

3.2 Legal Measures

Within the broad framework of sustainable development, various legal provisions have been made to minimise environmental impacts, regulate the use of agro-chemicals and transfer diseases, and promote natural resource conservation. As the Constitution of the Kingdom of Nepal, 1990 emphasises protection of the environment, the laws enacted thereafter contain several provisions which help to conserve the environment, flora and fauna, and/or regulate human activities that impact on the environment. Table 3.1 provides a glimpse of laws relevant to the agriculture and forestry sectors.

HMG has implemented a separate *Environment Protection Act (EPA), 1996* and *Environment Protection Rules (EPR), 1997* with the objective of maintaining a clean and healthy environment by minimising adverse impacts, and taking into consideration factors for sustainable development which could be achieved through economic development and environmental protection.

Table 3.1 **Agriculture and Forestry Related Laws**

Name of Laws	Relevant Provisions	Remarks
Agriculture Sector		
1. Pesticide Act, 1992 and Pesticide Rules, 1994	Formulation of a national policy, pesticides registration and licensing, regulation of use, production and distribution, etc.	78 insecticides, 13 herbicides, 25 fungicides, and other 6 acaricides, rodenticides and growth regulators registered in 1998.
Name of Laws		
Relevant Provisions		
Remarks		
2. Livestock Health and Service Act, 1998, and Livestock Health and Service Rules, 1999	Import regulation through quarantine check-posts, standards formulation for bio-chemicals, etc.	
3. Seed Act, 1989 and Seed Rules, 1996	Seeds registration and release, ownership over seeds, seed certification	Registration and release of 153 varieties of crops, vegetables, pulses and oil plants.
4. Food Act, 1967	Quality control of foodstuffs	Standards released for various foodstuffs.
5. Aquatic Animals Protection Act, 1961	Protection of aquatic animals, provision for fish hatchery or fish ladder	
Forestry Sector		
1. Forest Act, 1993 & Forest Rules, 1995	Development, conservation and management of forests such as community, leasehold, private, national and religious forests through management plans, and with people's participation, allocation of forest area to national priority projects in case of no alternative and no significant adverse impacts on the environment	Use of 18 plant species and their products regulated since February 2001; about 0.75 million ha of government forests handed over to 9,874 CFUGs as of March 2001.
2. National Parks and Wildlife Conservation	Declaration, development, conservation and	26 species of mammals, 9 species

	(NPWC) Act, 1973, and NPWC Rules, 1974; Himali NP Rules, 1981; Conservation Area Management Rules, 1996; Buffer Zone Management Rules, 1996; Government-managed Conservation Area Rules, 2000	management of national parks, wildlife reserves, hunting reserve, conservation areas, and buffer zones through people's participation, benefit sharing through 30 to 50 per cent of the local income generated in the protected areas (PAs)	of birds and 3 species of reptiles protected; 8 national parks, 4 wildlife reserves, 1 hunting reserve, 3 conservation area, and 5 buffer zones declared covering 18.14% of the total area; 2 PAs in World Heritage List
3.	Soil and Watershed Conservation Act, 1982 and Soil and Watershed Conservation Rules, 1984	Regulate land uses in the watersheds to minimise soil loss, and landslides	

	Name of Laws	Relevant Provisions	Remarks
4.	King Mahendra Trust for Nature Conservation (KMTNC) Act, 1982 and its Rules 1984	Conservation, promotion, and management; and conduct of scientific studies and research related to natural resources	Annapurna Conservation Area managed by the Trust including biodiversity conservation activities
	Environmental Management		
1.	Environment Protection Act, 1996 and Environment Protection Rules, 1997	Institutionalisation of environmental impact assessment (EIA) system, pollution control, management of environmental conservation area, management of environmental fund, etc.	Prescribed project requires approval of IEE or EIA report before project implementation
	Empowerment of Local Bodies		
1.	Local Self-Governance Act, 1998 and its Rules, 1999	Environmental functions of DDC, VDC and municipalities outlined, comprising of local level environmental planning, forest and biodiversity conservation, land use, pollution control etc.	

Source: Various Act and Rules

The forestry laws set out detailed procedures for leasing forests, and handing over of national forests to community forestry user groups. User group provisions are also included in the *Water Resources Act, 1993* to mobilise Water Users Association (WUA) in irrigation water management.