

***Birat* Area Tourism Promotion Development Board (Formation) Order, 2066 (2010)**

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In exercise of the powers conferred by Section 3 of the Development Board Act, 2013 (1956), the Government of Nepal has issued the following Order.

1. **Short title and commencement:** (1) This Order may be called as the "*Birat* Area Tourism Promotion Development Board (Formation) Order, 2066 (2010)".

(2) This Order shall come into force immediately.

2. **Definition:** Unless the subject or the context otherwise requires, in this Order,

- (a) "Chairperson" means Chairperson of the Board.
- (b) "Executive Director" means Executive Director as referred to in Section 6.
- (c) "Ministry" means Ministry for Tourism and Civil Aviation.
- (d) "*Birat* Area" means the area of the *Morang*, *Sunsari* and *Jhapa* districts.
- (e) "Member" means the member of the Board, and this term also includes the Chairperson and member- secretary of the Board.
- (f) "Board" means *Birat* Area Tourism Promotion Development Board formed pursuant to Section 3.

3. Formation of the Board: (1) A Board to be named as the *Birat* Area Tourism Promotion Development Board is, hereby, formed in order to develop *Birat* area as a tourism business area.

(2) The Board shall be formed as following:

- (a) A person nominated by the Government of Nepal from amongst the person who is permanently residing at *Birat* area -Chairperson
- (b) Chief District Officers of the District Administration Office of the *Birat* area -Member
- (c) Chairpersons of the District Development Committee of the *Birat* area -Member
- (d) Mayors of the Municipalities of the *Birat* area -Member
- (e) District level representative of the Nepal Commerce and Industry Association of the *Birat* area -Member
- (f) Three persons nominated by the Ministry from amongst tourism entrepreneur, social worker or renowned person with the representation of each district of the *Birat* area along with One women -Member
- (g) Executive Director -Member Secretary

(3) Notwithstanding anything contained in Clauses (b), (c), (d) and (e) of Sub-section (2), the Chief District Officers, Chairpersons of the District Development Committee, Mayors of the Municipality and representative of the Nepal Commerce and Industry Associations shall function as the member of the Board in one year term on rotational basis as designated by the Ministry from amongst the representatives represented from various districts as per said Clauses.

(4) The tenure of office of the chairperson and nominated members shall be Four years.

(5) Notwithstanding anything contained in Sub-section (4), if Chairperson or nominated member does not perform his/her function (duty) as per his/her post, Government of Nepal may remove at any time.

Provided that, an opportunity to defend himself/herself shall be provided to such member before removal of his/her post.

4. Functions, duties and powers of the Board: (1) The Board shall have following Functions, Duties and Powers:

- (a) To formulate necessary policy on natural, social, cultural, environmental aspects and protection and promotion of bio-diversity for the tourism development in the *Birat* area,
- (b) To identify the potential touristic spot in the *Birat* area and prepare various plans and programmes of tourism development and implement or cause to implement such plans and programmes,
- (c) To collect the details of cultural and natural heritage in the *Birat* area,
- (d) To make necessary study and research regarding the tourism development in the *Birat* area,

- (e) To identify the *Birat* area as an attractive and reliable touristic place within the country and abroad by making sustainable development and expansion of tourism enterprises in the *Birat* area,
- (f) To develop and diversify the tourism activities relating to health, wildlife, agriculture, sports, entertainment and cultural tourism in the *Birat* area,
- (g) To operate or cause to operate various programmes to increase interest of tourist regarding art and culture in the *Birat* area,
- (h) To give priority to youth, woman, *aadibasi*, *janjati*, *dalit* and backward group/class in the employment training and skill development programme relating to tourism,
- (i) To minimize the rural poverty by the means of community based tourism development,
- (j) To make tourism service accessible and qualitative by using modern information technology and tools,
- (k) To build and operate or cause to operate residential home, canteen etc. which may show art, culture and life of the *Birat* area,
- (l) To make necessary measures to minimize negative effects on culture, environment and bio-diversity while operating tourism related activities,
- (m) To make and implement or cause to implement necessary planning to mitigate/avoid pollution in lake, pond, river etc. in the *Birat* area,
- (n) To develop internal tourism by encouraging citizens of other area of the country to visit in the *Birat* area,
- (o) To make infrastructure for trekking (*padyatra*) for the internal and external tourist by identifying probable trekking in the *Birat* area,

- (p) To co-ordinate or cause to co-ordinate between governmental and non-governmental organisations for the tourism development in the *Birat* area,
- (q) To carry out or cause to carry out other necessary functions to fulfill the objectives of the Board.

5. Meetings of the Board: (1) A meeting of the Board shall be held at least at once in every Three months.

(2) The meeting of the Board shall be held on such date and time at the Board office as specified by the Chairperson.

(3) The member secretary of the Board shall provide notice of the meeting at least Fifteen days earlier of the meeting to the member.

(4) The presence of more than fifty percent members of the total number of members of the Board shall be deemed to constitute a quorum for a meeting of the Board.

(5) The meeting of the Board shall be presided over by the Chairperson of the Board and by the person selected by the members from amongst themselves in the absence of the Chairperson.

(6) The majority opinion shall prevail at the meeting of the Board; and in the event of a tie, the person presiding over the meeting shall exercise the casting vote.

(7) The Board may invite any official or expert in the meeting of the Board.

(8) The decisions of the Board shall be authenticated by the member-secretary of the Board.

(9) Other Rules of procedures relating to the meeting of the Board shall be as determined by the Board itself.

6. **Executive Director:** (1) There shall be an Executive Director of the Board to work as an Executive Chief.

(2) Government of Nepal shall designate chief of the Tourism Office within area of the Board to work as an Executive Director of the Board.

7. **Employee of the Board:** (1) The employees of the Tourism Office within the area of the Board shall work as the employee of the Board.

(2) The Board may appoint employee on contract with the prior approval of Government of Nepal as per necessity.

(3) No appointment of the employee shall be made or remuneration and allowances shall be increased of the employee appointed in the Board without the prior approval of Government of Nepal.

8. **Fund of the Board:** (1) The Board shall have own separate fund for its function and the following amounts shall be deposited in such fund:

- (a) Amount received from the Government of Nepal,
- (b) Amount received as donation or assistance from any person or institution,
- (c) Amount received as loan or donation from international organization, institution, foreign government or person,
- (d) Amounts received from services provided by the Board, or
- (e) Amount received from other any sources.

(2) The Board shall have to take prior approval of the Government of Nepal before receiving the amount pursuant to Clause (c) of Sub-section (1).

(3) The Board shall have to deposit the amount to be credited in the Fund pursuant to Sub-section (1) in any commercial bank within Nepal by opening an account.

(4) All the expenditures to be expended in the name of the Board shall be borne from the Fund pursuant to Sub-section (1).

(5) The Fund of the Board shall be operated with the joint signature of Executive Director and an employee working in the accounts.

9. Account and Audit: (1) The accounts of the incomes and expenditures of the Board shall be maintained in accordance with the method followed by the Government of Nepal.

(2) The internal audit of the account of the Board shall be audited by the person designated by the Board.

(3) The final audit of the Board shall be carried out by the Auditor General or auditor designated by the Auditor General.

(5) The Government of Nepal may inspect or cause to inspect the accounts of income and expenditure, cash, commodity or other any document of the Board at any time.

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

(2) The functions, duties, powers and procedures of the Sub-Committee or Working Team to be formed pursuant to Sub-section (1) shall be as prescribed by the Board.

11. Meeting allowance: The Members shall be entitled to Five Hundred Rupees meeting allowance for each meeting for their participation in the meeting of the Board.

12. **Report to be submitted:** The Board shall submit report to Government of Nepal mentioning its annual functions.
13. **To give direction:** (1) Government of Nepal may give necessary direction to the Board in connection to the function and proceedings to be carried out by the Board.

(2) It shall be the duty of the Board to abide by the direction given pursuant to Sub-section (1).
14. **Delegation of powers:** The Board may, as per necessity, delegate any or all of the powers conferred on it to Chairperson, member or Executive Director of the Board.
15. **Liaison with the Government of Nepal:** The Board shall liaise with the Government of Nepal through the Ministry.
16. **Office of the Board:** The office of the Board shall be located at the place as prescribed by the Ministry where the Tourism Office is existed within the *Birat* area and if such office is not exist, the Tourism Office near such area.
17. **Powers to frame Rules:** The Board may frame necessary Rules to implement the objectives of this Order and such Rules shall come into force after the approval of the Ministry.