

Boudhanath Area Development Board (Formation) Order, 2053 B.S." (1997 A.D.).

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In exercise of the power conferred by Section 3 of the Development Board Act, 2013 B.S. (1956 A.D.), Government of Nepal has issued the following Order.

1. **Short Title and Commencement** : (1) This Order shall be called the "Boudhanath Area Development Board (Formation) Order, 2053 B.S." (1997 A.D.).

(2) It shall come into force immediately.

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

(a) "Board" means the Boudhanath Area Development Board Constituted pursuant to Section 3.

(b) "Boudhanath Area" means the following areas:-

(1) East - the Western boundary of Jorpati Village Development Committee.

(2) West - the boundary of Ward No. 7 of Kathmandu Metropolitan City.

(3) North - the southern boundaries of Jorpati Village Development Committee and Kapan Village Development Committee.

(4) South - the Bagmati River and the boundary of Ward No. 7 of Kathmandu Metropolitan City.

(c) "Chairman" means the Chairman of the Board.

(d) "Member" means a member of the Board and this term also denotes the Chairman and the Member-Secretary.

(e) "Executive Director" means the Executive Director appointed pursuant to Section 6.

(f) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules made under this Order.

3. **Constitution of the Boudhanath Area Development Board:** (1) A Board called the Boudhanath Area Development Board shall be constituted for the social, economic, religious and cultural development of the Boudhanath Area.

(2) The Board constituted under sub-section (1) shall consist of the following Members:-

(a) A person appointed by Government of Nepal - Chair Person

(b) Five persons nominated by Government of Nepal from among the persons of the Boudhanath Area dedicated to social service, intellectuals and esteemed persons related to the Boudhanath Area

- Members

- (c) Representative, Ministry of Youth, Sports and Culture - Member
- (d) Representative, Ministry of Population and Environment -Member
- (e) Representative, Ministry of Tourism and Civil Aviation - Member
- (f) Representative, Ministry of Home Affairs - Member
- (g) Representative, Ministry of Housing and Physical Planning - Member
- (h) Representative, Ministry of Land Reforms and Management - Member
- (i) A Member of the House of Representatives,
¹Kathmandu Area No. 2 - Member
- (j) Mayor, Kathmandu Metropolitan City - Member
- (k) A Member of Kathmandu Metropolitan City,
elected from Ward No.6 - Member
- (l) The Executive Director - Member-Secretary

(3) The tenure of office of the Chairperson and the nominated Members shall be of four years, and they may be eligible for renomination.

¹ At present legislature-parliament.

(4) Government of Nepal may, if it deems necessary, introduce necessary alteration or changes in the Members of the Board by a Notification published in the Nepal Gazette.

(5) The Board may, as required, invite other national or alien personalities to participate in the meetings of the Board as an observer.

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

(a) To approve and implement and cause to implement the plans and programmes relating to the Buddhist religion.

(b) To conduct searches, investigations and researches of the social, economic, religious, cultural and archaeological aspects relating to the Buddhist religion in the Boudhnath Area or similar type of ancient places and materials having the historical value, and to maintain its records.

Provided that, while conducting such works prior permission shall have to be obtained from the concerned body whose permission is so required.

(c) To have contacts and coordination with foreign Governments, national or international associations or organisations, persons etc. in order to implement plans and programmes concerning the development of the Boudhanath Area.

(d) To approve necessary programmes for the development of tourism at places suitable for tourism in the Boudhanath Area.

- (e) Taking into consideration the importance, value, recognition and sensitivity of any particular place in the Boudhanath Area, to specify and control the activities unworthy of doing in such places.
- (f) To protect natural heritage in the Boudhanath Area and to maintain environmental balance.
- (g) To prescribe necessary standards for houses, Buddhist temples, monastries, inns and other construction works to be built at the places in the Boudhanath Area included in the world heritage list.
- (h) To manage for declaring any place of archaeological importance in the Boudhanath Area as a protected place.
- (i) To maintain coordination among the bodies involved in the development and construction works to be conducted by the Government, non-Government and private sectors within the Boudhanath Area.
- (j) In order to highlight the significance of the Boudhanath Area, to organise meetings, conferences, symposiums or exhibitions at the national and international levels.
- (k) To conduct and cause to conduct other activities for the fulfillment of the objectives of the Board as per this Order.

5. Procedure relating to the Meeting of the Board : (1) The meeting of the Board shall be held at least four times in a year.

(2) The meeting of the Board shall take place at a date, time and venue prescribed by the Chairperson, and all the Members shall have to be notified of the meeting at least fifteen days in advance.

(3) The quorum for a meeting shall be deemed to be completed if fifty percent of the total number of the Members of the Board is presented.

(4) The opinion of the majority shall be binding in the meeting and in the event of the votes being evenly divided the Chairperson shall exercise a casting vote.

(5) The decision of the meeting shall be authenticated by the Member-Secretary.

(6) The Chairperson shall preside over the meeting of the Board and at the time of his/her absence someone selected by the Members of the Board from among themselves shall preside over the meeting.

(7) The other procedures relating to the meeting of the Board shall be as decided upon by the Board itself.

6. Executive Director : (1) Government of Nepal may appoint an Executive Director to act as the administrative chief of the Board.

(2) The tenure of office of the Executive Director shall be of four years.

(3) Notwithstanding anything contained in Sub-section (2), Government of Nepal may, if it deems necessary, remove the Executive Director from his/her post prior to the expiry of his/her tenure of office.

(4) The remuneration, terms and conditions of service and facilities of the Executive Director shall be, subject to the approval of Government of Nepal, as prescribed by the Board.

7. **Employees of the Board** : (1) The Board may appoint employees of the Board as required.

(2) The remunerations, terms and conditions of the service and facilities of the employees of the Board shall be as prescribed.

8. **Fund of the Board**: (1) There shall be a separate fund of the Board and the following amounts shall be deposited in the fund :-

- (a) The amounts received from Government of Nepal.
- (b) The amounts given by anybody or any organisation as donation or assistance.
- (c) The amounts received from international associations or organisations, foreign Governments or persons.
- (d) Any amount to be received for any service made available by the Board.
- (e) Any grants received by the Board from the Kathmandu District Development Committee or Kathmandu Metropolitan City.
- (f) Amounts received from other sources.

(2) The Board shall have to obtain approval from Government of Nepal prior to receiving the amounts under Clause (c) of sub-section (1).

(3) The amounts to be kept in the fund of the Board shall have to be deposited in an account opened in any bank of Nepal.

(4) All the expenses to be incurred in the name of the Board shall be borne from the fund pursuant to sub-section (1).

(5) The accounts of the Board shall be operated by the Chairperson or a Member specified by him/her.

9. **Accounts and Audit** : (1) Accounts of the income and expenditure of the Board shall have to be maintained in accordance with the prevalent law.

(2) The accounts of the Board shall be audited by the Department of the Auditor General or an auditor appointed by that Department.

(3) Government of Nepal may inspect or cause to inspect the accounts of the income and expenditure of the Board, the documents related thereof and other cash and kinds at any time.

10. **Sub-Committee or force Team may be Constituted:** (1) In order to discharge or cause to discharge its functions under this Order and the Rules framed under this Order, the Board may constitute Sub-committee or task force as per the necessity.

(2) The functions, duties, powers and procedures of the sub-committee or task team to be constituted pursuant to sub-section (1) shall be as prescribed by the Board.

11. **Allowances for the Meeting and other Facilities** :The Members shall get allowances for the meetings and the facilities as prescribed.

12. **Delegation of Power:** The Board may delegate, as required, some of its powers or all powers to the Chairperson, Members, the Member-Secretary or any other employee of the officer level.
13. **Liaison with Government of Nepal:** The Ministry of Youth, Sports and Cultural Affairs shall liaison the board with the Government of Nepal.
14. **Office of the Board:** The Head Office of the Board shall be located at Boudha, Kathmandu Metropolitan City and there may be set up, as required, liaiso offices at other places, too.
15. **Power to frame Rules:** The Board may frame necessary Rules in order to fulfill the objectives of this Order, and such Rules shall come into force only after being approved by Government of Nepal.