

Emergency Child Mitigation Fund (Operation) Rules, 2067 (2010)

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The Government of Nepal, having exercised the power conferred by Section 2 of the Administrative Procedure (Regulating) Act, 2013 (1956), has enacted the following Rules:-

1. Short Title and Commencement: (1) These Rules may be called "Emergency Child Mitigation Fund (Operation) Rules, 2067 (2010)".

(2) These Rules shall come into force immediately.

2. Definition: Unless the subject or context means otherwise, in these Rules,-

(a) "Fund" means the Emergency Child Mitigation Fund under rule 3.

(b) "Children in Emergency Situation" means the children in the following situation.

(1) Assigned in risky labour,

(2) Lost or found in unclaimed situation,

(3) Mortgaged due to debt or suffered from forced labour,

(4) Suffered from physical or mental torture or misbehavior like discrimination,

(5) Meeting an accident, natural calamity,

(6) Being unclaimed because of remaining the father or mother in the jail or custody or related to any offence.

- (7) Suffered from sexual exploitation, sexual abuse, sale or trafficking,
 - (8) Affected from violence,
 - (9) Deprived from father, mother or guardian,
 - (10) Having disability,
 - (11) Having mentally handicapped,
 - (12) Falling under abduction or hostage,
 - (13) Street children,
 - (14) HIV Aids infected,
 - (15) Other children as prescribed by the Board.
- (c) "Ministry" means the Ministry of Women, Children and Social Welfare.
- (d) "Board" means the Board of Directors of Fund under rule 7.

3. Establishment of Fund: (1) The Fund named Emergency Child Mitigation Fund has been established for the purpose of the function of immediate relief, mitigation and rehabilitation of the children in emergency situation.

(2) The Fund shall consist of the following amount:-

- (a) Amount obtained from the Government of Nepal.
- (b) Amount obtained from the foreign government, international association, organization or person,
- (c) Amount obtained from the native association, organization or person.
- (d) Amount obtained from any other source.

4. Amount to be Deposited in the Fund: A non-governmental organization working in the sector of Children in Nepal shall deposit the

amount no less than the percentage of the annual total expenditure prescribed by the Ministry in the recommendation of the Project Analysis and Facilitation of the International Non-governmental Organizations Recommendation Committee.

5. Use of the Fund: The amount of Fund shall be used for the following purpose:

- (a) To rescue the children remaining in emergency situation,
- (b) To mitigate and rehabilitate the children remaining in emergency situation,
- (c) To operate the program approved by the Board.
- (d) To monitor the program to be operated by the Board.
- (e) To accomplish or cause to be accomplished other functions as prescribed by the Board in regard to the right and welfare of children.

6. Amount of the Fund cannot be Used for Other Purpose: (1) Amount of the Fund cannot be used for any purpose other than those written in rule 5.

(2) Notwithstanding anything written in sub-rule (1), the amount up to five percent of total expenditure of the Fund may be used for the expenditure to be incurred for the operation of Secretariat and Meeting of Board.

7. Constitution of the Board: (1) There shall be a Board of Directors of Fund for the purpose of the function of operation and management also of the Fund.

(2) The constitution of the Board shall be as follows:

- (a) Secretary of Ministry - Member

- (b) Joint Secretary, Ministry of Law and Justice - Member
- (c) Executive Director, Central Children Welfare Committee - Member
- (d) Deputy Inspector General of Police, Women and Children Directorate, Police Headquarters - Member
- (e) Two persons on condition to be at least one woman to be represented from the organization prescribed by the Board among the nongovernmental organizations assigned in the sector of children - Member
- (f) Joint Secretary prescribed by the Ministry - Member Secretary

(2) The tenure of the member mentioned in clause (e) of sub-rule (2) shall be two years.

8. Functions, Duty and Rights of the Board: The functions, duty and rights of the Board shall be as follows:-

- (a) To formulate necessary program in regard to mitigate, rehabilitate the children remaining in an emergency situation and to provide mitigation to such children.
- (b) To determine whether a particular child is a child remaining in an emergency situation or not,
- (c) To mobilize or cause to be mobilized the Fund for an approved program,
- (d) To monitor whether an approved program is implemented or not,

- (e) To implement by preparing the standard of amount to be given as mitigation to the children remaining in an emergency situation,
- (f) To make or cause to be made study and research regarding the children remaining in emergency situation,
- (g) To rescue the children remaining in emergency situation,
- (h) To mitigate and rehabilitate the children remaining in emergency situation,
- (i) To monitor or cause to be monitored the program to be conducted by the Board,
- (j) To make coordination with the agency or organization working in the sector of children,
- (k) To invest the amount of Fund that is immediately not necessary for the Board in an appropriate place,
- (l) To search the source for increment of Fund,
- (m) To accomplish or cause to be accomplished other function regarding the children remaining in emergency situation.

9. Meeting and Decision of the Board: (1) The Meeting of Board shall be held as per necessity.

(2) The Meeting of Board shall be held in the time and place as prescribed by the chairperson.

(3) The Member Secretary of Board, prior to at least twenty four hours of holding the Meeting of Board, shall furnish the information along with the agenda of the Meeting of Board to all of the Members.

(4) Presence of members more than fifty percent of the total number of members shall be deemed as the sufficiency of quorum of meeting.

(5) The Meeting of Board shall be chaired by the chairperson and in the situation of his absence, the member selected by the present members of the Board among themselves shall chair the meeting.

(6) Opinion of majority shall be valid in the meeting of the Board and in the situation of a tie, the person chairing the meeting shall give his decisive vote.

(7) The Board, as per necessity, may invite any personnel, dignitary of Government of Nepal or any other person as an observer in the Meeting of Board.

(8) Minute of the Board shall be kept by the Member Secretary by certifying.

(9) Other procedure regarding the meeting of Board shall be as prescribed by the Board itself.

10. Administrative Expenditure of the Fund: The administrative expenditure of the Board shall not be more than five percent of the amount deposited in the Fund and the amount of interest generated by the same Fund.

11. Operation of Account: (1) The Board shall deposit the amount of Fund by opening an account with a commercial bank.

(2) The Account mentioned in sub-rule (1) shall be operated with the joint signatures of the Member Secretary and the main personnel working in the Financial Administration Section of the Ministry.

12. Account and Audit of the Fund: (1) The account of income and expenditure of the Fund shall be maintained as per the account system adopted by the Government of Nepal.

(2) Audit of the Fund shall be made by the Auditor General.

13. **Amount not to be Frozen:** Notwithstanding anything written in the prevailing law, in a situation of remaining the amount of Fund in the end of the financial year because of not being invested, such amount shall not freeze.
14. **To Submit Report:** (1) The Board shall submit the annual progress report of its performance to the Ministry within three months of termination of fiscal year.
- (2) The Ministry may publicize the report under sub-rule (1).
15. **Meeting Allowance:** The Chairperson and Members of the Board shall obtain the meeting allowance for their participation in the meeting of the Board as prescribed by the Ministry of Finance.
16. **Secretariat of the Fund:** The Secretariat of the Fund shall be located in the Ministry.
17. **To Maintain Records:** The Board shall maintain an up to date record of the functions and action accomplished by it.
18. **Direction may be Given:** (1) The Ministry may give necessary direction to the Board in regard to the functions and action of the Board.
- (2) The Board shall have duty to abide by the direction given by the Ministry under sub-rule (1).
19. **Delegation of Power:** The Board, as per necessity, may delegate some of its power under these Rules to the chairperson or member of Board or any officer of Government of Nepal.
20. **Fund may be Dissolved:** (1) The Government of Nepal, in a situation of not being necessary to operate the Fund by any reason, may dissolve the Fund.
- (2) In a situation of dissolution of Fund under sub-rule (1) the amount of Fund shall be automatically transferred to the Government of Nepal.