

***Budhanilkantha* 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 may be called as "*Budhanilkantha* Area Development Board (Constitution) 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 *Budhanilkantha* Area Development Board Constituted pursuant to Section 3.

(b) "*Budhanilkantha* Area" means the following areas within the Kathmandu district:-

(1) East – Bagadar Nagi Gumba of Chapali Bhadrakali Village Development Committee (VDC) ward No. 5, same Village Development Committee ward No. 3 of Devi Dada and from main road way to go to Taulung to way to the Satarudreswor and Naulinggeswor Bhadrakali.

- (2) West - the boundary of Chandeswori Bhagwati temple of Bisnu *Budhanilkantha* Village Development Committee ward No. 7.
 - (3) North - The way to Tokha Health resident of Bisnu *Budhanilkantha* Village Development Committee ward No. 7 to the Bisnu Padhuka Temple and Sata Rudreswor Mahadev temple of Chapali Bhadrakali Village Development Committee ward No. 5.
 - (4) South - the way to Taulung of Bisnu *Budhanilkantha* Village Development Committee ward No. 2, then way to Ganga Devi Temple to Dharampur and Kadka Bhadrakali Temple of Khadka Bhadrakali Village Development Committee ward No. 3 and 5.
- (c) "Chairperson" means the Chairperson of the Board.
 - (d) "Member" means a member of the Board and this term also denotes the Chairperson 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. Formation of the *Budhanilkantha* Area Development Board: (1)

A Board called the *Budhanilkantha* Area Development Board shall be formed for the social, economic, religious and cultural development of the *Budhanilkantha* Area.

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

- (a) A person appointed by Government of Nepal - Chairperson
- (b) Five persons nominated by Government of Nepal from among the persons of the *Budhanilkantha* Area dedicated to social service, intellectuals and prestigious persons related to the *Budhanilkantha* Area - Members
- (c) Representative, Ministry of Forest and Land Protection - Member
- (d) Representative, Ministry of Tourism and Civil Aviation -Member
- (e) Representative, Ministry of Finance - Member
- (f) Representative, Ministry of Youth Sport and Culture - Member
- (g) Representative, Ministry of Home Affairs - Member
- (h) Representative, Ministry of Land Reforms and Management - Member
- (i) Representative, Ministry of Housing and Physical Planning - Member
- (j) Representative, Ministry of Education - Member
- (k) Representative, National Planning Commission - Member

- (l) A Member of the House of Representatives,¹ Kathmandu Area No. 3 - Member
- (m) Representative, Kathmandu Metropolitan City - Member
- (n) Chairperson Bisnu *Budhanilkantha* Village Development Committee - Member
- (o) 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 re-nomination.

(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 *Budhanilkantha* Area.
- (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

¹ At present legislature-parliament.

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 *Budhanilkantha* Area.
- (d) To develop of tourism sector within in the *Budhanilkantha* Area.
- (e) Taking into consideration the importance, value, recognition and sensitivity of any particular place in the *Budhanilkantha* Area, to specify and control the activities unworthy of doing in such places.
- (f) To protect natural heritage in the *Budhanilkantha* Area and to maintain environmental balance.
- (g) To implement standards of development and good management of *Budhanilkantha* Area after approving the Government of Nepal.
- (h) To manage and develop the road, drinking water, education development, public health, library and other matters of *Budhanilkantha* Area.
- (i) To make good management relating to various festivals, fairs etc. in *Budhanilkantha* Area.
- (j) 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 *Budhanilkantha* Area.

- (k) To prepare and develop necessary major plan in the the *Budhanilkantha* Area.
- (l) In order to highlight the significance of the *Budhanilkantha* Area, to organise meetings, conferences, symposiums or exhibitions at the national and international levels.
- (m) The committee shall formulate necessary Rules and shall submit to the Government of Nepal for approval.
- (n) 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 numbers of the Members of the Board are present.

(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 task force 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 force 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, liaison 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.