

# Lumbini Development Trust Act, 2042 (1985)

Date of Authentication and Publication

2042.5.13 (August 29, 1985)

## Amendments Act

1. Lumbini Development Trust (First Amendment) Act, 2048 2048.7.28 (Nov. 14, 1991)
2. Lumbini Development Trust (Second Amendment) Act, 2050 2050.7.4 (Oct. 20, 1993)
3. Sports and Culture Related Some Nepal Acts Amendment Act, 2053 2053.9.3 (Dec. 18, 1996)
4. Some Nepal Laws Amendment Act, 2063 2063.6.28 (Oct. 14, 2006)
5. Republic Strengthening and Some Nepal Acts Amendment Act, 2066 2066.10.7 (Jan. 21, 2010)

Act. No. 11 of 2042 (1985)

## An Act made to provide for the Lumbini development Trust

**Preamble:** Whereas, it is expedient to provide for the Lumbini Development Trust, in order to present the commitment of Government of Nepal to project the goal and ideal of development of Lumbini more effectively before the world community, and to operate the Lumbini Development Plan in a more coordinated and smooth manner.

Now therefore, be it enacted by His Majesty King Birendra Bir Bikram Shah Dev on the advice and with the consent of the *Rastriya Panchayat*.

1. **Short Title and Commencement** : (1) This Act may be called the "Lumbini Development Trust Act, 2042 (1985)".


(2) This Act shall come into force immediately.

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

(a) "Lumbini Development Area" means and includes the places *Tilaurakot* (ancient *Kapilvastu*) *Gotihawa*, *Niglihawa*, *Sagarhawa*, *Sisaniyakot*,

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 This Act Came into force from 2065-2-15 (28 May 2008).

 Amended by the Second Amendment

*Araurakot, Kudaan (Kapilvastu), Devadaha (Rupandehi), Ramgram (Nawalparasi)*, which are directly or indirectly related with the life of the **Lord Buddha** and his birth place, Lumbini and it shall include other areas as specified by Government of Nepal by a notification in Nepal Gazette.

Provided that, while specifying places in such manner, only the places which are directly or indirectly related to the life of the Lord Buddha may be specified.

- (b) "Trust" means the Lumbini Development Trust established pursuant to Section 3.
- (c) "Patron" means the Patron of the Trust.
- (d) "Council" means the Council constituted pursuant to Section 8.
- (e) "Chairperson" means the Chairperson of the Council.
- (f) "Vice-Chairperson" means the Vice-Chairperson of the Council.
- (g) "Treasurer" means the Treasurer of the Council.
- (h) "Member-Secretary" means of the Member-Secretary of the Council.
- (i) "Member" means a member of the Council. This term shall also include the Chairperson, Vice-Chairperson, Treasurer and Member-Secretary of the Council.
- (j) "Committee (Board of Trustees)" means the Executive Committee constituted under Section 11A of this Act.
- (k) "Plan Implementation Committee" means the Plan Implementation Committee constituted in accordance with Section 12.
- (l) "Plan" means the Lumbini Development Plan.
- (m) "Prescribed" or "As prescribed" means Prescribed or As Prescribed in the Bye-rules made under this Act.

**3. Establishment of Trust** : (1) A Trust named as the Lumbini Development Trust shall be established for the development of Lumbini. This Trust shall be a non-profit making institution.

(2) In English, the Trust shall be called the "Lumbini Development Trust."

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

(2) The Trust shall have a separate seal of its own for all its functions and operations.

(3) The Trust may acquire, use, sell or dispose of or otherwise manage its movable or immovable property like an individual.

(4) The Trust may sue or be sued in its own name like an individual.

5. **Patron** : Primeminister shall be the Patron of the Trust.

6. **Objectives of the Trust** : The objectives of the Trust, <sup>●</sup>as per the policy approved by Government of Nepal, shall be as follows:

(a) To obtain or arrange for obtaining contribution of cash, in-kind, or any other type of assistance for the plan from any sector within or outside the Nepal.

(b) To collect or arrange for collecting contribution for the plan from within or outside the Nepal.

(c) To establish direct contacts with individuals or institutions within or outside the Nepal for the purpose of obtaining assistance or collecting contributions for the Plan.

(d) To make available funds for the plans approved after analysing work plans.

(e) To depute a member or any other person to inspect whether or not funds allocated for specific programmes as approved by the Committee (Board of Trustees) have been properly utilised.

(f) To introduce changes in the work plan if so deemed necessary in the interest of the Plan.

(g) To form committees and sub-committees within or outside the Nepal as required for fulfilling the Plan.

(h) To evaluate the functions and operations of committees and sub-committees constituted under Clause (g).

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<sup>^</sup> Amended by Some Nepal Laws Amendment Act, 2063

<sup>●</sup> Inserted by the First Amendment.

- (i) To formulate policies for the committees and sub-committees formed under Clause (g) and issue Guidelines.
- (j) To maintain close and cooperative relations with Government of Nepal.
- (k) To perform or cause to perform other necessary functions in order to achieve the objectives of the Trust.

7. ✂... ..

8. Constitution of Council : (1) A Lumbini Development Council, as mentioned below, shall be constituted, as an apex body of the Trust, for formulating policy to fulfil the objectives of the Trust and for giving necessary guidance and directives to the Committee (Board of Trustees):-

(a) Ministry of Education, Culture and Social Welfare - Chairman

(b) A person designated by Government of Nepal - Vice-Chairman

✕(c) .....

(d) Four Secretaries nominated by Government of Nepal - Member

(e) Four persons nominated by Government of Nepal among the governmenta, non-governmental Buddhist institutions and renowned and outstanding experts - Member

(f) Four persons nominated by Government of Nepal from among representatives of international institutions and persons famous in the field of conservation of heritage created by human beings - Member

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✂ Repealed by First Amendment

② Amended by the Second Amendment

✕ Omitted by the Republic Strengthening and Some Nepal Acts Amendment Act, 2066

● Amended by the Sports and Culture Related Some Nepal Acts Amendment Act, 2053.

(g) A person nominated by Government - Treasurer of Nepal

(h) A person nominated by Government - Member-Secretary of Nepal

(2) In case, Government of Nepal so deems necessary, it may make necessary changes or alterations in the members mentioned in Sub-section (1) by a Notification in the Nepal Gazette.

9. **Tenure** : (1) The tenure of the nominated Members shall be of Five years and they may be re-nominated on the expiry of their tenure.

(2) In case, the post of any Member falls vacant before the expiry of his/her tenure, another Member shall be nominated for the remaining period.

^(3) The Chairperson and Member shall be deemed to have been relieved of his/her post after the resignation.

10. ✕ ... ..

11. **Meetings of Council** : (1) The Member-Secretary shall, as directed by the Chairperson, convene meetings of the Council specifying the date, time, and venue.

2(2) The Chairperson shall preside over meetings of the Council. In his/her absence, the Vice-Chairperson shall do so In the absence of both the Chairperson and Vice-Chairperson, meetings shall preside over by a member chosen by the member from among themselves.

(3) Notice of the meeting shall normally be given one month in advance.

1(4) The quorum for meeting of the Council shall be deemed to have been fulfilled in case half of the total membership of the Council is present.

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2 Amended by the Second Amendment.  
^ Amended by Some Nepal Laws Amendment Act, 2063  
✕ Repealed by First Amendment.  
1 Amended by the First Amendment.

(5) The opinion of the majority shall prevail in the meeting. In the event of a tie, the person presiding over the meeting may use casting vote.

(6) Meetings of the <sup>o</sup>Council shall normally be held twice a year, and the Chairperson may convene more meetings if he so deems necessary.

(7) The Member-Secretary shall maintain the minute book of the meeting.

(8) The allowances and other facilities to which members are entitled for attending meetings shall be as prescribed.

(9) The procedures of meetings other than mentioned in this Section shall be as prescribed.

**<sup>+</sup>11A. Composition of the Committee (Board of Trustees) :** (1) An Executive Committee, as mentioned below, shall be constituted for running all the activities of the Trust, remaining under the general supervision of the Council.

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|---|---------------------|
| (a) Chairperson of the Council                                  | - Chairperson       |
| (b) Vice-Chairperson of the Council                             | - Vice -Chairperson |
| (c) Treasurer of the Council                                    | - Member            |
| (d) Four Members nominated by<br>Chairperson from among members | - Members           |

Provided that, while nominating in such manner at least a Member of Parliament from among Members of Parliament nominated pursuant to Clause (d) of Sub-section (1) of Section 8 shall have to be nominated.

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| (e) Chief, Lumbini Development Project | - Member           |
| (f) Member-Secretary, Council          | - Member-Secretary |

(2) The tenure of the Chairperson, Vice-Chairperson, Member and Member-Secretary shall be upto his/her membership of the Council.

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<sup>+</sup> Inserted by the Second Amendment.

(3) In case, the post of any nominated member of the Committee falls Vacant due to any reasons, the Chairperson may nominate from among other members of Council for the remaining period.

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**+11B. Meetings of the Committee (Board of Trustees) :** (1) The meeting of the committee shall be held in the date, time and venue as specified by the Chairperson.

(2) The quorum for the meetings of the Committee shall be deemed to have been fulfilled in case half (50%) of the total membership of the Committee are present.

(3) In the absence of Chairperson, the Vice-Chairperson shall preside over the meetings of the Committee. And in the absence of both the Chairperson and Vice-Chairperson, meetings shall be presided over by member chosen by the members from among, themselves.

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

(5) The Member-Secretary shall certify the decisions of the Committee.

(6) The other procedures relating to the meetings of the Committee shall be as decided by the Committee itself.

**12. Plan Implementation Committee :** (1) In order to implement the Plan under the supervision, direction, and control of the Committee a Plan Implementation Committee shall be constituted in the office of the Trust.

(2) The Plan Implementation Committee shall consist of persons nominated by the Chairperson.

(3) The Lumbini Development Committee existing at the time of the commencement of this Act shall continue to function under this Act until the Plan Implementation Committee is constituted in accordance with Sub-section (1).

**13. Fund and Accounts :** (1) The Trust shall have the right to collect contributions for the Lumbini Development Plan from any part of the world and in any currency.

(2) The Fund shall comprise of the following amounts :

(a) Amounts provided by Government of Nepal for the Plan.

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<sup>+</sup> Inserted by the Second Amendment.



(b) Contributions made by individuals and organizations within or outside the Nepal for the Plan.

(c) Amounts received from other sources.

(3) The amount of the Trust may be deposited in any currency in Nepal Rastra Bank or any other bank in Nepal or abroad.

(4) All expenditures to be made by the Trust shall be borne by it.

(5) Accounts of the Trust shall be operated in the prescribed manner.

**\*13A. An Approval of Government of Nepal to be taken for conducting**

**Aggrement**: An approval of Government of Nepal is required for reaching to any agreement by Trust with any national or foreign association or institution while operating own business.

**14. Accounts and Auditing** : (1) Accounts of income and expenditure of the Trust shall be maintained in the prescribed manner.

(2) Accounts of the Trust shall be audited by the Office of the Auditor General.

(3) Government of Nepal may inspect documents concerning the accounts and other cash and kinds of the Trust at any time, if it so desires.

**15. Delegation of Powers**: The Committee (Board of Trustees) may delegate its powers as per necessity to the Chairperson of the <sup>+</sup>Committee (Board of Trustees), any Member, the Plan Implementation Committee, or other Committee or Sub-committee, or to their representatives as may be required.

**16. Power to Frame Bye-laws** : To meet the objectives of this Act, the Committee (Board of Trustees) may frame necessary Bye-laws with the approval of Government of Nepal.

**17. Contact with Government of Nepal** : The Trust shall maintain contact with Government of Nepal through the Ministry of Youth, Sports and Culture.

**18. Tax Exemption** : No direct or indirect tax, charge, or fee to be imposed by the Government, or at the <sup>①</sup>local bodies, including all kinds of income tax,

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\* Instered by the Sports and Culture Related Some Nepal Acts Amendment Act, 2053.

+ Inserted by the Second Amendment.

① Amended by the First Amendment.

property tax, vehicle tax, interest tax, sales tax, registration fees, and customs duty shall be imposed on the capital, income, and property of the Trust.

Provided that, Trust shall pay the charges and fees due for any kind of services.

- 19. Repeal and Saving :** (1) The Lumbini Development Committee (formation) Order, 2032 (1975) is hereby repealed, and all the movable and immovable property of the Committee constituted under that Order shall devolve to the Trust.

Provided that, the Lumbini Development Committee constituted under that order shall continue to exist until the Plan Implementation Committee is pursuant to Sub-section (1) of Section 12.

(2) All contract and agreements signed with the Committee mentioned in Sub-section (1) shall be deemed to have been signed with the Trust, and all actions taken and business conducted by the Committee shall be deemed to have been taken or conducted by the Trust.

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**Note:** The following provision inserted by the Second Amendment:-

**Tenure to be maintained:** The Board members of the Lumbini Development Committee, serving at the time of commencement of this Act, shall be considered to be the members of the Council constituted pursuant to this Act and they shall remain in the post till their remaining tenure.