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Amendment


An Act Made to Provide for the Establishment and Provision of the Greater Janakpur Area Development Council

Preamble: Whereas, it is expedient to establish and make provision of the Greater Janakpur Area Development Council in order to safeguard, maintain and develop the shrines, temples, lakes (saroabar) and sites of religious, historical and archaeological importance within the Janakpur area and its intermediary (Panchakoshi) circuit areas, and to develop the Greater Janakpur Area as a well-planned pilgrimage and religious site by developing infrastructures for the social, economic and cultural development of the Greater Janakpur Area;

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

1. Short title and commencement: (1) This Act may be called as the “Greater Janakpur Area Development Council Act, 2055 (1998)."

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1 This Act came into force on 15 Jestha 2065 and "Prasasti" has been deleted.
(2) It shall be come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act,-

(a) "Greater Janakpur Area" includes the area of Dherakachuri, Janakpur Hanumangahaer, Bahuarba Behadabela, Tulsiyahi Jabdi, Matihani, Jaleshwor, Madai, Dhubakud, Kanchanban (Harinamari), Parbata, Dhanusa Dham, Satosar, and Aurahi falling within the Intermediary (Panchakoshi) Circuit way;

(b) "Intermediary (Panchakoshi) Circuit" means a circuit made from the Falgun Parewa Tithi to Falgun Purnima, being carried out since ancient time, taking the Janakourdham within the Greater Janakpur Area as the center;

(c) "Council" means the Greater Janakpur Area Development Council established under Section 3;

(d) "Governing Council" means the Governing Council formed under Section 6;

(e) "Committee" means the executive committee formed under Section 9;

(f) "Chairperson" means the chairperson of the Governing Council;

(g) "Member" includes the member of the Governing Council, and this term includes the chairperson and member secretary of the Council;

(h) "Member secretary" means the member secretary of the Governing Council;

(i) Executive director" means the executive director as referred to in Section 17; and
(j) "Prescribed" or "as prescribed" means prescribed or as prescribed in the rules framed under this Act.

3. **Establishment of the Greater Janakpur Area Development Council:**

   (1) There shall be established a council by the name of the Greater Janakpur Area Development Council for the social, economic and cultural development within the Intermediary Circuit area.

   (2) The central office of the Council shall be situated in Janakpurdham.

4. **Council to be an autonomous body:**

   (1) The Council shall be an autonomous and corporate body with perpetual succession.

   (2) The Council shall have a separate seal of its own for all of its functions.

   (3) The Council may, like an individual, purchase, acquire, use, sell, dispose of or otherwise manage, as required, any movable and immovable property.

   (4) The Council may, like an individual, sue and be also sued by its name.

5. **Objectives of the Council:** The objectives of the Council shall be as follows:

   (a) To develop infrastructures for the social, religious, economic and cultural development of the Greater Janakpur Area;

   (b) To protect and manage sites of religious, historical and archaeological importance within the Greater Janakpur Area and various heritages with the Area;

   (c) To identify, explore, and do research work on, shrines, temples, lakes (*sarobars* of ancient, historical, religious, cultural and
archaeological importance or other sites within the Greater Janakpur Area;

(d) To carry out necessary acts in order to maintain ecological balance of the Greater Janakpur Area;

(e) To develop the Greater Janakpur Area as a tourism site.

6. **Formation of the Governing Council:** (1) There shall be formed a Governing Council consisting of the following members, which shall act as the supreme body of the Council:

(a) A person designated by the Government of Nepal -Chairperson

(b) Chairperson, Guthi Corporation -Member

(c) Chairperson, Guthi Corporation -Member

(d) Joint Secretary, Ministry of Population and Environment -Member

(e) Director General, Department of Archaeology -Member

(f) Director General, Department of Tourism -Member

(g) Director General, Department of Housing and Urban Development -Member

(h) Director General, Department of Building -Member

(i) Presidents of Dhanusa and Mahottari District Development Committees

2 Deleted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066.
(j) Mayors of Municipalities within Dhanusa and Mahottari Districts

(k) Chief District Officers of Dhanusa and Mahottari Districts

(l) Two persons nominated by the Government of Nepal from amongst learned and social workers who are renowned at the national level

(m) Four persons so nominated by the Council as to include Two persons from amongst renowned and reputed social workers within Dhanusa and Mahottari Districts

(n) Four persons so nominated by the Council from amongst saints, Mahantas, and priests within the Greater Janakpur Area

(o) Chairpersons of the Village Development Committees falling within the Intermediary Circuit so nominated by the Council on the rotational basis as to have representation by a maximum of Four persons, as a time, from amongst such Village Development Committees

(p) Executive Director

-Member secretary
(2) The tenure of office of the chairperson shall be Four years and that of nominated members shall be of Two years.

(3) If the office of a member falls vacant prior to the expiry of the term of office, the office so fallen vacant shall be filled through the same manner as the office was filled, for the remainder of the term.

(4) The Governing Council may, if it deems so necessary, invite any expert to participate in its meetings as an observer.

7. **Meetings and decisions of the Governing Council:**

   (1) The meeting of the Governing Council shall, as required, be held at such date, time and venue as specified by the chairperson.

   (2) The member secretary shall give a notice of holding the meeting of the Governing Council to every member in advance of at least Seven days.

   (3) The presence of more than Fifty percent of the total number of members of the Governing Council at a meeting of the Governing Council shall be deemed to constitute a quorum for the meeting.

   (4) The meeting of the Governing Council shall be presided over by the chairperson, and, in his or her absence, the meeting shall be presided over by a member chosen by the attending members from amongst themselves.

   (5) A majority opinion shall prevail at the meeting of the Governing Council, and in the event of a tie, the chairperson shall exercise the casting vote.

   (6) There shall be maintained a separate book to minute the names of members present at every meeting of the Governing Council, agenda discussed at and decisions made by the meeting, and the minutes book shall be signed by the present members.
(7) The member secretary shall authenticate the minutes of the meeting of the Governing Council.

(8) Other provisions relating to the meeting of the Governing Council shall be as determined by the Council itself.

8. Functions, duties and powers of the Governing Council: The functions, duties and powers of the Governing Council shall be as follows:

(a) To formulate policies and plans on the development of the Greater Janakpur Area, and approve various programmes.

(b) To bring about such financial resources and assistance as may be required for the implementation of plans and programmes.

(c) To organize, or cause to be organized, assemblies, conferences, symposia or exhibitions at the national and international levels in order to reflect the importance of the Greater Janakpur Area.

(d) To specify activities forbidden in any specific places within the Greater Janakpur Area and prohibit and control such activities, taking into consideration of the importance, recognition and sensitivity of such places.

(e) To maintain coordination between bodies carrying out development works to be operated by the governmental, non-governmental and private sectors within the Greater Janakpur Area.

(f) To approve the positions of employees of the Council.

(g) To give direction as required in relation to the activities to be carried out by the Committee.

(h) To monitor and evaluate the activities carried out by the Committee.
(i) To perform such other acts as required to be performed for the accomplishment of the objectives of the Council pursuant to this Act.

9. **Formation of the Executive Committee:** (1) There shall be formed an Executive Committee to implement the plans and programmes approved by the Governing Council and operate and look after all activities of the Council.

(2) The Committee as referred to in Sub-section (1) shall consist of the following members:

- (a) Chairperson of the Council -Chairperson
- (b) Presidents of District Development Committees of Dhanusa and Mahottari Districts -Member
- (c) Mayors of Janakpur and Jaleshwor Municipalities -Member
- (d) Chief District Officers of Dhanusa and Mahottari Districts -Member
- (e) Chiefs of Housing and urban Development Offices of Dhanusa and Mahottari Districts -Member
- (f) Four persons nominated by the Government of Nepal on the recommendation of the Council from amongst the social workers, intellectuals and locally renowned persons of Dhanusa and Mahottari Districts, in such a manner as to nominate two persons from each District -Member
(g) One person nominated by the Council from saints, Mahanthas and priests who are members of the Council

(h) Executive Director -Member secretary

(2) The tenure of office of members nominated pursuant to Clauses (f) and (g) of Sub-section (2) shall be Two years.

10. **Meetings of the Committee:**

(1) The meeting of the Committee shall, as required, be held at such date, time and venue as specified by the chairperson.

(2) The member secretary shall give a notice of holding the meeting of the Committee to every member in advance of at least Seven days.

(3) The presence of more than Fifty percent of the total number of members of the Committee at a meeting of the Committee shall be deemed to constitute a quorum for the meeting.

(4) The meeting of the Committee shall be presided over by the chairperson, and, in his or her absence, the meeting shall be presided over by a member chosen by the attending members from amongst themselves.

(5) A majority opinion shall prevail at the meeting of the Committee, and in the event of a tie, the chairperson shall exercise the casting vote.

(6) The member secretary shall authenticate the minutes of the meeting of the Committee.
(7) Other provisions relating to the meeting of the Committee shall be as determined by the Committee itself.

11. **Functions, duties and powers of the Committee:** The functions, duties and powers of the Committee shall be as follows:

(a) To implement the plans and programmes approved by the Governing Council.

(b) To forge public participation while implementing the plans and programs approved by the Governing Council, and bring about clear information of such plans and programs before the general public.

(c) To well manage public utilities such as drinking water, sewerage, electricity, telephone and roads under the Greater Janakpur Area, to maintain purity in a manner to prevent filths and operate programmes in coordination with the concerned offices of the Government of Nepal, local bodies and non-governmental organizations within that Area.

(d) To arrange to make plantation and develop gardens and parks in such places as appeared necessary to make the environment neat and clean, develop open spaces, protect wildlife and birds and maintain rivers, rivulets ponds, lakes and roads in a clean and healthy situation.

(e) To make publicity through various means and mobilize public participation in order to create extensive public awareness for the safeguard, maintenance and sanitation of the pilgrimage.

(f) To make correspondences, contact with, obtain assistance from, make agreements with, those persons, national or international organizations or bodies that take interest in the development of
the Greater Janakpur Area or carry out other necessary functions, while acting under general guidance of the Governing Council.

(g) To build infrastructures for tourism development in such places as may be appropriate for tourism.

(h) To make correspondences, contact with, obtain assistance from, and make agreements with, those persons, national or international organizations or bodies that take interest in the development of the Greater Janakpur Area or carry out other necessary functions, while acting under general guidance of the Governing Council.

(i) To prepare an annual report clearly reflecting, inter alia, all activities carried out by it, problems and audit report and submit the report to the Council.

(j) To perform such other functions as prescribed by the Governing Council.

12. **Power to form sub-committee:** (1) The Council may form sub-committees as required, for the operation of its business.

   (2) The functions, duties and powers, term of reference and procedures of the sub-committees formed pursuant to Sub-section (1) shall be as prescribed by the Council.

13. **Power to make regulation, control and prohibition:** (1) The Council may, from time to time, and by publishing a notice publicly and clearly, regulate, control or prohibit, as required, the following matters within the Greater Janakpur Area, and no person shall, without prior approval of the Council, do, or cause to be done, the matters so regulated, controlled or prohibited.
(a) To enjoy and use natural heritages, vegetation, forests, animals, archaeological, religious and historical sites and cultivated and barren lands and immovable properties;

(b) To make, keep or establish any kind of settlement, habitation, residence, entertainment, fairs, markets and industries within such religious areas as specified by the Council;

(c) To carry out such acts as to cause adverse effects on the natural beauty, tourism sites and health of the general public or cause environmental pollution in any manner;

(d) To use roads, bridges, means of transportation to be used therein, plantation, water supply, lights etc.;

(e) To identify, explore and research temples, lakes (Sarobars) or other sites of historical, religious, cultural and archaeological importance;

(f) To make movement of motor vehicles in religious or archaeological sites, make use of them for advertisement, make film shooting, take photographs in, and sell such photographs, affix posters or photographs, conduct any kind of fair, sell or propagate any consumable goods.

(2) In giving permission for the purposes as referred to in Sub-section (1), the Council may give full or partial permission or refuse to give permission or may also specify necessary directions or terms.
(3) If any person does any act regulated, controlled or prohibited by the Council under Sub-section (1) or does any act in contravention of the terms, if any, specified by the Council while giving permission, the Council may give order to immediately stop such act; and where any construction has been made in the course of such an act, the Council shall give a time-limit of Thirty Five days and order the concerned person to demolish or remove such portion of the construction as so made without permission or in contravention of the terms.

14. **To specify protected areas:** (1) The Council may, by a public notice, specify any such sites within the Greater Janakpur Area as considered important from religious, historical or archaeological viewpoints.

(2) The Council may, by a public notice, prohibit any act and action from being done or taken within the protected sites specified pursuant to Sub-section (1).

15. **Appeal:** A person who is not satisfied with an order made by the Council pursuant to Sub-section (3) of Section 13 may make an appeal to the concerned Court of Appeal within Thirty Five days of the making of the order.

16. **Power to demolish or remove construction work:** (1) If an appeal is made pursuant to Section 15 against a decision made to demolish or remove the portion of any construction work, and the Court of Appeal makes decision to demolish or remove the portion of such construction work, the concerned person shall demolish or remove the portion of such construction work within Thirty Five days after the date of such a decision and within Thirty Five days of the decision made by the Council to demolish or remove the portion of construction work where such an appeal has not been made.
(2) If the concerned person does not demolish or remove the portion of such construction work within the time-limit as referred to in Sub-section (1), the Council itself may demolish or remove the same, and the expenses incurred in such demolition shall be recovered from the concerned person as government dues.

(3) While demolishing or removing the portion of any construction work by the Council itself, it shall demolish or remove it in presence of the concerned ward chairperson of the Village Development Committee. If, while making such demolition or removal, more portion than that required to be demolished or removed is demolished or removed despite best possible efforts, the Council shall not be responsible for the same, and if any damage is caused to the concerned person from such demolition or removal, the concerned person shall not be entitled to demand compensation for the same.

17. **Executive Director:** (1) The Council shall, on the basis of open competition, appoint one executive director from amongst the persons who possess the prescribed qualification for the operation of day-to-day business in the capacity of the administrative chief of the Council.

(2) Notwithstanding anything contained in Sub-section (1), the Government of Nepal may designate any officer employee of at least Gazetted second class to serve as the executive director for a maximum period of Three months.

(3) The tenure of office of the executive director shall be Four years.

(4) The remuneration, conditions of service and facilities, and functions, duties and powers of the executive director shall be as prescribed.
18. **Provisions of employees:** (1) The Council shall have a required number of employees for the smooth operation of the business of the Council.

(2) The appointment, remuneration, conditions of service and facilities of the employees of the Council shall be as prescribed.

19. **Fund of Council:** (1) The Council shall have a separate fund of its own, and the fund shall consist of the following amounts:

   (a) Amounts received from the Government of Nepal;

   (b) Assistance, grants or loans received from any foreign governments, organizations or persons or international organizations;

   (c) Amounts received from native persons or organizations;

   (d) Amounts earned from the investments made by the Council;

   (e) Fees or amounts received in consideration for services provided by the Council; and

   (f) Amounts received from any other source.

(2) Prior to obtaining a loan from any foreign government, organization or person or international organization pursuant to Clause (b) of Sub-section (1), the Council shall obtain prior approval of the Government of Nepal.

Provided that, the Council shall not be required to obtain prior approval of the Government of Nepal in order to obtain any amount in the form of assistance or grant. The Council shall give information of obtaining of such assistance or grant to the Government of Nepal.
(3) The Council shall open an account with any bank as designated by the Council and deposit with the account moneys credited to the fund of the Council into such account, and the Council may, as required, also open an account with a foreign bank and deposit such moneys with the account.

(4) All the expenses to be made on behalf of the Council shall be borne out of the fund of the Council.

(5) The account of the fund of the Council shall be operated as prescribed.

20. **Accounts and audit:** (1) The accounts of incomes and expenses of the Council shall be maintained in accordance with the laws in force.

(2) The audit of the accounts of the Council shall be carried out by the Office of the Auditor General or the auditor designated by that Office.

(3) The Government of Nepal may, at any time, examine, or cause to be examined, the documents relating to accounts and other cash and in-kind of the Council.

21. **Meeting allowance:** The members shall receive such meeting allowances as prescribed for having taken part in meetings of the Council.

22. **Annual report:** The Council shall, every year, submit an annual report of its activities to the Government.

23. **Delegation of power:** The Council may, as required, delegate its powers to the chairperson, member secretary, under secretary or any employee of the Council.
24. **Liaison with the Government of Nepal**: Ministry of Housing and Physical Planning shall liaison the Council with the Government of Nepal.

25. **Power to frame Rules**: In order to implement the objectives of this Act, the Council may frame necessary Rules, and the Rules so framed shall come into force after being approved by the Government of Nepal.


   (2) All movable and immovable properties and rights and liabilities of the Board formed under the Formation Order as referred to in Sub-section (1) shall be deemed to have devolved on the Council established under this Act.

   (3) All acts and actions done and taken by the Board formed under the Formation Order as referred to in Sub-section (1) shall be deemed to have done and taken by the Council established under this Act.

   (4) The executive director and employees serving in the Council formed under the Formation Order as referred to in Sub-section (1) shall be deemed to have been appointed pursuant to this Act.