

Conservation Area Management Rules, 2053

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In exercise of the power conferred by Section 33 of the National Parks and Wildlife Conservation Act, 2029 (1973), the Government of Nepal has framed the following Rules.

Chapter – 1

Preliminary

1. **Short Title & Commencement:** (1) These Rules may be called "Conservation Area Management Rules, 2053 (1996)".
(2) These Rules shall come into force immediately.
2. **Definition:** Unless the subject or context otherwise requires in these Rules,
 - (a) "Act" means the National Parks and Wildlife Conservation Act, 2029 (1973).
 - (b) "Department" means the National Parks and Wildlife Conservation Department of Government of Nepal.
 - (c) "Conservation Area" means the conservation area declared by the Government of Nepal pursuant to the Section 3 of the Act.
 - (d) "Institution" means the institution entrusted by the Government of Nepal pursuant to Section 16b. of the Act for the management of any Conservation Area.
 - (e) "Head Office" means the head office of the Conservation Area established pursuant to the Rule 4.

- (f) "Chief" means the chief of the Head Office appointed pursuant to Sub-rule (2) of the Rule 4.
- (g) "Office" means the Area Conservation Office established pursuant to the Rule 6.
- (h) "Conservation Officer" means the chief of the Office appointed pursuant to Sub-rule (2) of the Rule 6.
- (i) "Committee" means the Conservation Area Management Committee constituted pursuant to the Rule 8.
- (j) "Management Work Plan" means the management work plan approved pursuant to the Rule 15.

Chapter – 2

Boundaries and Management of the Conservation Area

3. **Boundaries of the Conservation Area:** The boundary of a Conservation Area shall be as determined by the Government of Nepal, by publishing a notice in Nepal Gazette pursuant to Section 3 of the Act.
4. **Establishment of the Conservation Area Head Office and Appointment of a Chief:** (1) The Head Office of the Conservation Area shall be established by the Institution for the management and development of the Conservation Area.
(2) The Institution shall appoint a Chief to carry out the function as a Chief of the Head Office established pursuant to Sub-rule (1).
(3) The tenure of the Chief shall be as prescribed by the Institution.
5. **Area Division of the Conservation Area:** The Institution for the management of the Conservation Area shall divide the Conservation Area, as per the necessity, in various conservation areas on the basis of the natural boundary.

6. **Establishment of the Area Conservation Office:** (1) The Institution shall establish an Area Conservation Office in each area divided pursuant to Rule 5.

(2) The Institution shall appoint a Conservation Officer to carry out the function as a Chief of the Area Conservation Office established pursuant to Sub-rule (1).

7. **Other Offices May Be Opened:** The Institution if it deemed necessary for the management and development of the Conservation Area may open other offices and the function, duty and power of such offices shall be as prescribed by the Institution.

Chapter – 3

Conservation Area Management Committee

8. **Constitution of the Conservation Area Management Committee:** (1) The concerned conservation officer shall constitute a conservation area management committee in each Village Development Committee within the Conservation Area for the effective implementation of the construction works related to the community development activities in the Conservation Area, protection of the natural environment of that area and management program related to the balanced utilization of natural heritage, consisting the following members :-

- (a) Chairperson of the concerned Village Development Committee – Member
- (b) The persons who have been selected by the local consumers among themselves at the rate of one person from each ward – Member

- (c) Five persons who have nominated among the local consumers by the Conservation Officer – Member

(2) The Conservation Officer while nominating the member shall nominate by making the representation of the women, backward caste and social activists.

(3) The members of the committee shall select a Chairperson and a Secretary among themselves.

Provided that,

The Ex-officio members may not be selected in the post of Chairperson and Secretary.

(4) The tenure of the officials and members of the committee shall be for Five years.

9. Function, Duty and Power of the Committee: The function, duty and power of the committee shall be as followings:–

- (a) To submit a work plan to the Chief through the Conservation Officer after preparing it for the protection of the natural environment, community development, development of natural heritage and its balanced management within own area.
- (b) To collect fees for, fishing, consuming of forest products, pasturing animal or using natural resources pursuant to these Rules and also to provide a license.
- (c) To provide the description or data (statistics) that has to be required for the Chief or Conservation Officer.
- (d) To operate the various creative activities for the prevention of the calamity like landslide and soil-erosion, protection of the forest products, conservation of natural resources and wildlife,

environmental cleaning and community development of the consumers.

- (e) To follow or make to follow the directions given in time and again by the Chief and Conservation Officer.

10. Meeting of the Committee and Procedure: (1) The meeting of the Committee shall be held at least six times in a year, not exceeding more than two months of the gap.

(2) The meeting of the Committee shall be called by the Secretary on the date, time and place prescribed by the Chairperson.

(3) The meeting shall be chaired by the Chairperson and in his/her absence by a member selected by the members among themselves.

(4) The quorum for the meeting shall be deemed fulfilled if at least fifty percent of the members have been attended.

(5) The decision of the meeting shall be made by the majority vote and if the vote equally divided, the person presiding the meeting shall give the decisive vote.

(6) The decision of the meeting shall be certified by the Secretary.

(7) The Chairperson shall invite any person, as per the need, as an observer at the meeting of the Committee.

11. Subcommittee May Be Constituted: (1) The Committee as as per the necessity may constitute sub-committees to carry out its function in a properly managed way.

(2) The function, duty and power of the sub-committee constituted pursuant to Sub-rule (1) shall be as prescribed by the Committee.

12. Dissolution of the Committee : (1) The Conservation Officer may dissolve any Committee in the following situations :-

- (a) If any function performed contrary to the Management Work Plan,
- (b) If the function, duty and responsibility that has to be performed as pursuant to Rule 9, has not been performed or being unable to be performed,
- (c) If any function or activity has been made against the Act or these Rules,
- (d) If the Conservation Officer believed on the matter that the Committee has not fulfilled its responsibility by any reason which has been given to it or not performed any function against the interest of the local consumers or not being able to protect the interest of the consumers.

(2) If any Committee has to be dissolved pursuant to Sub-rule (1), the Conservation Officer may make alert or give direction in written to such Committee by providing reasonable time period for making corrections. It shall be the duty of such Committee to follow the matters of made alert or given direction by the Conservation Officer. If the Committee failed to follow such given directions, the Conservation Officer may suspend or dissolve such Committee

(3) If any Committee has been dissolved pursuant to Sub-rule (1), the Conservation Officer shall again constitute another Committee,.

Chapter – 4

Management Plan and Implementation of the Conservation Area

13. Protection of the Conservation Area and Operation of the Development Works : The management and operation of the work of

the protection and development of the Conservation Area shall be as per the approved Management Work Plan.

14. To Draft the Management Work Plan : (1) Each Committee shall submit a draft of the Management Work Plan before the Conservation Officer relating to the natural resources that has to be utilized in own area, conservation of the wildlife and their utilization, community development and promotion of the interest of local consumers, mentioning the following matters :-

- (a) The area occupied by the Conservation Area which fall under that Village Development Committee,
- (b) The status of the wildlife, plants and similar other natural resource or forest product which has been remaining in the Conservation Area under that Village Development Committee,
- (c) The numerical description of the local consumers and the essential forest products for them,
- (d) The plantation to be made during the period of Management Work Plan,
- (e) The detail programs to be conducted relating to the promotion of community development or other interests of the consumers during the period of Management Work Plan,
- (f) The detail description of the programs to be conducted relating to the conservation of natural resource, wildlife and plant and the development of tourism during the period of Management Work Plan,
- (g) The possible net income from the various fees etc. during the period of Management Work Plan,

- (h) The equipment, resource, human resource and budget required to implement the programs mentioned in the Management Work Plan.

(2) While preparing the Management Work Plan, by formulating for the period of five years, it shall also be divided into the targets and programs to be completed annually of the total target and programs of the five years.

(3) The Conservation Officer, after receiving the Management Work Plan pursuant to Sub-rule (1) from the committees under his/her jurisdiction, shall submit it before the Chief after making the required amendment to make uniformity and harmonize in those Management Work Plan.

(4) After receiving the Management Work Plan of the committees through the area conservation offices, the Chief shall prepare a comprehensive Management Work Plan, making it harmonize and uniformity with those management work plans by mentioning the following matters :-

- (a) Probability of extension of total area and boarder of the Conservation Area,
- (b) The existing area division under the Conservation Area and the total area division to be made during the period of the Management Work Plan,
- (c) The status of total existed wildlife, plants and similar other natural resource or forest product within the Conservation Area,
- (d) The numerical description of the local consumers and the necessary forest products for them.
- (e) The plantation to be made during the period of Management Work Plan.

- (f) The detail descriptions of the programs to be conducted relating to the protection and promotion of natural resources, conservation of wildlife and plants, tourism development during the period of the Management Work Plan.
- (g) The detail description of the programs to be conducted relating to the promotion of community development or other interest of the consumers during the period of the Management Work Plan.
- (h) The possible net income from the various fees etc. during the period of the Management Work Plan,
- (i) The resource, human resource and budget required to implement the programs mentioned in the Management Work Plan,
- (j) The description of the functional expenditure and administrative expenditure to be spent according to the Management Work Plan through the Head Office, Area Conservation Office and Committees during the period of the Management Work Plan.

(5) While preparing the Management Work Plan, by formulating for the period of five years, it shall also be divided into the targets and programs to be completed annually of the total target and programs of the five years.

15. To Approve the Management Work Plan : (1) After preparing the Management Work Plan pursuant to Rule 14, the Chief shall submit it, after doing necessary consultation and coordination with the Conservation Officer, before the Institution for the final approval and the Institution shall approve such Management Work Plan.

(2) While approving Management Work Plan pursuant to Sub-rule (1), the Institution shall approve it by allowing to spend at least thirty percent of the amount earned by the Committees on the programs related to the community development of the local consumers.

Chapter – 5

Prohibited Activities Within Conservation Area

16. Prohibited Activities within Conservation Area : (1) No person shall be allowed to perform the following activities within the Conservation Area without taking written permission from the Chief :-

- (a) To hunt the wildlife,
- (b) To cut, fall down, remove, block the tree, plant, bush or any other forest products, to perform any activities which destroy the forest product or to set on fire or to make harm in any other way,
- (c) To excavate mine, to extract stone or to remove any mineral, stone, concrete, soil or other similar material,
- (d) To harm to the wildlife, birds or public land,
- (e) To take along with or to use the weapon, arms and ammunition, or poison,
- (f) To use the electric current in the flowing river, a rivulet or any water source within the Conservation Area,
- (g) To land the helicopter or other similar airplane, to disembark or drop human beings or any objects from it.

(2) Among the prohibited activities pursuant to Sub-rule (1), the Chief may give exemption for doing some activities as not prohibited in any areas or parts within the Conservation Area.

17. May Be Prohibited: (1) If any activity that has been conducted or to be conducted within or outside of the Conservation Area has adversely impacted or possibility of impact on the land use, public health, Natural environment and in the conservation of natural resource of the Conservation Area; the Chief or the Conservation Officer may issue an order to the concerned person to stop such activity immediately or to make reform on it.

(2) While issuing an order as pursuant to Sub-rule (1) the Chief or the Conservation Officer shall clearly mention the reasons for issuing such order and the reform that has to be made.

18. Damage Not to Be Made : No one shall be allowed to damage to the public road, bridge, house, office, building, fence, marks and sign or any other goods and objects within the Conservation Area in any manner.

19. An Admission Card and a Permit Shall Be Taken : (1) If a foreign citizen desires to enter into the Conservation Area, he/she shall take an Admission Card, as prescribed in Schedule- 2 by paying the fees pursuant to Schedule – 1, from the Head Office or the office prescribed by the Head Office.

(2) The Admission Card received pursuant to Sub-rule (1) shall be valid for only one time entrance.

(3) A person desiring for fishing inside the Conservation Area shall take a permit as prescribed in Schedule – 3 by paying the fee pursuant to Schedule – 1.

(4) If anyone desires to shoot or make any cinema or documentary film within the Conservation Area, he/she shall take a permit as prescribed in Schedule – 4 by paying the fee pursuant to

Schedule – 1 in the Head Office or the office prescribed by the Head Office.

(5) If the Institution deems reasonable, it may exempt any fee, required to pay pursuant to these Rules, to any person, institution or body.

20. Prior Approval Shall Be Taken : If any person desires to conduct any activities relating to the scientific research in the Conservation Area, he/she may conduct it by taking a consent of the Chief. The Chief, while giving the consent, shall only give the consent with conditions or without condition by mentioning the subject and the time of the research.

21. License Shall Be Taken : (1) Any person shall take a license as prescribed to Schedule-5 from the Chief, paying the fee prescribed by the Chief, before doing commercial or any other activity by utilizing the natural resources of the government owned land of the Conservation Area or doing commercial activity in private owned land causing impact on the natural resources of such Area.

(2) The Chief, while granting the license pursuant to Sub-rule (1) may prescribe necessary terms and conditions and the Chief may give an order to stop the activity by canceling the license if the terms and conditions not been followed or unable to follow.

(3) While giving the license to perform any activities pursuant to Sub-rule (1), the local consumers shall be given the priority.

22. Service Business To Be Operated Within the Conservation Area : (1) Any person by making a contract with the Institution, may operate a hotel, lodge, public transport or similar other service business in any land within the Conservation Area.

(2) Prior to make a contract pursuant to Sub-rule (1) the Institution may consult with the concerned Committee and Conservation Officer.

23. Privilege of Commuting In The Conservation Area : The Chief may prescribe the pathway by fixing the marks for people, domestic animal and means of transportation for maintaining the commuting facility that has been used by the general public from the past. While prescribing the pathway, he/she may prohibit to operate any vehicle or using commuting facility by making environment pollution within the Conservation Area.

24. The Institution or Government of Nepal Not To Be Liable : If any type of harm/damage or injury occurred to a foreign citizen or he/she had died, who has entered into the Conservation Area by taking an Admission Card, the Government of Nepal or the Institution shall not be liable for such harm/damage, injury or death.

25. The Fee Shall Be Submitted For the Utilization or Mobilization of the Natural Resource : (1) The fee that has to be paid for the consumption of the forest product for the daily use from inside the Conservation Area, for grazing the animal or utilization of other natural resource shall be as prescribed by the Committee.

(2) The Committee shall take an approval of the Chief while prescribing the fee.

(3) The Committee shall give a license as prescribed in Schedule-6 to the person paying the fee pursuant to Sub-rule (1).

Chapter – 6

Financial Provision

26. The Income Made By the Committee Shall be of the

Institution: (1) All the fees collected by the Committee pursuant to these Rules shall be of the Institution.

(2) The all amounts earned by the Committee shall be deposited in the name of the Institution.

(3) The Institution shall make available the necessary amount to the Committee for the expenditure of various programs to be conducted according to the approved Management Work Plan and for administrative cost and the Committee shall deposit the amount in the bank convenient to it.

27. Remuneration: The Secretary of the Committee shall receive the remuneration as prescribed by the Chief.

28. Committees Account and Auditing: (1) The account of the Committee shall be kept as prescribed by the Institution and the Secretary has the responsibility of keeping such account.

(2) The Chief or the Conservation Officer may see (observe) or inspect the functions, account and other concerned documents of the Committee at any time.

(3) The annual audit of the income and expenditure of the Committee shall be performed by a registered auditor appointed by the Institution.

(4) While making inspection pursuant to Sub-rule (2) or while making auditing pursuant to Sub-rule (3), if someone has found making misappropriation of the amount with the reckless or ill intention, the Institution may recover such amount of misappropriation or the damaged amount made to the Institution as a government due.

29. **Operation of Bank Account**: The operation of the bank account of the Committee shall be made by the joint signature of the Chairperson and the Secretary and in the absence of the Chairperson of a Member.

30. **Details of Income and Expenditure** : (1) The details of the monthly and annual income and expenditure of the Committee shall be sent regularly to the Conservation Officer.

(2) The Conservation Officer, on the basis of the details received from the Committees pursuant to Sub-rule (1), shall submit the details, mentioning the income and expenditure of all offices in such a way that it can be seen separately and jointly, to the Chief.

Chapter – 7

Miscellaneous

31. **Liaison Officer** : The department shall assign a Liaison Officer to an officer at least of the Gazetted Third Class to establish the contact between the Institution and the Government of Nepal.

32. **Power to Issue a Warrant**: The power to issue a warrant pursuant to the Section 23 of the Act shall be to the officer assigned by the department at least of the Gazetted Third Class.

33. **The Power to Inspect, Search and Arrest** : For the purpose of Section 23 of the Act, the authority to inspect, search and arrest in the matter relating to the activities done against these Rules shall be at least on a Non-gazetted Second Class employee, assigned by the department.

34. **The Power to Hear the Case** : The authority of hearing the case pursuant to the Section 31 of the Act shall be on the Liaison Officer pursuant to the Rule 31.

35. **Request May Be Made for the Action** : The concerned Committee or Conservation Officer or the Chief may make a written request to the

case investigation or case registration official mentioning the need of action against any person who has done prohibited act against the Act or Rules.

36. The Direction May Be Issued : (1) The Government of Nepal may directly or through the Liaison Officer give necessary direction to the Institution and it shall be the duty of the Institution to follow such directive.

(2) The Chief may give necessary direction to a Conservation Officer or a Committee and it shall be the duty of the Conservation Officer or the Committee to follow such direction.

37. Details To Be Provided : The Chief may ask any details on any subject matter that deemed necessary from the Conservation Officer or Committee and it shall be the duty of the Conservation Officer or the Committee to provide such details.

38. Delegation of Power : (1) The Institution, among the power conferred to it pursuant to these Rules, may delegate some power to the Chief as per the necessity.

(2) The Chief, among the power conferred to it pursuant to these Rules, may delegate some power to the Conservation Officer or the Chairperson of the Committee.

39. Consent Shall Be Taken: The consent of the Ministry of Forests and Land Conservation Shall be taken prior to take any action regarding to the utilization of the water resource of the Conservation Area.

40. Guidelines May Be Made: The Institution may implement necessary guidelines, by formulating for the management and development of the Conservation Area and approving from the Government of Nepal, Ministry of Forests and Land Conservation, in the Conservation Area.

41. **Schedule To Be Modified or Altered** : The Government of Nepal may make necessary changes and alteration in the Schedule by publishing a notice in the Nepal Gazette.
42. **These Rules to be Prevailed** : These Rules shall be prevailed in the matters mentioned in these Rules, the Water Resource Rules, 2050 shall prevail in the matters of water resource, the National Park and Wildlife Conservation Rules, 2030 shall prevail in the matters of hunting within the Conservation Area and in other matters the prevailing law shall be prevailed.

NEPAL LAW COMMISSION

¹Schedule – 1

(Related to the Rule 19)

Fees

(A) Entrance fee for the conservation area (For the entry of a person) :

For Nepalese citizen	Free
For the citizen of SAARC Countries	Rs. 200.00
For other foreign citizens	Rs. 2000.00

Note : No fee shall be charged for the children under ten years of age.

(B) Fishing Fees

For Nepalese citizen	Rs. 50.00
For the citizen of SAARC countries	Rs. 200.00
For other foreign citizens	Rs. 500.00

(C) Vehicle Fees

(1) For the privileged pathway except the highway:

(a) For Car, Jeep, Bus, Tractor, Lorry or Truck up to 5 ton	Rs. 50.00
(b) For Motorcycle and <i>Tanga</i>	Rs. 10.00
(c) For the Helicopter landing (For each trip)	Rs. 2000.00

(2) For other pathway of the Conservation Area :

(a) For any vehicle assembled with the motor engine	Rs. 200.00
(b) For commercial vehicle (Jungle Drive) for the tour to the tourist	Rs. 1000.00
(c) For a glider (with or without engine)	Rs. 500.00

¹ Amended by a notice published in a Gazette of date 2057/02/09 (.....)

²(d)

³(e) Fees for the cinema (documentary film) shooting :

For Nepalese citizen Rs. 5,000.00

For the citizens of SAARC countries Rs. 25,000.00

For the citizens of other foreign countries Nepalese Rupees
equivalent to US \$ 1000.00

Note : – The Department shall deploy a Liaison Officer with the shooting team.

Note : – If an entry or any activity has been made in a concerned area without taking an admission card or license (permit) from the office prescribed by the Institution, the admission card or license (permit) shall be provided by taking a cent percent additional fees on the prescribed fees.

NEPAL LAW COMMISSION

² Deleted by the notice published in Gazette of date 2059/02/27 (.....)

³ Inserted by the notice published in Gazette of date 2064/01/31 (.....)

Schedule – 2

(Related to Sub-rule (1) of the Rule 19)

..... Conservation Area

..... Conservation office

Admission Card

Admission Card No. :-

Date :-

1. Name, Surname of Admission Card Holder :-
2. Age :-
3. Citizenship :-
4. Reason for Desiring to Enter :-
5. Entrance Fee :-

Admission Card issuing officer's

Signature :

Name, Surname :

Designation :

Note :-

- (1) This Admission Card shall be valid for a single entry. This card shall allow to enter in the prescribed area within the Conservation Area.
- (2) The person entering into the Conservation Area shall follow the National Parks and Wildlife Conservation Act, 2029 and the Rules made under the Act.
- (3) This Admission Card shall be kept in self-possession and shall be shown to the concerned employee of the Conservation Area if he/she desires to see it.

Schedule – 3

(Related to Sub-rule (3) of the Rule 19)

..... Conservation Area

..... Conservation Office

..... Committee

License for Fishing

1. Name, Surname of Licensee :-
2. Address :-
 - (a) Permanent :-
 - (b) Temporary :-
3. Citizenship of the Licensee :-
4. Name of the River or Pond where the Fishing has been Allowed or Details of its Part or Portion :-
5. Days or Duration of the Validity of the License :-
6. Fees Paid for the License :-

License Issuing Officers,-

Signature :

Name, Surname :

Designation :

Date :

Schedule – 4

(Related to Sub-rule (4) of the Rule 19)

..... Conservation Area

..... Conservation Office

Permit for Shooting a Cinema or Documentary Film

1. Name of the person/institution desiring to shoot or make a Cinema or Documentary Film :
2. Address and citizenship of the person receiving the permit.
3. Four Boundaries of the Area allowed to shoot or make the Cinema or Documentary Film :
4. The Duration (time period) provided to shoot or make the Cinema or Documentary Film and fees:
5. Permit Receivers,–

Signature :–

Name, Surname :–

Age :–

Citizenship :–

Address : Permanent :–

Temporary :–.....

Permit Issuing Officers,–

Signature :

Name, surname :

Designation :

Date :

Schedule – 5

(Related to Sub-rule (1) of the Rule 21)

..... Conservation Area

..... Conservation Office

License for the Operation of Commercial or Other Activities

1. Name, Surname, Address and Citizenship of the person desiring to take (receive) a License:–
2. Four boundaries and area of the land for which the license has been issued :–
3. The purpose of providing the License :–
4. Duration of Validity of the License :–

License issuing officers,–

Signature :

Name, surname :

Designation :

Date :

Schedule – 6

(Related to Sub-rule (3) of the Rule 25)

..... Conservation Area

..... Conservation Office

..... Committee

The License for the Forest Products/Animal Grazing/Use of Natural Resources

1. Name and Surname of Licensee :-
2. Address of the Licensee :-
3. Duration of Validity of the License :-
4. Area for the applicability of the License :-
5. Type and Quantity of the Forest Product :-
6. Type and Number of the Animal for which the License has been issued and Duration :-
7. Others :-

License Issuing Officers,-

Signature :

Name, Surname :

Designation :

Date :