

**The President Chure-Tarai Madesh Conservation
Development Board (Formation)**

Order, 2071 (2014)

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In exercise of the power conferred by Section 3 of the Development Board Act, 2013 (1956), the Government of Nepal has issued the following Order.

1. Short title and commencement: (1) This Order is called the "President Chure-Tarai Madesh Conservation Development Board (Formation) Order, 2071(2014)".

(2) This Order shall come into force immediately.

2. Definition: Unless the subject or the context otherwise requires, in this Order,

(a) "Chairperson" means the Chairperson of the Board.

(b) "Chure Region" means chure mountain range, river system following through that region up to the areas in Tarai Madesh and the watershed thereof.

(c) "Prescribed" or "as prescribed" means prescribed or as prescribed by the bye-laws framed under this Order.

(d) "Ministry" means the Ministry of Forest and Soil Conservation.

- (e) “Member” means the member of the Board and this term also includes the Chairperson of the Board.
- (f) “Member Secretary” means Member Secretary of the Board.
- (g) “Board” means the President Chure - Tarai Madesh Conservation Development Board formed pursuant to Section 3.

3. Formation of the Board: (1) There shall be a Board, as follows, entitled the President Chure-Tarai Madesh Conservation Development Board, for formulating policies on the protection of the Chure region and for coordination and monitoring for the implementation of programs relating thereto:

- (a) A person appointed by the Government of Nepal - Chairperson,
- (b) A maximum of four persons appointed by the Government of Nepal in a manner to have inclusive representation_- Member
- (c) The gazetted first class officer of the Forest Service designed by the Government of Nepal – Member Secretary

(2) While appointing the Chairperson and Member pursuant to clauses (a) and (b) of Sub-section (1), the Government of Nepal shall make appointments from amongst the persons who have done at least master’s degree from a recognized university and gained at least ten years of experience in the

field of formulation and implementation of plans related with forest or environment or economic development.

(3) The Chairperson and Members of the Board shall function as the whole-time officials.

(4) The tenure of the Chairperson and Members shall be five years.

(5) Notwithstanding anything contained in sub-section (4), if the Chairperson or a member or Member - Secretary does not perform his/her function as per his/her post, the Government of Nepal may remove him/her at any time from his/her post.

(6) While removing from post pursuant to Sub-Section (5), a reasonable time shall be provided to him/her to defend himself/herself.

4. **Disqualification:** Any of the following persons shall not qualify to be a Member of the Board.

(a) Non-Nepali citizen,

(b) Convicted by the court of a criminal charge involving moral turpitude,

(c) Being blacklisted as per the prevailing law for failure to repay a loan intentionally to a bank or financial institution.

5. **Functions, duties and powers of the Board:**(1) The functions, duties and powers of the Board shall, in addition to the

functions, duties and powers mentioned elsewhere in this Order, be as follows:

- (a) To formulate necessary policy and strategy for the protection and management of the Chure Region,
- (b) To formulate, and implement, or cause to be implemented, a management action plan in such a way as to establish relations between the Chure region and upper and lower riparian areas of the Chure region,
- (c) To identify the vulnerable and highly sensitive areas of the Chure Region and to formulate plans for their protection and implement, or cause to be implemented the same ,
- (d) To coordinate with bodies implementing development plans in order to implement such plans in such a manner as to cause less harm to the natural resources and means of the Chure Region,
- (e) To build, or cause to be built, the capacity of the local communities and mobilize or cause to be mobilized their support for the protection of the Chure Region,
- (f) To arrange necessary technical and financial resources for the protection of the Chure Region,
- (g) To monitor and evaluate the execution aspect of the plans and programs approved by the Board, as prescribed,

- (h) To maintain necessary coordination with the concerned institutions and organizations to formulate, execute, monitor and evaluate the policies and plans of the Board,
- (i) To carry out such other functions as prescribed by the Government of Nepal.

6. Procedure relating to meetings of the Board: (1) The meetings of the Board shall be held as per necessity.

(2) The Member Secretary shall call the meeting of the Board as per the direction of the Chairperson.

(3) The meeting of the Board shall be presided over by the Chairperson of the Board, and by the member selected by the members from amongst themselves in the absence of the Chairperson.

(4) The presence of more than fifty percent members of the total number of members of the Board shall be deemed to constitute a quorum for a meeting of the Board.

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

(6) The decisions of the Board shall be authenticated by the member-secretary.

(7) The Board may invite the concerned official and expert to the meeting of the Board as an observer.

(8) Other rules of procedures relating to the meeting of the Board shall be as determined by the Board itself.

7. The Functions, Duties and Powers of the Chairperson:The functions, duties and powers of the Chairperson shall be as follows:

- (a) To operate, or cause to be operated, the function related with the protection of the Chure Region in a coordinated way,
- (b) To provide information to the Government of Nepal from time to time as to the status of implementation of the policies, plans and programs on the protection of the Chure Region,
- (c) To allocate responsibilities of the members on the activities to be carried out by the Board,
- (d) To carry out, or cause to be carried out, such other functions as prescribed.

8. Functions, Duties and Powers of the Member: The functions, duties and powers of the Member shall be as follows:

- (a) To execute, or cause to be executed, programs falling within the scope of his or her responsibility as assigned, in coordination with different institutions,
- (b) To carry out regular monitoring of the implementation of the programs falling within the scope of his or her responsibility as assigned, and give information thereof to the Board,
- (c) To carry out such other functions as prescribed by the Chairperson.

9. Functions, Duties and Powers of the Member-Secretary:

The functions, duties and powers of the member secretary shall, in addition to the functions, duties and powers mentioned elsewhere in this Order, be as follows:

- (a) To act as the administrative chief of the secretariat,
- (b) To manage or cause to be managed the administrative activities of the secretariat,
- (c) To carry out functions in capacity of the departmental head in accordance with the laws in force,
- (d) To carry out, or cause to be carried out, such other functions as prescribed.

10. To abide by Policy, Strategy and Direction of the Board:

All relevant bodies implementing plans shall abide by the policies, strategies and directives determined by the Board for the formulation, monitoring and evaluation of plans and programs.,

11. Conditions for posts to be vacant: The posts of Chairperson and Members shall be vacant in the following condition:

- (a) If the tenure expires,
- (b) If he or she tenders resignation from his or her post to the Government of Nepal,
- (c) If he or she is removed from post pursuant to Sub-section (5) of Section 3,
- (d) If he or she is disqualified pursuant to Section 4, or
- (e) If he or she dies.

12. Remuneration and facilities of the Chairperson and

Members: (1) The remuneration, daily and travel allowance and vehicle facilities of the Chairperson and Members shall be equivalent to that of Minister of State and Assistant Minister of the Government of Nepal respectively.

(2) Other facilities of the Chairperson and Members shall be as determined by the Government of Nepal.

13. Secretariat of the Board: (1) There shall be a Secretariat to carry out the financial and daily administrative functions of the Board.

(2) The functions, duties and powers of the Secretariat shall be as per follows:

- (a) To provide assistance to the Board while conducting the functions by the Board,
- (b) To prepare the agenda of the meeting,
- (c) To execute the decisions of the Board,
- (d) To carry out such others functions as prescribed.

14. Employees of the Board: (1) The Board shall have a required number of employees.

(2) The Board may appoint employees from its own resources through prescribed open competition following the principles and methods approved by the Public Service Commission.

(3) Notwithstanding anything contained in Sub-section (2), the Ministry may, at the request of the Board, depute employees of the Government of Nepal to serve in the Board.

(4) The remuneration, facilities and terms of service of the employees appointed pursuant to Sub-Section (2) shall be as prescribed, and until so prescribed, their remuneration, facilities and terms of service shall be as specified by the Ministry with the consent of the Ministry of Finance.

(5) The Board may, as required, procure expert service in any subjective area from any person or institution, specifying the time period.

15. Fund of the Board: (1) The Board shall have a separate fund.

(2) All the expenditures to be spent in the name of the Board shall be borne from the fund pursuant to Sub-section (1).

(3) The following amounts shall be credited to the fund pursuant to Sub-section (1):

(a) Amount received from the Government of Nepal,

(b) Amount received from any native person, organization, institution, bodies,

(c) Amount received from any foreign government, institutions or person,

(d) Amount received from any other sources.

(4) The Board shall have to take prior approval from the Ministry of Finance, Government of Nepal before receiving the amount from any foreign government, institutions or person, pursuant to clause (c) of sub-section (3).

(5) The amount of the fund under Sub-section (1) shall be credited to a bank account opened with such a bank which has

been established for doing financial transaction as per the existing law relating to bank and financial institution and received license of A class as determined by the Board.

(6) The fund of the Board shall be operated with the joint signature of the member–secretary or officer designated by him or her and the accounts chief of the Board.

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

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

(3) The Ministry may, at any time, inspect or cause to be inspected the accounts of the incomes and expenditures, cash and other documents of the Board.

17. Liaison with the Government of Nepal: The Board shall liaise with the Government of Nepal through the Ministry of Forest and Soil Conservation.

18. Report to be submitted : (1) The Board shall submit an annual report to the Government of Nepal through the Ministry, containing main activities, executed plans and programs, along with the achievements made by the Board within the year, along with the functions carried out accordingly by the concerned stakeholder institutions.

(2) The Board shall publish the report pursuant to Sub-section (1) as per necessity.

19. May frame the Bye-laws: (1) The Board may frame necessary Bye-laws for the implementation of this Order.

(2) The Bye-laws framed pursuant to Sub-section (1) shall come into force upon being their approved by the Ministry.

(3) If a financial matter is included in the Bye-laws pursuant to Sub-section (2), the Ministry shall have to take consent of the Ministry of Finance before approving such Bye-laws.

20. Power to frame directives or procedures: (1) The Board may frame and enforce necessary directives or procedures to implement this Order and Bye-laws framed hereunder.