

National Trust for Nature Conservation Act, 2039 (1982)

Date of Authentication

2039.7.3 (Oct. 20, 1982)

Amendments

1. Administration of Justice, Act, 2048 (1991) 2048.2.16 (May 30 1991)
2. Some Nepal Law Amendment Act, 2063(2006) 2063.6.28 (Oct. 14, 2006)
Act No. 12 of the year 2038(1982)

An Act made to provide for the National Trust for Nature Conservation

Preamble: Whereas, it is expedient to set up the National Trust for Nature Conservation in order to conserve and manage the nature and natural heritage;

Now, therefore, His Majesty the King Birendra Bir Bikram Shah Dev has, on the advice and with the approval of the *Rastriya Panchayat*, enacted this Act.

1. **Short title & commencement:** (1) This Act may be called as the "National Trust for Nature Conservation ♦ Act, 1982".
(2) This Act shall come into force immediately.
2. **Definition:** Unless the subject or the context otherwise requires, in this Act,-
 - (a) "Trust" means the National Trust for Nature Conservation set up pursuant to Section 3.
 - (b) "Board" means the Governing Board of Trustees constituted pursuant to Section 5.
 - (c) "Chairperson" means the Chairperson of the Trust.
 - (d) "Member and Member-secretary" means the Member of the Trust.
 - (e) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Bye- laws framed under this Act.
3. **Establishment of the Trust:** (1) A trust named the National Trust for Nature Conservation ♦ shall be established.
(2) The Trust shall be an autonomous body corporate with perpetual succession.

♦ Amended by the Some Nepal Laws Amendment Act, 2006

(3) The Trust shall have a separate seal of its own for all of its activities.

(4) The Trust may, as an individual, acquire, possess, sell or otherwise manage, movable and immovable property.

(5) The Trust, as an individual, may sue and may be sued in its name.

4. **♦ Patron:** The Prime Minister shall be the Patron of the Trust.

5. **Constitution of Governing Board of Trustees:** A Governing Board of Trustees shall be constituted, as follows, to operate and supervise the activities of the Trust:-

(a) A person nominated by the Patron - Chairperson

(b) Three persons nominated by the Chairperson - Members from amongst the Secretaries of the Government of Nepal

(c) Three persons nominated by the Chairperson - Members from amongst the representatives of Departments of the Government of Nepal and governmental or non-governmental organizations

(d) Four persons nominated by the Chairperson - Members from amongst the representatives of international organizations or persons of high international reputation.

(e) Three persons nominated by the Chairperson - Members as deemed to be appropriate for the Trust

(f) A Person nominated by the Chairperson - Member- secretary

6. **Tenure of Office:** (1) The tenure of office of the Chairperson and Members shall be five years.

(2) The Chairperson and Member may be re-nominated pursuant to Section 5 after expiry of the term of their office.

♦ Amended by the Some Nepal Laws Amendment Act, 2006

(3) If an office of the Chairperson or Member is fallen vacant prior to expiry of the tenure of office, the Chairperson or Member shall be nominated for the remaining term of office pursuant to Section 5.

(4)◊ If the Chairperson or Member resigns, he/she shall be deemed to be relieved of the office.

(5) The Chairperson may at any time remove such a member who fails to smoothly perform his/her duty.

7. **Remuneration:** The remuneration, allowance and other facilities of the Chairperson, Member or other office-bearers of the Board shall be as prescribed.

8. **Meeting of the Board:** (1) The Member-secretary shall convene the meeting by specifying date, venue and time as directed by the Chairperson. The Chairperson shall preside over the meeting and in the absence of the Chairperson, a member selected by the members from amongst themselves shall preside over it.

(2) A notice indicating the convening of the meeting shall have to generally be given a month in advance of its holding.

(3) Presence of six members shall be deemed to have been constituted a quorum for the meeting of the Board.

(4) The opinion of the majority shall prevail in the meeting and in the event of a tie, the person presiding over the meeting shall exercise the casting vote.

(5) The meeting of the Board shall be generally held once a year.

(6) The minutes of the meeting shall be authenticated by the Member-secretary.

(7) The Board may, on its own, regulate the procedures to be followed at the meeting other than those as referred to in this Section.

9 **Functions and Duties of the Trust:** The functions and duties of the Trust shall be as follows:

◊ Amended by the Some Nepal Laws Amendment Act, 2006

- a) To conserve, promote and manage wildlife and other natural heritages,
- b) To make necessary arrangements for development of national parks and reserve,
- c) To conduct scientific study and research into wildlife and other natural heritages.

10. **Powers of The Trust** : The powers of the Trust shall be as follows:

- a) To receive assistance from national or international organizations or from other sectors in cash or kind or in any other way.
- b) To keep contact with the foreign organizations and international organizations related to wildlife and other natural heritages.
- c) To collect, or cause to be collected, donation through foreign organizations or international organizations.
- d) To perform such other functions for the interest of the Trust as are required.

11. **Powers to constitute a Sub-committee**: 1) The Trust may constitute Sub-committee for its activities as and when so required.

(2) Functions, duties and powers of the Sub-committee shall be as prescribed.

12. **Fund**: (1) The following amounts shall be credited to the Trust:-

- a) An amount contributed by the Government of Nepal,
- b) An amount received from national or international organizations,
- c) An amount received from any other source.

2) All the amount of the Trust shall be deposited in its name in the Nepal Rastra Bank or any other Bank.

3) An account of income and expenditure in kinds shall be kept separately.

4) All Expenditure to be incurred on behalf of the Trust shall be borne by the Trust.

5) The account of the Trust shall be operated as prescribed.

13. **Account and audit:** 1) The books of account of income and expenditure of the Trust shall be maintained as prescribed.
- 2) The account of the Trust shall be audited by the Office of Auditor General.
- 3) The Government of Nepal may at any time, if it so wishes, examine the documents relating to the books of account of the Trust and other cash and commodities.
14. **Adjudicating authority:** The Court of Appeal◊ shall have the jurisdiction to originally try and adjudicate any case under this Act or any case initiated by the Trust as a plaintiff or against the Trust as a defendant.
15. **Delegation of powers:** The Board may delegate some of its powers to the Chairperson, Member, Sub-committee or any office-bearer of the Trust.
16. **Power to frame Rules:** The Government of Nepal may, in consultation with the Board, frame necessary Rules to carry out the objectives of the Act.
17. **Power to frame Bye-laws:** The Trust may frame necessary Bye-laws without prejudicing this Act and the Rules framed hereunder and such Bye-laws shall come into force upon obtaining approval from the Government of Nepal.
18. **Liaison to the Government of Nepal:** The Trust shall keep contact to the Government of Nepal through the Department of National Park and Wildlife Conservation, Ministry of Forest and Soil Conservation.

◊ Amended by the Some Nepal Laws Amendment Act, 2006