

National Youth Council Act, 2072 (2015)

Act No. 3 of the Year 2072 (2015)

An Act Made to Provide for National Youth Council

Preamble

Whereas it is expedient to make necessary provisions for preparing competent citizens for building an affluent nation by protecting and promoting the interests of the youth and for including the youth, through their empowerment, in the mainstream of national development by involving them in policy making about youth related matters right from its formulation to the implementation level as per the needs,

The Constituent Assembly has, therefore, enacted this Act in the capacity of Legislature Parliament pursuant to Article 83 of the Interim Constitution of Nepal, 2063 (2006).

Chapter 1

Preliminary

1. Short Title and Commencement:

- (1) This Act may be called as National Youth Council Act, 2072 (2015).
- (2) This Act shall come into force from the 91st day following its certification.

2. Definition:

Unless the subject or context requires otherwise, in this Act,

- a) "Chairperson" means the Chairperson of the Council.
- b) "Vice Chairperson" means the Vice Chairperson of the Council.
- c) "District Youth Committee" means the District Youth Committee constituted pursuant to Section 11.
- d) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.
- e) "Council" means the National Youth Council constituted pursuant to Section 3.

- f) "Ministry" means the Ministry of Youth and Sports.
- g) "Youth" means a person in the age group of 16 years to 40 years.
- h) "Youth of Special Community" means a youth belonging to the community of conflict victims, those exposed to risk, physically disabled or marginalized minority.
- i) "Member" means a member of the Council, and this term also denotes the Chairperson, Vice-Chairperson and the Member Secretary of the Council.
- j) "Committee" means the Executive Committee constituted as per Section 8.

Chapter 2

Constitution of the Council

3. Constitution of the Council:

- (1) The National Youth Council has been constituted for the activities including protection and promotion of the interests of the youth.
- (2) The central office of the Council shall be located in the Kathmandu valley.
- (3) The Council may open its offices also outside Kathmandu as per the needs.

4. Council to be an Autonomous and Corporate Body:

- (1) The Council shall be an autonomous and corporate body with perpetual succession.
- (2) For all its functions and activities the Council shall have its own separate seal.
- (3) The Council may acquire, enjoy, sell or dispose or manage otherwise any movable or immovable property as an individual provided that the Council shall be required to secure mandatory consent of Nepal government prior to selling any immovable property.
- (4) The Council may sue or be sued in its name as an individual.
- (5) The Council may enter into a contract and exercise the rights and undertake any obligations accruing from the contract.

Chapter 3

Constitution of the Council and its Functions, Duties and Powers

5. Constitution of the Council:

The Council shall be constituted as follows:

- a) Youth and Sports Minister or State Minister – Chairperson
- b) A person appointed by Nepal Government - Vice Chairperson
- c) Secretary, Ministry of Finance - member
- d) Secretary, Minister of Industry - member
- e) Secretary, Ministry of Agricultural Development - member
- f) Secretary, Ministry of Youth and Sports – member
- g) Secretary, Ministry of Labor and Employment -- member
- h) Secretary, Ministry of Education – member
- i) Secretary, Ministry of Health and Population – member
- j) Secretary, secretariat of National Planning Commission – member
- k) Four persons representing youth related various organizations and associations - member
- l) Fifteen persons representing the youth who have made special contributions to the protection and promotion of the rights and interests of the youth belonging to *adivasi / janjati*, Madhesi, *dalit*, physically disabled, minority community and backward areas -- member
- m) Six persons representing industrial, labor, agricultural, Science, technology and environment, literature and arts sectors – members

(2) Nomination of the members pursuant to clauses. (k), (l) and (m) of sub-section (1) shall be made by the Ministry in accordance with the principal of inclusion, and while making such nomination at least fifty percent of women shall be included for representation.

(3)The senior most employee of the Council shall act as the member Secretary of the Council.

(4) The tenure of the nominated members shall be of four years.

(5) Notwithstanding whatsoever mentioned in sub-section (4), if the Council decides that any nominated member has committed dereliction of duty, the Ministry may remove such a member from the membership at any time.

(6)Members nominated pursuant to sub-section (5) shall be provided with an opportunity to submit clarification prior to their removal from office.

6. Functions, Duties and Powers of the Council:

In addition to the functions, duties and powers mentioned elsewhere in this Act, the functions, duties and powers of the Council shall be as follows:

- a. To design and recommend before Nepal Government long term Policy relating to the youth.

- b. Subject to the Policy adopted by Nepal Government, to formulate and implement youth related plan and programs.
- c. To fix terms and conditions to be followed by the associations and organizations getting affiliation from the Council.
- d. To fix necessary Policy regarding mobilizing the youth as volunteers in development, construction and social service sectors.
- e. To motivate the youth to participate in nation building and to move forward focusing on nation building.
- f. To approve the annual plan, programs and budget of the Council.
- g. To render advice to Nepal Government about youth development, empowerment and main streaming.
- h. To fix the number of employees necessary for the Council.
- i. To perform and cause to be performed the activities as prescribed.

7. Meeting and Decisions of the Council:

- 1) The meeting of the Council shall be held as required,
 Provided that the gap between the two meetings shall not be generally more than three months.
- 2) The meeting of the Council shall be held at the date, time, and place designated by the Vice-Chairperson as per the directive of the Chairperson.
- 3) Notwithstanding anything contained in sub-section (2), the meeting of the Council may take place at the date, time and place designated by the member Secretary in the absence of the Vice Chairperson after having consultation with the members of the Council.
- 4) The member Secretary of the Council shall give notice to the members along with agenda for discussion in the meeting at least forty eight hours prior to the time of the meeting.
- 5) The quorum of the meeting of the Council shall be deemed to be complete if more than fifty percent of the total numbers of members existing at the time in the Council remain present.
- 6) The meeting of the Council shall be presided over by the Chairperson of the Council and, in his/her absence, by the Vice Chairperson.
- 7) The majority opinion in the meeting of the Council shall be valid, and in case of a tie, the person presiding over the meeting shall cast a casting vote.
- 8) The decision of the Council shall be retained by the Vice Chairperson after authenticating it.
- 9) If the council deems it necessary, it may invite any expert or official concerned with the functions of the Council to participate as an observer in the Council.

- 10) Other procedures of the council relating to meeting shall be as decided upon by the Council itself.

Chapter-4

Constitution of the Committee and its Functions, Duties and Powers

8. Constitution of the Committee:

- 1) There shall be an Executive Committee to function as the Executive Committee of the Council.
- 2) The committee shall be constituted as follows:
 - a. Vice Chairperson – Chairperson
 - b. Joint Secretary of the Ministry designated by the Ministry to look after its youth program – member
 - c. Four person nominated by the Council from among the members of the Council ensuring the inclusion of at least two women – member
 - d. Senior most employee of the Council – member

(3) The tenure of the members nominated pursuant to clause. (c) of sub-section (3) shall remain effective for the period during which they continue to remain as members of the Council.

9. Meeting and Decision of the Committee:

- 1) The meeting of the Committee shall be held as required.
- 2) The meeting of the committee shall be held at the date, time and place designated by the Vice Chairperson.
- 3) Notwithstanding anything mentioned in sub-Section (2), the meeting of the Committee may take place at the date, time and place designated by the member Secretary, in the absence of the Vice Chairperson, after consultation with the members of the Committee.
- 4) The member Secretary shall provide notice accompanied with the agenda to be discussed in the meeting at least twenty four hours prior to holding meeting of the Committee.
- 5) The quorum of the meeting shall be deemed to be complete if more than fifty percent of the total members of the Committee remain present.
- 6) The meeting of the Committee shall be presided over by the Chairperson and, in his/her absence, by a member chosen by the members of the Committee from among themselves.
- 7) The majority opinion in the meeting shall be valid and, in case of a tie, the member presiding over the meeting shall exercise a casting vote.

- 8) The decision of the meeting of the Committee shall be authenticated by the person presiding over the meeting.
- 9) If the Committee deems it necessary, it may invite any expert or official concerned with the functions of the Committee to participate as an observer in the meeting of the Committee.
- 10) Other procedures of the Committee regarding other functions of the Committee shall be as decided upon by the Committee itself.

10. Functions, Duties and Powers of the Committee:

In addition to the functions, duties and powers mentioned elsewhere in this Act, the functions, duties and powers of the Committee shall be as follows:

- a) To formulate the annual plan, programs and budget of the Council and to present the same for approval before the Council.
- b) To fix the terms and conditions, method and procedure of granting affiliation to the associations and organizations seeking affiliation with the Council and to present it before the Council,
- c) Subject to the Policy and guidelines approved by the Council, to conduct and cause to be conducted promotional programs relating to youth development, mobilization and youth empowerment.
- d) To conduct and cause to be conducted campaign oriented activities for mobilizing the youth in the mainstream of development.
- e) To conduct and cause to be conducted programs relating to promotion of self employment for the youth and enhancement of entrepreneurship
- f) To mobilize and cause to be mobilized the youth as volunteers in development, construction and social service sectors.
- g) To conduct and cause to be conducted awareness-raising programs for assimilating the youth in national development.
- h) To conduct and cause to be conducted study and research about the issues like youth development and youth mobilization.
- i) To conduct and cause to be conducted programs which may assist the youth to be self-reliant.
- j) To take initiative to involve the youth right from policy formulation to the level of implementation.

- k) To prepare and implement internal control system in order to perform the activities to be discharged by the Council in a cost effective and effective way and to make the system of financial accountability reliable.
- l) To coordinate the programs conducted by various youth related bodies.
- m) To manage youth related information and to prepare integrated statistics.
- n) To enhance and cause to be enhanced the competence of the youth related associations and organizations.
- o) To perform and cause to be performed other activities as prescribed.

Chapter-5

District Youth Committee

11. Constitution of District Youth Committee

- a) There shall remain one District Youth Committee in every district to conduct activities like youth related plans and programs at the district level.
- b) District Youth Committee shall be constituted as follows:
 - i. A person nominated by the Council from among the persons holding at least Intermediate level certificate or its equivalent and having worked and made special contribution to protection and promotion of the youth development and mobilization sector – member
 - ii. Chief of the Office of Women and Children – member
 - iii. An officer level representative of District Development Committee – member
 - iv. An officer level representative of District Education Office – member
 - v. One representative from among the youth related local associations and organizations affiliated with the Council – member
 - vi. Three persons nominated from among the youth who have made special contribution in the area of protection and promotion of the rights and interests of the youth or social service -- member
 - vii. Office Chief of District youth Committee – member secretary
- c. The member's belonging to the categories of clauses (v) and (vi) of sub- section (b) shall be nominated by the Council on the basis of principle of inclusion, and while making such nomination at least fifty percent representation shall be given to the women.
- d. The tenure of the Chairperson of the District Youth Committee and its nominated members shall be of four years.

- e. Notwithstanding anything mentioned in sub-section (d), the Council may remove the Chairperson or nominated member if the Chairperson or member fails to display conduct befitting his/her office or perform his/her responsibilities, provided that s/he shall not be deprived of an opportunity to present his/her clarification prior to such removal from the office.
- f. The procedure relating to the meeting of District Youth Committee shall be as prescribed
- g. The office of District Youth Committee shall be located at the place designated by the Council.

12. Function, Duties and Powers of District Youth Committee:

The functions, duties and powers of District Youth Committee shall be as follows:

- a. To design, subject to the policy approved by the Council, and conduct and cause to be conducted youth related district level plans and programs.
- b. To conduct various programs at the district level in partnership with local bodies, youth related associations and organizations, NGOs and the private sector.
- c. To coordinate and facilitate youth related programs conducted at the local level.
- d. To collect means and resources at the local level for conducting youth related programs.
- e. To conduct and cause to be conducted various programs targeting the youth of special communities.
- f. To carry out and cause to be carried out activities specified by the Council.

Chapter 6

Affiliation with the Council and conducting Programs

13. To grant affiliation to youth related associations and organizations:

(1) If any association or organization registered as per the prevalent law with the objective of protection of rights and interests of the youth seeks affiliation with the Council, it shall be required to submit an application before the Council outlining the following particulars:

- a) Name of the association or organization,
- b) Objective of the association or organization,
- c) The valid duration of renewal of the association or organization,

d) Names and address of the members of the Working Committee of the association or organization.

(2) While applying as per sub-section (1), the statute of the concerned association or organization shall be required to be attached.

(3) If it is deemed suitable to grant such association or organization affiliation with the Council as requested by the applicant, after examining the application along with the documents received in accordance with sub-section (1) or (2), the Council shall grant affiliation to such association or organization on payment of the prescribed fees.

(4) If any youth related association or organization affiliated with the Council as per sub-section (3) wishes to continue its affiliation with the Council, it shall be required to seek renewal after every five years paying the prescribed fees to the Council.

(5) Youth related associations or organizations affiliated with the Council pursuant to sub-section (3) shall be required to submit before the Council within three months of the fiscal year the Annual Report of the activities it had undertaken throughout the year.

(6) The renewal of affiliation, cancellation of affiliation and other related provisions shall be as prescribed.

14. Conducting Programs:

Subject to their statutes, youth related associations and organizations affiliated with the Council pursuant to Section 13 may conduct various programs to provide trainings to the unemployed youth regarding various types of knowledge and skills, to empower the youth and to protect the rights and interests of the youth belonging to backward communities or classes.

Chapter 7

Vice Chairperson and Employees

15. Provisions relating to Vice Chairperson:

(1) Nepal Government shall appoint the Vice Chairperson to act as the executive chief of the Council on the recommendation of the Committee constituted pursuant to Section 20.

(2) The Vice Chairperson shall receive the remuneration and benefits as prescribed by Nepal Government.

- (3) The tenure of the Vice Chairperson shall be of four years.
- (4) Notwithstanding anything mentioned in sub-section (3,) Nepal Government may remove the Vice Chairperson from his/her office of Vice Chairperson at any time if he/she fails to conduct himself/herself befitting his/her office, fails to fulfill his/her responsibilities or causes any loss to the Council.
- (5) The Vice Chairperson shall be given an opportunity to present his/her clarification before removing him/her from the office of Vice Chairperson pursuant to sub-section (4).
- (6) Other terms and conditions of service of the pursuant to sub-section (4) shall be as prescribed.

16. Functions, Duties and Powers of Vice Chairperson

Apart from the functions, duties and powers mentioned elsewhere in this Act, the functions, duties and powers of the Vice Chairperson shall be as follows:

- a) To implement and cause to be implemented the policy, duties and powers approved by the Council,
- b) To prepare and submit before the Committee the annual programs, plan and budget of the Council before the Committee,
- c) To implement and cause to be implemented the decisions of the Council and the Committee,
- d) To monitor and cause to be monitored the plan and programs conducted by the Council,
- e) To undertake management of the employees of the Council and perform other managerial acts,
- f) To undertake other activities as prescribed.

17. Provisions relating to Employees

- (1) In order to conduct the activities of the Council there shall be an organizational structure as approved by the Council as well as employees according to the approved number of employees.
- (2) The appointment, remuneration, benefits and service conditions of the employees of the Council shall be as prescribed.
- (3) So long as the employees are not appointed as per sub-section (2), the ministry may depute, on the request of the Council, any employee of Nepal Government to serve the Council for that period.

Chapter 8 Fund of the Council

18. Fund of the Council:

- (1) There shall be a separate fund of the Council.

- (2) The fund shall contain the following amounts as per sub-section(1):
- a) Amounts received from Nepal Government ,
 - b) Amounts received from any individual or association or organization as assistance
 - c) Amounts received from any foreign country, international association or organization or individual,
 - d) Amounts received in lieu of granting affiliation or making renewal of the youth related associations or organizations,
 - e) Amounts received from any other sources..
- (3) Before receiving any amount as per clause (c) of sub-section (2), the Council shall be required to obtain approval of the Finance Ministry of Nepal Government.
- (4) All expenses made in the name of the Council shall be charged on the fund as mentioned in sub-section (1).
- (5) All amounts lying in the fund of the Council shall be deposited in an account opened in any Commercial Bank designated by the Council.
- (6) The fund of the Council shall be operated as prescribed.

19. Accounts and Audit:

- (1) The Council shall maintain the account of its incomes and expenditures in accordance with the accounts system adopted by Nepal Government.
- (2) The internal audit of the Council shall be made by an auditor appointed by the Council, and the final audit shall be made by the Auditor General.
- (3) The Ministry may examine or cause to be examined at any time the accounts of the incomes and expenditure of the Council, the related documents and other cash and kinds.

Chapter-9

Miscellaneous

20. Recommendation Committee:

- (1) Nepal Government shall constitute a three member Recommendation Committee under the Chairmanship of the Secretary of the Ministry comprising two other experts for making recommendation for appointment to the office of Vice Chairperson.

(2) The Committee constituted as per sub-section (1) shall be required to make recommendation for appointment to the office of Vice Chairperson from among reputed persons having passed at least graduate level from a University recognized by Nepal Government and having worked at least for seven years in the area of protection and promotion of the rights and interests of the youth or youth development and mobilization.

(3) The procedure relating to the meeting of the Committee constituted as per sub-section (1) and other procedures to be adopted while making recommendation shall be as prescribed by the Committee itself.

21. Not to Take Part:

No member or official of the Council, Committee or District Youth Committee should take contract or lease of the Council or take part in any activity involving his/her personal interest.

22. Sub-Committee or Taskforce may be Constituted:

(1) The Committee may constitute a Sub-Committee or Taskforce as required for performing any activity to be performed by it as per this Act or the Rules made under this Act.

(2) The functions, duties and powers and procedures of the Sub-Committee or Taskforce constituted pursuant to sub-section (1) shall be as prescribed by the Committee at the time of constituting that Sub-Committee or Taskforce.

23. Remuneration, Benefits and Meeting Allowance

(1) The benefits to be received by the Chairperson of the District Committee shall be as prescribed.

(2) The Chairperson, Vice Chairperson and members of the Council, the Chairperson and members of the District Committee and the members of the Sub-Committee or Taskforce constitutes pursuant to Section 22 shall get meeting allowance as prescribed for taking part in the meeting.

24. Annual Report:

(1) The District Youth Committee shall be required to submit before the Council the annual report of the activities performed by it all through the year within two months of the expiration of the fiscal year.

(2) The Council shall be required to submit through the Ministry before Nepal Government the annual report of the activities performed by it all through the year within three months of the expiration of the fiscal year.

(3) It shall be required mention in the report to be submitted pursuant to sub-section (2), besides other matters, the details about the activities undertaken by the Council and the District Youth Committee all through the year and their achievements, the expenses incurred for such activities, the status of the fund and the means and resources of the Council, other functions and activities undertaken by the Council and the problems seen in the youth sector and also the measures for their solution.

(4) The Council shall be required to publish every year for the knowledge of the common people the details about the means and resources it has received, the activities it has accomplished and their achievements and a description of other activities it has performed.

25. Directive may be Issued:

(1) Nepal government may issue necessity directives regarding the activities of the Council and its reform.

(2) It shall be the duty of the Council to abide by the directives given pursuant to sub-section (1).

26. Delegation of Power:

(1) The Council may delegate some of its powers received pursuant to this Act or the Rules made under this Act as per the needs to the Committee, the Chairperson or Vice-Chairperson.

(2) The Committee may delegate some of its powers received pursuant to this Act or the Rules made under this Act as per the needs to the Chairperson of the Committee, any member, any member-Secretary or any officer level employee of the Council.

27. Oath:

Other than its ex-officio members, members of the Council, the Committee and District Youth Committee shall be required to take oath as prescribed before assuming the office.

28. Required to give Assistance:

It shall be the duty of all concerned to give necessary assistance regarding the activities of the Council, the Committee and the District Youth Committee.

29. Dissolution of the Council

(1) Nepal Government may dissolve the Council at any time if it fails to function in accordance with the objectives of this Act.

(2) In case of dissolution of the Council pursuant to sub-section (1), the movable and immovable property of the Council shall go to the ownership of Nepal government.

30. Contact with Nepal Government:

While maintaining contact with Nepal Government, the Council shall maintain such contact through the Ministry.

31. Power of Rulemaking:

Nepal Government may frame necessary Rules for implementation of this Act.

32. Power of making Bye-laws:

- 1) Subject to this Act or the rules made under this Act, the Council may make necessary Bye - laws.
- 2) While making Bye-laws involving financial expenses pursuant to sub-section (1), the Council shall be required to obtain approved of the Ministry.