

# ***Pathibhara Area Development Board (formation)***

## **Order, 2053 B.S. (1997 A.D.)**

### **Date of Publication in Nepal Gazette**

2054/2/6 B.S. (May 19, 1997 A.D.)

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 "*Pathibhara 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 *Pathibhara Area Development Board* Constituted pursuant to Section 3.

(b) "*Pathibhara Area*" means the following areas:-

(1) Whole area of ward No. 6 of Fungling Village Development Committee (VDC) of Taplejung District.

(2) Whole area of ward No. 1 of Hangdewa Village Development Committee (VDC) of Taplejung District.

(3) Whole area of ward No. 1 and 9 of Furung Village Development Committee (VDC) of Taplejung District.

- (4) Whole area of ward No. 4 of Fawa Khola Village Development Committee (VDC) of Taplejung District.
  - (5) Whole area of ward No. 6 of Tiringge Village Development Committee (VDC) of Taplejung District.
  - (6) Whole area of ward No. 6 of Lingkhim Village Development Committee (VDC) of Taplejung District.
- (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 *Pathibhara* Area Development Board:** (1) A Board called the *Pathibhara* Area Development Board shall be formed for the social, economic, religious and cultural development of the *Pathibhara* 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) Members of the House of Representatives,<sup>1</sup> Taplejung District. -Member
- (c) President, Taplejung District Development Committee - Members
- (d) Chairperson, Fangling Village Development Committee - Members
- (e) Chairperson, Fangdewa Village Development Committee - Members
- (f) Chairperson, Lingkhim Village Development Committee - Members
- (g) Chairperson, Fawakhola Village Development Committee - Members
- (h) Chairperson, Furungmbu Village Development Committee - Members
- (i) Chairperson, Tiringge Village Development Committee - Members
- (j) Chief District Officer, District Administration Office President, Taplejung -Member
- (k) Chief, Land Revenue Office of Taplejung -Member
- (l) Chief, District Building Office of Taplejung -Member

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<sup>1</sup> At present legislature-parliament.

- (m) District Forest Officer, District Forest Office of Taplejung -Member
- (n) Representative, Ministry of Youth Sport and Culture - Member
- (o) Five persons nominated by Government of Nepal from among the persons of the *Pathibhara* Area dedicated to social service, intellectuals and prestigious persons related to the *Pathibhara* Area - Members
- (p) 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 *Pathibhara* Area.

- (b) 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 *Pathibhara* Area.
- © To conduct investigations and researches of the social, economic, religious, cultural and archaeological aspects relating to *Pathibhara* Area or similar type of ancient places and materials having the historical value, and to maintain its records.
- (d) To approve necessary program of tourism development which shall be suitable for within the place of *Pathibhara* Area
- (e) Taking into consideration the importance, cultural value and sensitivity of any particular place in the *Pathibhara* Area, to specify and control the activities unworthy of doing in such places.
- (f) To protect natural heritage in the *Pathibhara* Area and to maintain environmental balance.
- (g) To manage school, college, health centre, bridge, electricity, telephone, road and like as useful public means within the *Pathibhara* Area, and to be kept cleanness without dirtiness and to conduct programs with coordination among Government offices, local bodies and non-governmental institutions
- (h) In order to highlight the significance of the *Pathibhara* Area, to organise meetings, conferences, symposiums or exhibitions at the national and international levels.
- (i) To conduct construction and maintenance works of *Pathibhara* Area in systematic way with the planned development.

- (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 *Pathibhara Area*.
- (k) To declare secured place of archaeological importance place.
- (l) 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 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 Taplejung District Development Committee or Village Development Committee.

(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 secretary member and 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 prevailing laws.

(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 Fungling Village Development Committee of Taplejung District 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.