

# National Dairy Development Board Act, 2048(1992)

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## Amendment:

1. The Act Amending Some Nepal Acts, 2055 (1998) 2055.4.26 (10 August 1998)

Act number 6 of the year 2049 (1992)

## An Act Made to Provide for the Establishment and Management of National Dairy Development Board

**Preamble:** Whereas, it is expedient to establish and manage the National Dairy Development Board in order to maintain the health and convenience of the general public by producing much milk within the country through public participation and bringing about coordination among the programme on dairy production launched by the governmental and private sectors;

Now, therefore, be it enacted by the Parliament in the twenty-first year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. **Short title and commencement:** (1) This Act may be called as the "National Dairy Development Board Act, 2048 (1992)".

(2) This Act shall come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:

- (a) "Board" means the National Dairy Development Board established under Section 3.

- (b) "Committee" means the executive committee formed pursuant to Section 7.
- (c) "Chairperson" means the chairperson of the committee.
- (d) "Member" means the member of the committee and this term also includes the chairperson, vice-chairperson and member secretary of the committee.
- (e) "Executive Director" means the Executive Director appointed or designated pursuant to Section 13.
- (f) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Bye-law framed under this Act.

**3. Establishment of Board:** (1) A National Dairy Development Board is, hereby, established in order to make dairy production business much stronger by bringing about harmony between the private sector and the government sector, by formulating a policy on dairy business at the national level and formulating a development plan pertaining thereto.

(2) The office of the Board shall be situated in the Kathmandu Valley.

**4. Board to be autonomous body:** (1) The Board shall be an autonomous and body corporate with perpetual succession.

(2) The Board shall have a separate seal of its own for all of its activities.

(3) The Board may, like an individual, acquire, use, sell and dispose of, or otherwise deal with, any movable and immovable property.

(4) The Board may, like an individual, sue by its name and be also sued by the same name.

**5. Objectives of Board:** The objectives of the Board shall be as follows:

- (a) To provide necessary assistance to Government of Nepal for the formulation of a policy on dairy business at the national level and formulation of a development plan pertaining thereto.

- (b) To develop, or cause to be developed the dairy industry.
- (c) To find out measures for the resolution of problems coming across in the fields of livestock development and animal health for the dairy development.
- (d) To establish, or cause to be established, harmony among all the dairy entrepreneurs in the private and government sector in the country.
- (e) To do, or cause to be done, higher level study and research works on dairy development.
- (f) To arrange, or cause to be arranged, for animal forages.

**5. Functions, duties and powers of Board:** The functions, duties and power of the Board shall be as follows:

- (a) To formulate policies on the import of the materials required for the production and promotion of dairy and dairy products and animal feed and on the export of the produced dairy and dairy products and animal feed and recommend the same to Government of Nepal and to implement, or cause to be implemented, the adopted policies.
- (b) To formulate a policy on the fixation of price of dairy and recommend the same to Government of Nepal.
- (c) To give necessary suggestions to Government of Nepal for the interests of the producers and the consumers vis-à-vis dairy business.
- (d) To encourage, or cause to be encouraged, the development of dairy business through cooperatives.
- (e) To register, or cause to be registered, dairy industries.
- (f) To arrange and mobilize, or cause to be arranged and mobilized, such native and foreign assistance, grants and loans as may be required for the dairy industry.

- (g) To provide, or cause to be provided, technical assistance to establish, improve, promote and protect the dairy industry.
- (h) To monitor, evaluate and appraise, or caused to be monitored, evaluated or appraised, programs related with dairy business.
- (i) To carry out, or caused to be carried, other necessary functions related with the dairy industry.

**7. Formation of executive committee:** (1) There shall be one executive committee as follows for the operation of business of the Board:

- (a) Honorable Minister for Agriculture -Chairperson
- (b) Secretary, Ministry of Agriculture -Member
- (c) Chairperson, National Cooperatives Development Board -Member
- (d) Two representatives elected by the Central Dairy Producer Farmers' Cooperative Union -Member
- (e) Two representatives elected by the Private Dairy Entrepreneurs' Association -Member
- (f) Two representatives elected by the Consumers' Union -Member
- (g) Two persons nominated by the chairperson from amongst the experts in the fields related with dairy development -Member
- (h) Joint Secretary, Ministry of Industries -Member
- (i) Joint Secretary, Ministry of Finance -Member

- (j) General Manager, Dairy Development Corporation -Member
- (k) Executive director, National Dairy Development Board -Member secretary

(2) If Government of Nepal considers so necessary, it may, by a Notification in the Nepal Gazette, make necessary alteration or change in respect of the committee members.

(3) The term of office of the members as referred to in Clauses (d), (e), (f) and (g) of Sub-section (1) shall be Two years and they may be re-nominated or re-elected.

**8. Meeting of committee:** (1) The committee shall hold its meeting at such place, time and date as may be specified by the chairperson.

(2) The presence of at least fifty percent members of the total number of members of the committee shall be deemed to constitute a quorum for a meeting of the committee.

(3) The meeting of the committee shall be presided over by the chairperson and by the vice-chairperson in the absence of the chairperson. The meeting shall be presided over by the person selected by the members from amongst themselves in the absence of both the chairperson and the vice-chairperson.

(4) The decisions of the committee shall be authenticated by the member secretary.

(5) Other matters related with the meeting of the committee shall be as determined by the committee itself.

**9. Functions, duties and powers of committee:** (1) It shall be duty of the committee to perform all such functions, exercise all such powers and perform all such duties as required to be performed and exercised by the Board, subject to this Act and the Bye-law framed under this Act.

(2) The committee may, as per necessity, delegate its powers to the chairperson, member, member secretary or any officer of the Board.

**10. Powers to form sub-committees:** (1) The committee may form sub-committees, as required, for the operation of its business.

(2) The functions, duties, powers, working scope and procedures of the sub-committees shall be as specified by the committee.

**11. Fund of Board:** (1) The Board shall have a separate fund of its own.

(2) The fund of the Board shall consist of the following amounts:

(a) Grants received from Government of Nepal,

(b) Grants to be received from any foreign governments or international organizations,

(c) Amounts received for having provided research works or consultancy services on the dairy industry,

(d) Amounts received from other sources.

(3) Prior approval of Government of Nepal shall be obtained in obtaining grants from any foreign governments or international organizations.

(4) All amounts to be received by the Board shall be credited to the account to be opened with any bank within the Nepal.

(5) All expenditures to be incurred by the Board shall be chargeable on the fund as referred to in Sub-section (1).

**12. Accounts and audit:** (1) The accounts of the incomes and expenditures of the Board shall be maintained in accordance with the method followed by Government of Nepal.

(2) The audit of the Board shall be performed by the Auditor General.

**13. Executive director:** (1) There shall be one executive director as the administrative chief of the Board.

(2) Government of Nepal may appoint or designate any appropriate person as the executive director.

(3) The term of office of the executive director shall be four years and he/she may be re-appointed or re-designated for a maximum period of Four years.

(4) The provisions pertaining to the functions, duties, powers<sup>+</sup> and remuneration and terms and conditions of service and facilities of the executive director shall be as prescribed.

**14. Employees of Board:** (1) The Board shall, as per the rules, appoint employees required for the operation of its business.

(2) The remuneration, terms and conditions of service and facilities of the employees appointed pursuant to Sub-section (1) shall be as specified by the Board.

**15. Submission of report to Government of Nepal:** The Board shall submit an annual report of the activities carried out by it to Government of Nepal within Six months after the expiration of every fiscal year.

**16. Powers of Government of Nepal to give direction:** Government of Nepal may give necessary direction to the Board and it shall be the duty of the Board to abide by such direction.

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<sup>+</sup> Inserted by the Act Amending Some Nepal Acts, 2055(1998).

17. **Liaison with Government of Nepal:** The Board shall liaise with Government of Nepal through the Ministry of Agriculture.
18. **Dissolution of Board:** (1) If Government of Nepal decides to dissolve the Board for any reasonable ground, the Board shall be dissolved.
- (2) If the Board is dissolved pursuant to Sub-section (1), the powers and obligations of the Board shall devolve on Government of Nepal.
19. **Powers to frame Bye-laws:** The Board may, with the approval of Government of Nepal, frame necessary Bye-laws so as to carry out the objectives of this Act.