure that its officers and employees are trained for disaster management;
- (b) ensure that resources relating to disaster management are so maintained as to be readily available for use in the event of any threatening disaster situation or disaster;
- (c) ensure that all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disasters and mitigation by the National Authority, Provincial Authority and the District Unit; and
- (d) carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the Provincial Plan and the District Plan.

(2) The local authority may take such other measures as may be necessary for the disaster management.

CHAPTER VII

NATIONAL INSTITUTE OF DISASTER MANAGEMENT

26. **National Institute of Disaster Management.** – (1) With effect from such date as the Federal Government may by notification in the Official Gazette appoint in this behalf, there shall be established an institute to be called the National Institute of Disaster Management.

(2) Subject to the provisions of this Act, the National Institute of Disaster Management shall be responsible for planning and promoting training and research and developing core competencies in the area of disaster management, documentation and development of national level information base relating to disaster management policies, prevention mechanisms and mitigation measures.

(3) Without prejudice to the generality of the foregoing provisions, the National Institute, for the discharge of its functions, may –

- (a) develop training modules, undertake research and documentation in disaster management and organize training programmes;
- (b) formulate and implement a comprehensive human resource development plan covering all aspects of disaster management;
- (c) provide assistance in national level policy formulation;
- (d) provide required assistance to the training and research institutes for development of training and research programmes for stakeholders including Government functionaries;
- (e) provide assistance to the Provincial Governments in the formulation of Provincial level policies, strategies, disaster management framework and any other assistance as may be required by the Provincial Governments for capacity-building of stakeholders, Government including its functionaries, civil society members, corporate sector and people's elected representatives;
- (f) develop educational materials for disaster management including academic and professional courses;
- (g) promote awareness among stakeholders including college or school teachers and students, technical personnel and others associated with multi-hazard mitigation, preparedness and response measures;
- (h) do all such other lawful things as are conducive or incidental to the attainment of the above objects; and

- (i) undertake any other function as may be assigned to it by the Federal Government.

CHAPTER VIII

NATIONAL DISASTER RESPONSE FORCE

27. **Establishment of National Disaster Response Force.** – (1) There shall be established a National Disaster Response Force for the purpose of specialist response to a threatening disaster situation or disaster.

(2) Subject to the provisions of this Act, the force shall be constituted in such manner and the conditions of service of the members of the Force shall be such as may be prescribed.

28. **Control, direction, etc.** – The general superintendence, direction and control of the National Disaster Response Force shall vest in, and exercisable by, the National Authority.

CHAPTER IX

FINANCE, ACCOUNTS AND AUDIT

29. **National Fund for Disaster Management.** – (1) The Federal Government may, by notification in the Official Gazette, constitute a Fund to be called the National Disaster Management Fund for meeting any threatening disaster situation or disaster.

(2) The National Disaster Management Fund shall be financed from the following sources, namely:-

- (a) grants made by the Federal Government;
- (b) loans, aid and donations from the national or international agencies; and
- (c) donations received from any other source.

(3) On commencement of this Act, the following funds shall become part of the National Disaster Management Fund, namely:-

- (a) Prime Minister's Disaster Relief Fund; and

(b) any other fund relatable to natural calamities established at Federal level as the Federal Government may determine.

(4) The National Disaster Management Fund shall be kept in one or more accounts maintained by the National Authority, in local or foreign currency, in any scheduled bank in Pakistan and shall be operated in accordance with the directions of the National Authority.

(5) The National Disaster Management Fund shall be administered by the National Authority towards meeting the expenses for emergency preparedness, response, mitigation, relief and reconstruction.

30. **Establishment of funds by Provincial Governments.** – (1) The Provincial Governments shall, immediately after notifications issued for constituting the Provincial Authority and the District Units, establish for the purposes of this Act a fund to be called the Provincial Disaster Management Fund.

(2) The Provincial Disaster Management Fund shall be financed from the following sources, namely: -

(a) grants made by the Federal Government or Provincial Governments; and

(b) loans, aid and donations from the national or international agencies provided in accordance with prescribed procedure.

(3) The Provincial Disaster Management Fund shall be kept in one or more accounts maintained by the Provincial Authority, in local or foreign currency, in any scheduled bank in Pakistan and shall be operated in accordance with the directions of the Provincial Authority.

(4) The Provincial Disaster Management Fund shall be administered by the Provincial Authority towards meeting the expenses for its establishment and operation,¹ emergency preparedness, response, mitigation, relief and reconstruction in the Province.

(5)² The Provincial Director General shall, in respect of each fiscal year, submit for approval of the Provincial Authority, by such date and in such manner as may be prescribed, a statement showing the estimated receipts, the current and development expenditures and the sums required as grant-in-aid from the Federal Government and Provincial Government.

¹ Inserted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

² Inserted vide Act ibid.

(6)¹ The Provincial Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such manner as may be prescribed.

(7)² The accounts of the Provincial Authority shall be audited annually by duly qualified auditors appointed by the Provincial Authority in addition to the internal audit.

31. **Allocation of funds by Federal and Provincial Governments.**--- The Federal Government and Provincial Governments shall, in their annual budgets, make provisions for funds for the purposes of carrying out the activities and programmes set out in its disaster management plan.

32. **Emergency procurement and accounting.** ---- Where by reason of any impending disaster situation or disaster, the National Authority or Provincial Authority or District Unit is satisfied that immediate procurement of provisions or materials or the immediate application of resources are necessary for rescue or relief it may authorize the concerned department or authority to make the emergency procurement and in such case, the standard procedure requiring inviting of tenders shall be deemed to be waived.

OFFENCES AND PENALTIES

33. **Punishment for obstruction, etc.** – Whoever, without reasonable cause, -

- (a) obstructs any officer or employee of the Federal Government or a Provincial Government, or a person authorized by the National Authority or Provincial Authority or District Unit in the discharge of his functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Federal Government or Provincial Government under this Act;

shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with such directions results in loss of lives or imminent danger thereto, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

34. **Punishment for false claim.** – Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief or assistance for repair, reconstruction or other benefits consequent to disaster from any officer of the Federal Government, Provincial Government, the National Authority, Provincial authority or District Unit, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

¹ Inserted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

² Inserted vide Act ibid.

35. **Punishment for false warning.** – Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude leading to panic shall be punishable with imprisonment which may extend to one year or with fine.

36. **Failure of officer in duty or his connivance at the contravention of the provisions of this Act.** – Any officer, on whom any duty has been imposed by or under this Act and who refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

CHAPTER XI

MISCELLANEOUS

37. **Prohibition against discrimination.** – While providing compensation and relief to the victims of disaster, there shall be no discrimination on the ground of sex, caste, community, descent or religion.

38.¹ **Power of requisition of resources provisions, vehicles etc., for rescue operations, etc.**---If it appears to the Provincial Authority or District Unit or any officer as may be authorized by it in this behalf, that-

(a) any resources with the Provincial Government or District Government or any Authority or person, needs for the purpose of prompt response;

(b) any building or building materials or land or premises to demolish any building or other structure, as the case may be, needed or likely to be needed for the purpose of rescue operations;

(c) any vehicle including bulldozers, tractors, motor vehicles, carts, carriages, boats and other means of transport by air, land or water is needed or is likely to be needed for the purposes of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, rehabilitation or reconstruction;

(d) for evacuation or segregation of population or require the residents to declare surplus stocks of food, fodder, fire-wood, clothing and beddings and requisition all or any of these articles;

¹ Substituted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

(e) issue directions to any person to abstain from a certain act or to take certain order with regard to certain property in his possession or under his management; and

(f) on approval of the Provincial Government, may remit in whole or part any Provincial Government dues, payable by any person or in respect of any property affected by the disaster,

the Provincial Authority or the District Unit or any officer authorized in this behalf may, by order in writing, requisition such resources or premises or vehicle, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in this connection:

Provided that with respect to the powers conferred by clauses (b), (c), (d) and (e), the owners of premises, resources, vehicles, shall be entitled to claim reasonable compensation as admissible under any law for the time being in force, or and such compensation shall be paid immediately in respect of human resources and within year from day it falls due in respect of others:

Provided further that any owner of premises, resources, vehicle, etc., being aggrieved by the amount of compensation so determined may within thirty days make an application to the Provincial Government:

Provided also that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred to the Provincial Government for taking a decision as may be expedient for just and equitable apportionment of the amount of compensation.

39.¹ **Payment of compensation.**---Where by reason of any disaster, which results in a substantial loss of life or human suffering or damage to, and destruction of property or a large scale migration of the affected people consequent to the disaster, there shall be paid compensation to the affected people for the losses to the life or property, in addition to relief, rehabilitation, settlement activities:

Provided that amount of compensation shall be determined by the Provincial Government.

40. **Direction to media for communication of warnings, etc.** – The National Authority, the Provincial Authority or a District Unit may give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry out warnings or advisories regarding any

¹ Substituted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

impending disaster situation or disaster, and such authority or person shall comply with such direction.

41. **Annual report.** – (1) The National Authority shall prepare once every year, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Federal Government which shall lay it before the National Assembly and the Senate.

(2) The Provincial Authority and the District Unit shall prepare once every year, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Provincial Government which shall lay it before the Provincial Assembly.

41(A)¹. **Employees of the Provincial Authority deemed to be public servants.**---The Provincial Director General and all other officers and employees of the Provincial Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

42. **Bar of Jurisdiction.** – No court or tribunal shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken, orders made, direction, instruction or guidelines issued by the Federal Government, National Authority, Provincial or District Unit in pursuance of any power conferred by, or in relation to its functions, by this Act.

43. **Indemnity.** – Officers and employees of the Federal Government, National Authority, Provincial Government, Provincial Authority or District Unit shall be immune from legal process in regard to any warning in respect of any impending disaster communicated or disseminated by them in their official capacity or any action taken or direction issued by them in pursuance of such communication or dissemination.

44. **Action taken in good faith.** – No suit or prosecution or other proceeding shall lie in any court against the Federal Government or the National Authority or the Provincial Government or the Provincial Authority or the District Unit or local authority or any officer or employee of the Federal Government or the National Authority or the Provincial Government or the Provincial Authority or the District Unit in respect of any work done or purported to have been done or intended to be, in good faith, done by such authority or Government or such officer or employee or such person under the provisions of this Act or the rules made hereunder.

45. **Delegation of powers to the Authority.** – The Commission may, for effective implementation of the national policy on disaster management, by general or special order, delegate to the National Authority any of its powers or functions under this Act, subject to such conditions as it may think fit to impose.

¹ Inserted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.

46. **Act to override other laws.** – The provisions of this Act, shall have effect, notwithstanding anything in any other law for the time being in force.

47. **Power to make rules.** – The Federal Government and Provincial Governments may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

47(A)¹.Power to make regulations.---Subject to the provisions of this Act and rules made thereunder, the Provincial Authority may make regulations, as may be necessary for carrying out the purposes of this Act.

48. **Removal of difficulties.** – If any difficulty arises in giving effect to the provisions of this Act, the Federal Government or the Provincial Government, as the case may be, may, by notification in the Official Gazette, make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty.

RAJA MUHAMMAD AMIN,
Secretary

¹ Inserted vide National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2012.