

Rafting Rules, 2063(2006)

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Amendment :

Rafting (First Amendment) Rules, 2065(2008) 2065-05-30(15-09-2008)

In exercise of the powers conferred by the section 56 of the Tourism Act, 2035, Government of Nepal hereby makes the following Rules.

Chapter – 1

Preliminary

1. **Short Title & Commencement** : (1) These Rules may be called "Rafting Rules, 2063".
(2) These Rules shall come into force immediately.
2. **Definitions** : Unless the subject or context otherwise requires in these Rules :
 - (a) "Act" means Tourism Act, 2035.
 - (b) "Rafting" means the travel to be made for the entertainment or natural or cultural sightseeing in the river by using the kayak, cataraft, boat, yacht or other means of water transport of similar nature floating in the river.
 - (c) "License" means the letter of permission to be provided for rafting business pursuant to Rule 5.
 - (d) "Ministry" means Government of Nepal, Ministry of Culture, Tourism and Civil Aviation.

- (e) "Rafting Entrepreneur" means the company or firm established pursuant to prevailing law for conducting rafting business.
- (f) "Rafting Team" means the rafting team comprising one or more than one members.
- (g) "River Guide" means the person holding/getting the license pursuant to Rule 12 for helping the rafting team in rafting.
- (h) "Permit" means the permission letter given to work as a river guide pursuant to Rule 12.

Chapter – 2

Provisions Related to Licensing

3. **Rafting Business has been Restricted without License** : Nobody has been allowed to conduct rafting business without getting license.
4. **Application to be submitted for Licensing** : The rafting entrepreneur fulfilling the terms & conditions pursuant to Rule 6 desiring to conduct the rafting business shall submit an application for license to the Ministry in the format prescribed by Schedule – 1
5. **License to be granted** : (1) On the inquiry of the application received pursuant to Rule 4 if found that the following terms & conditions has been fulfilled by the rafting entrepreneur, the Ministry taking five thousand rupees fee from the rafting entrepreneur shall grant a license for conducting a rafting business in the format prescribed in Schedule-2 : –

- (a) The rafting entrepreneur have at least two means of rafting,
- (b) Possessing (Having) the safety equipments & goods as equivalent the quality prescribed by the Ministry, in conducting the rafting business,
- (c) Fulfilling the other requirements prescribed time to time by the Ministry.

(2) The Ministry shall form a five member committee also comprising the representatives of the concerned field, to submit a report in the Ministry by making an inquiry on whether the quality of the safety equipments and goods mentioned in clause (b) of Sub-rule(1) has been as prescribed by the Ministry or not.

(3) The rafting agencies that have been registered and working (conducting business) before the commencement of these rules, shall already take the license according to these rules within one year of the commencement of these rules.

¹(4)The rafting agencies unable to take the license pursuant to Sub-rule(3) shall take the license within the one year of commencement of this rule.

6. Provision related to the registration and bank guarantee of the company or firm : Rafting entrepreneur shall have to fulfill the following terms before taking the license :

- (a) In case of a company, a company having at least Two Hundred Thousand Rupees of paid up capital and in case of a firm, a firm having at least Two Hundred Thousand Rupees of assets, shall be registered.

¹ Added by First Amendment

(b) Shall submit the bank guarantee equivalent to the Fifty Thousand Rupees in the name of the Ministry.

7. **Duration and Renewal of the license** : (1) The duration of the license granted pursuant to Rule 5 shall be for five years.

(2) The rafting entrepreneur intending to renew the license shall renew the license by paying the five thousand rupees, three months prior to the end of the duration of the license to the Ministry.

(3) After completing the duration pursuant to Sub-rule (2), the license holding rafting entrepreneur if comes to renew the license, for the first two months, after the date of expiration of the duration of the license then by taking fifty percent of the extra renew fee and for the following (successive) one month, by taking cent percent extra renew fee, the Ministry shall renew the license.

(4) If a rafting entrepreneur has not renewed the license within the period prescribed pursuant to Sub-rule (3), such license shall be *ipso-facto* void.

8. **The terms & conditions to be followed by the license holding rafting entrepreneur** : The license holding rafting entrepreneur shall fulfill the following terms & conditions:

(a) To register the name and address of the person going for the rafting in the Ministry or the body specified by the Ministry before taking the rafters for rafting.

(b) No rafting has to be conducted for the foreign tourists except in the rivers opened for rafting.

(c) To follow the code of conduct prescribed by the Ministry in operating the rafting business.

(d) To obey the other conditions that has to be follow by a rafting entrepreneur pursuant to the Act or Rules.

9. **License may be cancelled** : (1) If a rafting entrepreneur makes (conducts) rafting contrary to these rules the Ministry may cancel his/her license.

(2) Prior to the cancelation of license pursuant to Sub-rule(1), the Ministry shall provide the reasonable chance to the rafting entrepreneur to produce his/her clarification.

(3) The rafting entrepreneur whose license has been cancelled pursuant to Sub-rule(1), shall not be allowed to operate the business related to the rafting for two years from the date of such cancellation of the license and new license shall not be granted to him/her.

(4) Only because of the cancellation of the license pursuant to Sub-rule(1), such entrepreneur shall not be free of liabilities of these rules.

10. **Provisions related to safety** : (1) Rafting entrepreneurs shall provide the safety goods like safety jacket, life jacket, helmet etc. to the tourists and Nepali workers involving in the rafting.

(2) If any person going for rafting has been injured or died because of not providing of the safety goods pursuant to Sub-rule(1), the concerned rafting entrepreneur shall pay the following compensation to such person :

- (a) If injured, depending on the nature of the injury upto Two Hundred Thousand Rupees.
- (b) If died, upto Five Hundred Thousand Rupees.

(3) If an accident has occurred during the course of rafting, the primary search & rescue operation of such accident and management of the death body in case of death of Rafting entrepreneur shall be made by the rafting entrepreneur.

Chapter – 3

Provisions Related to River Guide

11. **Application to be submitted for permit** : A person desiring to work as river guide shall submit an application to the Ministry in the format prescribed in Schedule – 3.
12. **Permit to be granted** : On the inquiry of the application received pursuant to Rule 11, if the person applied for permit found qualified to grant the permit then the Ministry shall grant the permit by taking the five hundred rupees fee from such person, for river guide in the format prescribed in Schedule – 4.
13. **Disqualification** : The following person shall not be qualified to get the permit for river guide :
 - (a) Proved guilty from the court in criminal offences of moral degradation.
 - (b) Suffered by any mental or communicable diseases.
 - (c) Not taking training of river guide from an agency recognized by the Government of Nepal.
 - (d) Not completing the three years probation period after cancellation of the river guide permit.
14. **Recognition of Foreign Training** : (1) The Government of Nepal shall form a maximum three member committee also representing

the agencies providing the training for river guide & recognized by the government of Nepal or getting license or permission pursuant to prevailing law for the purpose of recommendation related to the recognition of river guide training received abroad.

(2) The committee pursuant to Sub-rule (1) shall submit a recommendation on whether such training may be recognized or not to the Ministry by making required inquiry and if the committee makes recommendation stating that the recognition may be given then the Ministry shall give the recognition to such river guide training by determining the equivalence of it.

(3) The matters to be considered by the committee pursuant to Sub-rule (1), while making recommendation pursuant to Sub-rule(2) shall be specified by the Ministry time to time and published for the notice of general public.

15. Duration of Permit & Renewal : (1) The duration of the permit shall be for five years.

(2) The person holding the permit, if desires to renew the permit shall renew the permit by paying the two hundred rupees in the Ministry three months prior to the expiry of the permit.

(3) After completing the duration pursuant to Sub-rule (2) the person holding the permit if comes to renew the permit from the expiry date of the permit then by taking for the first two months the twenty five percent of the extra renewal fee, for the six months fifty percent extra renewal fee for nine months seventy five percent extra renewal fee & for one year cent percent extra renewal fee, the Ministry shall renew the permit.

(4) If the permit has not been renewed within the period pursuant to Sub-rule (3), such permit shall be *ipso-facto* void.

16. The restricted activities for river guide : A river guide shall not do the following activities :

- (a) To purchase any type of goods from the tourist to whom he/she has made rafting or to ask or take for cash or any other goods with the persons related to such activities.
- (b) To sell the equipments provided by rafting entrepreneurs,
- (c) To perform the activities against the guidance of the rafting entrepreneurs,
- (d) To exhibit the bad manners in any way,
- (e) To involve others as a river guide by handing over his/her own permit.
- (f) To act contrary to the code of conduct that has to be obeyed by river guide and issued by the Ministry.

17. Functions, duties and rights of river guide: The functions, duties and rights of a river guide shall be as follows.

- (a) To conduct rafting to the rafters in the rivers allowed for rafting,
- (b) To conduct rafting to the rafting team only in the rivers which are open for rafting by the Government of Nepal,
- (c) To perform the duty by keeping disciplined and respectable relation with the rafting team,

- (d) To prevent the misuse of the goods provided by rafting entrepreneurs for rafting,
- (e) To help the rafting team for rafting in safe and simple (easy) way,
- (f) To rescue the rafting team in emergency and to protect the life & property of the rafters,
- (g) To manage or to be managed the wastes produced by the use of goods during the rafting according to these rules,
- (h) To work according to the guidance given by the Ministry and concerned rafting entrepreneurs,
- (i) To perform or to be performed any reasonable activities required to protect the life & property of the rafters in case of any natural calamities or emergency during the rafting.

18. Permit may be cancelled: (1) The Ministry may cancel the permit received by a river guide in the following situation (condition) :

- (a) If the person holding permit has been disqualified pursuant to Rule 13.
- (b) If the person holding permit has involved in the activities mentioned in Rule 16.

(2) Prior to the cancellation of the permit pursuant to Sub-rule (1), the Ministry shall provide the chance to produce his/her clarification by providing at least 15 days period.

19. **To be involved in work after making contract** : The license holding rafting entrepreneurs while involving any person in rafting shall make a contract in the format prescribed in Schedule-5.
20. **The Privileges to be provided to the river guide and workers:**
The license holding rafting entrepreneurs shall provide the privileges at least pursuant to Schedule-6, to the river guides and workers joining the rafting team in addition to their monthly remuneration during the rafting period.
21. **Provisions related to personal accident, insurance and compensation:** (1) The license holding rafting entrepreneur shall make the personal accident insurance of at least two hundred thousand rupees for the rafting period to the river guide or workers joining the rafting team prior to the rafting from the Insurance Company which has the license allowing to operate the insurance business in Nepal.
- (2) If the person having insurance pursuant to Sub-rule (1) has been injured or dead by accident then the liability of providing the amount to be provided by the insurance company to such person or any other person desired by him/her if exists or if such person does not exist then to the nearest successor of him/her shall be on the concerned rafting entrepreneur.
- (3) If the person to be made insurance pursuant to Sub-rule (1) has been involved in rafting without making the insurance and such person has been injured or dead by accident, on such situation the rafting entrepreneur shall provide the compensation amount equivalent to the insurance amount pursuant to Sub-rule(1) to the concerned person or in case of his death to the

person desired by him/her and in absent of such person to the nearest successor.

(4) The Ministry may fine upto five thousand rupees if the river guide or worker has been employed without making insurance.

(5) If the worker joining the rafting team has simple injuries during rafting then the rafting entrepreneur shall arrange required treatment for such person in his/her own cost.

22. The Amount to be paid (provided) : (1) If an application given to the Ministry by any river guide or worker to pay back the due remuneration of his/her work from the rafting entrepreneur has found true on the inquiry made on such application, then the Ministry may pay the amount to the applicant from the bank guarantee given by the rafting entrepreneur in the name of the Ministry.

(2) The amount paid pursuant to Sub-rule (1) shall be reimbursed as a bank guarantee by the rafting entrepreneur within thirty five days.

(3) If the bank guarantee given by a rafting entrepreneur has not been sufficient to pay the amount pursuant to the Sub-rule (1), then the Ministry may give an order to submit such amount to the concerned rafting entrepreneur & if such an order has been made then it shall be the duty of the concerned rafting entrepreneur to submit such amount.

(4) The license of the entrepreneur who has not submitted the Bank guarantee or amount pursuant to Sub-rule (2) or (3) may be cancelled by the Ministry.

Chapter – 4

Miscellaneous

23. Provisions Related to the environmental clearing and waste

management : (1) For the purpose of managing the used goods in rafting or waste produced from it, the waste has been classified as follow :

- (a) The waste to be destroyed (decomposed)
- (b) The waste to be recycled

(2) The goods included in the classification pursuant to Sub-rule(1) shall be as mentioned in Schedule-7.

(3) The license holder rafting entrepreneur shall take (collect) the waste pursuant to clause (a) of Sub-rule(1) in a place not belonging to the source of water (Panighat) or essential utility (Sandhi Sarpan) and shall manage to burn, destroy or bury by digging a pit in accordance to the nature of such good in the presence of an official (office bearer) of Local Village Development Committee or Municipality or an office bearer of ward committee under such committee or municipality and if such officer bearer has been unable to present then in the presence of at least two member & river guide of the rafting team.

(4) The license holder rafting entrepreneur shall submit the waste pursuant to clause (b) of Sub-rule(1), If the local Municipality, Village Development Committee or Ward Committee under such Municipality or Committee has desired to manage by receiving (taking) it then to such Municipality, Village Development Committee on Ward Committee and if such Municipality or Village Development Committee or ward

committee has not desired to take then to the body or agency prescribed (specified) by the Ministry, by bringing it in Kathmandu.

(5) The Municipality or Village Development Committee or Ward Committee which has to manage the waste by taking it may take fee upto Five Thousand Rupees from such rafting entrepreneur.

(6) If the rafting entrepreneur has not managed the waste pursuant to these rules and the local Municipality, Village Development Committee or Word Committee has managed or made to be managed then depending on the nature of the good to be managed the amount upto Five Thousand Rupees shall be provided for such management to the concerned Municipality or Village Development Committee or Ward Committee.

(7) If such amount pursuant such Rule(6) has not been provided, then the Ministry shall provide the five thousand rupees from the amount kept by such entrepreneur in the Ministry as bank guarantee, to such Municipality, Village development Committee or Ward Committee.

(8) If the amount has to be provided pursuant to Sub-rule (7) then the rafting entrepreneur shall submit the amount equivalent to the bank guarantee to the Ministry.

(9) The Ministry may operate the necessary programs to maintain the environmental cleanness and ecosystem of the rivers that has been opened for rafting, in joint efforts collaborating with the concerned Municipality, Village Development Committee & concerned agencies.

24. **Rafting to be made via Rafting entrepreneur** : The tourists making rafting shall make rafting only through the license holder rafting entrepreneur pursuant to these rules if the permit has been provided by the Ministry otherwise.
25. **Copy to be granted:** (1) If anyone has lost or destroyed the license or permit may submit an application mentioning the reason within the thirty five days of it.
- (2) If the application submitted pursuant to Sub-rule (1) found reasonable on the enquiry, the Ministry shall grant a copy of license or permit to the applicant by taking two hundred rupees fee.
26. **Inspection to be made** : (1) Ministry may make the inspection of the office or the activities of license holder rafting entrepreneur by designating any team or official.
- (2) It shall be the duty of license holding rafting entrepreneur to provide the details asked by the team or official coming for inspection pursuant to Sub-rule(1).
27. **Official Assigned** : The official exercising the power (authority) assigned pursuant to the section 45 C. of the Act shall be the secretary of the Ministry.
28. **Directives may be issued** : The Government of Nepal may issue the required directives to the license holding rafting entrepreneur in time and again and it shall be the duty of the rafting entrepreneur to obey (follow) such directives.
- 28a. **Directory to be made and commenced** : The Ministry shall made and commence the directory under these Rules and Act, in relation to operate the rafting business in manageable way.

29. **Code of conduct may be commenced:** (1) The Ministry may commence code of conduct by make it and that has to be followed by license holder rafting entrepreneur, river guide and tourists in the course of rafting.

(2) It shall be the duty of concerned license holder rafting entrepreneur, river guides and tourist to follow the code of conduct commenced pursuant to Sub-rule (1).

30. **Annual Report to be submitted :** The license holder rafting entrepreneur shall submit a report every year by mentioning the details of activities of transaction made by him/her after preparing it in the format prescribed in Schedule-8. within the last day (Masant) of Sharwan to the Ministry.

31. **Change or amendment on Schedule may be made :** The Government of Nepal by publishing a notice in Nepal Gazette may change or amend the Schedule.

32. **Repeal :** (1) The trekking and Rafting rules, 2041 has been repealed.

(2) The functions and actions done pursuant to the Trekking & Rafting Rules, 2041 has been considered as made pursuant to these rules.

Schedule – 1

(Related to Rule 4)

The application to be submitted for license

Shree The Ministry of Culture, Tourism &
Civil Aviation,

Subject: License to be provided.

To operate the rafting business I have applied for mentioning the following details.

1. Rafting entrepreneurs'

(a) Name :

(b) Address :

(c) Share holder – Name & details of Proprietor :

S.N.	Name	Age	Address	Share or portion	
				Amount	Percent

2. The details of the capital investment made in rafting business :

(a) Paid up capital of the company :

(b) Issued capital of the company :

(c) Authorized capital of the company :

(d) Fixed capital of the company :

(e) Total Assets of the firm :

3. Estimated number of tourists to be served in upcoming three years and details of foreign currency to be earned :

S.N.	Year	Estimated No. of Tourists	Estimated Foreign currency to be earned	Probable countries bringing the Tourists
1	First Year			
2	Second Year			
3	Third Year			

4. Details of proposed Human Resource :

River Guide	Administrative	Account	Others	Total
.....
Persons	Persons	Persons	Persons	Persons

5. Proposed details of necessary goods to operate the Rafting :

Goods	Proposed number	To be leased	To be purchased

6. If Affiliation has to be made with foreign Rafting entrepreneur or entrepreneurs of other similar nature then such details :

(a) Name : Telephone :

(b) Address : Fax :

Internet :

Email :

7. If other necessary matters :

8. Documents to be attached :

- (a) Copy of memorandum of Association & Article of Association of company, if company.
- (b) Certificate of firm Registration, if firm.
- (c) Copy of Nepalese citizenship certificate

The details mentioned above is true, if proved false, I/we shall be liable for it as per the laws.

Applicants'

Signature :

Name :

Full address :

Date :

NEPAL LAW COMMISSION

Schedule – 2

(Related to Sub-rule(1) of Rule 5)

License

Shree



Subject : License

This license has been granted to you pursuant to Sub-rule(5) of Rafting Rules, 2063, to operate the rafting business.

License holder Rafting entrepreneur's,

- (a) Name :
- (b) Address :
- (c) Owner / Shareholder / Proprietor's Name and details :
- (d) Duration of the license :

Seal of the Office

License Issuing Officer's

Signature :

Name :

Designation :

Office :

Date :

Details of Renewals

Duration of License		Renewal fee & other details	Date of Renewals	Signature of the Renewing officer
From	To			

**Schedule – 3
(Related to Rule 11)**

Application to be submitted for permit

Shree Ministry of Culture
Tourism and Civil Aviation,

Subject : Permit to be provided.

I have applied for, to work as a river guide mentioning the following details.

Applicant's

- (a) Name :
- (b) Full Address :
- (c) Date of Birth :
- (d) Educational Qualification :
- (e) Father's Name & Address :
- (f) Grandfather's Name & Address :
- (g) Certificate of Training :
- (h) Experience : Duration :
Name of the Agency & Place :

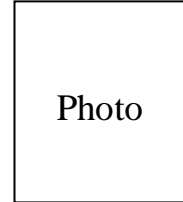
Applicant's

Signature :

Date :

Schedule – 4
(Related to Rule 12)
River Guide Permit

Shree



This permit has been granted pursuant to Rule 12 of Rafting Rules, 2063 to work as a river guide.

Permit holder's :

- (a) Name :
- (b) Full Address :
- (c) Date of Birth :
- (d) Father's Name :
- (e) Grandfather's Name :
- (f) Duration of Permit :

Seal of Office

Permit Issuing Officer's

Signature :

Name :

Designation :

Office :

Date :

Details of Renewals

Duration of Permit		Renewal fee & other details	Date of Renewals	Signature of the Renewing officer
From	To			

Schedule – 5

(Related to Rule 19)

The Contract between Rafting Entrepreneur and Workers.

We the rafting entrepreneur and worker has been agreed to employ and to work Mr./Mrs./Ms the son / daughter / wife of residing in District Village Development Committee, Ward No. for rafting related jobs in the river permitted by Government of Nepal according to the terms and conditions of providing following facilities (privilege).

Facilities (privileges) :

1.
2.
3.

Worker's:

Name :

Signature :

Address :

On behalf of Rafting Entrepreneur's:

Name :

Signature :

Designation :

Office :

Address :

Made on the date year month day

Schedule – 6

(Related to Rule 20)

The details of facilities to be provided to the River guide & workers

1. Minimum daily allowance to be provided to the river guide & workers shall be at the following rate –
 - (a) Four Hundred Rupees for river guide.
 - (b) Two Hundred Rupees for workers.
2. The following rafting goods shall be provided to the river guide :–
 - (a) The safety goods necessary for rafting.
 - (b) Food, medicine and other treatment goods.
3. If any other additional facilities has to be provided then mention –
 - (a)
 - (b)

Schedule – 7

(Related to Sub-rule(2) of Rule 23)

- (a) **Waste that may be destroyed** : Toilet papers, other papers, cardboard, bamboo & goods make from bamboo & wood, Jute and cotton bag, decayed foods, fruits and their cover and other similar waste.
- (b) **Waste that may be Recycled** : Tin, glass, bottle, plastic bag, gas container, sleeping bag, plastic container, plastic rope & similar recyclable waste.

NEPAL LAW COMMISSION

Schedule – 8
(Related to Rule 8)

Report

Shree Ministry of Culture,
Tourism and Civil Aviation,

Subject : Report.

I/We have submitted this report with the following details made for the period to for the purpose of Rule 30 of rafting rules, 2063.

1. Number of Tourist arranged for rafting in Nepal :
2. The details of tourists who has been provided the service in accordance with their nationality :

Name of the river for Rafting	Number of Tourists	Nationality
1.		
2.		
3.		
Total :		

3. The details of advertisement of business in Nepal and abroad :

Produced Advertize Material	Quantity	Advertized or Distributed place	Times

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4. Details of Participation in International Seminar :

Tourism Fair	
Sales Mission	
Seminar workshop related to tourism	
Miscellaneous	

5. Details of person invited from abroad for the development of tourism :

Name & Country of the invited person	Times

6. The audit report of income and expenditure shall be written in separate piece of paper and attached.

The details of employee working in rafting business:

Name	Designation	Date of appointment	Remuneration

7. Status of total transaction :

Domestic Currency	Indian Currency	Other Foreign Currency	Total

8. Amount of taxes paid during this period :

(a) Income Tax :

Date of submission :

(b) Value Added Tax : Date of submission :

(c) Tourist service charge : Date of submission :

9. Details of physical infrastructure :

Details	Types	Before the Reporting	Added during Reporting	Total
Motor Vehicles				
Other Equipments				
(a)				
(b)				

10. Details of physical goods brought on privilege :

Details	Types	Before the Reporting	Added during Reporting	Total
Motor Vehicles				
Other Equipments				
(a)				
(b)				

11. Rafting entrepreneurs',-

(a) Name & Address :

(b) Capital of the company :

(1) Issued capital

(2) Authorized capital

(3) Paid capital

(4) Fixed capital

For Rafting entrepreneurs submitting
the Report,

Signature :

Name :

(c) If firm the Assets of the firm

License Number & Date of issue :

Number of income tax certificate & duration :

The duration of license for foreign currency transaction:

Name of the major person of Rafting entrepreneurs :

Name of shareholders or proprietors :

(a)

(b)

(c)

Note :

- (1) The registration number of vehicle shall be mentioned.
- (2) This report shall be submitted by making signature of managing director or main officer if the rafting entrepreneur has been a company and owner of the firm, if it has been a firm.
- (3) The Audit Report of income and expenditure shall be submitted to the Ministry within one month of its preparation.