

Inter-country Adoption Management Development Board(Formation) Order, 2067 (2011)

In exercise of the power conferred by Section 3 of the Development Board Act, 2013 (1956), the Government of Nepal has issued the order as follows.

1. **Short name and commencement:** (1) The name of this Order shall be cited as “Inter-country Adoption Management Development Board (Formation) Order, 2067 (2011).
(2) This Order shall come into force forthwith.
2. **Definition:** Unless the subject or context otherwise requires in this Order,-
 - (a) “Chairperson” means Chairperson of the Board.
 - (b) “Prescribed” or “as prescribed” means prescribed or as prescribed in the rules framed there under this Order.
 - (c) “Ministry” means the Ministry of Women, Children and Social Welfare.
 - (d) “Member” means member of the Board and this word also include Chairperson and Member-secretary of the Board.
 - (e) “Board” means the Inter-country Adoption Management Board constituted pursuant to Section 3.
3. **Constitution of the Board:** (1) There shall be constituted a Board named Inter-country Adoption Management Development Board in order to carry out the act as central body on the matter pertaining to inter-country adoption.
(2) The Board shall be constituted as follows:-

(a) Person appointed by the Government of Nepal	Chairperson
(b) Joint-secretary, the Ministry	Member
(c) Joint-secretary, Ministry of Home Affairs	Member
(d) Joint-secretary, Ministry of Law and Justice	Member
(e) Joint -secretary, Ministry of Foreign Affairs	Member
(f) One person nominated by the Ministry out of the persons who has carried out the act as child specialist	Member
(g) Representative, Child NGO Federation Nepal	Member
(h) One person nominated by the Ministry out of the persons Who has carried out the act in the area of child rights	Member

(1) Under-secretary (Law), the Ministry

Member-secretary

(3) The terms of office of the nominated member shall be four years.

(4) Notwithstanding anything contained in Sub-section (2), the Ministry may remove the nominated Member from his/her post on the ground of failure to discharge the duties by such Members.

Provided, however, that such member shall be given a reasonable opportunity to defend himself/herself before his/her removal from the post.

4. Functions, duties and powers of the Board: The functions, duties and powers of the Board shall be as follows.

- (a) To approve short term and long term plan and annual programme of the Board,
- (b) To approve the annual budget of the Board,
- (c) To formulate necessary policy on the subject of inter-country adoption and submit same before the Ministry,
- (d) To make inquiry for adoption of Nepalese children by foreign citizens pursuant to Terms and Procedures for Adoption of Nepalese Children by Foreign Citizens, 2065(2008) and make recommendation to the Ministry,
- (e) To maintain co-ordination with various bodies on the subject relating to inter-country adoption,
- (f) To monitor regularly, the act and actions of the children welfare home/orphanage,
- (g) To collect and protect information related with the person who intends to adopt adopted son or adopted daughter and exchange such information with each other,
- (h) To construct or cause to be constructed, the children welfare home, orphanage house, children reform home and other physical infrastructures as per necessity in order to manage the act relating to inter-country adoption with taking approval of the Ministry and give operation expenses in the form of contribution,
- (i) To exchange the procedures and experiences of adoption with the central bodies or institutions of other countries those are related with adoption,
- (j) To make available information to the central body of other countries related with adoption or other public body related thereof in case such body made request any information about the condition of adopted son or adopted daughter,

- (k) To control Nepalese children from child abuse, exploitation, trafficking or hijacking and protect such children from other any act which may occur at the time of taking and giving adoption,
- (l) To make recommendation to the Ministry for determination of the service fee chargeable in order to adopt adopted son or adopted daughter,
- (m) To determine necessary procedures for adoption,
- (n) To maintain confidentiality of the archives of children, parents of such children and adoptive parents,
- (o) To conduct or cause to be conducted, research, study and investigation on the subject related with inter-country adoption,
- (p) To make inspection and monitoring of child welfare home, orphanage or children home enlisted pursuant to Terms and Procedures for Adoption of Nepalese Children by Foreign Citizens, 2065 (2008) and issue necessary directions,
- (q) To make recommendation the Ministry for delisting the children welfare home, orphanage or children home those have not complied the direction issued pursuant to Clause (p),
- (r) To monitor or cause to be monitored, competency of the adoptive family and the foreign institutions those are enlisted in the Ministry and present progress and development made by Nepal in connection to the adopted son or adopted daughter to the International forum considering the progress and development those are made internationally.
- (s) To make arrangement of other necessary matters on inter-country adoption prescribed by the Ministry.

5. Procedure relating to meeting of the Board: (1) The meeting of the Board shall be held as and when required.

- (2) The meeting of the Board shall be held on the date, time and venue prescribed by the Chairperson.
- (3) The Member-secretary of the Board shall have to give a notice to all the Members in advance of at least 24 hours for holding the meeting of the Board.
- (4) The presence of more than 50 per cent Members out of total number of members of the Board shall be deemed to have been constituted the quorum for the meeting of such Board.
- (5) The Chairperson shall preside over the meeting of the Board and in the event of his/her absence, a Member chosen by the Members among themselves shall preside over the meeting.

- (6) The opinion of the majority shall prevail in the meeting of the Board and in the case of a tie, the Chairman of the meeting shall exercise the casting vote.
- (7) The Board may invite any office bearer or specialist in the meeting of the Board.
- (8) The decision of the Board shall be authenticated and maintained by the Member-secretary of the Board.
- (9) Other procedures relating to the meeting of the Board shall be determined by the Board itself.

6. Chairperson: (1) There shall be a Chairperson in the Board to act as the Executive Chief of the Board.

- (2) The Government of Nepal shall appoint Chairperson from the former secretary of the Government of Nepal or former judge of the Appellate Court.
- (3) The terms of office of Chairperson shall be four years.
- (4) Notwithstanding anything contained in Sub-section (3), the Government of Nepal may remove the Chairperson from his/her post on the ground of incompetence, misbehavior, failure to discharge the duties of his/her office honestly or his/her inability to discharge his/her duties because of physical or mental reason.

Provided, however, that such person shall be given a reasonable opportunity to defend himself/herself before his/her removal from the post of Chairperson.

- (5) The functions, duties and powers of Chairperson shall be as prescribed.
- (6) The remuneration, facilities and other terms of service of Chairperson shall be as prescribed and in case such remuneration, facilities and other terms of service has not been prescribed, the Chairperson shall be entitled to the remuneration and facilities obtainable by the employee of special class of the Government of Nepal.

7. Employee of the Board: (1) The Board may have necessary number of employees.

- (2) Until the appointment of employees in the Board, the Ministry shall make available necessary number of employees to the Board.
- (3) The appointment, remuneration, facilities and other terms of service of employees of the Board shall be as prescribed.

8. Fund of the Board: (1) The Board shall have its own separate fund.

- (2) The following amount shall be deposited in the fund pursuant to Sub-section (1).
 - (a) Amount received from the Government of Nepal,

- (b) Amount to be deposited pursuant to Sub-section (2) of Section 19 of the Terms and Procedures for Adoption of Nepalese Children by Foreign Citizens, 2065 (2008).
 - (c) Amount received from any person or institution,
 - (d) Amount received from foreign government or person or international organization, institution,
 - (e) Amount received from other any sources.
- (3) The Board shall have to take pre- approval of the Government of Nepal before receiving the amount pursuant to Clause (d) of Sub-section (3).
 - (4) The fund shall be operated in the form of Revolving Fund.
 - (5) The Board shall have to deposit the amount to be credited in the Fund pursuant to Sub-section (1) in any commercial bank within the Nepal by opening an account.
 - (6) All the expenditures to be expended in the name of the Board shall be borne from the Fund pursuant to Sub-section (1).
 - (7) Notwithstanding anything contained in Sub-section (6), an amount not exceeding ten per cent of total annual income of the Fund can be spent for the operation of office of the Board.
 - (8) The Fund of the Board shall be operated as prescribed.

9. Account and audit: (1) An account of income and expenditure of the Board shall be maintained as per the standard of the Government of Nepal.

- (2) The Board shall have to develop internal control system as prescribed.
- (3) The internal audit of the account of the Board shall be audited by the recognized auditor designated by the Board from amongst the auditors.
- (4) The final audit of the Board shall be carried out by the Auditor General or his/her appointee.
- (5) The Government of Nepal may, if it so wishes, examine, or cause to be examined, the books of accounts of income and expenditure, cash, commodity or other any document at any time.

10. May constitute Sub-Board: (1) The Board may, constitute necessary Sub-Boards to carry out or cause to be carried, the functions smoothly to be performed by it under this Order.

- (2) The functions, duties, powers and procedures of the Sub-Boards to be constituted pursuant to Sub-section (1) and the facilities to be entitled to members of such Sub-Board shall be as prescribed by the Board at the time of constitution of such Sub-Board.
11. **Meeting allowance:** The Chairperson and Members shall be entitled to meeting allowance for their participation in the meeting of the Board as prescribed by the Ministry.
12. **May give direction:** (1) The Ministry may give necessary direction to the Board in connection to the act and actions to be done by the Board.
- (2) It shall be the duty of the Board to comply with the direction given pursuant to Sub-section (1).
13. **Delegation of power:** The power conferred to the Board under this Order, as per necessity, may delegate to Chairperson, Member or Officer level employee of the Board partially.
14. **Contact with the Government of Nepal:** While making contact with the Government of Nepal in connection to the act and actions of the Board, the Board shall have to make contact through the Ministry.
15. **Office of the Board:** The office of the Board shall be located at the place prescribed by the Ministry.
16. **Power to frame rules:** (1) The Board may frame necessary rules for the implementation of objectives of this Order.
- (2) The rule framed pursuant to Sub-section (1) shall come into force after approval from the Ministry.