

Greater *Baraha Chhetra* (Area) Development Board (Formation) Order, 2067 (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 "Greater *Baraha Chhetra* Development Board (Formation) Order, 2067 (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) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Order.

(d) "*Baraha Chhetra*" means the area as follows:

(1) Whole area of *Baraha Chhetra*, *Mahendranagar*, *Bishnupaduka*, *Prakashpur*, *Madhuwan* and *Sigiya* Village Development Committee of the *Sunsari* district and the area of *Dharan* Municipality as prescribed by the Ministry.

(2) The area of *Chintang* and *Ale* Village Development Committee of the *Dhankuta* district as prescribed by the Ministry.

- (3) Whole area of *Mainamaini* and *Thoksila* Village Development Committee of the *Udayapur* district
- (e) "Ministry" means Ministry for Federalism, Constituent Assembly, Parliamentary Affairs and Culture.
- (f) "Member" means the member of the Board, and this term also includes the Chairperson and member-secretary of the Board.
- (g) "Board" means Greater *Baraha Chhetra* Development Board formed pursuant to Section 3.

3. Formation of the Board: (1) A Board to be named as Greater *Baraha Chhetra* Development Board is, hereby, formed for the development and protection of the *Baraha Chhetra*.

(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 *Baraha Chhetra* -Chairperson
- (b) Chairpersons of the District Development Committee of the *Baraha Chhetra* -Member
- (c) Chief District Officers of the District Administration Office of the *Baraha Chhetra* -Member
- (d) Chiefs of District Land Revenue Office of the *Bahara Chhetra* -Member
- (e) Mayors or Chairpersons of the Municipalities and Village Development -Member

Committees within the *Bahara Chhetra*

- (f) Three persons nominated by the Ministry from amongst who have made important contribution in the development and conservation of the *Bahara Chhetra* with the representation of each district of the *Baraha Chhetra* along with at least One women -Member
- (g) *Pithadish* of the *Baraha Chhetra* Ancient Haridwar Chataradham Acharya Pith Shree Radhakrishna Bhakti Sandhana Adhyatmik Partisthan (Academy) or representative of such Academy designated by him/her -Member
- (h) Executive Director -Member
Secretary

(3) Notwithstanding anything contained in Clauses (b), (c), (d) and (e) of Sub-section (2), the Chairpersons of the District Development Committee, Chief District Officers, Chief Land Revenue Officers, Mayors of the Municipality and Chairpersons of the Village Development Committee 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, Ministry 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 plans and programmes on the development and conservation of the Bahara area and implement such plans and programmes,
- (b) To conserve, promote and maintain cultural, religious, historical, social and archeological goods and places related with the *Bahara Chhetra*,
- (c) To develop infrastructure for the tourism development where the tourism is appropriate within the *Bahara Chhetra* and approve the necessary programmes and implement,
- (d) To develop *Bahara Chhetra* as a religious, cultural and touristic centre of the country,
- (e) To collect and conserve *Pandulipi* (Manuscript), *Shilalekha*, *Tamrapatra* and *mudrit* (printed) material relating to *Bahara Chhetra*,
- (f) To oversee and conserve wildlife, aquatic, natural resources and *Jadibuti* (Herbs) within the *Bahara Chhetra*,
- (g) To maintain co-ordination between governmental, non-governmental and private sector organisations which carry out development functions within the *Bahara Chhetra*,

- (h) To develop and expand necessary services and facilities for the pilgrims and *darsanarathi* (visitors) who may come to *Bahara Chhetra*,
- (i) To manage and regularly maintain *Gurukul*, *aayurved* school, health centre, bridge, sanitation, road, water, electricity, telephone, public toilet, *dharmashala*, religious pray centre, *math*, temple within the *Bahara Chhetra*,
- (j) To manage and operate *kumbhamela* alongwith religious and cultural fete (*mela*) to be held in the *Baraha Chhetra*,
- (k) To develop *Bahara Chhetra* as an important destination for internal tourism of the country,
- (l) To make necessary communication or cause to communicate for the importance of the *Bahara Chhetra*,
- (m) To prohibit and control those acts which are not be carried out with the view point of importance, prestige, recognition and sensitivity of that place within the *Bahara Chhetra*,
- (n) To collect assistance on cash, goods or any other assistance from foreign government, national or international association institution or person for the implementation of the development plans and programmes of the *Bahara Chhetra*,
- (o) To carry out or cause to carry out other necessary functions to fulfill the objectives of this Order.

5. Meetings of the Board: (1) A meeting of the Board shall be held at least at a time 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 alongwith agenda 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 person related with the function of the Board 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) Ministry shall appoint Executive Director amongst the person who has obtained at least Bachelor's Degree in any subject from the recognized University.

(3) The tenure of the Executive Director shall be Four years.

(4) Notwithstanding anything contained in Sub-section (3), if the performance of Executive Director is not satisfactory or if he/she conducts against the interest of the Board, the Ministry may remove from Executive Director before his/her tenure.

Provided that, an opportunity to defend himself/herself shall be provided before removal from the post.

(5) The remuneration, conditions of service and facilities of the Executive Director shall be as prescribed by the Board with the approval of Government of Nepal.

7. **Functions, duties and powers of the Executive Director:** (1)

The Executive Director shall have following Functions, Duties and Powers:

- (a) To prepare annual budget, programme and plan and submit to the Board,
- (b) To prepare the agenda to be decided by the Board and submit to the Board,
- (c) To implement the decision of the Board,
- (d) To control and monitor the administrative and financial function and proceedings of the Board,
- (e) To inspect, monitor and evaluate or cause to inspect, monitor and evaluate the plan and programme operated by the Board,
- (f) To carry out or cause to carry out other necessary functions to fulfill the objectives of the Board.

8. **Employees of the Board:** (1) There shall be employees in the Board as per necessity for the function of the Board.

(2) The Board may appoint employee in the Board whose expenses shall be borne from the resources of the Board itself.

(3) No appointment of the employee shall be made in the Board without the prior approval of Ministry of Finance, Government of Nepal.

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

- (a) Amount received from Government of Nepal,
- (b) Amount received as donation or assistance from any person or institution,
- (c) Amount received as assistance from international organization, institution, foreign government or person,
- (d) Amounts (service charge) received from services provided by the Board,
- (e) Amounts received as donation (*dan*) or *bheti* to the temple by pilgrims and *thirthalu*, or
- (f) Amount received from other any sources.

(2) The Board shall have to take prior approval of the Government of Nepal, Ministry of Finance before receiving the amount as referred to in 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 chief employee working in the accounts.

(6) Other provisions relating to operation of the Fund of the Board shall be as prescribed.

10. 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.

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

11. May form Sub-Committee or Working Team: (1) The Board may, form Sub-Committee or Working Team to carry out the functions smoothly as it requires.

(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.

12. Delegation of powers: The Board may, as per necessity, delegate any or all of the powers conferred on it to Chairperson, Member, Sub-Committee or Working Team pursuant to Section 11, Executive Director or Officer Level employee of the Board.

13. Meeting allowance: The Members shall be entitled to not more than Five Hundred Rupees as determined by the Ministry as a meeting allowance for each meeting for their participation in the meeting of the Board.

14. To give direction: (1) The Ministry may give necessary direction to the Board in connection with the functions 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).

15. **Office of the Board:** The office of the Board shall be located at ancient (*Prachin*) Haridwar Ward No. 1 of the BarahaChetra Village Development Committee of the Sunsari District.
16. **Liaison with the Government of Nepal:** The Board shall liaise with the Government of Nepal through the Ministry.
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.

NEPAL LAW COMMISSION