

The Social Welfare Act, 2049 (1992)

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An Act No 29 of the year 2049

An Act made to provide for the Social Welfare

Preamble: Whereas, it is expedient to the all around development of Nepalese people and Nepalese society, in order to relate social welfare activities and various social welfare oriented activities to tie up with reconstruction activities, in order to provide humanistic livelihood to the weak and helpless individual, class and community and make them enable; in order to provide status and respect to the welfare oriented institutions and individuals and in order to develop a co-ordination between social welfare oriented institutions and organizations.

Now, therefore, be enacted by 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 "Social Welfare Act, 2049, (1992)".

(2) This Act shall come into force immediately.

2. Definitions: In this Act unless the subject or context otherwise requires,-

- (a) "Social welfare activity" means the welfare activity oriented towards the economic and social upliftment and self-reliance to the weak, helpless and disable individuals.
- (b) "Social service" means the social welfare activity done, personally or collectively without the purpose of profit.
- (c) "Social Organization and Institution" means an organization and institution established under the prevailing Laws in order to carry out various social welfare activities and social welfare oriented non-governmental organization or institution.

- (d) “Council” means the council constituted under Section 5 of this Act.
 - (e) “Chairperson” means the Chairperson of the council.
 - (f) “Member” means the member of the Council and this expression shall also include the Chairperson, Vice-chairperson, treasurer and member-secretary of the council.
 - (g) “Constitution” means the constitution of an organization, and institutions.
 - (h) “Prescribed” or “prescribed” means prescribed or as prescribed, in Rules framed under this Act.
3. **Social Welfare Programme**: Government of Nepal, by means of different activities relating to the social welfare work, to support the overall development of the country may operate the social welfare programme through the concerned Ministry and Social organizations and institutions.
4. **Special Programme relating to social welfare**: Government of Nepal may operate special Programmes, relating to the social welfare activity and social service, in the following matters:
- (a) To serve interest and render welfare to the children, oldage, helpless or disabled people.
 - (b) To foster participation in development and to promote and protect the welfare, rights and interest of the women.
 - (c) To rehabilitate and help to lead a life of dignity to the victims of social mischief's and also to juvenile delinquency, drug addicts and similar people involved in other kind of addictions.
 - (d) To help to lead a life with dignity to the jobless, poor and illiterate people.
 - (e) To manage religious places and the activities of the trust *Guthi* institutions.
 - (f) To take effective management and actions for the welfare of the backward communities and classes.
5. **Establishment of the council**: (1) The social welfare council has been established to make effective co-ordination, co-operation, mobilization and promotion of the social organizations and institutions, in order to run social activities in more organized way.

(2) The Council consists of the following members:

- (a) The Ministry or the Minister of State responsible for the social welfare work - Chairperson
- (b) One reputed social worker nominated Government of Nepal - Vice-chairperson
- (c) One reputed social worker nominated by Government of Nepal - Treasurer
- (d) President, Social Committee, at present Constitutional Assembly - Member
- (e) Member, (responsible for the social service) the National Planning Commission - Member
- (f) Not more than four persons at least one women nominated by Government of Nepal from among the social worker - Member
- (g) Three persons nominated by Government of Nepal from among various social organizations and institutions - Member
- (h) Representative of the relating Ministry responsible for social welfare - Member
- (i) Representative, Ministry of Home Affairs - Member
- (j) Representative, Ministry of Local Development - Member
- (k) Representative, Ministry of Finance - Member
- (l) Representative, Ministry of Health - Member
- (m) Representative, Ministry of Education and Culture - Member
- (n) The person nominated by Government of Nepal - Member-Secretary

(3) The tenure of the nominated members shall be four years and they may be re-nominated.

(4) Government of Nepal may make alterations of the council members

based on the recommendation with reasons submitted by the Council and is shall be notified in the Nepal Gazette.

6. Council to be a corporate body: (1) The Council shall be an autonomous corporate body having perpetual succession.

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

(3) The Council may have power to acquire, enjoy, sell or otherwise dispose of movable and immovable property, as a person.

(4) The Council may sue on its behalf or be sued against it as a person.

(5) The Council shall have a separate flag of its own.

7. The office of the Council: (1) The central office of the Council shall be located in Kathmandu.

(2) The Council may open contact offices as necessary within the Nepal.

8. Meeting and decision of the Council: (1) The meeting of the Council shall take place in the date, time and place specified by the chairperson at least twice a year.

(2) The quorum for the meeting of the Council shall be at least fifty percent of total number of the member.

(3) The chairperson shall preside the Council meeting in case of absence of the chairperson, vice-chairperson, and if both absent, the member selected among themselves shall preside over the meeting.

(4) The opinion of the majority shall be credible in the meeting of the Council and in case of tie chairperson shall give the casting vote.

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

(6) Other procedures relating to the meeting of the Council shall be determined by the Council.

9. Functions, Duties and Powers of the Council: The functions, Duties and Powers of the Council shall be as follows:

(a) To run or cause to run the social welfare activities smoothly and

effectively, to extend help to the social organizations and institutions and to develop co-ordinations among them and to supervise, follow-up and carry out evaluations of their activities.

- (b) To extend or cause to extend help and support to establish social organizations and institutions, their development, strengthening and extensions.
- (c) To work or cause to work as co-coordinator between Government of Nepal and social organizations and institutions.
- (d) To provide consultancies to Government of Nepal in order to formulate policies and programmes directly related to social welfare activities and other social services.
- (e) To establish and conduct or cause to establish and conduct a fund, for the social welfare activities.
- (f) To work or cause to work as a center for dissemination of information and documentation to the affiliated service oriented organizations and institutions with Council.
- (g) To conduct or cause to conduct trainings, studies and research programmes in the areas with social welfare.
- (h) To carry out or cause to carry out the physical supervisions of the properties of those social institutions and organizations affiliated with the Council.
- (i) To carry out or cause to carry out the necessary functions to implement the objectives of this Act.
- (j) To make or cause to make contract or agreement with the local, foreign or international organizations and foreign countries.
- (k) To collect grant from the national and international agency and to manage the received grant.

10. Formation of the executive committee: (1) In order to carry out its regular activity the Council shall form an executive committee among its members. The

committee shall consist of maximum of seven members, including chairperson, vice-chairperson, treasurer and member-secretary of the Council.

(2) The executive committee shall prepare its annual programme budget and other related policy matters of the council and execute them with the approval of the Council.

(3) Apart from the function referred in Sub-section (2), other functions, duties and powers of the Executive Committee shall be as prescribed.

11. Formation of sub-committee: (1) Council may form Sub-committee as necessary for the efficient conduct of its business.

(2) The functions, duties, powers and procedures of the sub-committee formed under Sub-section (1) shall be as specified by the Council.

12. Permission and agreement: (1) Any foreign non-government organization if willing to work within the kingdom of Nepal, before starting the work shall submit an application to the Council for permission.

(2) The Council, after receiving an application pursuant to Sub-section (1) may give permission deciding within three months.

(3) The permitted foreign non-government organization, pursuant to Sub-section (2) before operating the work within Nepal, shall have to reach in an agreement with the Council.

13. Affiliation with the Council: (1) Social organizations and institutions interested to keep affiliation with the Council shall have to submit an application as prescribed in the form.

(2) The organizations and institutions applying pursuant to Sub-section (1) shall submit and mention its Constitution, name of executive committee members, their occupations and addresses and the office where the organization or institution has been registered and the date of the registration along with the application.

(3) After receiving the application pursuant to Sub-section (1) if it deems to be affiliated such institutions or organization with the Council, the Council shall issue the certificate as prescribed form taking the fees as prescribed.

(4) The organization or institutions affiliated with the Council may keep out its affiliation as prescribed.

14. Provisions related to Constitution: The constitution of the organizations and institutions intended to affiliate with the Council, shall mention the related matters as prescribed in addition to the matters mentioned in prevailing laws.

15. Provisions to the Social organizations and institutions, who had already received certificate: (1) The organizations and institutions who had already been affiliated and received certificate from the Social Service National Coordination Council before the commencement of this Act shall be assumed automatically affiliated with the Council, pursuant to the provisions of this Act.

(2) Social organization and institutions affiliated with the Council pursuant to Sub-section (1) shall submit its constitution amending and adjusting necessary pursuant to this Act within the period of one year of the commencement of this Act.

16. Relating to economic assistance : (1) Social organizations and institutions willing to get material, technical, economic or any other kind of assistance either from Government of Nepal or foreign countries, international social organizations and institutions or missions or individuals shall submit a project proposal and application along with other details to the Council as prescribed.

Provided that, yearly assistance up to Two Hundred Thousand Rupees for the project that to be finished immediately may be taken only giving prior notice to the Council and after the completion of said work, a report should be submitted to the Council, within the period of three months.

(2) After receiving an application pursuant to Sub-section (1) the Council shall provide permission coordinating with the concerned ministry or agency within the period of forty-five days.

Provided that, no permission may be given to the work or project which is against the national interest.

(3) To cooperate and coordinate with local agency while implementing the

approved project.

(4) Notwithstanding anything stated in Sub-section (1) no pre-permission shall be required to those international institutions established under international Agreements in which Government of Nepal is a party for assistance that relates emergency relief services.

Provided that, notice shall be given to the Council after receiving such assistance.

(5) While providing economic assistance to the approved projects by the foreign organizations, assistance shall be channelized through the commercial banks operating within Nepal.

17. The Fund of the Council: (1) The Council shall have own separate fund and the fund shall contain the following money:

- (a) Money received from Government of Nepal.
- (b) Money received from foreign Governments, international organizations or foreign organizations, through Government of Nepal.
- (c) Money received from the movable or immovable property of the Council.
- (d) Money received from any individual, institutions or countries in the form of donation, assistance, grants and presents.
- (e) Money received from any other sources.

(2) All money of the Council shall be deposited by opening an account in the name of the Council in Nepal Rastra Bank or any Commercial Bank.

(3) All expenditure of the Council shall be borne from the fund pursuant to Sub-section (1).

(4) The operation of the account of the Council shall be as prescribed.

18. Account and Auditing: (1) The account of the Council shall be maintained in accordance with the procedures accepted by Government of Nepal.

(2) The Audit of the Council shall be carried by the Department of Auditor General.

(3) Account and auditing of the social organizations, affiliated with the council shall be as prescribed.

(4) Government of Nepal, if it so wishes, may inspect or cause to inspect the accounts document along with cash and kind of the council at any time.

(5) The Council, if it so wishes, inspect or cause to inspect the accounts document along with cash and kind of the social organization and institutions affiliated with the Council at any time.

19. Delegation of Authority: (1) The council shall have the power to delegate its Authority under the Act as necessary, to chairperson, vice-chairperson, members, executive committee pursuant to Section 10, or Sub-committee under Section 11.

(2) The chairperson shall have the power to delegate its Authority, if so necessary, to any member of the council or officers.

20. Suspension or dissolution: (1) Government of Nepal on the recommendations of the Council may suspend or dissolve executive committee or those social organizations or institutions affiliated with the council or, receiving economic assistance from the Council, if they do their business against, prevailing laws or their own constitutions.

Provided that, a reasonable opportunity, to give their clarification shall be given to the executive committees before their suspension or dissolution.

(2) Government of Nepal may constitute a *Ad hoc* committee from the general members of that organization and institution to carry out the business of that organization and institution until the suspension of that organization and institution lifted, when suspended and until the constitution of new executive committee, when dissolved pursuant to Sub-section (1).

(3) The *Ad hoc* committee formed pursuant to Sub-section (2) in the condition of dissolution of any social organization and institution pursuant to Sub-section (1), shall constitute new executive committee within the period of

three months of its formation, in accordance with the constitution of those organization and institution.

21. Provision related to the employees: (1) The Council may appoint employees and necessary.

(2) The remuneration conditions of the services and associated facilities of the Council employees shall be as specified by the Council.

22. Involvement of the social organizations or institutions: The employees of the Council shall not be allowed to involve as authority or members of the executive committees of those social organizations or institutions affiliated with the council.

23. Annual Report: (1) The Council shall submit an audit report to the Government of Nepal within the period of six months after the completion of its fiscal year, along with detail descriptions of its work and activities.s

(2) Social organizations or institutions affiliated with the Council shall submit audit report, to the Council within the period of six months after the completion of fiscal year along with the detail descriptions of their work and activities.

24. Power to remove difficulties: If any difficulty arise in connection with the implementation of this Act, Government of Nepal may issue, order to remove such difficulty by notification published in the Nepal Gazette.

25. Contact with Government of Nepal: In maintaining contact with Government of Nepal, the Council shall act through concerned Ministry.

26. Power to frame Rules: The council may frame necessary rules for implementing the objectives of this Act.

27. Saving and repeal: (1) The Social Service National Coordination council Act, 2034 (1977) is, hereby, repealed and shall be the rights and liabilities of Social Service National Coordination Council transferred to the Council constituted under this Act.

(2) The employees working under Social Service National Coordination Council shall be transferred to the Council constituted under this Act.