

Nepal Agricultural Research Council Act, 2048(1992)

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The Amending Act

1. The Nepal Agricultural Research Council (First Amendment) Act, 2053(1997) 2053.11.3 (14 February 1997)
- ▲2. Strengthening Republic and Some Nepal Laws Amendment Act, 2066 (2010) 2066.10.7 (21 Jan. 2010)

Act number 3 of the year 2048 (1992)

An Act Made to Provide for the Establishment and Management of Nepal Agricultural Research Council

Preamble: Whereas, it is expedient to establish and manage the Nepal Agricultural Research Council in order to enhance the economic standards of the general public by doing study and research works on the problems of the agricultural sector and finding out solutions to the problems;

Now, therefore, His Majesty King Birendra Bir Bikram Shah Dev has, on the advice and with the consent of the Council of Ministers, enacted this Act, in accordance with Article 129 of the Constitution of the Kingdom of Nepal, 2047 (1990).

1. **Short title and commencement:** (1) This Act may be cited as the "Nepal Agricultural Research Council Act, 2048(1992)".

(2) This Act shall come into force immediately.

▲ The words "Royal" and "Kingdom of " has been deleted from this Amendment.

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

- (a) "Council" means the Nepal Agricultural Research Council 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 includes the chairperson and member secretary of the committee.
- (e) "Executive director" means the Executive Director appointed or designated pursuant to Section 13.
- + (e1) "National agricultural policy" means the agricultural policy put forward by Government of Nepal in order to implement the long-term agricultural plan set by the National Planning Commission and the agricultural plan included in the Five-Year Plan.
- (f) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Bye-law framed under this Act.

3. **Establishment of Council:** (1) The Nepal Agricultural Research Council is, hereby, established to do, or cause to be done, high-level study and research works on agriculture for the purpose of finding out the problems in the field of agriculture and measures to solve such problems.

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

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

+ Inserted by the First Amendment.

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

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

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

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

(a) To do, or cause to be done, high-level study and research works on agriculture.

•(b) To find out problems in the field of agriculture and measures to resolve them and do investigative studies on necessary technology, knowledge and skills for the enhancement of agro-products or quality of such products.

(c) To render necessary assistance to Government of Nepal for the formulation of national agricultural policies.

•6. **Formation of Council:** (1) The Council shall be formed as follows:

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| (a) | Minister or Minister of State for Agriculture | -Chairperson |
| (b) | Member (looking after agricultural sector), National Planning Commission | -Member |
| (c) | Secretary, Ministry of Agriculture | -Member |

• Amended by First Amendment.

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| (d) | Secretary, Ministry of Finance | -Member |
| (e) | Secretary, Ministry of Forests and Soil Conservation | -Member |
| (f) | Secretary, Ministry of Science and Technology | -Member |
| (g) | Secretary, [×] Nepal Academy of Science and Technology | -Member |
| (h) | Dean, Institute of Agriculture and Livestock Science | -Member |
| (i) | One person nominated by Government of Nepal from amongst the experienced agro-scientists serving in the Council | -Member |
| (j) | Two persons nominated by Government of Nepal from amongst the scientists who have rendered contribution to the field of agricultural research and are serving in the concerned organizations | -Member |
| (k) | Two persons nominated by Government of Nepal from | |

[×] Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

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| | amongst the renowned professional farmers or scientists retired from the service of the Council | -Member |
| (l) | One person nominated by Government of Nepal from amongst the entrepreneurs involved in the agricultural sector | -Member |
| (m) | One person nominated by Government of Nepal from amongst the persons involved in non-governmental organizations in the field of agricultural research | -Member |
| (n) | Executive director | -Member Secretary |

(2) The term of office of the members nominated pursuant to Sub-section (1) shall be two years and they may be re-nominated.

(3) 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 Council members.

***6A. Meeting of Council:** (1) The Council shall hold its meeting at least Twice a year.

* Inserted by the First Amendment.

(2) The Council shall hold its meeting at such place, time and date as may be specified by the chairperson of the Council.

(3) The presence of Fifty percent members of the total number of members of the Council shall be deemed to constitute a quorum for a meeting of the Council.

(4) The meeting of the Council shall be presided over by the chairperson. The meeting shall be presided over by the person selected by the members of the Council from amongst themselves in the absence of the chairperson of the Council.

(5) The decisions of the Council shall be authenticated by the member secretary.

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

+6B. Functions, duties and powers of Council: The functions, duties and powers of the Council shall be as follows:

- (a) To formulate such policy as may be required to carry out study and research works on agriculture, subject to the national agricultural policy.
- (b) To determine the priority of study and research works on agriculture.
- (c) To approve such annual program and budget as may be required to carry out study and research works on agriculture.
- (d) To approve the organizational structure and positions of employees of the office of the Council.
- (e) To appraise research works on agriculture done in Nepal.

⁺ Inserted by the First Amendment.

- (f) To identify problems on agriculture and give suggestions to Government of Nepal for the formulation of the national agricultural policy.
- (g) To give necessary direction to the committee.

7. **Formation of executive committee:** (1) There shall be one executive committee comprising the following members for the operation of business of the Council:

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| (a) | Executive director | -Chairperson |
| (b) | Joint Secretary, Ministry of Finance | -Member |
| (c) | Joint Secretary, Ministry of Agriculture | -Member |
| (d) | Joint Secretary (looking after agriculture sector), National Planning Commission | -Member |
| (e) | Director General, Department of Agriculture | -Member |
| (f) | Director General, Department of Livestock Services | -Member |
| (g) | One person nominated by Government of Nepal from amongst the chiefs of regional level offices of the Council | -Member |
| (h) | One person nominated by the executive director from amongst the program directors of the Council | -Member secretary |

Amended by First Amendment.

(2) The term of office of the members nominated pursuant to Sub-section (1) shall be Two years and they may be re-nominated.

(3) 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.

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 person selected by the members from amongst themselves in the absence of the 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: The functions, duties and powers of the committee shall be as follows, subject to the policy direction issued and given by the Council:

(a) To do, or cause to be done, study and research works on agriculture, subject to the policy direction issued and given by the Council.

(b) To prepare such program and budget as may be required to do study and research works on agriculture, subject to the policy direction

• Amended by First Amendment.

issued and given by the Council, and submit the same to the Council for approval.

- (c) To provide necessary consultancy service and research assistance on agricultural research works.
- (d) To maintain updated data and reports of study and research works on agriculture.
- (e) To observe, or caused to be observed, the directions given by the Council.
- (f) To perform, or cause to be performed, other necessary functions related with agricultural research.

10. Powers to form sub-committees: (1) ⁺The Council or 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 prescribed.

⁺10A. Delegation of powers: (1) The Council may delegate any of the powers conferred to it to the chairperson of the Council, member, committee or sub-committee of the Council.

(2) The committee may delegate any of the powers conferred to it to the chairperson, member, sub-committee or any officer level employee of the committee.

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

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

- (a) Grants received from Government of Nepal,

⁺ Inserted by the First Amendment.

- (b) Grants received from any foreign governments or international organizations,
- (c) Amounts received for having done or provided research works and consultancy services,
- (d) Amounts received from other sources.

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

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

(5) All the expenditures to be incurred by the Council 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 Council shall be maintained in accordance with the business accounting system.

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

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

(2) There shall be one recommendation committee as follows to make recommendation to Government of Nepal for the appointment of the executive director:

- (a) Secretary, Ministry of Agriculture.

[•] Amended by First Amendment.

- (b) Two such eminent and renowned agricultural scientists, other than the members of the Council, as designated by Government of Nepal.

(3) The recommendation committee as referred to in Sub-section (2) shall recommend three persons, from amongst the capable and senior scientists serving under the Agricultural Research Council, for appointment to the post of executive director; and Government of Nepal shall appoint one person out of these persons to the post of executive director.

(4) The qualification of the persons to be recommended for the post of executive director shall be as follows:

- (a) Having passed at least Master's Degree in agriculture related subject and gained at least ten years of work experiences in study and research on agriculture.
- (b) Having published works on agricultural research.

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

Provided that, if his/her performance is not satisfactory, Government of Nepal may, on recommendation of the Council, remove him/her from office even prior to the expiry of his/her term.

(6) The provisions pertaining to the remuneration and terms and conditions of service and facilities of the executive director shall be as prescribed.

- 14. Employees of Council:** (1) The Council shall appoint, as prescribed, such employees as may be 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 prescribed.

15. **Submission of report to Government of Nepal:** The Council 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 Council and it shall be the duty of the Council to observe such direction.
17. **Liaison with Government of Nepal:** The Council shall liaise with Government of Nepal through the Ministry of Agriculture.
18. **Dissolution of Council:** (1) Government of Nepal may, for any reasonable reason, dissolve the Council, by a Notification published in the Nepal Gazette.

(2) If the Council is dissolved pursuant to Sub-section (1), the powers and obligations of the Council shall devolve on Government of Nepal.
19. **Powers to frame Bye-law:** The Council may, with the approval of Government of Nepal, frame necessary Bye-laws so as to carry out the objectives of this Act.