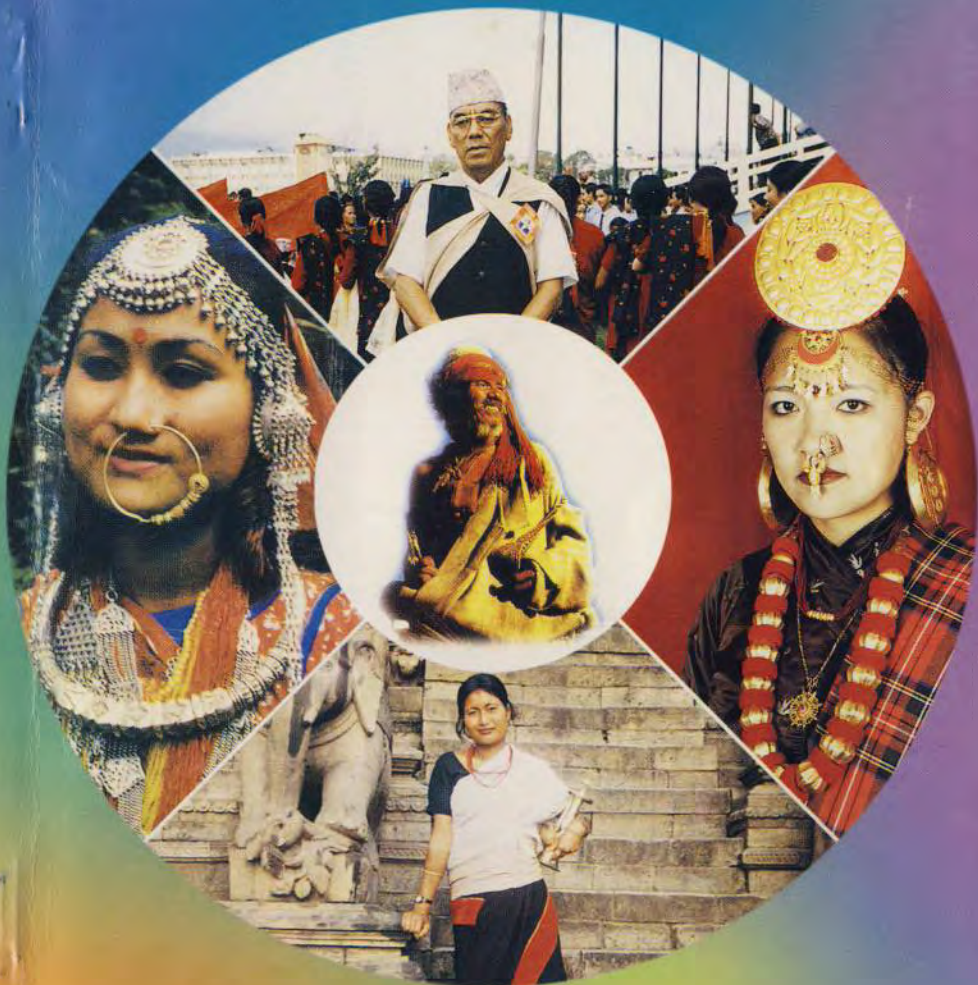




NATIONAL FOUNDATION FOR DEVELOPMENT OF INDIGENOUS NATIONALITIES

AN INTRODUCTION

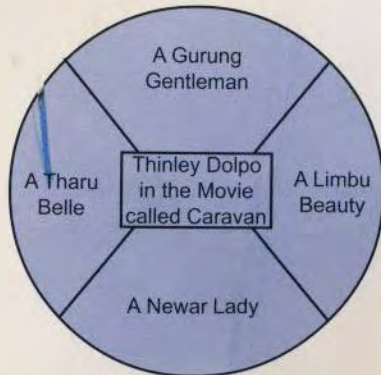


THE INDIGENOUS NATIONALITIES OF NEPAL

नेपालका आदिवासी जनजातिहरू



Chumbas of Gorkha Busy in Traditional Dance



NATIONAL FOUNDATION FOR DEVELOPMENT OF INDIGENOUS NATIONALITIES (NFDIN)

AN INTRODUCTION

2003

Heritage of Nationalities:
Identity of the Nation!
Gallantry of Nationalities:
Glory of the Nation!

Introduction

BACKGROUND TO AND FOR NFDIN

Nepal is a multi-racial, multi-lingual, multi-cultural and multi-religious country. Taking stock of these truths, the Constitution of the Kingdom of Nepal of 1990 has put forward a conceptual design to uplift the living standards of the Indigenous Nationalities - respectively known, identified and addressed as "Adibasi Janajati" - by removing all sorts of existing economic and social inequalities and to set up and develop their healthy social life based on justice and morality, thus consolidating the national integrity, and preserving such peoples' identities and cultural diversities by developing their languages, literatures, arts, scripts, religions and cultures and by creating special opportunities for their education, well-being and employment.

However, certain chronic anomalies still persist. The Census of 2001 has cited the populace of the Indigenous Nationalities at 37.2% of the total population of Nepal. By some official quirks, however, the same Census enumeration has incorporated only 43

of the 59 nationalities, and the rest - i.e. 16 Adibasi Janajatis - remain unreported and unidentified in the Census of 2001. It needs no stretch of imagination that these 16 Indigenous Nationalities have been conveniently relegated to the category of "Others" which are registered at 4.8% of the population. It is safe to claim, therefore, that the Indigenous Nationalities command a respectable 42% of the total population of the nation.

Therefore, it has now become a major responsibility of His Majesty's Government (HMG) of Nepal to



A Lepcha Lady from Ilam

work meaningfully for the enlistment and development of the indigenous nationalities.

Forty years have already elapsed since Nepal initiated planned development of the country. During these years, nominal welfare and development programmes were implemented. However, these were not effective to raise peoples' confidence and help them explore their vital potentials. These plans and policies also could not be effective in expanding the areas and possibilities of overall national development. During the period of the Ninth Five Year Plan (1997-2002), a few efforts to uplift and develop the socio-economic status of such indigenous nationalities were made.

However, due to certain weaknesses - such as the lack of development of necessary institutional structures, failures of the centrally formulated development programmes to draw the attention of the beneficiary nationalities, widespread feelings of the indigenous nationalities that the centrally designed programmes for their enlistment was only a gesture of compassion, the lack of adequate attention towards human resource development, lack of appropriate evaluation

of conventional knowledge, skills and lifestyles of the indigenous nationalities - the outcomes of these efforts could neither meet the expectations of the planners and policymakers nor of the indigenous nationalities themselves.

Consequently, nobody could ever feel that the nation was moving forward with respects to the sentiments of the indigenous nationalities.



Rais in their Sakela Dance

IDENTIFICATION OF NEPAL'S INDIGENOUS NATIONALITIES

Who are the Indigenous Nationalities of Nepal? A total of 61 Adibasi Janajatis were identified in the Report prepared by the Task Force formed by His Majesty's Government for the Establishment of the Foundation for the Upliftment of Nationalities, and duly submitted in 1996.

The Task Force Report explains the bases for the identification of the 61 nationalities called "Janajatis". Accordingly, a Nationality or Janajati, as per the Report's own relevant content, is that community who has its own mother tongue and traditional culture and yet does not fall under the conventional fourfold VARNA of the HINDU VARNA system or the Hindu hierarchical caste structure.

Each Indigenous Nationality or Janajati has the following characteristics:

- * A distinct collective identity;
- * Own language, religion, tradition; culture and civilisation;
- * Own traditional egalitarian social structure;

- * Traditional homeland or geographical area;
- * Written or oral history;
- * Having "We" feeling;
- * Has had no decisive role in the politics and government of modern Nepal;
- * Who are the indigenous or native peoples of Nepal; and
- * Who declares itself as "Janajati".

As per the definition of "Janajati" in the Act enacted by His Majesty's Government of Nepal, it declares to the effect that "indigenous nationalities" means a tribe or community as mentioned in the schedule having its own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history."

The Nepali "Janajatis" or 'Indigenous Nationalities' are spread out almost in every part of the country. As per the newly enacted National Foundation for Development of Indigenous Nationalities Act, 2002 AD ("Adibasi Janajati Utthan Rastriya Pratishtan, 2058 BS" in Nepali), His Majesty's Government has identified fifty-nine (59) Indigenous Nationalities that

fit in with those characteristics.

To illustrate the above claims, the following list shows the distribution of the 59 Indigenous Nationalities in the five regions of Nepal:

Mountain (Himalaya) - 18

Hills - 24

Inner Terai - 6

Terai - 11

NATIONAL COMMITTEE FOR DEVELOPMENT OF NATIONALITIES (NCDN)

In this context, HMG initially formed a National Committee for the Development of Nationalities by issuing an Ordinance in 1997 with the singular aim of institutionally strengthening the nationalities and supporting them in their overall development efforts so as to steer them cohesively into the mainstream of the national life of Nepal whereby enabling them to contribute to the overall development of the nation itself.

ESTABLISHMENT OF NATIONAL FOUNDATION FOR DEVELOPMENT OF INDIGENOUS NATIONALITIES (NFDIN)

The Ordinance and the resultant formation of the said National Committee, as preparatory steps to larger developments to take place, were replaced by an enhancing Act (Act No. 20 of the 2058 Bikram Sambat/2002 AD) enacted by the Parliament in the "first year of the reign of His Majesty King Gyanendra Bir Bikram Shah Dev" "to provide for the establishment of the National Foundation for Development of



Magars performing Earth Worship

Indigenous Nationalities" of Nepal, deeming it "expedient to establish and operate a Foundation for development of indigenous nationalities for social, economic and cultural development and upliftment of various indigenous nationalities of Nepal and for their equal participation in the mainstream of national development."

While dwelling within this context, it must however be reiterated that considerable delays have been incurred between the time of the enactment of the Act and the actual institutionalisation of the Foundation with the formation of its own Governing Council and



Limbu Youths from Eastern Nepal

the Executive Committee. While the Act came into effect on February 7, 2002 with the provision that "This Act shall commence at once" (Chapter (I), Clause (2), the physical establishment and institutional formation of the Foundation and the executive appointments thereof took place only in June and July 2003.



An Old Sherpa Lady

The consequent loss of two precious years, best left to the wise justification of the concerned, only means that the Foundation must make good on lost time by gearing itself forward with its planned and purposeful dynamism and determination to fruition its aims and objectives with the responsibilities duly entrusted it.

AUTONOMY FOR NFDIN

The Act clearly provides that "The Foundation shall be an autonomous and corporate body with perpetual succession." (Vide Chapter 2 - Establishment, objectives, functions, duties and powers of the Foundation; Clause 4, Sub-Clause (1) with subsequent Sub-Clauses for other supporting details.)

OBJECTIVES OF THE FOUNDATION

As highlighted by Section 5 of the said Act, the Foundation shall have the following objectives:

- (a) To make overall development of the indigenous nationalities by formulating and implementing programmes relating to the social, educational,



A Shauka Belle of Darchula in her traditional Dress

- (b) economic and cultural development and upliftment of the indigenous nationalities,
- (b) To preserve and promote the languages, scripts, cultures, literatures, arts, histories of the indigenous nationalities,
- (c) To preserve and promote the traditional knowledge, skills, technologies and special knowledge of the indigenous nationalities and to provide assistance in its vocational use,
- (d) To cause the indigenous nationalities to be participated in the mainstream of overall national development of the country by maintaining good relation, goodwill, and harmony between different indigenous nationalities, castes, tribes and communities,
- (e) To provide assistance in building an equitable society by making social, economic, religious and cultural development and upliftment of the indigenous nationalities.

FUNCTIONS, DUTIES AND POWERS OF THE FOUNDATION

To attain the objectives elaborated as above, Section 6 of the Act delineates the functions, duties and powers of the Foundation as follows:

- (a) To formulate, implement or cause to be implemented the programmes necessary for the promotion and preservation of the languages, scripts, literatures, histories, arts, cultures, traditional skills and technologies of the indigenous nationalities,
- (b) To study and research the languages, scripts, literatures, histories, arts, traditions and cultures of the indigenous nationalities and develop such languages, scripts, histories, arts, literatures and traditions,
- (c) Subject to the prevailing laws, to protect or cause to be protected as prescribed, the technologies, skills, and special knowledge that have been traditionally practiced by the indigenous nationalities as intellectual property rights of the concerned indigenous nationalities

- (d) To publish the histories and literatures of the indigenous nationalities,
- (e) With the assistance of other bodies concerned with languages, literatures, to prepare and publish or cause to be published dictionaries of the indigenous nationalities,
- (f) To establish archives and museums that give the identities of the languages, cultures, histories, traditions of the indigenous nationalities,
- (g) To establish schools that teach the languages of the indigenous nationalities at least upto the pri-



Young Tamang Students in their traditional Costumes



Two Gentlemen from Tokpegola, Taplejung

mary level,

- (h) With the approval of His Majesty's Government, to allow foreign scholars who want to study, research the languages, cultures, histories, literatures, arts, traditional technologies, to make studies or researches in affiliation with the Foundation,
- (i) To collect and manage information pertaining to the indigenous nationalities,
- (j) To conduct or cause to be conducted special pro-

grammes to enhance the economic and social status of the poor and backward groups among the indigenous nationalities,

- (k) To establish relations with foreign or international associations having similar objectives, and to exchange cooperation with them,
- (l) To provide consultancy services on the indigenous nationalities,
- (m) To make arrangements for broadcasting notices, news and miscellaneous programmes in the mother languages of the indigenous nationalities,



Jhangads of Southern Tarai Performing Traditional Dance

- (n) To prepare lists of the wealthy and poor indigenous nationalities having regards to the social, economic and cultural differences, varieties and discrepancies existing between the indigenous nationalities, and
- (o) To do or cause to be done other necessary matters relating to the indigenous nationalities to attain the objectives of the Foundation.



Nupriwa Woman of Gorkha with Kids

ORGANISATIONAL STRUCTURES

GOVERNING COUNCIL

As elaborated by the said Act, and in order for the functions required to be discharged on behalf of the Foundation, there shall be a Governing Council as follows as the supreme body of the Foundation:

The incumbent Prime Minister shall be the Chairman of the Governing Council while the Minister/State Minister for the Ministry of Local Development will be in place as the Co-Chairman. One person shall be nominated as Vice Chairman by the Chairman of the Council from among three indigenous nationalities recommended by a Recommendation Committee from among the persons who have made remarkable contributions to the upliftment and development of indigenous nationalities.

A person nominated by the Co-Chairman of the Council on recommendation from among the persons of indigenous nationalities who have made special contributions to the upliftment of the indigenous

nationalities shall be appointed as the Member-Secretary

In addition, various Members will be appointed as representatives of the government, line agencies, indigenous nationalities women leaders from the five development regions of the country, academies and intellectual institutions, representations of organizations of federation of indigenous nationalities, business community, as well as Members of the Executive Committee.

In all, there is a provision in the Act for 93 personalities to be the Members of the Governing Council.

Reference maybe made to the relevant chapter of the Act for full details.

MAJOR DUTIES OF THE GOVERNING COUNCIL

It is perhaps worth noting that while the Vice Chairman of the Governing Council also acts and operates in the capacity of the Chairman of the Executive Committee, the Member Secretary of both the Governing Council and the Executive Committee also happens to be the same executive officer. This



*Barahgaunle Ladies from
Chhume gyatsha*

mutual provision allows every possible likelihood of efficient coordination and liaison between the two bodies with no possibility of dragging misunderstanding and bureaucratic meandering.

The major mandate of the Governing Council includes carrying out the works and exercising the powers invested with the Foundation. Particularly, the Council formulates the policies of the various programmes and projects to be operated by the Foundation. Approving the Foundation's annual and periodic plans goes with the approving of the Foundation's annual budget. Evaluating the Foundation's programmes and projects is another major duty of the Governing Council while approving the by-rules framed by the Foundation is another regular formality, plus fulfilling other prescribed works.

EXECUTIVE COMMITTEE

The Executive Committee, as being formed by the provisions of the HMG Act, has the following executives and members for an initial term of four years with the provision of a renewable second term of the same period.

The present Executive Committee is composed of the following executive office holders:

- 01: Prof Sant Bahadur Gurung - Chairman (Vice Chairman of the Governing Council)
- 02: Mr Tamla Ukyab - Member Secretary (who holds the same capacity in the Governing Council as well)
- 03: Mr Tek Narayan Rajbanshi - Member
- 04: Ms Bam Kumari Buda Magar - Member
- 05: A Joint Secretary-level bureaucrat from the Ministry of Local Development - Member

MAJOR DUTIES OF THE EXECUTIVE COMMITTEE

The Executive Committee of the Foundation shall carry out the decisions of the Governing Council while also preparing periodic and annual pro-

grammes, projects and budget of the Foundation and submit them to the Council. Operating and managing the fund of the Foundation will go in tandem with preparing draft of the by-rules of the Foundation and referring them to the Council while also carrying out prescribed works to attain the objectives of the Foundation as per the directives received from the Governing Council.

PROGRAMMES OF THE FOUNDATION

His Majesty's Government of Nepal has entrusted the Foundation with various responsibilities and functions for the overall development of the Indigenous Nationalities. The Foundation has formulated various programmes and activities designed for implementation in order to fulfil the objectives, policies, and strategies of the government to uplift the status of the various Indigenous Nationalities - who call themselves "Adibasi Janajatis" - as envisaged in the current 10th Five Year Plan (2002-2007) by the National Planning Commission.

The 10th Plan has the following objectives:

- 1) To eradicate the disparities sustained by the indigenous nationalities in the economic and social fields;
- 2) To uplift the level of the cultural development of the Adibasi Janajatis by sincere research and protection of their respective cultural heritages;
- 3) To improve the capabilities of the indigenous nationalities through empowerment in the fields of economic, social, educational, cultural and community activities;
- 4) To involve the indigenous nationalities in the process of national development by enhancing their knowledge and skills, improve their access to national resources by means of professional modernisation.

To meet the above objectives, various policies and strategies have been adopted in the 10th Five Year Plan. Some of the basic programmes include structural arrangements, institutional development, human resource development, and socio-economic upliftment. Investment of certain percentage of the total budget of the District Development Committees

(DDCs) has been made mandatory for the overall development of the indigenous nationalities in their respective areas.

Based on these objectives, policies and strategies, the National Foundation for Development of Indigenous Nationalities (NFDIN) has identified the following fundamental activities for their development:

- (1) Awareness raising programmes;
- (2) Studies, research, discussions and consensus-building programmes on the problems of and solutions to the indigenous nationalities based on specific features;
- (3) Programmes for the institutional development of organisations of the indigenous nationalities;
- (4) Community-based and community-specific programmes to empower the indigenous nationalities socio-economically;
- (5) Programmes relating to the preservation, promotion and development of the languages, scripts, arts, skills, literatures, histories, religions and cultures of the indigenous nationalities;

- (6) Establishment and development of resource centres, such as reading rooms and libraries, in their areas;
- (7) Human resource development programmes benefiting the conditions and needs of the indigenous nationalities;
- (8) Research studies on the identification, conditions, problems and needs of the indigenous nationalities.

The above activities essentially translate into, among other things

- a) Having or developing teachers in the respective mother tongues of the Adibasi Janajatis;
- b) Publication of books and journals in their languages;
- c) Capacity-building initiatives;
- d) Development of community centres in the villages

The Foundation's policies and procedures in conducting the programmes for the upliftment and development of the Indigenous Nationalities are as follows:

1. Emphasis will be laid on the implementation of targeted programmes for specific nationalities through their own representative organisations;
2. Programmes aimed for various nationalities will be implemented through their common organisation or federation. In the absence of such organisation or federation, the programmes affecting two or more nationalities or indigenous ethnic groups will be executed with the help of any I / NGO run by active and knowledgeable people belonging to such nationalities or indigenous peoples, or through any representative organisations of the nationalities or indigenous peoples;
3. In the absence of any representative organisation of certain nationality, any other organisation of other such nationality, or technically sound NGO having expertise in the relevant field, may be selected to run the given programmes;
4. Special priority will be given to relatively more deprived indigenous nationalities while implementing nationalities development programmes; and
5. The Foundation will, from time to time, call for pro-

posals through various media to support nationalities development programmes. Such proposals will be selected for implementation on the basis of their relevance, effectiveness, usefulness and urgency.

If case of non-submission of proposals from any relatively more deprived nationalities, the Foundation may visit the concerned communities or nationalities and provide grants to run appropriate programmes by such indigenous nationalities.



Shingsaba Youths of Arun Valley in Traditional Dance

FUNDING THE FOUNDATION

As for the financial and funding regime of NFDIN, Chapter 4 of the said Act 20 clearly stipulates under the heading of "Fund of the Foundation" that

- (1) The Foundation shall have its separate fund.
 - (2) The following amounts shall be credited to the fund
 - (a) Amount received from His Majesty's Government
 - (b) Loan amount received from a foreign government or international union and association,
 - (c) Donatian, assistance, grant or any other amount to be received from a foreign government or international union and association or person.
 - (d) Amount received as donation, assistance from a person and association,
 - (e) Amount received for the service made available by the Foundation, and
 - (f) Amount received from any other sources.
 - (3) The Foundation shall be required to obtain the approval of His Majesty's Government to receive the amount under Clause (b) of sub-section (2) and shall be required to give pre-information to His Majesty's Government to receive the amount under Clause (c).
 - (4) All expenses to be incurred by the Foundation shall be borne from the fund under subsection (1).
- Thus, the National Foundation for Development of Indigenous Nationalities (NFDIN) has been empowered by the Act to receive donations, assistance, grants or any other amounts from foreign govern-

ments, international unions, associations or persons without the approval of His Majesty's Government. NFDIN shall be required to merely furnish pre-information to the government while receiving such cooperation from donors.

HIS MAJESTY'S GOVERNMENT OF NEPAL'S ACT NO. 20, MADE TO PROVIDE FOR THE ESTABLISHMENT OF NATIONAL FOUNDATION FOR DEVELOPMENT OF INDIGENOUS NATIONALITIES (NFDIN), AND DULY APPROVED BY ROYAL SEAL ON FEBRUARY 7, 2002 AD

The approved and authorised/notarised version of the official English translation of the said Act No. 20, as issued by the Law Books Management Board of the Ministry of Law and Parliamentary Affairs of His Majesty's Government of Nepal dated August 13, 2002, may act as the true reference document attesting to the establishment of the National Foundation for Development of Indigenous Nationalities (NFDIN) for all needful, practical and legal purposes.

For detailed information, please contact the Central Office of the Foundation at Sanepa, Lalitpur

National Foundation for Development of Indigenous Nationalities Central Office.

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PART TWO

**His Majesty's Government
Ministry of Law, Justice and Parliamentary Affairs**

The following Act enacted by Parliament in the first year of the reign of His Majesty King Gyanendra Bir Bikram Shah Dev is published for the information of the public.

Act no. 20 of the year 2058 (2002 B.S.)

An Act made to provide for the establishment of national Foundation for Development of Indigenous Nationalities.

Preamble : Whereas, it is expedient to establish and operate a Foundation for development of indigenous nationalities for social, economic and cultural development and upliftment of various indigenous nationalities of Nepal and for their equal participation in the mainstream of national development,

Now, therefore, be it enacted by Parliament in the first year of the reign of His Majesty King Gyanendra Bir Bikram Shah Dev.

Chapter - 1

Preliminary

1. Short title and commencement : (1) This Act may be cited as National Foundation for Development of Indigenous Nationalities Act, 2058 (2002 A.D.)
2. This Act shall commence at once.
2. Definitions : Unless the subject or context otherwise requires, in this Act, -
 - (a) "Indigenous nationalities" means a tribe or community as mentioned in the schedule having its own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history.
 - (b) "foundation" means the National Foundation for Development of Indigenous Nationalities established pursuant to Section 3.
 - (c) "council" means the governing council of the Foundation constituted pursuant to Section 7.
 - (d) "committee" means the executive committee of the council constituted pursuant to Section 10.
 - (e) "prescribed or as prescribed" means prescribed or as prescribed in the rules made under this Act.

Chapter 2

Establishment, objectives, functions, duties and powers of the Foundation

3. Establishment of Foundation : (1) A Foundation named "Foundation for Development of Indigenous Nationalities" is hereby established.
(2) The central office of the Foundation shall be situated inside the Kathmandu valley and the Foundation may establish its branch office in other place according to necessity.
4. Foundation to be an autonomous body : (1) The Foundation shall be an autonomous and corporate body with perpetual succession.
(2) The Foundation shall have its own separate seal for its work and action.
(3) The foundation may acquire, use, sell and dispose or manage otherwise movable, immovable property in the capacity of a person.
(4) The Foundation may, like a person, sue or be sued by its name.
5. Objectives of the Foundation : The Foundation

shall have the following objectives :

- (a) to make overall development of the indigenous nationalities by formulating and implementing the programmes relating to the social, educational, economic and cultural development and upliftment of indigenous nationalities,
- (b) to preserve and promote the language, script, culture, literature, arts, history of the indigenous nationalities,
- (c) to preserve and promote the traditional knowledge, skill, technology and special knowledge of the indigenous nationalities and to provide assistance in its vocational use.
- (d) to cause the indigenous nationalities to be participated in the mainstream of overall national development of the country by maintaining a good relation, goodwill, and harmony between different indigenous nationalities, castes, tribes and communities,
- (e) to provide assistance in building an equitable society by making social, economic, religious and cultural development and upliftment of indigenous nationalities.

6. Functions, duties and powers of the Foundation :

To attain the objectives under Section 5, the functions, duties and powers of the Foundation shall be as follows :-

- (a) to formulate, implement or cause to be implemented the programme necessary for promotion and preservation of the language, script, literature, history, arts, culture, traditional skill and technology of the indigenous nationalities,
- (b) to study and research the language, script, literature, history, arts, tradition and culture of indigenous nationalities and develop such language, script, history, arts, literature and tradition,
- (c) subject to the prevailing law to protect or cause to be protected as prescribed the technology, skill and special knowledge that have been traditionally practiced by indigenous nationalities as intellectual property rights of the concerned indigenous nationalities,
- (d) to publish the history and literature of the indigenous nationalities,
- (e) with the assistance of other bodies concerned

- with language, literature, to prepare and publish or cause to be published the dictionary of the language of indigenous nationalities,
- (f) to establish archives and museum that give identity of the language, culture, history, tradition of the indigenous nationalities,
 - (g) to establish a school that teaches the language of the indigenous nationalities at least up to primary level,
 - (h) with the approval of His Majesty's Government, to allow a foreign scholar who wants to study, research the language, culture, history, literature, arts, traditional technology to make study or research being affiliated with the Foundation,
 - (i) to collect and manage information pertaining to indigenous nationalities,
 - (j) to conduct or cause to be conducted special programmes to enhance economic and social status of the poor and backward group out of the indigenous nationalities,
 - (k) to establish relation with the foreign or international associations having similar objectives and to exchange cooperation with them,

- (l) to provide consultancy service on indigenous nationalities,
- (m) to make arrangements for broadcasting notice, news and miscellaneous programmes in the mother language of indigenous nationalities,
- (n) to prepare list of the wealthy and poor indigenous nationalities having regard to the social, economic and cultural differences, verities and discrepancies existing between indigenous nationalities,
- (o) to do or cause to be done other necessary matters relating to indigenous nationalities to attain the objectives of the Foundation.

Chapter - 3

Provisions relating to

Governing Council and Executive Committee

7. Constitution of governing council : (1) In order to discharge the functions required to be discharged on behalf to the Foundation there shall be a governing council as follows as the supreme body of the Foundation :ó

- (a) Prime Minister Chairman
- (b) Minister/State Minister of the Ministry of local Development Co-chairman
- (c) One person nominated by the chairman of the council from among three indigenous nationalities recommended by a recommendation committee formed under sub-section (2) from among the persons who have made remarkable contribution to the upliftment and development of indigenous nationalities, Vice Chairman
- (d) Six persons on party representative basis as prescribed from among

- the indigenous nationalities members representing in the House of Representatives, Member
- (e) Three indigenous nationalities members of the National Assembly as prescribed having regard to the structure of the National Assembly Member
- (f) Vice-chancellor of the Royal Nepal Academy or a member designated by him Member
- (g) Member, National Planning Commission, (looking after the concerned matter) Member
- (h) Secretary, Ministry of Local Development Member
- (i) Secretary, Ministry of Finance Member
- (j) Secretary, Ministry of Culture, Tourism and Civil Aviation Member
- (k) Secretary, Ministry of Education and Sports Member
- (l) Persons nominated by the Co-chairman, on recommendation of the federation of the indigenous nationalities out

of the unions and associations of the indigenous nationalities referred to in the schedule affiliated to the federation, one person from each indigenous nationalities and in the case of indigenous nationalities, if there exists any, not affiliated to the federation of indigenous nationalities one person each from such indigenous nationalities, Member

(m) Ten women nominated by His Majesty's Government two from each development region from among the indigenous nationalities women who have contributed to the upliftment of the indigenous nationalities, Member

(n) Two persons nominated by His Majesty's Government from among the tradesman, industrialists and donor of the indigenous nationalities community, Member

(o) Members of the

executive committee Member

(p) Person nominated by the Co-chairman of the council on recommendation of the Vice-chairman of the council from among the persons of indigenous nationalities who have made special contribution to the upliftment of indigenous nationalities Member-secretary

(2) There shall be a recommendation committee under the co-ordinationship of the co-chairman of the council consisting of one person designated by the federation of indigenous nationalities and one person by Indigenous Nationalities Council to make recommendation for the nomination of Vice chairman pursuant to clause (c) of sub-section (1)

(3) The tenure of the Vice chairman, member and member secretary nominated pursuant to clause (c), (l), (m), (n) and (p) of sub-section (1) shall be of four years and they may be appointed for one time again.

Provided that the tenure of the women

- member nominated pursuant to clause (m) of sub-section (1) shall be of two years and they shall not be eligible for re-nomination.
- (4) If the council considers it necessary, it may invite national or foreign experts to take part in the meeting of the council as an observer.

8. Meeting and decision of council : (1) The meeting of council shall take place twice a year on such date, time and place as specified by the Chairman of the council.

(2) The Chairman of the council shall preside over the meeting of the council. In his absence, the Co-chairman and in the absence even of him the Vice chairman of the council shall preside over the meeting of the council.

(3) The presence of at least fifty percent member out of total members of the council shall be deemed to have constituted the quorum for the meeting.

(4) The decision of majority of vote shall be deemed to be the decision of the council. In case of tie of votes in the meeting the presiding persons may exercise a casting vote.

- (5) The decision of the meeting of the council shall be certified by the member secretary.
- (6) Other procedures relating to the meeting shall be as determined by the council itself.

9. Functions, duties and powers of the council : (1)

The work to be done and power to be exercised by the Foundation under this Act shall be done and exercised by the council.

(2) Without prejudice to generality of sub-section (1), the functions, duties and power of the council shall be as follows :

(a) to formulate the policy of various programmes and project to be operated by the Foundation,

(b) to approve the annual and periodic plan of the Foundation,

(c) to approve annual budget of the Foundation,

(d) to evaluate the programmes and projects operated by Foundation,

(e) to approve the by-rules to be framed by the Foundation,

(f) to do other work as prescribed.

10. Constitution of Executive Committee : (1) In order to discharge the daily work of the council subject to this Act or rules made under it and the general directions of the Foundation there shall be an executive committee as follows:-

(a) Vice chairman of the council Chairman

(b) Two persons including one woman nominated by the Chairman on recommendation of the Co-chairman of the council from among at least five members including one woman recommended by a three member recommendation committee from among the experts who have made special study, research on indigenous nationalities or the persons from among the indigenous nationalities who have made remarkable contribution in the upliftment of indigenous nationalities. Provided that the recommendation committee shall not recommend the name from among themselves. Member

(c) An officer at least of Joint-secretary level of the Ministry of Local Development designated by that Ministry Member

(d) Member secretary of the council Member Secretary

(2) The tenure of the office of the members referred to in clause (b) of sub-section (1) shall be of four years.

11. Meeting and decision of committee : (1) the meeting of the committee shall take place according to necessity on such date, time and places specified by the Chairman of the committee.

(2) The Chairman of the committee shall preside over the meeting of the committee and in his absence, the senior most member in term of nomination from among the members nominated shall preside over the meeting.

(3) National or foreign experts and a person concerned with the programme and project of the Foundation may be invited in the meeting of the committee according to necessity.

(4) Other procedures concerning the meeting of the committee shall be as prescribed.

12. Functions, duties and powers of the committee :

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

- (a) to implement or cause to be implemented the decision of the council,
- (b) to prepare periodic and annual programmes, project and budget of the Foundation and submit to the council,
- (c) to manage and operate the fund of the Foundation,
- (d) to have the account of the Foundation audited and to submit the report thereof to the council,
- (e) to prepare draft of the by-rules to be framed by the Foundation and submit to the council,
- (f) to do or cause to be done other works as prescribed to attain the objective of the Foundation subject to the direction given from time to time by the council.

13. Provision concerning the conditions of service of the Vice chairman council :

(1) The Vice chairman of the Foundation shall be the full time chief executive officer of the Foundation.

(2) The remuneration, facilities and other conditions of service of the Vice chairman shall be as prescribed.

14. Provision concerning the conditions of service of member secretary of the council :

(1) The member-secretary of the council shall be the full time executive officer of the Foundation and he shall do work under general direction of the Vice chairman.

(2) The remuneration, facilities and other conditions of the service of the member-secretary of the council shall be as prescribed.

15. Sub-committee or task force may be constituted :

(1) The council or committee may constitute a sub-committee or task force according to necessity.

(2) The functions, duties, powers, procedure and facility of the sub-committee or task force constituted under sub-section (1) shall be as specified by the council or committee.

Chapter - 4

Fund, account and audit of the Foundation

16. Fund of the Foundation (1) The Foundation shall have its separate fund.

(2) The following amounts shall be credited to the fund:-

(a) amount received from His Majesty's Government,

(b) loan amount received from a foreign government or international union and association,

(c) donation, assistance, grant or any other amount to be received from a foreign government or international union and association or person,

(d) amount received as donation, assistance from a person of association,

(e) amount received for the service made available by the foundation,

(f) amount received from any other sources.

(3) The Foundation shall be required to obtain the approval of His Majesty's Government to receive the amount under clause (b) of sub-

section(2) and shall be required to give pre information to His Majesty's Government to receive the amount under clause (c).

(4) All expenses to be incurred by the Foundation shall be borne from the fund under sub section (1).

(5) All amount to be received by the Foundation shall be deposited into a bank by opening an account in the name of the Foundation in such bank.

(6) The operation of the account of the fund of Foundation shall be as prescribed.

17. Account and audit there of : (1) The Foundation shall maintain accounts of its income and expenditure as per the prevailing law.

(2) The audit of the Foundation shall be performed by the Department of the Auditor General:

Chapter - 5
Miscellaneous

18. Act and action not to be deemed illegal:

Notwithstanding anything contained in other sections of this Act, an act and action carried out when the position of a member of the council or committee was vacant shall not be deemed illegal on account of that ground only

19. Delegation of power : The council may delegate all or some powers conferred to it by this Act or rules or bye-rules made there under to the committee or Chairman of the committee or member secretary of the committee on the condition that it is exercised according to the conditions specified by it.

(2) The committee may delegate all or some powers conferred to it by this Act or rules made there under to a member or member secretary or an officer employee of the committee.

20. Annual report to be submitted : (1) The Foundation shall be required to submit an annual report of its work and action within three months of the expiry of every fiscal year to His Majesty's Government.

(2) The report under sub-section (1) shall contain, inter alia, description in brief of the work performed within one year by the Foundation, Foundation's financial status, statement of expenditure, programme or project completed and cost thereof and the problems faced by the Foundation.

(3) The Foundation shall publish the main content of the report under sub-section (1)

21. Appointment of the employees of the Foundation :

(1) The Foundation may appoint the employees as prescribed.

(2) The appointment of the employees of the Foundation and conditions of their service shall be as provided for in the bye-rules framed by the council.

22. His Majesty's Government may give direction :

His Majesty's Government may give necessary directions to the Foundation.

23. Liaison with His Majesty's Government :

Foundation shall liaise with His Majesty's Government through the Ministry of Local Development.

24. Power to make rule and bye-rule : (1) The council may make necessary rules to implement the objectives of this Act.

(2) Subject to this Act and rules made there under, the council may make bye-rules in the following matters and such bye-rules shall come into force from the date on which His Majesty's Government approves them :

- (a) internal work operation,
- (b) appointment of employees and conditions of service,
- (c) fiscal administration.

25. Alternation in schedule : His Majesty's Government, on the recommendation of the council,

may alter the schedule by publishing a notice in the Nepal Gazette.

26. Repeal and saving : The National Indigenous Nationalities Development Committee (Constitution) Order, 2054 (1997 A.D) is hereby repealed and all movable and immovable property and right and title of the National Indigenous Nationalities Development Committee constituted under the order will be transferred to the Foundation.

(2) All contract, agreement, lease concluded with the National Indigenous Nationalities Development Committee constituted pursuant to sub-section (1) shall be deemed to have been concluded with Foundation and all act and action carried out by that committee shall be deemed to have been carried out by the Foundation.

Schedule

Relating to clause (a) of Section 2

| | |
|-----------------------|------------------------|
| 1. Kisan | 2. Kumal |
| 3. Kushwadiya | 4. Kushunda |
| 5. Gangai | 6. Gurung |
| 7. Chepang | 8. Chhantyal |
| 9. Chhairotan | 10. Jirel |
| 11. Jhangad | 12. Dolpo |
| 13. Tangbe | 14. Tajpuriya |
| 15. Tamang | 16. Tin Gaunle Thakali |
| 17. Topkegola | 18. Thakali |
| 19. Thami | 20. Tharu |
| 21. Thudam | 22. Danuwar |
| 23. Darai | 24. Dura |
| 25. Dhanuk (Rajbansi) | 26. Dhimal |
| 27. Newar | 28. Pahari |
| 29. Free | 30. Bankariya |
| 31. Baramo | 32. Bahra Gaunle |
| 33. Bote | 34. Bhujel |

| | |
|------------|-----------------------|
| 35. Bhote | 36. Magar |
| 37. Majhi | 38. Marphali Thakali |
| 39. Mugali | 40. Meche (bodo) |
| 41. Yakkha | 42. Rai |
| 43. Raute | 44. Rajbansi (Koch) |
| 45. Rajhi | 46. Larke |
| 47. Limbu | 48. Lepcha |
| 49. Lhopa | 50. Lhomi (Shingsawa) |
| 51. Walung | 52. Byasi |
| 53. Sherpa | 54. Satar (Santhal) |
| 55. Siyar | 56. Sunuwar |
| 57. Surel | 58. Hayu |
| 59. Hyolmo | |

Date of affixation of Royal Seal
2058/10/25/5
(Feb. 7, 2002 A.D.)

By Order,
Udaya Nepali Shrestha
His Majesty's Government's Secretary

For detail information, please contact the Central Office of the
Foundation at Sanepa, Lalitpur

**National Foundation for Development
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