

Local Self Governance Rules, 2056 (1999)

Date of Publication in the Nepal Gazette

20569.15 (Dec. 30, 1999)

Amendments:

1. Local Self-Governance (First Amendment) Rule, 2058 2059-3-10 B.S. (June 24, 2002)
2. Local Self-Governance (Second Amendment) Rule, 2061 2061-9-26 B.S. (Jan. 10, 2005)
3. Local Self-Governance (Third Amendment) Rule, 2063 2063.6.3 (22 Sept. 2006)
2. Local Self-Governance (Fourth Amendment) Rule, 2066 2067.1.20 (3 May 2010)

In exercise of the power conferred by Section 265 of the Local Self-Governance Act, 2055 (1999), Government of Nepal has framed the following Rules.

Part-1

Preliminary

1. **Short Title and Commencement:** (1) These Rules may be called the "Local Self Governance Rules, 2056 (1999)".

(2) These Rules shall come into force immediately.
2. **Definitions:** Unless the subject or the context otherwise requires, in these Rules,-

- (a) "Act" means the Local Self Governance Act, 2055 (1999).
- (b) "Centre" means the centre referred to in Rule 3 for Village Development Committee and in Rule 73 for Municipality.
- (c) "Case" means the case to be proceeded and finalized from the Village Development Committee and municipality pursuant to Sections 33 and 101 of the Act respectively.
- (d) "Arbitration Board" means the Arbitration Board to be constituted pursuant to Sections 34 or 102 of the Act.
- (e) "Integrated property" means the lands within municipal area and physical structures such as wall, building, go-down, shade, garage etc. built thereon.
- (f) "Taxable Value" means the value maintained after deducting the annual depreciation from the valuation of integrated property, and in relation to the land, the value maintained as per the prevailing market rate.
- (g) "Valuation Committee" means the valuation committee constituted pursuant to Sub-rule (3) of Rule 144.
- (h) "Ministry" means the Ministry of Local Development.
- ¹(i) "Collection centre" means the place which is established by the District Development Committee itself or in co-operation of private sector for scientific collection, separation, storage and export of taxable goods for the purpose of tax collection.

¹ Inserted by the Third Amendment.

Part-2

Provisions Relating to Village Development Committee

Chapter-1

Provisions Relating to the Centre of Village Development Area and Classification of Village Development Committee

3. Prescription of the Centre of the Village Development Area: (1)

While prescribing the centre of a Village Development Area, Government of Nepal shall, if the building of the Village Development Committee has been constructed, prescribe the centre of the Village Development Area at the place of location of the building.

(2) Notwithstanding anything contained in Sub-rule (1), if most of the village level offices are established, Government of Nepal may, on the recommendation of the Village Council, prescribe the centre of the Village Development Committee at such place where offices are located.

(3) If the office building of a Village Development Committee is not built or village level offices have not been established, the concerned Village Development Committee may, along with the decision of the Village Council and justification for the suitable place, submit a recommendation to Government of Nepal to prescribe of the centre of that Village Development area.

(4) On receipt of the recommendation pursuant to Sub-rule (3), Government of Nepal may prescribe such place as the centre after an inquiry made even by deputing an expert if it requires additional information.

(5) In the event of change of boundaries of any Village Development Area, Government of Nepal may, on the recommendation of the concerned District Development Committee, prescribe the centre of such Village Development area.

4. **Classification of Village Development Committee** : ²(1) For the purpose of Section 20 of the Act, Government of Nepal shall classify the Village Development Committees having the following infrastructures as follows:-

Grade "A"

- (1) Having the headquarter of a District, or
- (2) Having bordered with municipal Corporation or Sub-municipal Corporation area, or
- (3) Within Kathmandu Valley, or
- (4) Having fulfilled the following criteria,-
 - (a) Having a population of more than Seven Thousand,
 - (b) Having motorable road to the centre or having a airport of running condition within the range of four miles from the centre,
 - (c) Having the facilities of telephone, post office and where at least Fifty percent of the population have the facility to use electricity service,

² Amended by the Third Amendment.

- (d) Having at least one secondary school and Fifty percent or more of the population literate,
- (e) Having at least one sub-health post and where Fifty percent or more of the population have the facility to consume drinking water supplied through pipe line or tubewell.

Grade "B"

- (1) Having a population of more than Three Thousand,
- (2) Having motorable road to the centre or having an airport of running condition within the range of eight miles,
- (3) Having the facility of post office and where at least Fifty percent of the population have the facility to use electricity service,
- (4) Having at least lower-secondary school and more than Forty-Five percent of the population literate,
- (5) Having at least sub-health post and where more than Fifty percent population has the facility to consume drinking water supplied through pipe line or tubewell.

Grade "C"

- (1) Having a population of more than Two Thousand,

- (2) Having motorable road up to the centre or having an airport out of the range of Eight miles from the centre,
- (3) Where more than Fifteen percent of the population have the facility to use electricity service,
- (4) Having at least lower secondary school and more than Thirty percent of the population literate,
- (5) Where at least Twenty-Five percent of the population have the facility to consume drinking water.

Grade "D":

For remote Village Development Committees of such districts which are prescribed as remote area by Government of Nepal and the Village Development Committees which have not included in the classification of Grade A, B and C.

(2) Government of Nepal shall publish the list of the Village Development Committees classified pursuant to Sub-rule (1) in the Nepal Gazette.

(3) Government of Nepal shall update the classification list of the Village Development Committees in each Five years.

Chapter-2

Meeting and Working Procedures of Village Council

5. **Venue of the Meeting** : (1) Meeting of the Village Council shall be held at the Office of the Village Development Committee.

(2) Notwithstanding anything contained in Sub-rule (1), if a Village Development Committee does not have its own building, the meeting of the Village Council may be held at a school or a service centre or a community building within that Village Development area as specified by the Village Development Committee by taking a decision thereon.

6. **Agenda Item** : While sending a notice for the purpose of Sub-section (6) of Section 22 of the Act, the agenda items of the meeting shall clearly be mentioned.
7. **Programme of the Meeting**: The Secretary shall, on the direction of the Chairperson of the Village Development Committee, prepare in writing the programme of the meeting of the Village Council.
8. **Presence**: Each member present at the meeting shall sign on the attendance book having with his/her name clearly spelled out.
9. **Proper Conduct of Meeting**: It shall be the duty of the Chairperson to properly conduct the meeting.
10. **Respect to Presiding Person**: It shall be the duty of each Member of the Village Council to respect and regard the chair of the presiding person.
11. **Turn of Speaking**: The turn of speaking and time duration for the speech of a member taking part in the meeting shall be as decided by the person presiding over the meeting.
12. **No Objection to be Made**: No objection shall be made by any other member during the time at which one member is speaking.

13. **Introduction of Resolution**: Any member seeking to introduce any agenda for discussion at the meeting shall have to introduce such agenda as resolution following the procedures referred to in Rule 14.
14. **Procedures for Resolution**: The notice as to the resolution to be introduced in the meeting for discussion shall have to be provided to the Secretary at least Twenty Four hours in advance from the commencement of the meeting by fulfilling the following procedures :-
- (a) Written in Nepali language,
 - (b) Having signed by at least one proposer and one seconder from amongst the members of the Village Council,
 - (c) Having the subject-matter of the resolution clear and practicable,
 - (d) Being in conformity with Rule 17,
 - (e) Being approved by the presiding person for discussion.
15. **Order of Resolution**: (1) The person presiding over the meeting shall prepare the order of the resolutions on the basis of priority of the matters referred to in Sub-section (1) of Section 26 of the Act.
- (2) In cases where two resolutions have been registered on the same matter, the resolution which has been registered at first shall be included in programme of the meeting.
16. **Procedures for Discussion on the Resolutions** : (1) The person presiding over meeting shall give a permission to introduce a resolution on the basis of the priority order of the resolution prepared pursuant to Rule 15 and the Member introducing the resolution shall deliver his statement as to the reasons for the introduction of that resolution.

(2) After the member introducing the resolution delivers his statement pursuant to Sub-rule (1), the person presiding over the meeting shall give permission to other members willing to speak on that resolution to speak thereon.

(3) The person presiding over the meeting may, having considered the number of the programmes of the meeting and the time required therefor, prescribe the time-limit of the discussion and the time to be allowed to each member to speak at such discussion.

(4) The person presiding over the meeting may, after the speech of the members willing to speak, give permission to the member introducing the resolution to speak again, and no member other than the above shall normally be given permission to speak more than once.

(5) The member introducing the resolution may withdraw the resolution introduced pursuant to Rule 13 prior to the submission of the resolution for decision pursuant to Rule 18.

17. Matters Prohibited During Introducing or Discussing a

Resolution: In introducing or discussing a resolution at the meeting, the following matters have been prohibited from doing:

- (a) Use of impolite words,
- (b) Use of the words that harms the personal prestige of any person,
- (c) Vandalism and use of force,
- (d) Discussion on a subject contrary to the spirit of the ³Constitution of the Kingdom of Nepal, 2047 (1990).

³ Now, Interim Constitution of Nepal, 2063.

18. Decision on Resolution : (1) After the completion of the order of speeches on the resolution pursuant to Rule 16, the person presiding over the meeting shall present that resolution for decision.

(2) Notwithstanding anything contained in Sub-rule (1), the person presiding over the meeting shall present the resolution to the meeting for decision, if he deems that sufficient discussions have already been made on such resolution.

19. Decision-Making Method and Declaration of Decision : (1) The person presiding over the meeting shall, in order to decide whether the majority of the meeting is for or against the resolution, declare the decision of the meeting by adopting any one of the following methods :-

- (a) By asking each member to express his vote verbally in his respective turn,
- (b) By asking to raise hands for and against the resolution,
- (c) By grouping the members in two groups, persons voting for the resolution in one group and the persons voting against the resolution in the other.

(2) The person presiding over the meeting shall, if it is not practicable to ascertain the majority pursuant to Sub-rule (1), declare the decision on the basis of a secret ballot by the members.

20. Casting Vote : Normally, the person presiding over the meeting shall not cast a vote.

Provided that, the person presiding over the meeting shall exercise his/her casting vote in case of a tie of votes for or against a resolution.

21. **Record of Decision** : The Secretary shall keep the record of the decisions taken at the meeting in the minute book and shall get it signed by the person presiding over the meeting.
22. **Authentication of Decision** : The Secretary shall authenticate the copy to the decision of the meeting and send it to the members, the District Development Committee and the concerned bodies.
23. **Procedures Relating to Special Meeting** : (1) While convening a special meeting pursuant to Sub-section (9) of Section 22 of the Act, the Secretary shall, on the written direction of the Chairperson, serve a notice on the members of the Village Council with clearly specifying therein the date, time, venue, and the agenda on which the meeting has been convened to have discussion.
- (2) At the special meeting convened pursuant to Sub-rule (1), no agenda other than the ones for which the special meeting has been convened shall be discussed.
- (3) Except the procedures provided for in this Rule, other procedures relating to the special meeting shall be as per other provisions of this Chapter.
- (4) Notwithstanding anything contained elsewhere in this Rule, no special meeting shall be convened with such items of agenda which affect the existing decisions as to the budget and programmes of the Village Development Committee, being implemented and the provisions relating to the nomination of a member to the Village Council.
24. **Selection Procedure of the Chairperson and Adjournment of Meeting** : (1) The procedures of selection of the Chairperson pursuant to Sub-section (4) of Section 22 of the Act shall be as decided by the person presiding over the meeting at that time.

(2) No meeting of the Village Council chaired by the eldest member pursuant to the proviso to Sub-section (4) of Section 22 of the Act shall be adjourned for more than Twenty Four hours.

25. **Information to be Given as to Vacant Posts** : In the event of falling vacant of the post of member of the Village Council and the Village Development Committee, the Secretary shall give the information thereof to the concerned District Development Committee within one week from the date of vacancy of the post.

Chapter-3

Meeting and Working Procedures of the Village Development Committee

26. **Time and Venue of Meeting** : (1) The meeting of the Village Development Committee shall be held at the Office of the Village Development Committee.

(2) For the purpose of Sub-section (1) of Section 23 of the Act, the Chairperson shall fix the specific date and time of the meetings to be held throughout one fiscal year and shall inform in writing to all the members.

27. **Agenda for Discussion** : While convening a meeting of the Village Development Committee pursuant to Sub-section (2) of Section 23 of the Act, the agenda for discussion shall clearly be mentioned and made available to all members by the Secretary, normally Seventy Two hours in advance from the date of the meeting.

28. **Programme of the Meeting** : The programme of the meeting of the Village Development Committee shall be prepared in writing by the

Secretary on the direction of the Chairperson of the Village Development Committee.

29. **Presence**: Every member present at the meeting shall sign on the attendance book having clearly spelled out his/her name.
30. **Proper Conduct of the Meeting**: It shall be the duty of the Chairperson to properly conduct the meeting.
31. **Respect to Presiding Person** : It shall be the duty of each member of the Village Development Committee to respect and regard the chair of the presiding person.
32. **Turn of Speaking** : The turn of speaking and time duration for the speech for the members taking part in the discussion at the meeting shall be as decided by the person presiding over the meeting.
33. **No Objection to be Made** : No objection shall be made by any other member during the time at which One member is speaking.
34. **Introduction of Resolution** : The member seeking to introduce any agenda for discussion at the meeting shall have to introduce such agenda as a resolution following the procedures referred to in Rule 35.
35. **Procedures for Resolution** : The notice as to the resolution to be introduced by a member for discussion at the meeting shall be given to the Secretary at least Twenty Four hours in advance from the beginning of the meeting having abided by the following Rules:
 - (a) Written in the Nepalese language,
 - (b) Having signed by at least One proposer and One seconder from amongst the members of the Village Development Committee,
 - (c) Having the subject-matter of the resolution,

- (d) Being in conformity with Rule 38,
- (e) Being approved by the presiding person for discussion.

36. Order of Resolution : (1) The person presiding over the meeting shall prepare the order of resolutions on the basis of the priority of the matters referred to in Sub-section (1) of Section 28 of the Act.

(2) In cases where Two resolutions have been registered on the same matter, the resolution which has been registered first shall be included in the programme of the meeting.

37. Procedures for Discussion on Resolution: (1) The person presiding over the meeting shall give a permission to introduce a resolution on the basis of the priority order of resolutions prepared pursuant to Rule 36, and the member introducing the resolution shall deliver his statement as to the reasons for the introduction of that resolution.

(2) After the member introducing the resolution delivers his statement pursuant to Sub-rule (1), the person presiding over the meeting shall give permission to other members willing to speak on that resolution to speak thereon.

(3) The person presiding over the meeting may, having considered the agenda items of the meeting and the time required therefor, prescribe the time-limit of discussion for each resolution and the time to be allowed to each member to speak at such discussion.

(4) The person presiding over the meeting may, after completion of the speech of the members willing to speak, give permission to the member introducing the resolution to speak again and excluding him/her, no members other than the above shall, normally, be given permission to speak more than once.

(5) The member introducing the resolution may withdraw the resolution introduced pursuant to Rule 34 before such resolution is submitted for decision pursuant to Rule 39.

38. The Matters Prohibited During Introducing or Discussing a Resolution: In introducing or discussing a resolution at the meeting, the following matters have been prohibited from doing:-

- (a) Use of impolite words,
- (b) Use of the words that harms the personal prestige of any person,
- (c) Vandalism and use of force,
- (d) Discussion on a subject contrary to the spirit of the ⁴Constitution of the Kingdom of Nepal, 2047 (1990).

39. Decision on the Resolution : (1) After completion of the speeches on the resolution pursuant to Rule 37, the person presiding over the meeting shall present resolution for decision.

(2) Notwithstanding anything contained in Sub-rule (1), the person presiding over the meeting shall present the resolution to the meeting for decision, if he deems that sufficient discussions have already been made on such resolution.

40. Decision-Making Procedures and Declaration of Decision : (1) The person presiding over the meeting shall, in order to decide whether the majority of the meeting is for or against the resolution, declare the decision of the meeting by adopting any one of the following methods :-

- (a) By asking each member to express his/her vote verbally in his respective turn,

⁴ Now, Interim Constitution of Nepal, 2063.

- (b) By asking to raise hands for and against the resolution,
- (c) By grouping the members in two groups, persons voting for resolution in one group and the persons voting against the resolution in the other

(2) The person presiding over the meeting shall, if it is not practicable to ascertain the majority pursuant to Sub-rule (1), declare the decision on the basis of secret ballot by the members.

41. Record of Decision : (1) The Secretary shall record the decision taken in the meeting in the minute-book and get it signed by the members present in the meeting.

(2) Any member who is not satisfied with the decision taken by the meeting may put his dissenting opinion in short.

(3) The Secretary shall sign in the attendance book and indicate his presence.

42. Authentication of Decision : (1) The Secretary shall have power to authenticate the decisions of the meeting.

(2) The secretary shall authenticate the copy the decision of the meeting and send them to the member, the District Development Committee and the concerned bodies.

43. Procedure of Meeting to be Convened by Secretary : (1) In convening a meeting pursuant to the proviso to Sub-section (2) of Section 23 of the Act, the Secretary shall have to give a notice to the members normally Seventy Two hours in advance from the date of the meeting having clearly mentioned the date, time, venue and the agenda to be discussed in the meeting.

(2) The meeting convened pursuant to Sub-rule (1) shall be held within Seven days from the date of receipt of the requisition for convening the meeting.

(3) No agenda other than the ones for which the meeting has been convened shall be discussed in the meeting convened pursuant to Sub-rule (2).

(4) The other procedures, except the ones referred to in this Rule, of the meeting convened pursuant to Sub-rule (1) shall be as provided for in other provisions of this Chapter.

44. **Remuneration and Meeting Allowance** : The remuneration and meeting allowance of the Chairperson and Vice Chairperson and the meeting allowance of the Members shall be as prescribed in Schedule-1.

Chapter-4

Functions, Duties and Powers of Village Council and Committees

45. **Other Function, Duties and Powers of Village Council**: In addition to the functions, duties and powers referred to in the Act, other function, duties and powers of the Village Council shall be as follows: -

- (a) To evaluate whether or not the directives given by Government of Nepal, the National Planning Commission and the District Development Committee have been followed in proper manner, and to issue necessary directives to the Village Development Committees.
- (b) To issue necessary directives to the Village Development Committees for creating awareness in people's level on the

programmes conducted by Government of Nepal and for effective implementation thereof.

- (c) To issue necessary directives, subject to the Act and this Rule, in order to remove the hurdles that may arise in the functioning of the Village Development Committee and Ward Committee.

46. Functions, Duties and Powers of Accounts Committee: (1) The Accounts Committee to be constituted pursuant to Sub-section (2) of Section 26 of the Act shall study and submit a report to the meeting of the Village Council along with its opinion and recommendations on the following subjects:

- (a) Whether or not the resources have been mobilized and amounts have been collected as per the estimation in the annual budget.
- (b) Whether or not the programmes stipulated in the annual budget have been conducted.
- (c) Whether or not necessary actions have been taken in order to regularize, realize and settle the unsettled and irregular amounts in connection with the amounts determined as unsettled and irregular from the auditing.

(2) The Accounts Committee may, in preparing a report pursuant to Sub-rule (1), invite the industrialists, businessperson and local intellectuals within the Village Development Area for discussion as may be necessary.

(3) It shall be the duty of all concerned to make available the documents demanded by the Accounts Committee and to be present and

give one's own advice and opinion at the Accounts Committee in connection with preparation of the report pursuant to Sub-rule (1).

(4) The Village Development Committee shall, for the purpose of appointing an Auditor, ask for a list of Auditors ⁵... .. to the District Development Committee and make it available to the Accounts Committee. The Accounts Committee shall have to make recommendation to the District Development Committee, of an appropriate Auditor from such list of Auditors for carrying out the audit of the Village Development Committee.

(5) The meeting of the Accounts Committee shall be conducted once the meeting of the Village Council is called for. Such a meeting may be conducted for Six times in maximum in one Fiscal year.

(6) For taking part at the meeting of the Accounts Committee, the members of the Accounts Committee shall get the meeting allowance same as of a member of the Village Development Committee.

⁶(7) The Account Committee shall have to develop its annual work plan, get it approved from the Village Council and implement it.

47. Sectoral Committees: (1) For the purpose of Sub-section (3) of Section 26 of the Act, the Village Council may constitute the following sectoral committees consisting of Three members under the Chairpersonship of one of the Members of the Village Council:

- (a) Infrastructure and Construction Development Committee,
- (b) Agriculture, Forest and Environment Committee,
- (c) Population and Social Committee,

⁵ Deleted by the Second Amendment.

- (d) Organization and Administration Committee
- (e) Water Resources and Land Committee.

(2) In constituting a sectoral committee pursuant to Sub-rule (1), the terms of reference and duration of such committee shall be prescribed. The meeting of such sectoral committee may be held for Four times in maximum within the said duration.

(3) No person who is the member of one sectoral committee shall be eligible for the member of another sectoral committee.

(4) For taking part at the meeting of a sectoral committee, the members of sectoral committee shall get the meeting allowance same as of a member of the Village Development Committee.

48. Advisory Committee: The provisions relating to the Advisory Committee to be constituted pursuant to Section 27 of the Act shall be as follows: -

- (a) Only the person who is not a member of the Village Council may be eligible for a member of the Advisory Committee.
- (b) It shall be the duty of the Advisory Committee to provide necessary opinions, advices and recommendations on any subject within the working areas on which the Village Development Committee has requested for.
- (c) The meeting of the Advisory Committee shall be called as decided by the Village Development Committee as may be necessary.
- (d) The member selected from amongst the members themselves shall preside over the meeting of the Advisory Committee.

⁶ Inserted by the Second Amendment.

- (e) For taking part at the meeting of an Advisory Committee, the members of the Advisory Committee shall get the meeting allowance same as of a member of the Village Development Committee.

749. Procedures Relating to Approval of the Construction works: (1)

For the purpose of Sub-clause (2) of Clause (f) of Sub-section (1) of Section 28 of the Act, the Village Development Committee shall have to prepare criteria for the construction of houses, buildings, roads or other physical infrastructures to be constructed in the Village Development Area.

(2) Any individual or organization seeking to build a house, building, road or any other structure within the Village Development Area shall have to submit an application before the Chairperson of the Village Development Committee with the prescribed fee with the stipulation of kind, size, length, breadth of such house, road or other structure, the evidence as to the ownership of the land whereon the house, road or other structure is to be constructed or if the house, building, road or other structure is being constructed on other land the document showing the ownership and possession of such person as well as the deed of consent of the owner of such land and also a design if it is within the Village Development Area of Grade A.

(1) For Residential Purpose:

- (a) Five Hundred Rupees, if it is within the Village Development Area of Grade A.
- (b) Two Hundred Rupees, if it is within the Village Development Area of other grades.

⁷ Amended by the Second Amendment.

(2) For Commercial or Other Purposes:

- (a) One Thousand Rupees, if it is within the Village Development Area of Grade A.
- (b) Two Hundred Rupees, if it is within the Village Area of other grades.

Explanation: In this Rule, "Construction of houses or building" shall mean the act to construct a new house or building, to reconstruct by diminishing the old one, to add a storey, to alter the facade, or to construct a window, door verandah, attic, porch, shed or garage or erecting a compound wall in alternation of the existing design.

(3) A design of the construction of a new building pursuant to Sub-rule (2) shall, inter alia, set out a separate toilet and *soakpit* of the building, and if such a building is to be built adjacent to other building, the design shall have to set out a separate column walls of the buildings.

(4) In the case of other Village Development Committees except Grade A, if an application is submitted pursuant to Sub-rule (2) the Chairperson after holding necessary inquiries shall have to approve the design within Three days.

(5) After an application has been made for approval to construct a building within the Village Development Area of Grade A, pursuant to Sub-rule (2), an inquiry shall have to be held as to whether the application meets the requirements, and if it is found not to meet any requirements, get it to meet the requirement and then do as follows

within Seven days of the filing of an application meeting the requirements:

- (1) To affix a notice on its office, the house-door of the neighbour and the place of construction of the building in a manner conspicuous to all, asking the neighbour to file a complaint containing the details of grievance, if any, to be caused to him for the construction of such a building, within in Fifteen days.
- (2) Within Three days after the expiry of the time specified in the notice referred to in Sub-clause (1), to depute an employee of the Village Development Committee to enquire as to whether the building can be allowed to be constructed as mentioned in the design or not.

(6) The Chairperson may delegate any of the powers conferred on him under this Rule to the Vice-Chairperson or any other members.

(7) No approval of the Village Development Committee shall be required to construct road and other infrastructures under the project approved by Government of Nepal or District Development Committee.

⁸49A. To Give Approval: (1) The employees deputed pursuant to Clause (2) of Sub-clause (5) of Rule 49 shall have to hold public inquiry in order to enquire as to whether the construction of the building can be allowed or not. While holding such inquiry, a deed of public inquiry shall have to be prepared also setting out the statements made by the person present at the time of holding the inquiry and report thereof shall have to submit to the Village Development Committee, by setting out the

⁸ Inserted by the Second Amendment.

matter whether the construction of the building as mentioned in the application can be allowed or not, within Fifteen days of holding such public inquiry.

(2) The Chairperson shall have to give the approval to construct the building in cases where a complaint has not been filed when a notice was served pursuant to Clause (1) of Sub-rule (5) of Rule 49 or within Seven days from the date of receipt of the report pursuant to Sub-rule (1).

(3) If any complaint is filed after having affixed a notice pursuant to Clause (1) of Sub-rule (5) of Rule 49, the Chairperson shall have to give approval within Seven days from the date of receipt of the report pursuant to Sub-rule (1), except in cases where a decision has to be made on the entitlement upon finding out fact by inquiring into the concerned parties.

⁹**49B. Power to make Alternation in Design:** If any alternation has to be made subsequently in the design after obtaining approval to construct a building pursuant to Sub-rule (2) of Rule 49A, the Chairperson may permit for such alternation in the design, without being prejudicial to the set standards, to do other acts excepting the addition of storey, change of face or increasing its length, breadth.

¹⁰**49C. To Give Notice:** (1) If it is in contrary to the criteria prepared pursuant to Sub-rule (1) of Rule 49 or the approval to construct any building can not be granted in accordance with the report received pursuant to Sub-rule (1) of Rule 49A, the Chairperson shall have to give a notice setting out the reasons therefor to the individual or organization who has made an application for approval to construct a building.

⁹ Inserted by the Second Amendment.

¹⁰ Inserted by the Second Amendment.

¹¹**49D. Complaint May be Filed:** (1) In case the Chairperson does not give approval within the prescribed time limit within Thirty-Five days of the expiry of such time limit or in case of dissatisfaction with the notice given pursuant to Rule 49C, within Thirty-Five days of the receipt of such a notice, the individuals or organization who has made an application for approval to construct a building may file, a complaint in the Village Development Committee.

(2) In case where any complaint is filed pursuant to Sub-rule (1), the Village Development Committee shall have to direct to the Chairperson to give approval forthwith if it appears upon inquiring into the facts and matters that the approval has to be given.

¹²**49E. Period for Construction of Building:** (1) If an approval to construct a building has been given, such a building shall have to be constructed within two years from the date of such approval.

(2) In the event of failure to construct the building within the time-limit specified under Sub-rule (1), an application shall have to be made to the Chairperson for extension of the time limit.

(3) If any application is made pursuant to Sub-rule (2), the Chairperson may extend the time limit for upto Two years by collecting an additional fee at the rate of Five percent of the previously paid fee.

¹³**49F. Inquiry:** The Chairperson may inquire or cause to be inquired into the following matters in respect to any building constructed or being constructed in the Village Development Area:-

(a) Whether or not an approval has been obtained pursuant to this Rule to construct such building,

¹¹ Inserted by the Second Amendment.

¹² Inserted by the Second Amendment.

¹³ Inserted by the Second Amendment.

- (b) Whether or not such building has been constructed or is being constructed in accordance with the design approved pursuant to this Rule,
- (c) Whether or not any public land, road, temple, courtyard, sewerage, canal, pond etc. is encroached upon from such building.

¹⁴**49G. Fees:** In granting approval to construct a building in the Village Development Area of Grade A fees in such rate as prescribed by the Village Council shall be levied

Chapter-5

Functions, Duties and Powers of the Chairperson, Vice-Chairperson and Members

- 50. Function, Duties and Powers of Chairperson:** In addition to the functions, duties and powers referred to in the Act, the other functions, duties and powers of the Chairperson shall be as follows: -
- (a) To obtain approval of the Village Development Committee if the Chairperson has to go outside the Village Development Area in connection with the works of Village Development Committee,
 - (b) To settle or cause to be settled the unsettled amounts as seen from the auditing, and the amounts given as advance from the Village Development Committee.
 - (c) To implement or cause to be implemented the other programmes as have been directed by the Village Council,

¹⁴ Inserted by the Second Amendment.

- (d) To coordinate or cause to be coordinated the governmental, non-governmental and financial organization within the Village Development Area,
- (e) To take part in the meetings of the Area-Level Service Centres.

51. Function, Duties and Powers of Vice-Chairperson: In addition to the functions, duties and powers referred to in the Act, other functions, duties and powers of the Vice-Chairperson shall be as follows: -

- (a) To exercise the powers of the Chairperson during the time of working as the acting Chairperson,
- (b) To take part in the meetings of Area-level Services Centres,
- (c) To carry out other functions as prescribed by the Village Development Committee or the Chairperson.

52. Function, Duties and Powers of Members: In addition to the functions, duties and power referred to in the Act, other function, duties and powers of the Members shall be as follows: -

- (a) To assist the Chairperson in the preparation of plan and programme of the Village Development Committee.
- (b) To inform the residents of the Ward as to the utility of the projects implemented by the Village Development Committee.
- (c) To carry out other functions as prescribed by the Village Development Committee or the Chairperson,
- (d) To submit the roaster of the plans and programmes prepared by the Community Based Organization, association and Consumer Committees to the Village Development Committee through the Ward Committee.

Chapter-6

Procedures on Cases

- 53. Filing of Cases:** (1) A case shall be filed through a statement of claim (*Phiradpatra*).

Provided that, if a complaint is submitted specifying therein the necessary evidences, the Village Development Committee may register such complaint and take necessary action thereon.

(2) While filing a statement of claim or Complaint, One duplicate copy each of the statement of claim or Complaint for each of the defendants shall also be submitted therewith.

(3) While filing a statement of claim or Complaint, a fee of Fifty Rupees shall be payable.

- 54. Inquiry into Cases:** While carrying out an inquiry from the Village Development Committee into the matters of the statement of claim or complaint filed pursuant to Rule 53, the Village Development Committee shall, if it considers that the claims of the plaintiff appear to be as per law and the evidence submitted or intended to submit by the plaintiff are relevant to the case and that those evidences are sufficient enough to prove the claim or complaint, initiate action for appointment of Arbitrators by issuing an order on a memo.

- 55. Service of Summons:** (1) The Village Development Committee shall issue a notice of summon in the name of the defendant in connection with the case filed pursuant to Rule 53 in the format as prescribed in Schedule-2, and shall have to make available the copy of the statement of claim or of the complaint along with the summon pursuant to Sub-rule (2).

(2) While serving the notice of summons issued in the name of the defendant pursuant to Sub-rule (1), the summons shall be served on the concerned defendant as far as possible, by locating the residence of the defendant, and in case of absence of the defendant, the summons shall be served on any member of the same family having attained the age of majority at the presence of one local gentleman.

(3) While travelling to serve a summon in the name of the defendant, if the house of the defendant could not be found out or even if it is found out the defendant or any person of the same house having attained the age of majority refused to receive the summons, the summons shall have to be publicly displayed at the Village Development Committee office and in a public place at the concerned Ward where the house of the defendant is located at the presence of the concerned Village Development Committee member or any two of the local persons.

(4) Notwithstanding anything contained elsewhere in this Rule, nothing provided for in this Rule shall prevent the person to whom the summon is required to be served on from receiving the summon issued in his name by being present at the Village Development Committee.

56. No Extension of Time Limit: (1) No extension shall be made to the time limit of summons and dating that has already been lapsed in a case to be proceeded and settled by serving on the summons in accordance with this Rule.

Provided that,

(1) The Village Development Committee may, if it deems that the time-limit has been lapsed due to the situation beyond the control of the party,

extend the time-limit for up to a period of Fifteen days in maximum at Once or Two times.

- (2) As to the provisions of Nos. 62 and 175 of the Chapter on Court Proceedings of the General Code (*Muluki Ain*), it shall be as provided for to in those provisions.

(2) Notwithstanding anything-contained in Sub-rule (1), nothing shall prevent the Arbitration Board to decide the case being based on the proof and evidence available, if the parties to a case remain absent on the due dates.

57. Evidence may be Submitted by the Claimants on Behalf of the

Absent Defendant: If any of the claimants of the same family of the defendant, showing reasonable causes that the defendant is not able to respond to the summons issued pursuant to Rule 55, submits rejoinder or statement of defense along with any evidence to rebut the claim of the plaintiff before expiry of the time-limit or within Seven days from the date of expiry of the time-limit, the Village Development Committee shall have to acknowledge such evidence and statement of defense.

58. Time-Period for Deciding Cases: (1) A case shall have to be decided

within Sixty days from the date of appointment of the Chairperson after the formation of the Arbitration Board.

(2) Notwithstanding anything contained in Sub-rules (1) and (2), in the event where a demand of more time is made by both the parties to develop a mutual understanding between them and reach to a compromise pursuant to Rule 61, no case shall have to be decided within the lapse of such time-limit.

59. Reference of Cases to the Competent Court or Body: (1) The Arbitration Board shall, if it is found that the case initially appeared to be under its jurisdiction as per the Act and proceedings thereon initiated appears to be not within its jurisdiction under the Act in the course of further proceedings thereon, have to refer it to the Village Development Committee along with an order slip containing all the proceedings taken, and the Village Development Committee shall, thereupon, have to refer such case to the Court, or authority or official having the jurisdiction thereof as per the prevailing laws to take proceedings and decisions.

(2) The Arbitration Board shall, if it is found that a case which has been originated from the causation of an earlier case by falling within the jurisdiction of the Board as per the Act does not fall within the jurisdiction of the Board as per the Act, have to refer it to the Village Development Committee along with an order slip containing all the proceedings taken. The Village Development Committee shall, thereupon, have to refer such case to the court, authority or official having the jurisdiction thereof as per the prevailing laws for taking proceedings and decision.

60. Procedures for Reading out the Decision: (1) The Arbitration Board shall have to read out its decision to the parties which are present at the time of making decision by the Board, and have to create a proof thereof and keep it with the file of the case. In case of the party remaining absent, a notice of service of process containing the time-limit for filing an appeal, if one is not satisfied with the decision, shall have to be issued within Three days.

(2) If no notice as to the time-limit of filing an appeal has been issued pursuant to Sub-rule (1) to the party remaining absent at the time of taking decision at the office of the Arbitration Board, the time-limit

for filing the appeal shall begin from the date of payment of fines or the date of obtaining a copy of the decision, whichever is earlier.

61. Procedures Relating to Compromise: (1) The Arbitration Board shall have to make efforts to have compromise between the parties, on the ground of mutual understanding between them from the very beginning of the proceedings of the case.

(2) The Arbitration Board may allow more time if the parties demanded more time as some time is required to develop mutual understanding between themselves for reaching to a compromise in the case pursuant to Sub-rule (1).

(3) Both the parties of a case may, if they desire to have a compromise, submit an application to the Arbitration Board at any time pending decision on the case under consideration of the Arbitration Board setting out the content of the compromise reached between them.

(4) After submission of an application pursuant to Sub-rule (3), the Arbitration Board shall read out the application making the meaning and consequences thereof well-known to them and if, on making them so known, both the parties express their agreement thereto, the Arbitration Board shall have to execute a deed of compromise according to the application, and upon reading it out to the parties, shall get the signatures of the parties thereon, and the Arbitrators shall also have to sign thereon.

(5) In compromising a case under this Chapter, each party to a case shall have to pay a fee for compromise not exceeding One Hundred Rupees as per the rate passed by the Village Council.

(6) If a compromise has been made pursuant to Sub-rule (4), no complaint of dissatisfaction as to the compromise shall be accepted

except in the case that the other party does not act as per the deed of compromise.

- 62. Execution of the Decision:** (1) The Village Development Committee may cause to execute the decision of a case or may write to the concerned body to execute it.

(2) If the Village Development Committee writes for executing a decision pursuant to Sub-rule (1), the concerned body shall have to execute it.

- 63. Procedures of Prevailing Laws to be Followed:** (1) In taking proceedings and deciding a case, the procedures set forth in this Rule shall have to be followed to their extent, and in other matters, the procedures of the prevailing laws shall be followed.

(2) In taking proceedings and deciding a case filed at a Village Development Committee prior to the commencement of this Rule, the proceedings already taken shall not be void only for not having followed the procedures as set forth in this Rule.

Chapter-7

Procedures of Formulation and Implementation of Plans of Village Development Committee

- 64. Matter to be Referred to in Resource Map :** (1) While preparing a resource map by a Village Development Committee pursuant to Section 44 of the Act, the following factual situations shall have to be reflected in such map:-

- (a) Boundary, area and population of the Village Development Committee separating each Ward,

- (b) Geo- structure or topographical situation,
- (c) The heritage such as rivers and streams, canals, water spouts, water channels etc.,
- (d) Historical, geographical, archaeological and cultural heritages,
- (e) Roads, alleys, track road, trail road etc.,
- (f) Ringroads, airfields, bus stops, play grounds, parks and gardens,
- (g) Public hall, health post, hospital and treatment centre,
- (h) Schools, colleges, technical schools, and training centres, services centres, financial and cooperative institution, post office, telephone and electricity,
- (i) Drinking water and sewerage and drainage,
- (j) Agricultural area, forest area, market area, residential area and the measurement of such areas.
- ¹⁵ (k) Sketch of poverty and social mobilization and location of *Dalits* and Indigenous nationalities.

¹⁶(2) While preparing a resource map the scale shall have to be mentioned.

(3) There shall be a sign mark at the map.

¹⁵ Inserted by the Second Amendment.

¹⁶ Amended by the Second Amendment.

(4) Assistance from the District Survey Branch and the concerned body may be obtained in preparing the resource map.

(5) On the basis of the source map, a separate map on the physical development of sectoral area shall have to be prepared.

65. Formulation of Periodical Plans : (1) Each Village Development Committee shall have to formulate a periodical plan for at least Five years for the development of its area pursuant to Sub-section (5) of Section 43 of the Act.

(2) The periodical plan to be formulated pursuant to Sub-rule (1) shall contain the long term aims, objectives and working policies of the plan, physical infrastructures and services, facilities of the village development area, resource mobilization and possibilities of income generation, the cost involvement of governmental and private sector and the works to be carried out by the Village Development Committee.

(3) In formulating the periodical plans, it shall be finalized having included therein the sectoral programmes of sectoral area in consultation with the sectoral committees.

(4) The periodical plan formulated by a Village Development Committee shall have to be approved by the Village Council.

66. Process of Formulation of Plans : (1) While formulating a plan by a Village Development Committee pursuant to Sub-section (4) of Section 43 of the Act, the participatory project formulation process shall be followed.

(2) While formulating the plan pursuant to Sub-rule (1), the Village Development Committee shall have to make an estimation of the following means and resources within the last day of the month of *Marga* of each year for the forth coming year.

- (a) The amount to be derived from the resources of the Village Development Committee itself,
- (b) Grant of the District Development Committee,
- (c) The amount to be received pursuant to Sub-section (3) of Section 215 of the Act,
- (d) The amount to be received pursuant to Section 218 of the Act
- (e) The amount to be received as grant from Government of Nepal,
- (f) The resources to be received from sectoral bodies (line agencies),
- (g) The resources to be received from financial and semi-governmental bodies,
- (h) The resources to be received from national and international non-governmental organizations and association,
- (i) The resources to be received from other persons or institutions,
- (j) The amount to be received pursuant to Section 59 of the Act.

(3) While estimating the means and resources pursuant to Sub-rule (2), the technical man-power or the man-power related with the sectoral area to be made available from various resources shall also be estimated.

(4) The Village Development Committee shall send to each ward committee through the ward Chairperson necessary guidelines for the programmes to be launched at ward level from the resources as referred to in Sub-rule (2) within the first week of the month of *Poush*.

(5) Prior to the formulation of the programme or project to be launched within the Ward, the concerned Ward Committee shall make a programme to provide information on the basic factors of project formulation and the guidelines received from the Village Development Committee relating thereto by organizing an interaction and discussion programme with the concerned organizations, consumers committee or groups, non-governmental organizations and residents of the Ward in a convenient place.

(6) In having discussions pursuant to Sub-rule (5), the project or programme to be launched in the Ward shall be classified as follows and priority shall be determined, and the list of the projects or programmes so determined shall be sent to the concerned Ward Committee:

- (a) The project or programme to be launched from the resources of the community organization, consumers committee or group, non-governmental organization and of the residents of the ward,
- (b) The project or programme to be launched with the cost involvement of the Village Development Committee,
- (c) The project or programme to be launched on the cost of the Village Development Committee itself.

(7) The list received with the determination of priority from the Ward Committee pursuant to Sub-rule (6) shall be discussed with the

representatives of the concerned organizations, groups and committees and shall be scrutinized whether or not the list is as per the guidelines provided by the Village Development Committee, and it shall be submitted to the Village Development Committee within the second week of the month of *Poush* along with the decision made by the Ward Committee on the priority order of the programmes to be launched by the Ward Committee.

(8) The Village Development Committee shall, having considered its resources, means, technical capacity and feasibility out of the projects or programmes received from the Ward Committee pursuant to Sub-rule (7), clarify as to which ones are to be included in the village development project and which ones are to be recommended to be launched from the district level body, and shall have to submit to the Village Council.

(9) The Village Development Committee may, prior to submission to the Village Council pursuant to Sub-rule (8), consult with the concerned sectoral bodies, the representatives or competent persons of the concerned bodies, institutes or Advisory Committee.

(10) The Village Council shall approve the projects submitted to it pursuant to Sub-rule (8) after having necessary discussions thereon within the last day of the month of *Poush*. In giving such approval, the Village Development Committee shall have to be given clear direction as to whether the project have to be launched by the resources and means of the Village Development Committee itself or to be launched by the district level bodies.

(11) If the project is beyond the resources, means and capacity of the Village Development Committee, the sectoral programme and priority order shall have to be determined and forwarded with specifying the following matters -

- (a) The cost, the amount in case of involvement and the kind of resources and means, to be borne by the Village Development Committee to launch the proposed project or programme, and the financial, technical and physical assistance to be borne by the district level sectoral body,
- (b) If the project is to be completely launched in the district level, the particulars thereof.

(12) The particulars of the village development plans to be launched by the Village Development Committee itself shall be forwarded to the District Development Committee within the last day of the month of *Magha*.

¹⁷(13) The Village Development Committee shall have to prepare the annual plan on the basis of periodic plan.

67. Project Implementation Process : (1) In implementing the projects or programmes to be launched in the Village Development Committee area pursuant to Sections 48 and 49 of the Act, it shall be implemented or caused to be implemented maintaining necessary coordination with concerned governmental, non-governmental organizations and donor agencies so as to causing no duplication of works.

(2) The Village Development Committee shall, in implementing a programme or project in the cost involvement with consumers committee, community based institution or non-governmental organization, have to implement it with having entered into an agreement with the concerned consumers committee, community-based

¹⁷ Inserted by the Second Amendment.

organization or non-governmental organization as per the format prescribed in Schedule-3.

(3) The consumers committee, community-based organization or non-governmental organization shall, in implementing the project in cost involvement pursuant to Sub-rule (2), have to maintain a separate record of the amount received therefor, and to submit the documents, bills, receipts and reports according to the agreement to the Village Development Committee.

(4) In implementing a project in cost involvement with any other body, the Village Development Committee shall have to launch it as per the terms of agreement concluded with such body. A separate record shall be maintained about the assistance received in such cost involvement, and the report shall have to be submitted to the concerned institution.

68. Approval and Clearance of Project: (1) The body, organization or persons launching the project shall, upon the completion of the project so launched, have to send a report to the Village Development Committee for approval or clearance.

(2) Out of the reports received pursuant to Sub-rule (1), the reports on the projects in the nature of construction such as roads, buildings, irrigation, drinking water, canals etc. shall have to be approved and cleared or caused to be approved and cleared by the concerned Village Development Committee within one month from the date of receipt of such reports.

(3) Except the projects referred to in Sub-rule (2), the body, institution or persons launching other programmes such as the trainings, workshops, seminars, study visits, publicity in the nature of raising public awareness, shall have to submit the reports to the concerned

Village Development Committee specifying therein the objectives and the physical and financial progress of the programmes they have launched, and the concerned Village Development Committee shall, upon examining whether such programmes have been launched according to the agreements, have to approve and clear the project within one month from the date of submission of the reports.

(4) The approval, or clearance made by the Village Development Committee pursuant to Sub-rules (2) or (3) shall have to be approved by the Village Council.

69. Supervision and Monitoring of Project : (1) The Village Development Committee shall have to constitute a Supervision and Monitoring committee as follows for a regular supervision and monitoring of the projects and programmes being launched in the Village Development

Area :

- ¹⁸(a) Vice-Chairperson of the Village Development Committee - Convener
- (b) Any Two members of the Village Development Committee designated by the Village Development Committee - Member
- (c) Secretary of the Village Development Committee or Technical Assistant - Secretary

(2) The committee referred to in Sub-rule (1) shall have to monitor and supervise the following matters:-

¹⁸ Amended by the Second Amendment.

- (a) Whether or not the project or programme has been implemented as per the Scheduled calendar of operation,
- (b) Whether or not a regular supervision has been made by the technician if the project or programme is such that it requires such supervision,
- (c) Whether or not the works have been done as per the fixed standard,
- (d) Whether or not there is progress in implementation in proportion to the expenditures incurred in the project or programme,
- (e) Whether or not the particulars, bills, receipts, documents of the expenditures have been duly kept,
- (f) If the project or programme is under the agreement as referred to in Sub-rule (2) of Rule 67, whether or not it is as per such agreement,
- (g) Other necessary particulars, if any.

(3) Upon supervision and monitoring of the matters referred to in Sub-rule (2), the Supervision and Monitoring Committee shall have to send the report thereof each month to the Village Development Committee.

(4) In evaluating the projects or programmes launched in the Village Development Area pursuant to Section 52 of the Act, the Village Development Committee shall have to consider the matters stipulated in the report received to it pursuant Sub-rule (3), and if there appears any drawbacks or shortcomings in any project or programme, it

may give necessary directives to the concerned consumers committee, organization, institute or persons to remove such drawbacks and shortcomings.

Chapter-8

Provisions Relating to Taxes and Charges

70. Rate of Tax: (1) The rates of taxes that may be levied by a Village Development Committee within its area shall be as prescribed in Schedule-4.

(2) In addition to the taxes referred to in Sub-rule (1), the Village Development Committee may levy a local collection and consolidation tax at the rate as referred to in Schedule-5 pursuant to Clause (k) of Section 55 of the Act, on the commodities collected for commercial purposes by maintaining a godown of such commodities brought from outside at the Village Development Area for commercial purpose.

71. Rate of Charges: For the purpose of Section 57 of the Act, the rate of the charges that may be levied by a Village Development Committee within its own area shall be as prescribed to in Schedule-6.

72. Consultation: A Village Development Committee may, prior to the fixation of rate of tax pursuant to Rule 70 and of the rate of charges pursuant to Rule 71, consult with local industrialists, businessperson and intellectuals.

Part-3

Provisions Relating to Municipality

Chapter-1

Provision Relating to Municipal Centre and Meeting and

Procedure of Municipal Council

73. **Prescription of Centre of Municipal Area:** (1) While prescribing the centre of a Municipal area, Government of Nepal may prescribe the centre of the Municipal area in such a place where the building of the Municipality has already been constructed, and in cases of the Municipality having no building constructed prescribe the centre at a convenient place in consultation with the Municipal Council.
- (2) In cases where boundary of any Municipal area has been altered pursuant to Sub-section (2) of Section 74 of the Act, Government of Nepal may prescribe the centre of such Municipal area on the recommendation of the District Development Committee
74. **Declaration of Cultural Municipality:** If the heritage of a Municipality has been included in the World Heritage Conservation List, Government of Nepal may, having considered such fact also, declare such Municipality as Cultural Municipality.
75. **Venue of the Meeting:** Meeting of the Municipal Council shall be held at the Office of the Municipality. If a Municipality has not its own Office building or even if it has had office building but the building has no required space or is lacking other infrastructures, the meeting of the Municipal Council shall be held at such appropriate place within the concerned Municipal area as may be prescribed by the decision of the Municipality.
76. **Agenda Item:** In sending a notice for the purpose of Sub-section (6) of Section 90 of the Act, the agenda items of the meeting shall clearly be mentioned.
77. **Programme of the Meeting:** The programme of the meeting of the Municipal Council shall be prepared in writing by the Secretary as directed by the Mayor.

78. **Presence**: Each member present at the meeting shall sign on the attendance book having with his/her name clearly spelled out.
79. **Proper Conduct of Meeting** : It shall be the duty of the person presiding over to properly conduct the meeting.
80. **Respect to Presiding Person** : It shall be the duty of each Member of the Municipal Council to respect and regard the chair of the presiding person.
81. **Turn of Speaking** : The turn of speaking and time duration for the speech a member taking part in the meeting shall be as decided by the person presiding over the meeting.
82. **No Objection to be Made**: No objection shall be made by any other member during the time at which One member is speaking.
83. **Introduction of Resolution**: Any agenda which a member seeks to introduce on behalf of any other member at the meeting shall have to be introduced as resolution.
84. **Procedure for Resolution**: The notice as to the resolution to be introduced in the meeting for discussion shall have to be provided to the Secretary at least Twenty Four hours in advance from the beginning of the meeting by fulfilling the following procedures :-
- (a) Written in Nepali language,
 - (b) Having signed by at least one proposer and One seconder from amongst the members of the Municipal Council,
 - (c) Having the subject-matter of the resolution clear and practicable,
 - (d) Being in conformity with Rule 87,

(e) Being approved by the presiding person for discussion.

85. Order of Resolution: (1) The person presiding over the meeting shall prepare the order of the resolutions on the basis of priority of the matters referred to in Sub-section (1) of Section 94 of the Act.

(2) In cases where Two resolutions have been registered on the same matter, the resolution which has been registered first shall be included in programme of the meeting.

86. Procedures for Discussion on the Resolutions: (1) The person presiding over the meeting shall give a permission to introduce a resolution on the basis of the priority order of the resolution prepared pursuant to Rule 84 and the Member introducing the resolution shall deliver his statement as to the reasons for the introduction of that resolution.

(2) After the member introducing the resolution expresses his statement pursuant to Sub-rule (1), the person presiding over the meeting shall give permission to other members willing to speak on the resolution to speak thereon,

(3) The person presiding over the meeting may, having considered the number of the programmes of the meeting and the time required therefor, prescribe the time-limit of the discussion and the time to be allowed to each member to speak at such discussion.

(4) The person presiding over the meeting may, after the speech of the members willing to speak, give permission to the member introducing the resolution to speak again, and no member other than the above shall normally be given permission to speak more than once.

(5) The member introducing the resolution may withdraw the resolution introduced pursuant to Rule 83 prior to the submission of the resolution for decision pursuant to Rule 88.

87. The Matters Prohibited During Introducing or Discussing a Resolution: In introducing or discussing a resolution at the meeting, the following matters have been prohibited from doing:

- (a) Use of impolite words,
- (b) Use of the words that harms the personal prestige of any person,
- (c) Vandalism and use of force,
- (d) Discussion on a subject contrary to the spirit of the ¹⁹Constitution of the Kingdom of Nepal, 2047 (1990).

88. Decision on Resolution : (1) After the completion of the order of speeches on the resolution pursuant to Rule 81, the person presiding over the meeting shall present that resolution for decision.

(2) Notwithstanding anything contained in Sub-rule (1), the person presiding over the meeting shall present the resolution to the meeting for decision, if he/she deems that discussions have already been made on such resolution.

89. Decision-Making Method and Declaration of Decision : (1) The person presiding over the meeting shall, in order to decide whether the majority of the meeting is for or against the resolution, declare the decision of the meeting by adopting any one of the following methods :-

- (a) By asking each member to express his vote verbally in his/her respective turn,

¹⁹ Now, Interim Constitution of Nepal, 2063.

- (b) By asking to for raise hands for and against the resolution,
- (c) By grouping the members in two groups, persons voting for the resolution in one group and the persons voting against the resolution in the other.

(2) The person presiding over the meeting shall, if it is not practicable to ascertain the majority pursuant to Sub-rule (1), declare the decision on the basis of a secret ballot by the members.

90. Casting Vote : Normally, the person presiding over the meeting shall not cast a vote.

Provided that, the person presiding over the meeting shall exercise his casting vote in case of a tie of votes for or against a resolution.

91. Record of Decision: The Secretary shall keep the record of the decisions taken at the meeting in the minute book and shall get it signed by the person presiding over the meeting.

92. Authentication of Decision : (1) The Secretary shall have power to authenticate the copy of the decision of the meeting.

(2) The secretary shall authenticate the copy of the decision and sent it to members, the concerned body and the District Development Committee.

93. Procedures Relating to Special Meeting : (1) While convening a special meeting pursuant to Sub-section (9) of Section 90 of the Act, the Secretary shall, on the written direction of the Mayor, serve a notice on the members of the Municipal Council with clearly specifying therein

the date, time, venue, and the agenda on which the meeting has been convened to have discussion

(2) At the special meeting convened pursuant to Sub-rule (1), no agenda other than the ones for which the special meeting has been convened shall be discussed.

(3) Except the procedures provided for in this Rule, other procedures relating to the special meeting shall be as per other provisions of this Chapter.

(4) Notwithstanding anything contained elsewhere in this Rule, no special meeting shall be convened with such items of agenda which affect the existing decisions as to the budget and programmes of the Municipality being implemented, and the provisions relating to the nomination of a member to the Municipal Council.

94. Selection Procedure of Chairperson and Adjournment of Meeting

(1) The procedures of selection of the Chairperson pursuant to Sub-section (4) of Section 90 of the Act shall be as decided by the person presiding over the meeting at that time.

(2) No meeting of the Municipality Council chaired by the eldest member pursuant to the proviso to Sub-section (4) of Section 90 of the Act shall be adjourned for more than Twenty Four hours.

95. Information to be Given as to Vacant Posts

In the event of falling vacant of the post of member of the Municipal Council and the Municipality pursuant to Sections 79 and 86 of the Act, the Secretary shall give the information thereof to the concerned District Development Committee within One week from the date of falling vacant of the post.

Chapter-2

Meeting and Working Procedures of the Municipality

96. Time and Venue of Meeting : (1) The meeting of the Municipality shall be held at the Office of the Municipality.

(2) For the purpose of Sub-section (1) of Section 91 of the Act, the Mayor shall fix the specific date and time of the meetings to be held throughout one fiscal year and shall inform in writing to all the members.

97. Agenda for Discussion : While convening a meeting of the Municipality pursuant to Sub-section (2) of Section 91 of the Act, the agenda for discussion shall clearly be mentioned and made available to all members normally seventy Two hours in advance from the date of the meeting.

98. Programme of the Meeting : The programme of the meeting of the Municipality shall be prepared in writing by the Secretary on the direction of the Mayor of the Municipality.

99. Presence : Every members present at the meeting shall sign on the attendance book.

100. Proper conduct of Meeting : It shall be the duty of the presiding person to properly conduct the meeting.

101. Respect to Presiding Person : It shall be the duty of each member of the Municipality to respect and regard the chair of the presiding person.

102. Turn of Speaking : The turn of speaking and time duration for the speech for the members taking part in the discussion at the meeting shall be as decided by the person presiding over the meeting.

- 103. No Objection to be Made** : No objection shall be made by any other member during the time at which one member is speaking.
- 104. Introduction of Resolution** : Any member seeking to introduce any agenda for discussion at the meeting shall have to introduce such agenda as a resolution.
- 105. Procedures for Resolution** : (1) The notice as to the resolution to be introduced for discussion at the meeting shall be given to the Secretary at least Twenty Four hours in advance from the beginning of the meeting having abided by the following Rules :
- (a) Written in the Nepalese language,
 - (b) Having signed by at least one proposer and One seconder from amongst the members of the Municipality,
 - (c) Having the subject-matter of the resolution clear and practicable,
 - (d) Being in conformity with Rule 108,
 - (e) Being approved by the presiding person for discussion.
- 106. Order of Resolution** : (1) The person presiding over the meeting shall prepare the order of resolutions on the basis of the priority of the matters referred to in Sub-section (1) of Section 96 of the Act.
- (2) In cases where two resolutions have been registered on the same matter, the resolution which has been registered first shall be included in the programme of the meeting.
- 107. Procedures for Discussion on Resolution**: (1) The person presiding over the meeting shall give a permission to introduce a resolution on the basis of the priority order of resolutions prepared pursuant to Rule 106,

and the member introducing the resolution shall deliver his statement as to the reasons for the introduction of that resolution.

(2) After the member introducing the resolution delivers his statement pursuant to Sub-rule (1), the person presiding over the meeting shall give permission to other members willing to speak on that resolution to speak thereon.

(3) The person presiding over the meeting may, having considered the agenda items of the meeting and the time required therefor, prescribe the time-limit of discussion for each resolution and the time to be allowed to each member to speak at such discussion.

(4) The person presiding over the meeting may, after completion of the speech of the members willing to speak, give permission to the member introducing the resolution to speak again and excluding him, no member other than the above shall, normally, be given permission to speak more than once.

(5) The member introducing the resolution may withdraw the resolution introduced pursuant to Rule 104 prior to submission of the resolution for decision pursuant to Rule 109.

108. The Matters Prohibited During Introducing or Discussing a

Resolution: In introducing or discussing a resolution at the meeting the following matters have been prohibited from doing:-

- (a) Use of impolite words,
- (b) Use of the words that harms the personal integrity of any person,
- (c) Vandalism and use of force,

- (d) Discussion on a subject contrary to the spirit of the ²⁰Constitution of the Kingdom of Nepal, 2047 (1990).

109. Decision on the Resolution : (1) After completion of the speeches on the resolution pursuant to Rule 102, the person presiding over the meeting shall present that resolution for decision.

(2) Notwithstanding anything contained in Sub-rule (1), the person presiding over the meeting shall present the resolution to the meeting for decision, if he/she deems that sufficient discussions have already been made on such resolution.

110. Decision-Making Procedures and Declaration of Decision : (1) The person presiding over the meeting shall, in order to decide whether the majority of the meeting is for or against the resolution, declare the decision of the meeting by adopting any one of the following methods :-

- (a) By asking each member to express his/her vote verbally his respective turns
- (b) By asking to raise hands for and against the resolution,
- (c) By grouping the members in two groups, persons voting for the resolution in one group and the persons voting against the resolution in the other

(2) The person presiding over the meeting shall, if it is not practicable to ascertain the majority pursuant to Sub-rule (1), declare the decision on the basis of a secret ballot by the members.

²⁰ Now, Interim Constitution of Nepal, 2063.

111. Record of Decision : (1) The Secretary shall record the decision taken in the meeting in the minute-book and get it signed by the members present in the meeting.

(2) Any member who is not satisfied with the decision taken by the meeting may put his/her dissenting opinion in short.

(3) The Secretary shall sign in the attendance book and indicate his presence.

112. Authentication of Decision : The Secretary shall authenticate the copy of the decision of the meeting and send it to the members, the concerned District Development Committee, the Ministry and other bodies related with the decision.

113. Procedure of Meeting to be Convened by Secretary : (1) In convening a meeting pursuant to the proviso to Sub-section (2) of Section 91 of the Act, the Secretary shall have to give a notice to the members of the Municipality normally Seventy Two hours in advance from the date of the meeting clearly mentioning the date, time, venue and the agenda to be discussed in the meeting.

(2) The meeting convened pursuant to Sub-rule (1) shall be held within Seven days from the date of receipt of the requisition for convening the meeting.

(3) No agenda other than the ones for which the meeting has been convened shall be discussed in the meeting convened pursuant to Sub-rule (2).

(4) The other procedures, except the ones referred to in this Rule, of the meeting convened pursuant to Sub-rule (1) shall be as provided for in other provisions of this Chapter.

114. Remuneration and other Benefits: (1) The remuneration of the Mayor and Deputy Mayor shall be as prescribed in Schedule-7.

(2) Other benefits of the Mayor, Deputy Mayor and member shall be as prescribed by the Municipal Council.

Chapter-3

Functions, Duties and Powers of Municipal Council and Committees

115. Other Functions, Duties and Powers of Municipal Council: In addition to the functions, duties and powers referred to in the Act, other functions, duties and powers of the Municipal Council shall be as follows: -

- (a) To evaluate whether or not the directives given in connection with the proper arrangement and mobilization of the amount collected from grant or other sums given by Government of Nepal and from the taxes and fees have been properly followed, and to give necessary directives to the Municipality;
- (b) To issue necessary directives to the Municipality for creating awareness in people's level on the programmes conducted by Government of Nepal and for effective implementation thereof;
- (c) To issue necessary directives, subject to the Act and this Rule, in order to remove the hurdles that may arise in the functioning of the Municipality and Ward Committee.

116. Functions, Duties and Powers of Accounts Committee: (1) The Accounts Committee to be constituted pursuant to Sub-section (2) of the Section 94 of the Act shall study and submit a report to the meeting

of the Municipal Council along with its opinion and recommendations on the following subjects:

- (a) Whether or not the resources have been mobilized and amounts have been collected as per the estimation in the annual budget;
- (b) Whether or not the programmes stipulated in the annual budget have been conducted,
- (c) Whether or not necessary actions have been taken in order to regularize, realize and settle the unsettled and irregular amounts in connection with the amounts determined as unsettled and irregular from the auditing.

(2) The Accounts Committee may, in preparing a report pursuant to Sub-rule (1), invite the industrialists, businessperson and local intellectuals within the Municipal Development Area for discussion as may be necessary.

(3) It shall be the duty of all concerned to make available the documents demanded by the Accounts Committee and to be present and give one's own advice and opinion at the Accounts Committee in connection with preparation of the report pursuant to Sub-rule (1).

²¹(3a) The Accounts Committee shall prepare a list of the registered auditors and recommend the names of at least Three persons or firms to the Municipal Council.

²²(3b) The Accounts Committee shall prepare its annual work plan and implement it having caused to be approved from the Municipal Council.

(4) The meeting of the Accounts Committee shall be conducted once the meeting of the Municipal Council is called for. Such a meeting may be conducted for Six times in maximum in one Fiscal year.

(5) For taking part at the meeting of the Accounts Committee, the members of the Accounts Committee shall get the meeting allowance same as of a member of the Municipality.

²³**116A. Secretary of the Accounts Committee:** The Chief of the Internal Audit Section of the Municipality shall work as a Secretary of the Accounts Committee.

117. Sectoral Committees: (1) For the purpose of Sub-section (3) of Section 94 of the Act, the Municipal Council may constitute the following sectoral committees consisting of Three members under the Chairpersonship of One of the Members of the Municipal Council:-

- (a) Infrastructure and Construction Development Committee,
- (b) Agriculture, Forest and Environment Committee,
- (c) Population and Social Committee,
- (d) Organization and Administration Committee
- (e) Water Resources and Land Committee.

(2) In constituting a sectoral committee pursuant to Sub-rule (1), the terms of reference and duration of such committee shall be prescribed. The meeting of such sectoral committee may be held for four times in maximum within the said duration.

²¹ Inserted by the Second Amendment.

²² Inserted by the Second Amendment.

²³ Inserted by the Second Amendment.

(3) No person who is the member of one sectoral committee shall be eligible for the member of another sectoral committee.

(4) For taking part at the meeting of a sectoral committee, the members of sectoral committee shall get the meeting allowance same as of a member of the Municipality.

118. Advisory Committee: The provisions relating to the Advisory Committee to be constituted pursuant to Section 95 of the Act shall be as follows: -

- (a) Only the person who is not a member of the Municipal Council may be eligible for a member of the Advisory Committee.
- (b) It shall be the duty of the Advisory Committee to provide necessary opinions, advices and recommendations on any subjects within the working areas on which the Municipality has requested for.
- (c) The meeting of the Advisory Committee shall be called as decided by the Municipality as per necessity.
- (d) The member selected from amongst the members themselves shall preside over the meeting of the Advisory Committee.
- (e) For long-term plan of a Municipality or for any other expert services, an appropriate member of the Advisory Committee may be appointed for full time as per the decision of a Municipality. The remuneration and other benefits of such a member who has been assigned in the task in such a way shall be as prescribed by the Municipality.

- (f) For taking part at the meeting of the Advisory Committee, the members of the Advisory Committee shall get the meeting allowance same as of a member of the Municipality.

Provided that, no member of the Advisory Committee working for full time shall get meeting allowance.

²⁴**118A. Municipal Level Revenue Consultative Committee:** (1) There shall be a Municipal Level Revenue Consultative Committee consisting of the following coordinator and members in each Municipality to render advice to the Municipality on matters relating to revenue:

- | | |
|---|------------------|
| (a) Mayor | Convener |
| (b) Representative of Inland Revenue Office or in a Municipality where no Inland Revenue Office is there a representative of Funds and Accounts Comptroller Office of that district | Member |
| (c) District President of the Chamber of Industry and Commerce or a representative of the Chamber as designated by him/her | Member |
| (d) A person nominated by the Municipality from among its taxpayers | Member |
| (e) Secretary of the Municipality | Member-Secretary |

(2) The tenure of the members nominated pursuant to Clause (d), of Sub-rule (1) shall be of Two years. He/she may be re-nominated.

²⁴ Inserted by the Second Amendment.

(3) The procedures of the Consultative Committee pursuant to Sub-rule (1) shall be as fixed by the municipality.

(4) The Consultative Committee pursuant to Sub-rule (1) may invite experts of the concerned field and representatives of occupational and professional organizations in the meetings.

Chapter-4

Functions, Duties and Powers of the Mayor, Deputy Mayor and Members

119. Function, Duties and Powers of Mayor: In addition to the functions, duties and powers referred to in the Act, the other functions, duties and powers of the Mayor shall be as follows:-

- (a) To obtain approval of the Municipality if the Mayor has to go outside the Municipality Area in connection with the works of Municipality.
- (b) To settle or cause to be settled the unsettled amounts as seen from the auditing, and the amounts given as advance from the Municipality.
- (c) To implement or cause to be implemented the other programmes as have been directed by the Municipal Council,
- (d) To coordinate or cause to be coordinated the governmental, non-governmental and financial organizations within the Municipality Area,
- (e) To take part in the meetings of the Area-Level Service Centres.

120. Function, Duties and Powers of Deputy Mayor: In addition to the functions, duties and powers referred to in the Act, other function, duties and powers of the Mayor shall be as follows: -

- (a) To exercise the powers of the Mayor during the time of working as the acting Mayor,
- (b) To take part at the meetings of Area-level Services Centres,
- (c) To carryout other functions as prescribed by the Municipality or the Mayor.

121. Function, Duties and Powers of Members: In addition to the functions, duties and power referred to in the Act, other functions, duties and powers of the Members shall be as follows:-

- (a) To assist the Mayor in the formulation of plan and programme of the Municipality.
- (b) To inform the residents of the Ward as to the utility of the projects implemented by the Municipality.
- (c) To submit the roaster of the plans and programmes prepared by the Community Based Organization, Association and Consumer Committees to the Municipality through the Ward Committee.
- (d) To carry out other functions as prescribed by the Municipality or the Mayor.

122. Functions, Duties and Powers of Ward Member:- In addition to the functions, duties and power referred to in the Act, other functions, duties and powers of the Ward Members shall be as follows:-

- (a) To assist the Ward Chairperson in the formulation of plans and programme of the Ward.

- (b) To carry out publicity works having informed local people about the needs, importance and the utility of the projects conducted by the Ward in connection with their implementation,
- (c) To make the Ward active in providing services and facilities to the citizens by exercising the powers conferred on the ward by the Act, this Rules and the existing laws; and to give his/her opinion and advice about the assistance that may be rendered in solving the problems, grievances and complains of the people,
- (d) To submit the other functions as prescribed by the Ward Chairperson. To carry out other functions as prescribed by the municipality or the Mayor.

Chapter-5

Procedures on Cases

123. Filing of Cases: (1) A case shall be filed through a statement of claim (*Phiradpatra*).

Provided that, if a complaint is submitted specifying therein the necessary evidences, the Municipality may register such complaint and take necessary action thereon.

(2) While filing a statement of claim or complaint, one duplicate copy each of the statement of claim or complaint for each of the defendants shall also be submitted therewith.

(3) While filing a statement of claim or complaint, a fee of Fifty Rupees shall be payable.

124. Inquiry into Cases: While carrying out an inquiry from the Municipality into the matters of the statement of claim or complaint filed pursuant to Rule 123, the Municipality shall, if it considers that

the claims of the plaintiff appear to be as per law, and the evidences submitted or intended to submit by the plaintiff are relevant to the case and that those evidences are sufficient enough to prove the claim or complain, initiate action for appointment of Arbitrators by issuing order on a slip (memo).

125. Service of Summons: (1) The Municipality shall issue a notice of summon in the name of the defendant in connection with the case filed pursuant to Rule 123 in the format as prescribed in Schedule 2; and shall have to make available the copy of the statement of claim or of the complaint submitted by the plaintiff pursuant to Sub-rule (2) of the afore-mentioned Rule along with the summon.

(2) While serving the notice of summons issued in the name of defendant pursuant to Sub-rule (1), the summons shall be served on the concerned defendant as far as possible, by locating the house and residence of the defendant, and in the absence of the defendant, the summons shall be served on any member of the same family having attained the age of majority at the presence of one local gentleman.

(3) While travelling to serve summons in the name of the defendant, if the house and residence of the defendant could not be found out or even if it is found out, the defendant or any person of the same house having attained the age of majority refused to receive the summons, the summons shall have to be publicly displayed at the office of the Municipality and in a public place at the concerned Ward where the house of the defendant is located at the presence of the concerned Ward Member of the Municipality or any Two of the local persons.

(4) Notwithstanding anything contained elsewhere in this Rule, nothing provided for in this Rule shall be deemed to have prevented the person to whom the summons is required to be served on from receiving

the summons issued in his/her name by being present at the Municipality.

126. No Extension of Time Limit: (1) No extension shall be made to the time limit of summons and dating that has already been lapsed in a case to be proceeded and settled by serving on the summons in accordance with this Rule.

Provided that,

(1) The Municipality may, if it deems that the time-limit has been lapsed due to the situation beyond the control of the party, extend the time-limit for up to a period of Fifteen days in maximum at once or Two times.

(2) As to the provisions of Nos. 62 and 175 of the Chapter on Court Proceedings of the General Code (*Muluki Ain*), it shall be as provided for in those provisions.

(2) Notwithstanding anything contained in Sub-rule (1), nothing shall prevent the Arbitration Board to decide the case being based on the proofs and evidence available, if parties to a case remain absent on the due dates.

127. Evidence may be Submitted by the Claimants on Behalf of the Absent Defendant: If any of the claimants of the same family of the defendant, showing reasonable causes that the defendant is not able to respond to the summons issued pursuant to Rule 125, submits the statement of defence along with any evidence to rebut the claim of the plaintiff prior to the expiry of the time-limit or within Seven days from

the date of expiry of the time-limit, the Municipality shall have to acknowledge such evidence and statement of defence.

128. Time-Period for Deciding Cases: (1) A case shall have to be decided within Sixty days from the date of appointment of the Chairperson after the formation of the Arbitration Board.

(2) Notwithstanding anything contained in Sub-rules (1) and (2), in the event where a demand of more time is made by both the parties to develop a mutual understanding between them and reach to a compromise pursuant to Rule 131, no case shall have to be decided within the expiration of such time-period.

129. Reference of Cases to Competent Court or Body: (1) The Arbitration Board shall, if it is found that the case initially appeared to be under its jurisdiction as per the Act and proceedings thereon initiated appears to be not within its jurisdiction under the Act in the course of further proceedings thereon, have to refer it to the Municipality along with an order slip containing all the proceedings taken, and the Municipality shall, thereupon, have to refer such case to the Court, or authority or official having the jurisdiction thereof as per the prevailing laws to take proceedings and decisions.

(2) The Arbitration Board shall, if it is found that a case which has been originated from the causation of an earlier case by falling within the jurisdiction of the Board as per the Act does not fall within the jurisdiction of the Board as per the Act, have to refer it to the Municipality along with an order slip containing all the proceedings taken. The Municipality shall, thereupon, have to refer such case to the court, authority or official having the jurisdiction thereof as per the prevailing laws for taking proceedings and decision thereon.

130. Procedures for Reading out the Decision: (1) The Arbitration Board shall have to read out its decision to the parties which are present at the time of making decision by the Board, and have to create a proof thereof and keep it with the file of the case. In case of the party remaining absent, a notice of service of process containing the content of the decision of the Arbitration Board and the time-limit for filing an appeal, if one is not satisfied with the decision, shall have to be issued within three days.

(2) If no notice as to the time-limit of filing an appeal has been issued pursuant to Sub-rule (1) to the party remaining absent at the time of taking decision at the office of the Arbitration Board, the time-limit for filing the appeal shall begin from the date of payment of fines or the date of obtaining a copy of the decision, whichever is earlier.

131. Procedures Relating to Compromise: (1) The Arbitration Board shall have to make efforts to have compromise between the parties, on the ground of mutual understanding between them from the very beginning of the proceedings of the case.

(2) The Arbitration Board may allow more time if the parties demanded more time as some time is required to develop mutual understanding between themselves for reaching to a compromise in the case pursuant to Sub-rule (1).

(3) Both the parties of a case may, if they desire to have a compromise, submit an application to the Arbitration Board at any time pending decision on the case under consideration of the Arbitration Board setting out the content of the compromise reached between them.

(4) After submission of an application pursuant to Sub-rule (3), the Arbitration Board shall read out the application making the meaning and consequences thereof well-known to them and if, on making them

so known, both the parties express their agreement thereto, the Arbitration Board shall have to execute a deed of compromise according to the application, and upon reading it out to the parties, shall get the signatures of the parties thereon, and the Arbitrators shall also have to sign thereon.

(5) In compromising a case under this Chapter, each party to a case shall have to pay a fee for compromise not exceeding one hundred rupees as per the rate passed by the Municipal Council.

(6) If a compromise has been made pursuant to Sub-rule (4), no complaint of dissatisfaction as to the compromise shall be accepted except in the case that the other party does not act as per the deed of compromise.

132. Execution of the Decision: (1) The Municipality may cause to execute the decision of a case or may write to the concerned body to execute it.

(2) If the Municipality writes for executing a decision pursuant to Sub-rule (1), the concerned body shall have to execute it.

133. Procedures of Prevailing Laws to be Followed: (1) In taking proceedings and deciding a case, the procedures set forth in this Rule shall have to be followed to their extent, and in other matters, the procedures of the prevailing laws shall be followed.

(2) In taking proceedings and deciding a case filed at a Municipality prior to the commencement of this Rule, the proceedings already taken shall not be void only for not having followed the procedures as set forth in this Rule.

Chapter-6

Procedures of Formulation and Implementation of Plans of Municipality

134. Matter to be Referred to in Resource Map : (1) While preparing a resource map by a Municipality pursuant to Section 112 of the Act, the following factual situation shall have to be reflected in such map:-

- (a) Boundary, area and population of the Municipality separating each Ward,
- (b) Geo-structure or topographical situation,
- (c) The heritage such as rivers and streams, canals, water spouts, water channels etc.,
- (d) Historical, Geographical, Archaeological and cultural heritages,
- (e) Roads, alleys, track roads, trail road etc.,
- (f) Ring roads, airfields, bus stops, play grounds, parks and gardens,
- (g) Public hall, health post, hospital and treatment centre,
- (h) Schools, colleges, technical schools, and training centres, service centres, financial and cooperative institution, post office, telephone and electricity,
- (i) Drinking water sewerage and drainage,
- (j) Agricultural area, forest area, market area, residential area and the measurement of such areas.

²⁵(k) Sketch of poverty and social mobilization and location of *Dalits* and Indigenous nationalities.

²⁶(2) While preparing a resource map the scale shall have to be mentioned.

(3) There shall be a sign mark at the map.

(4) Assistance from the District Survey Branch and the concerned body may be obtained in preparing the resource map.

(5) On the basis of the resource map, a separate map on the physical development of sectoral area shall have to be prepared.

135. Formulation of Periodical Plans : (1) Each Municipality shall have to formulate a periodical plan for at least Five years for the development of its area pursuant to Sub-section (6) of Section 111 of the Act.

(2) The periodical plan to be formulated pursuant to Sub-rule (1) shall contain the long term aims, objectives and working policies of the plan, physical infrastructures, services and facilities of the Municipal area, resource mobilization and possibilities of income generation, the cost involvement of governmental and private sector and the works to be carried out by the Municipality.

(3) In formulating periodical plans, it shall be finalized having included therein the sectoral programmes of sectoral area in consultation with the sectoral committees.

(4) The periodical plan formulated by a Municipality shall have to be approved by the Municipal Council.

²⁵ Inserted by the Second Amendment.
²⁶ Amended by the Second Amendmen

136. Planning Formulation Process : (1) While formulating a plan by a Municipality pursuant to Sub-section (5) of Section 111 of the Act, the participatory project formulation process shall be followed.

(2) While formulating the plan pursuant to Sub-rule (1), the Municipality shall have to make an estimation of the following means and resources within the last day of the month of *Marga* of each year for the forthcoming year:

- (a) The amount to be derived from the resources of the Municipality itself,
- (b) Grant of the District Development Committee,
- (c) The amount to be received pursuant to Sub-section (3) of Section 215 of the Act,
- (d) The amount to be received pursuant to Section 218 of the Act
- (e) The amount to be received as grant from Government of Nepal,
- (f) The resources to be received from sectoral bodies (line agencies),
- (g) The resources to be received from financial and semi-governmental bodies,
- (h) The resources to be received from national and international non-governmental organizations and associations,
- (i) The resources to be received from other persons or institutions,
- (j) The amount to be received pursuant to Section 148 of the Act.

(3) In estimating the means and resources pursuant to Sub-rule (2), the technical human resource or the human resource related with

the sectoral area to be made available from various sources shall also be estimated.

(4) The Municipality shall send to each Ward Committee through the Ward Chairperson necessary guidelines for the programmes to be launched at ward level from the resources as referred to in Sub-rule (2) within the first week of the month of *Poush*.

(5) Prior to the formulation of the programme or project to be launched within the Ward, the concerned Ward Committee shall make a programme to provide information on the basic factors of project formulation and the guidelines received from the Municipality relating thereto by organizing an interaction and discussion programmes with the concerned organizations, consumers committee or groups, non-governmental organizations and residents of the Ward in a convenient place.

(6) In having discussions pursuant to Sub-rule (5), the project or programme to be launched in the Ward shall be classified as follows and priority shall be determined, and the list of the projects or programmes so determined shall be sent to the concerned Ward Committee :

- (a) The project or programme to be launched from the resources of the community organization, consumers committee or group, non-governmental organization and of the residents of the ward,
- (b) The project or programme to be launched with the cost involvement of the Municipality.
- (c) The project or programme to be launched on the cost of the Municipality itself.

(7) The list received with the determination of priority from the Ward Committee pursuant to Sub-rule (6) shall be discussed with the representatives of the concerned organizations, groups and committees and shall be scrutinized whether or not the list is as per the guidelines provided by the Municipality, and it shall be submitted to the Municipality within the second week of the month of *Poush* along with the decision made by the Ward Committee on the priority order of the programmes to be launched by the Ward Committee.

(8) The Municipality shall, having considered its resources, means, technical capacity and feasibility out of the projects or programmes received from the Ward Committee pursuant to Sub-rule (7), clarify, as to which ones are to be included in the Municipal development project and which ones are to be recommended to be launched from the district level body, and shall have to submit to the Municipal Council.

(9) The Municipality may, prior to the submission to the Municipal Council pursuant to Sub-rule (8), consult with the concerned sectoral bodies, the representatives or competent persons of the concerned bodies, institutes or Advisory Committee.

(10) The Municipal Council shall approve the projects submitted to it pursuant to Sub-rule (8) after having necessary discussions thereon within the last day of the month of *Poush*. In giving such approval, the Municipality shall have to be given clear direction as to whether the project have to be launched by the resources and means of the Municipality itself or to be launched by the district level bodies.

(11) If the project is beyond the resources, means and capacity of the Municipality, the sectoral programme and priority order shall have to be determined and forwarded with specifying the following matters -

- (a) The cost, the amount in case of involvement and the kind of resources and means to be borne by the Municipality to launch the proposed project or programme, and the financial, technical and physical assistance to be borne by the district level sectoral body,
- (b) If the project is to be completely launched in the district level, the particulars thereof.

(12) The particulars of the Municipal development plans to be launched by the Municipality itself shall be forwarded to the District Development Committee within the last day of the month of *Magha*.

137. Project Implementation Process : (1) In implementing the projects or programmes to be launched in the Municipality area pursuant to Sections 116 and 117 of the Act, it shall be implemented or caused to be implemented maintaining necessary coordination with concerned governmental, non-governmental organizations and donor agencies so as to causing no duplication of works.

(2) The Municipality shall, in implementing a programme or project in the cost involvement with consumers committee, community based institution or non-governmental organization, have to implement it with having entered into an agreement with the concerned consumers committee, community-based organization or non-governmental organization as per the format prescribed in Schedule-3.

(3) The consumers committee, community-based organization or non-governmental organization shall, in implementing the project in cost involvement pursuant to Sub-rule (2), have to maintain a separate record of the amount received therefor, and to submit the documents,

bills, receipts and reports according to the agreement to the Municipality.

(4) In implementing a project in cost involvement with any other body, the Municipality shall have to launch it as per the terms of agreement concluded with such body. A separate record shall be maintained about the assistance received in such cost involvement, and the report shall have to be submitted to the concerned institution.

138. Approval and Clearance of Project : (1) The body, organization or persons launching the project shall, upon the completion of the project so launched, have to send a report to the Municipality for approval or clearance.

(2) Out of the reports received pursuant to Sub-rule (1), the reports on the projects in the nature of construction such as roads, buildings, irrigation, drinking water, canals etc. shall have to be approved and cleared or caused to be approved and cleared by the concerned Municipality within One month from the date of receipt of such reports.

(3) Except the projects referred to in Sub-rule (2), the body, institution or persons launching other programmes such as the trainings, workshops, seminars, study visits, publicity in the nature of raising public awareness, shall have to submit the reports to the concerned Municipality specifying therein the objectives and the physical and financial progress of the programmes they have launched, and the concerned Municipality shall, upon examining whether such programmes have been launched according to the agreements, have to approve and clear the project within One month from the date of submission of the reports.

(4) The approval, or clearance made by the Municipality pursuant to Sub-rules (2) or (3) shall have to be approved by the Municipal Council.

139. Supervision and Monitoring of Project : (1) The Municipality shall have to constitute a Supervision and Monitoring Committee as follows for a regular supervision and monitoring of the projects and programmes being launched at the Municipal Area :

- (a) A member of the Municipality designated by the Municipality - Convener
- (b) Any Two members of the Municipality designated by the Municipality - Member
- (c) Chief of the Planning Section of the Municipality - Secretary

(2) The committee referred to in Sub-rule (1) shall have to monitor and supervise the following matters:-

- (a) Whether or not the project or programme has been implemented as per the determined calendar of operation,
- (b) Whether or not a regular supervision has been made by the technician if the project or programme is such that it requires such supervision,
- (c) Whether or not the works have been done as per the fixed standard,

- (d) Whether or not there is progress in implementation in proportion to the expenditures incurred in the project or programme,
- (e) Whether or not the particulars, bills, receipts, documents of the expenditures have been duly kept,
- (f) If the project or programme is under the agreement as referred to in Sub-rule (2) of Rule 137, whether or not it is as per such agreement,
- (g) Other necessary particulars, if any.

(3) Upon supervision and monitoring of the matters referred to in Sub-rule (2), the Supervision and Monitoring Committee shall have to send the report thereof each month to the Municipality.

(4) In evaluating the projects or programmes launched in the Municipal Development Area pursuant to Section 118 of the Act, the Municipality shall have to consider the matters stipulated in the report received to it pursuant to Sub-rule (3), and if there appears any drawbacks or shortcomings in any project or programme, it may give necessary directives to the concerned consumers committee, organization, institute or persons to remove such drawbacks and shortcomings.

Chapter-7

Provisions Relating to Taxes, Fees, Service Charges and Building Construction

140. Rate of Land Revenue and House and Land Tax : The maximum and minimum limits of the rate of land revenue and of house and land

tax that may be levied by a Municipality within its area shall be as prescribed in Schedule-8.

141. Rate of Rent Tax : The maximum limit of the rate of the rent tax that may be levied by a Municipality pursuant to Section 137 of the Act shall be as prescribed in Schedule-9.

142. Rate of Enterprise Tax: The minimum and maximum limits of the rate of the enterprise tax that may be levied by a Municipality within its area shall be as prescribed in Schedule-10.

143. Rate of Vehicle Tax: The minimum and maximum rate of the vehicle tax that may be levied by a Municipality within its area shall be as prescribed in Schedule-11.

144. Integrated Property Tax: (1) The minimum and maximum rates of the integrated property tax that may be levied by a Municipality within its area shall be as prescribed in Schedule-12.

(2) For the purpose of the tax to be levied pursuant to Sub-rule (1), a Municipality shall have to stratify its area as per necessity, and a separate statement of integrated property of the residents or such stratification of each Ward shall have to be prepared in the format referred to in Schedule-13.

(3) Upon preparation of the statement pursuant to Sub-rule (2), the Municipality shall constitute a Valuation Committee consisting of five persons in maximum consisting specialists and competent persons as well for the valuation of integrated property.

(4) The period of tenure of the committee constituted pursuant to Sub-rule (3) shall be of One year in maximum.

(5) In making recommendation for the assessment of the taxable value of the integrated property, the Valuation Committee shall have to recommend on the following basis:-

- (a) Taking the current market rate as the basis for assessing the value of integrated property for tax,
- (b) Deducting the depreciation from the value of the physical structure assessed as per the current market-price,
- (c) While deducting the depreciation for the purpose of valuation pursuant to Clause (a), it shall be deducted ²⁷from Ten percent to Twenty percent,
- (d) While valuating the physical structure other than land, it shall be valued on the basis of the classification referred to in Schedule-14,
- (e) While assessing the value of physical structure, if it is in destroyed or demolished conditions, deducting the value equal to the value of the destroyed or demolished parts.

(6) For the purpose of levying tax on the integrated property, the format of the form for valuation of integrated property shall be as referred to in Schedule-15.

(7) Once the recommendation for valuation of integrated property has been made pursuant to Sub-rule (5), the Municipality shall have to assess the rate of valuation of integrated property within the month of *Shrawan*.

²⁷ Amended by the Second Amendment.

(8) The value assessed by the Municipality pursuant to Sub-rule (7) and the rate of the tax fixed by the Municipal Council to be levied thereon shall have to be published in a format as referred to in Schedule-16.

(9) The person who is not satisfied with the valuation of the integrated property published pursuant to Sub-rule (8) may submit an application before the Mayor for revaluation within Thirty Five days from the date of publication of such notice.

(10) The Municipality shall have to finalize the process of revaluation upon the application submitted pursuant to Sub-rule (9) within One month.

(11) The decision taken by the Municipality pursuant to Sub-rule (10) shall be final.

(12) No change shall be made in the valuation of the taxable property and rate thereof fixed pursuant to Sub-rules (7) or (10) for Five years.

(13) For the valuation of the taxable property assessed pursuant to Sub-rules (7) or (10) and for payment of the tax on the integrated property so levied, the Municipality shall have to send a bill within the month of *Mangsir*.

(14) The tax to be paid as per the bill received pursuant to Sub-rule (13) shall be paid by the concerned taxpayer to the Municipality within the same fiscal year.

(15) The Municipality may exempt Ten percent from the tax amount to be paid by a taxpayer who has paid the tax amount within Thirty days from the date of receipt of the bill sent by the Municipality pursuant to Sub-rule (13).

(16) Notwithstanding anything contained elsewhere in this Rule, no integrated property tax shall be levied in the following property:-

²⁸

- (b) The houses and land under the ownership of Government of Nepal,
- (c) The building or land of governmental hospitals,
- (d) The land under the ownership of trusts,
- (e) The land of the governmental educational institutes and governmental corporations which have been operated on a non profit-making basis,
- (f) The houses and lands of the associations or organization which have been operated on a non profit-making basis,
- (g) The buildings or lands of religious institutions (temple, monasteries, churches, mosques etc.),
- (h) The places of public utility such as drinking water collection reservoir, electric power-house, cremation spots, airfields, bus park, stadium, garden, parks etc.
- (i) The buildings and lands of the Embassies, Consular missions and diplomatic missions,

(17) No land revenue, land tax and house and land tax shall be levied on the property for which the integrated property tax has been levied under this rule.

²⁸ Deleted by the Fourth Amendment.

- 145. Rate of Entertainment Tax** : The maximum and minimum rates of the entertainment tax that may be levied by a Municipality within its area by stratification as per necessity shall be as prescribed in Schedule-17.
- 146. Rate of the Commercial Video Tax** : The maximum and minimum rates of the commercial video tax that may be levied by a Municipality within its area shall be as prescribed in Schedule-18.
- 147. Parking Fee**: The maximum and minimum rates of the parking fee that may be charged by a Municipality within its area shall be as referred to in Schedule-19.
- 148. Services Charge On Immovable Property Valuation** : A Municipality may, in making valuation of immovable property within its area, levy a service charge as referred to in Schedule-20. The Municipality may constitute a working team consisting of an expert as per necessity for the valuation of immovable property.
- 149. Application for Permission** : The person seeking to construct a building pursuant to Sub-section (2) of Section 150 of the Act shall have to submit an application for permission thereof to the Municipality on the format referred to in Schedule-21.

Part-4

Provisions Relating to District Development Committee

Chapter-1

Classification of District Development Committee

- 150. Classification of District Development Committee** : ²⁹(1) For the purpose of Section 184 of the Act, Government of Nepal shall classify

²⁹ Amended by the Second Amendment.

the District Development Committees having the following infrastructures into 'A', 'B', 'C' and 'D' Grades as follows:-

Grade "A"

- (1) Having the facility of motorable road upto the district headquarters and upto at least half Village Development Committees for transportation in all seasons of a year,
- (2) Having achieved the target fixed in the education sector by the national indicator aimed at periodic plans,
- (3) Having the facility of at least One Hundred Fifty telephone lines installed or having the facility of telephone provided in Seventy Five Village Development Committees in the district,
- (4) Having achieved the target fixed as the health sector by the national indicator aimed at periodic plans.

Grade "B"

- (1) Having the facility of motorable road upto the district headquarters for transportation in all seasons of a year,
- (2) Having achieved at least Ninety percent of the target fixed in the education sector by the national indicator aimed at periodic plans,
- (3) Having the facility of at least One Hundred Twenty Five telephone lines installed or having the facility of telephone provided in Sixty percent Village Development Committees,
- (4) Having achieved the target fixed in the health sector by the national indicator aimed at periodic plans.

Grade "C"

- (1) Having the facility of motorable road upto the district headquarters,
- (2) Having achieved at least Seventy Five percent of the target fixed in the education sector by the national indicator aimed at periodic plans,
- (3) Having the facility of at least One Hundred telephone lines installed or having the facility of telephone lines in Fifty percent Village Development Committees,
- (4) Having achieved at least Seventy Five of the target fixed in the health sector by the national indicator aimed at periodic plans.

Grade "D"

The District Development Committees which have not included in the classification of Grade "A", 'B', and 'C'.

(2) Government of Nepal shall publish in the Nepal Gazette the list of the District Development Committees classified pursuant to Sub-rule (1).

(3) Government of Nepal shall update the classification list of District Development Committees in every Five years.

Chapter-2

Meeting and working Procedure of District Council

- 151. Venue of the Meeting:** Meeting of the District Council shall be held at the office of the District Development Committee in the district headquarters.
- 152. Agenda Item:** While sending a notice for the purpose of Sub-section (6) of Section 185 of the Act, the agenda items of the meeting shall clearly be mentioned.
- 153. Programme of the Meeting:** The programme of the meeting of the District Council shall be prepared in writing by the Secretary at the direction of the President of the District Development Committee.
- 154. Presence:** Each member present at the meeting shall sign on the attendance book having with his/her name clearly spelled out.
- 155. Proper Conduct of Meeting:** It shall be the duty of the presiding person to properly conduct the meeting.
- 156. Respect to Presiding Person:** It shall be the duty of each Member of the District Council to respect and regard the chair of the Presiding person.
- 157. Turn of Speaking:** The turn of speaking and time duration for the speech of a member taking part in the meeting shall be as decided by the person presiding over the meeting.
- 158. No Objection to be made:** No objection shall be made by any other member during the time at which One member is speaking.

159. Introduction of Resolution : Any member seeking to introduce an agenda for discussion at the meeting shall have to introduce such agenda as a resolution following the procedures referred to in Rule 160.

160. Procedures for Resolution : The notice as to the resolution to be introduced in the meeting for discussion shall have to be provided to the Secretary at least before Twenty Four hours in advance from the beginning of the meeting by fulfilling the following procedures :-

- (a) Written in Nepali language,
- (b) Having signed by at least one proposer and one seconder from amongst the members of the District Council,
- (c) Having the subject-matter of the resolution clear and practicable,
- (d) Being in conformity with Rule 163,
- (e) Being approved by the presiding person for discussion.

161. Order of Resolution: (1) The person presiding over the meeting shall prepare the order of the resolutions on the basis of priority of the matters referred to in Sub-section (1) of Section 188 of the Act.

(2) In cases where Two resolutions have been registered on the same matter, the resolution which has been registered at first shall be included in programme of the meeting.

162. Procedures for Discussion on the Resolutions : (1) The person presiding over the meeting shall give a permission to introduce a resolution on basis of the priority order of the resolution prepared pursuant to Rule 161 and the Member introducing the resolution shall deliver his statement as to the reasons for the introduction of that resolution.

(2) After the member introducing the resolution delivers his statement pursuant to Sub-rule (1), the person presiding over the meeting shall give permission to other members willing to speak on that resolution to speak thereon.

(3) The person presiding over the meeting may, having considered upon the number of the programmes of the meeting and the time required therefor, prescribe the time-limit of the discussion and the time to be allowed to each member to speak at such discussion.

(4) The person presiding over the meeting may, after the speech by the members willing to speak, give permission to the member introducing the resolution to speak again, and no member other than the above, shall normally be given permission to speak more than once.

(5) The member introducing the resolution may withdraw the resolution introduced pursuant to Rule 159 prior to the submission of the resolution for decision pursuant to Rule 164.

163. The Matters Prohibited During Introducing or Discussing a

Resolution: In introducing or discussing a resolution at the meeting, the following matters have been prohibited from doing:

- (a) Use of impolite words,
- (b) Use of the words that harms the personal prestige of any person,
- (c) Vandalism and use of force,
- (d) Discussion on a subject contrary to the spirits of the ³⁰Constitution of the Kingdom of Nepal, 2047 (1990).

³⁰ Now, Interim Constitution of Nepal, 2063.

164. Decision on Resolution : (1) After the completion of the speeches on the resolution pursuant to Rule 162, the person presiding over the meeting shall present that resolution for a decision.

(2) Notwithstanding anything contained in Sub-rule (1), the person presiding over the meeting shall present the resolution to the meeting for decision, if he deems that extensive discussions have already been made on such resolution.

165. Decision-Making Procedures and Declaration of Decision : (1) The person presiding over the meeting shall, in order to decide whether the majority of the meeting is for or against the resolution, declare the decision of the meeting by adopting any one of the following methods :-

- (a) By asking each member to express his/her vote verbally in his/her respective turn,
- (b) By asking to for raise hands for and against the resolution,
- (c) By grouping the members in Two groups, persons voting for the resolution in One group and the persons voting against the resolution in the other

(2) The person presiding over the meeting shall, if it is not practicable to ascertain the majority pursuant to Sub-rule (1), declare the decision on the basis of a secret ballot by the members.

166. Casting Vote : Normally, the person presiding over the meeting shall not cast a vote.

Provided that, the person presiding over the meeting shall exercise his casting vote in case of a tie of votes for or against a resolution.

167. Record of Decision : The Secretary shall keep the record of the decisions taken at the meeting in the minute book and shall get it signed by the person presiding over the meeting.

168. Authentication of Decision: The Secretary shall authenticate the copy of the decision of the meeting and send it to the members and the concerned bodies.

169. Procedures Relating to Special Meeting : (1) While convening a special meeting pursuant to Sub-section (9) of Section 185 of the Act, the Secretary shall, on the written direction of the President, serve a notice on the members of the District Council with clearly specifying the date, time, venue, and the agenda on which the meeting has been convened to have discussion.

(2) At the special meeting convened pursuant to Sub-rule (1), no agenda other than the ones for which the special meeting has been convened shall be discussed.

(3) Except the procedures provided for in this Rule, other procedures relating to the special meeting shall be as per other provisions of this Chapter.

(4) Notwithstanding anything contained elsewhere in this Rule, no special meeting shall be convened with such items of agenda which affect the existing decisions as to the budget and programmes of the District Development Committee being implemented, and the provisions relating to the nomination of a member of the District Council.

170. Selection Procedure of Chairperson and Adjournment of Meeting : (1) The procedures of selection of the Chairperson pursuant to Sub-section (4) of Section 185 of the Act shall be as decided by the person presiding over the meeting at that time.

(2) No meeting of the District Council chaired by the eldest member pursuant to the proviso to Sub-section (4) of Section 185 of the Act shall be adjourned for more than Twenty Four hours.

171. Information to be Given as to Vacant Posts : (1) In the event of falling vacant of the post of member of the District Council and the District Development Committee pursuant to Sections 175 and 182 of the Act, the Secretary shall give the information thereof to the Ministry not exceeding One week from the date of falling vacant of the post.

(2) If the information of falling vacant of the post of member of the Village Council and Village Development Committee, and the Municipal Council and Municipality pursuant to Sections 11, 18, 79 and 86 of the Act respectively, is received at the District Development Committee, the Secretary shall provide the information thereof to the Ministry not exceeding One week from the date of receipt of such information.

Chapter-3

Meeting and Working Procedures of the District Development Committee

172. Time and Venue of Meeting : (1) The meeting of the District Development Committee shall be held at the Office of the District Development Committee.

(2) For the purpose of Sub-section (1) of Section 186 of the Act, the President shall fix the specific date and time of the meetings to be held throughout one fiscal year and shall inform in writing to all the members.

- 173. Agenda for Discussion** : While convening a meeting of the District Development Committee pursuant to Sub-section (2) of Section 186 of the Act, the agenda for discussion shall clearly be mentioned and made available to all members normally Seventy Two hours in advance from the date of the meeting.
- 174. Programme of the Meeting** : The programme of the meeting of the District Development Committee shall be prepared in writing by the Secretary on the direction of the President of the District Development Committee.
- 175. Presence** : Every members present at the meeting shall sign on the attendance book having clearly spelled out his/her name.
- 176. Proper Conduct of the Meeting** : It shall be the duty of the presiding person to properly conduct the meeting
- 177. Respect to Presiding Person** : It shall be the duty of each member of the District Development Committee to respect and regard the chair of the presiding person.
- 178. Turn of Speaking** : The turn of speaking and time duration for the speech for the members taking part in the discussion at the meeting shall be as decided by the person presiding over the meeting.
- 179. No Objection to be Made** : No objection shall be made by any other member during the time at which one member is speaking.
- 180. Introduction of Resolution** : The member seeking to introduce any agenda for discussion at the meeting shall have to introduce such agenda as a resolution following the procedures referred to in Rule 181.
- 181. Procedures for Resolution** : The notice as to the resolution to be introduced by a member for discussion at the meeting shall be given to

the Secretary at least ³¹Seventy Two hours in advance from the beginning of the meeting having abided by the following Rules :

- (a) Written in the Nepalese language,
- (b) Having signed by at least one proposer and one seconder from amongst the members of the District Development Committee,
- (c) Having the subject-matter of the resolution clear and practicable,
- (d) Being in conformity Rule 184,
- (e) Being approved by the presiding person for discussion.

182. Order of Resolution : (1) The person presiding over the meeting shall prepare the order of resolutions on the basis of the priority of the matters referred to in Sub-section (1) of Section 189 of the Act.

(2) In cases where Two resolutions have been registered on the same matter, the resolution which has been registered first shall be included in the programme of the meeting.

183. Procedures for Discussion on Resolution : (1) The person presiding over the meeting shall give a permission to introduce a resolution on the basis of the priority order of resolutions prepared pursuant to Rule 182, and the member introducing the resolution shall deliver his/her statement as to the reasons for introduction of that resolution.

(2) After the member introducing the resolution delivers his/her statement pursuant to Sub-rule (1), the person presiding over the meeting shall give permission to other members willing to speak on that resolution to speak thereon.

³¹ Amended by the Second Amendment.

(3) The person presiding over the meeting may, having considered the agenda items of the meeting and the time required therefor, prescribe the time-limit of discussion for each resolution and the time to be allowed to each member to speak at such discussion.

(4) The person presiding over the meeting may, after completion of the speech of the members willing to speak, give permission to the member introducing the resolution to speak again and excluding him/her, no members other than the above shall, normally, be given permission to speak more than once.

(5) The member introducing the resolution may withdraw the resolution introduced pursuant to Rule 180 before such resolution is submitted for decision pursuant to Rule 185.

184. The Matters Prohibited During Introducing or Discussing a

Resolution: In introducing or discussing a resolution at the meeting, the following matters have been prohibited from doing:-

- (a) Use of impolite words,
- (b) Use of the words that harms the personal integrity of any person,
- (c) Vandalism and use of force,
- (d) Discussion on a subject contrary to the spirit of the ³²Constitution of the Kingdom of Nepal, 2047 (1990).

185. Decision on the Resolution : (1) After completion of the speeches on the resolution pursuant to Rule 183, the person presiding over the meeting shall present the resolution for decision.

³² Now, Interim Constitution of Nepal, 2063.

(2) Notwithstanding anything contained in Sub-rule (1), the person presiding over the meeting shall present the resolution to the meeting for decision, if he/she deems that sufficient discussions have already been made on such resolution.

186. Decision-Making Procedures and Declaration of Decision : (1)

The person presiding over the meeting shall, in order to decide whether the majority of the meeting is for or against the resolution, declare the decision of the meeting by adopting any one of the following methods :-

- (a) By asking each member to express his/her vote verbally in his respective turn,
- (b) By asking to raise hands for and against the resolution,
- (c) By grouping the members in Two groups, persons voting for the resolution in one group and the persons voting against the resolution in the other

(2) The person presiding over the meeting shall, if it is not practicable to ascertain the majority pursuant to Sub-rule (1), declare the decision on the basis of a secret ballot by the members.

187. Record of Decision : (1) The Secretary shall record the decision taken in the meeting in the minute-book and get it signed by the members present in the meeting.

(2) Any member who is not satisfied with the decision taken by the meeting may put his/her dissenting opinion in short.

188. Authentication of Decision : The secretary shall authenticate the copy of the decisions of the meeting and send it to the members and concerned bodies.

189. Procedure of Meeting to be Convened by Secretary : (1) In convening a meeting pursuant to the proviso to Sub-section (2) of Section 186 of the Act, the Secretary shall have to give a notice to the members normally Seventy Two hours in advance from the date of the meeting having clearly mentioned the date, time, venue and the agenda to be discussed in the meeting.

(2) The meeting convened pursuant to Sub-rule (1) shall be held within Seven days from the date of receipt of the requisition for convening the meeting.

(3) No agenda other than the ones for which the meeting has been convened shall be discussed in the meeting convened pursuant to Sub-rule (2).

(4) The other procedures, except the ones referred to in this Rule, of the meeting convened by the Secretary pursuant to Sub-rule (1) shall be as provided for in other provisions of this Chapter.

190 Meeting Allowance and other Benefits: The meeting allowance and other benefits of the President, Vice- President and Members shall be as referred to in Schedule-22.

Chapter-4

Functions, Duties and Powers of District Council and Committees

191. Functions, Duties and Powers of District Council: In addition to the functions, duties and powers referred to in the Act, other functions, duties and powers of the District Council shall be as follows: -

- (a) To issue necessary directives to the District Development Committee after having evaluated whether or not the directives given by Government of Nepal and the National Planning Commission have been properly followed,

- (b) To issue necessary directives to the District Development Committees for creating awareness in people's level about the programmes conducted by Government of Nepal and for effective implementation thereof.
- (c) To issue necessary directives to District Development Committee in order to remove the hurdles that may arise in the functioning of the District Development Committees Municipalities and Village Development Committees within its working area subject to the Act and this Rule.

192. Functions, Duties and Powers of Accounts Committee: (1) The Accounts Committee to be constituted pursuant to Sub-section (4) of Section 188 of the Act shall study and submit a report to the meeting of the District Council along with its opinion and recommendation on the following subjects:

- (a) Whether or not the resources have been mobilized and amounts have been collected as per the estimation in the annual budget;
- (b) Whether or not the programmes stipulated in the annual budget have been conducted;
- (c) Whether or not necessary actions have been taken in order to regularize, realize and settle the unsettled and irregular amounts in connection with the amounts determined as unsettled and irregular from the auditing.

(2) The Accounts Committee may, in preparing a report pursuant to Sub-rule (1), invite the stakeholders for discussion as may be necessary.

(3) It shall be the duty of all concerned to make available the documents demanded by the Accounts Committee and to be present and give one's own advice and opinion at the Accounts Committee in connection with preparation of the report pursuant to Sub-rule (1).

³³(3a) The Accounts Committee shall prepare its annual work plan and implement it having caused to be approved from the District Council.

³⁴(4) The meeting of the Accounts Committee shall be conducted at least once in One month.

(5) For taking part at the meeting of the Accounts Committee, the members of the Accounts Committee shall get the meeting allowance same as of a member of the District Development Committee.

³⁵**192A. Secretary of the Accounts Committee** : The Chief of the Internal Audit Section shall work as a Secretary of the Accounts Committee.

193. Sectoral Committees: (1) For the purpose of Sub-section (5) of Section 188 of the Act, the District Council may constitute the following sectoral committees consisting of Three members under the Chairpersonship of the Members of the District Council :-

- (a) Infrastructure and Construction Development Committee,
- (b) Agriculture, Forest and Environment Committee,
- (c) Population and Social Committee,
- (d) Organization and Administration Committee,

³³ Inserted by the Second Amendment.

³⁴ Amended by the Second Amendment.

³⁵ Inserted by the Second Amendment.

(e) Water Resources and Land Committee.

(2) In constituting a sectoral committee pursuant to Sub-rule (1), the terms of reference and duration of such committee shall be prescribed. The meeting of such sectoral committee may be held for Four times in maximum within the said duration.

(3) No person who is the member of one sectoral committee shall be eligible for the member of another sectoral committee.

(4) For taking part at the meeting of a sectoral committee, the members of sectoral committee shall get the meeting allowance same as of a member of the District Development Committee.

³⁶**193A. District Level Revenue Consultative Committee:** (1) There shall be a District Level Consultative Committee consisting of the following coordinator and members in each district to render advice to the Village Development Committees and District Development Committee excepting the municipality area:-

(a) President of District Development Committee - Convener

(b) Representative of Inland Revenue Office or in a district where no Inland Revenue Office is there, a representative of Funds and Accounts Comptroller Office of that district - Member

(c) District President of the

³⁶ Inserted by the Second Amendment.

Chamber of Industry and
Commerce or a representative
of the Chamber designated by
him - Member

(d) Chairperson of the District
Working Committee of the
Federation of Village
Development Committees - Member

(e) Secretary of the District
Development Committee or an
Officer prescribed by him - Member-Secretary

(2) The procedures of the Consultative Committee pursuant to
Sub-rule (1) shall be as fixed by the District Development Committee.

(3) The Consultative Committee pursuant to Sub-rule (1) may
invite, a representative of the Municipal Level Revenue Consultative
Committee, expert of the concerned field and a representative of
professional organization, in the meetings.

Chapter-5

Functions, Duties and Powers of the President,

Vice President and Members

194. Function, Duties and Powers of President: In addition to the
functions, duties and powers referred to in the Act, the other functions,
duties and powers of the President shall be as follows: -

(a) To obtain approval of the District Development Committee if the
President has to go outside the District area in connection with
the works of the District Development Committee,

- (b) To settle or cause to be settled the unsettled amounts as seen from the auditing, and the amounts given as advance from the District Development Committee.
- (c) To implement or cause to be implemented the other programmes as have been directed by the District Council and District Development Committee,
- (d) To coordinate or cause to be coordinated the governmental, non-governmental and financial organizations within the District Development Committee area,
- (e) Save in the situation referred to in Clause (9), if the President has to go outside the District for any other reasons, he shall have to inform the Vice-President about it.

195. Function, Duties and Powers of Vice-President: In addition to the functions, duties and powers referred to in the Act, other functions, duties and powers of the Vice-President shall be as follows: -

- (a) To exercise the powers of the President during the time of working as the acting President,
- (b) To carryout other functions as prescribed by the District Development Committee or the President.

196. Function, Duties and Powers of Members: In addition to the functions, duties and power referred to in the Act, other functions, duties and powers of the Members shall be as follows: -

- (a) To assist the President in the formulation of plan and programme of the District Development Committee.
- (b) To inform the residents of the District as to the utility of the projects implemented by the District Development Committee.

- (c) To preside over the area level projects formulation committee and to determine or cause to be determined the priority order of the projects,
- (d) To carry out other functions as prescribed by the District Development Committee or the President.

Chapter-6

Procedures of Formulation and Implementation of Plans of District Development Committee

197. Matter to be Referred to in Resource Map : (1) While preparing a resource map by a District Development Committee pursuant to Section 199 of the Act, the following factual situations shall have to be reflected in such map:-

- (a) Boundary, area and population of the District Development Committee separating each Ward,
- (b) Geo-structure or topographical situation,
- (c) The heritage such as rivers and streams, canals, water spouts, water channel etc.,
- (d) Historical, geographical, archaeo-logical and cultural heritages,
- (e) Roads, alleys track roads, trail roads etc.,
- (f) Ringroads, airfields, bus stops, play grounds, parks and gardens,
- (g) Public hall, health post, hospital and treatment centre,

- (h) Schools, colleges, technical schools, and training centres, services centre, financial and cooperative institution, post office, telephone and electricity,
- (i) Drinking water and sewerage and drainage.
- (j) Agricultural area, forest area, market area, residential area and the measurement of such areas.
- ³⁷(k) Sketch of poverty and social mobilization and location of *Dalits* and indigenous nationalities.

³⁸(2) While preparing a resource map the scale shall have to be mentioned.

(3) There shall be a sign mark at the map.

(4) Assistance from the District Survey Branch and the concerned body may be obtained in preparing the resource map.

(5) On the basis of the resource map, a separate sectoral map on the physical development of sectoral area shall have to be prepared.

198. Formulation of Periodical Plans: (1) Each District Development Committee shall have to formulate a periodical plan for at least five years for the development of its area pursuant to Sub-section (5) of Section 195 of the Act.

(2) The periodical plan to be formulated pursuant to Sub-rule (1) shall contain the long term aims, objectives and working policies of the plan, physical infrastructures and services, and facilities in the District, resources mobilization and possibilities of income generation, the cost

³⁷ Inserted by the Second Amendment.

³⁸ Amended by the Second Amendment.

involvement of governmental and private sector and the works to be carried out by the District Development Committee.

(3) In formulating the periodical plans, it shall be finalized having included therein the sectoral programmes of sectoral areas in consultation with the sectoral committees.

(4) The periodical plan formulated by a District Development Committee shall have to be approved by the District Council.

199. Planning Formulation Process : (1) While formulating a plan by a District Development Committee pursuant to Sub-section (4) of Section 197 of the Act, the District Development Committee shall have to follow the following process:-

(a) Once having received the pre-estimation of resources and means and guidelines from Government of Nepal and the National Planning Commission, the District Development Committee shall have to organize a planning formulation workshop within the second week of the month of *Marga* for achieving the target of the plan with the participation of sectoral bodies, financial institutions, Chamber of Commerce and Industries, chief of non-governmental organizations, Mayors of Municipalities, and the representatives of the Federation of the Village Development Committees.

(b) Considering the suggestions derived from the workshop held pursuant to Clause (a) and the pre-estimation of resources and means and guidelines, the Planning Formulation Form shall have to be

made available to the concerned Village Development Committee and Municipality within the last day of the month of *Marga* each year for formulation of plan accordingly.

(2) The concerned Village Development Committee and Municipality shall, within second week of the month of *Magha* each year, determine the sectoral priority order of the projects to be launched from the district level and central level on the form received pursuant to Clause (b) of Sub-rule (1), and forward it to the concerned District Development Committee and the Area Services Centres.

(3) A planning formulation meeting for the formulation of area level projects shall be held under the Chairpersonship of the concerned Area Member consisting of the Chairmen and Vice-chairmen of the Village Development Committees and Mayors and Deputy-mayors of Municipalities within the area, the Chiefs of the sectoral bodies and the financial institution and representatives of non-governmental organizations within the area. In such meetings, the Chiefs of the district level Sectoral bodies and the President and Vice-president of the District Development Committee may also be invited. The secretary of the District Development Committee shall depute an appropriate staff for rendering the services of secretariat to such meeting.

(4) The meeting referred to in Sub-rule (3) shall determine the sectoral priority order of the projects received from the Village Development Committees and Municipalities within the area, and forward them to the District Development Committee and the concerned sectoral committees within the third week of the month of *Magha*.

(5) The Sectoral Planning Formulation Committee shall classify the projects received from various areas into the district level and central level projects, determine the priority order of such projects and forward

them to the Integrated Planning Formulation Committee within the first week of the month of *Falgun* each year.

(6) The Integrated Planning Formulation Committee shall, upon discussion on the projects received from the Sectoral Planning Formulation Committee and upon looking into the complementary and supplementary relationship amongst the projects, change, add and reduce and change into the priority order of the projects as per necessity, and submit to the District Development Committee within second week of the month of *Falgun*.

(7) The District Development Committee shall, before finalizing the district development projects recommended by the Integrated Planning Formulation Committee pursuant to Sub-rule (6), have to analyze about the policy of Government of Nepal, guidelines, target of the periodic plan, land-use map, master plan, particulars of resources and means resource map, working capacity and working efficiency, environmental impact and the balance amongst the areas. While analyzing in such a way, a separate classification shall be made as to the projects to be launched at district level and central level, and the projects to be launched in participation with other institution.

(8) The District Development Committee shall, upon completion of the procedures as referred to in Sub-rule (7), finalize such projects with determination of sector wise or area wise priority order if required, and submit them to the District Council within third week of the month of *Falgun* each year.

(9) The District Council shall take the decision of passing the District Development Plan within the last day of the month of *Falgun* each year, and forward the decision and other documents relating thereto to the National Planning Commission and the Ministry within the 10th of *Chaitra*. The decisions relating to the sectoral Ministries and

other bodies which have been included in the District Development Plan passed by the District Council shall be forwarded to such Ministries and agencies also within the said period.

(10) The District Development Committee shall have to include in its budget and programmes the projects approved by the District Council subject to the guidelines and policies given by the National Planning Commission and various Ministries of Government of Nepal for launching them with priority. In case where the District Development Committee has passed the District Development Plans with difference than the guidelines and policies given by the National Planning Commission and the concerned Ministry, the National Planning Commission and the concerned Ministry may approve appropriate project, and forward the programmes and budget thereof. While forwarding the programmes and budget in this way, the concerned District Development Committee shall have to be informed along with the reasons and justification thereof.

(11) In cases where the District Development Plan could not be passed because of not convening of the meeting of the District Development Council by any reason, the National Planning Commission and the concerned Ministry shall have to approve the programme and budget as forward by the Sectoral Office of the concerned district with its recommendation for approval to the District Development Committee.

200. Projects Implementation Process : (1) Upon receipt of information of the approval of annual programmes and budget, the concerned District Development Committee shall conduct a meeting with the Chiefs of all governmental, non-governmental and financial organizations relating to its programmes, and shall do or cause to do the following subject to the guidelines :

- (a) If the programmes and budget passed by the District Council and forwarded to the centre for approval have been approved as-it-is, to ask the concerned body to prepare a calendar of operation and to launch the programme in accordance with the calendar of operation so prepared.
- (b) If the District Development Committee passes the annual programmes and budget with variation than the guidelines and budget estimates of the concerned Ministry, the sectoral Ministry may, upon inquiring into the justification thereof, give necessary directives to the concerned District Development Committee in launching such programme, and if such directives have been received, to launch the programmes accordingly.

(2) Notwithstanding anything contained in Sub-rule (1), while implementing and launching the projects through the consumers committee or non-governmental organization pursuant to Sub-section (4) of Section 205 and Sub-section (2) of Section 209, an agreement shall be executed or caused to be executed in the format as referred to in Schedule-3.

201. Approval and Clearance of Project : (1) The body, organization or persons launching the project shall, upon the completion of the project so launched, have to send a report to the District Development Committee for approval or clearance.

(2) Out of the reports received pursuant to Sub-rule (1), the reports on the projects in the nature of construction, such as roads, buildings, irrigation, drinking water, canals etc. shall have to be

approved and cleared by the concerned body within One month from the date of receipt of such reports.

(3) Except the projects referred to in Sub-rule (2), the body, institution or persons launching other programmes such as the trainings workshops, seminars, study visits publicity in the nature of raising public awareness, shall have to submit the reports to the concerned District Development Committee specifying therein the objectives and the physical and financial progress of the programmes they have launched, and the concerned District Development Committee shall, upon examining whether such programmes have been launched according to the agreements, have to approve and clear the project within One month from the date of submission of the reports.

(4) The approval or clearance made by the District Development Committee pursuant to Sub-rules (2) or (3) shall have to be approved by the District Council.

202. Supervision and Monitoring of Project : (1) For the purpose of giving a report to the District Development Committee for supervision and monitoring of district level projects and programmes, and to the Supervision and Monitoring Committee as referred to in Section 210 of the Act, the District Development Committee shall constitute a Supervision and Monitoring Sub-Committee as follows :

- ³⁹ a) Vice-president of District Development Committee - Convener
- (b) Any two of the District Development Committee members designated by the District Development Committee - Member

³⁹ Amended by the Second Amendment.

- (c) Planning and Administrative Officer of the District Development Committee - Secretary

(2) The committee as referred to in Sub-rule (1) shall have to monitor and supervise the following matters:-

- (a) Whether or not the project or programme has been implemented as per the fixed calendar of operation,
- (b) Whether or not a regular supervision has been made by the technician if the project or programme is such that it requires such supervision,
- (c) Whether or not the works have been carried out as per the fixed standard,
- (d) Whether or not there is progress in implementation in proportion to the expenditures incurred in the project or programme,
- (e) Whether or not the particulars, bills, receipts, documents of the expenditures have been duly kept,
- (f) If the project or programme is under the agreement as referred to in Sub-rule (2) of rule 200, whether or not it is as per such agreement,
- (g) Other necessary particulars, if any.

(3) Upon having completed the supervision and monitoring of the matters referred to in Sub-rule (2), the Supervision and Monitoring Sub-Committee shall have to submit the report thereof each month to the

District Development Committee and to the Supervision and Monitoring Committee.

(4) While evaluating the projects or programmes launched in the District pursuant to Section 211 of the Act, the District Development Committee shall have to consider the matters stipulated in the report received to it pursuant to Sub-rule (3), and if there appears any drawbacks or shortcomings in any project or programme, it may give necessary directives to the concerned consumers committee, organization, institution or persons to remove such drawbacks and shortcomings.

203. Sectoral Planning Formulation Committee : (1) For the purpose of Sub-section (3) of Section 197 of the Act, there shall be a Sectoral Planning Formulation Committee as follows :

- (a) A member designated by the District Development Committee - Convener
- (b) The Chiefs of the non-governmental organizations nominated by the President from amongst the non-governmental organizations engaged in the district in the tasks relating to the Sectoral Committee - Member
- (c) The In-charge of the sectoral Office relating to the working nature of the subject. - Member

- (d) The In-charge of the concerned body designated by the Convenor - Member-Secretary

(2) The functions, duties and powers of the Sectoral Planning Formulation Committee shall be as follows:

- (a) To render necessary assistance to the District Development Committee in formulating sectoral planning and programmes,
- (b) To inform to the general public as to the needs, importance and usefulness of the sectoral plans run by the District Development Committee in connection with the implementation thereof, and cause publicity thereof,
- (c) To carry out the tasks as per the directives of the District Development Committee or the President.

(3) Other procedures as to the meeting of the Sectoral Planning Formulation Committee shall be as decided by the Sectoral Planning Formulation Committee itself.

204. Integrated Planning Formulation Committee : In addition to the members referred to in Clauses (a), (b) and (c) of Sub-section (2) of Section 198 of the Act, the Vice-president of the District Development Committee, In-charges of sectoral sections and the representatives of the non-governmental organization within the district relating to the programmes shall be the members of the Integrated Planning Formulation Committee.

205. Procedures Relating to the Meeting of Integrated Planning Formulation Committee : (1) The meeting of the Integrated Planning

Formulation Committee shall be held for four times in a year as per the date, time and place as prescribed by the Chairperson, and if necessary, it may be held for more than that.

(2) The Integrated Planning Formulation Committee may invite any expert as per necessity to take part in the meeting of the Integrated Planning Formulation Committee.

(3) If Fifty percent of the total members of the Integrated Planning Formulation Committee are present, it shall constitute the quorum for the meeting of the Integrated Planning Formulation Committee.

(4) The Chairperson of the Committee shall preside over the meeting of the Integrated Planning Formulation Committee and in his/her absence, the vice-president of the District Development Committee shall preside over the meeting.

(5) At the meeting of the Integrated Planning Formulation Committee, the majority opinion shall prevail, and in case of a tie of votes the person presiding over the meeting shall exercise his/her casting vote.

(6) The secretary of the Committee shall record the decisions of the meeting of the Integrated Planning Formulation Committee in a minute-book, get it authenticated by the Chairperson and make available a copy thereof to all the members for information.

(7) Other procedures relating to the meeting of the Integrated Planning Formulation Committee shall be as decided by the Committee itself.

206. Impact Assessment of the Project : In assessing the impact of a project, the District Development Committee shall have to pay attention to the following factors also:-

- (a) **Social impact** : Whether or not there is rise in the awareness, change in the living style, thinking and culture and growth in the social and moral activities of the local people;
- (b) **Economic Impact** : Whether or not there is growth in the opportunity of employment or self employment, in the business transaction, in purchasing power and in the overall economic activities of the local people;
- (c) **Services and Facilities** : Quality of the services provided by the project, reaction of the people who have or who have not enjoyed the services and the needs to increase qualitative and quantitative growth of the services.
- (d) **Environmental Impact** : Whether or not, after launching the project there occurs deluge, draught, floods, landslides, soil-erosion and the like natural calamities.

Chapter-7

Provision Relating to Division of Tax, Service Charges, Fees and Revenue

⁴⁰**207. Rate of Tax That May be Levied by the District development Committee**: (1) The District Development Committee may levy tax at the following rate on the following materials pursuant to Section 215 of the Act:-

⁴⁰ Amended by the Second Amendment.

- (a) **Rate of Vehicle Tax:** On the vehicle plying through the road or bridge constructed from its own resources or handed over to it temporary vehicle tax as referred to in Clause (1) of Schedule-23.
- (b) **Rate of export tax:** On the materials to be produced within the district and exported therefrom as referred to in Clause (2) of Schedule-23 tax as specified in the same Schedule.
- (c) **Rate of tax on the used up materials:**
- (1) Used up materials to be used by the national industries: On the used up materials as referred to in Clause (4) of Schedule 23, which can be reused in the same form by the industries established within the country, tax at the rate as specified in the same Schedule.
 - (2) Used up materials which can be used after being recycled: On the used up materials as referred to in Clause (4) of Schedule 23, which can be reused after being recycled, tax at the rate as specified in the same Schedule.

Explanation: For the purpose of this Rule "used materials (*Kawadi*)" shall mean bottles/crates of light drinks, crates for carrying eggs, and milk, gas cylinder, ⁴¹goods or other goods prescribed as *Kawadi* by District Development committee upon taking advice of Revenue Advisory

⁴¹ Amended by the Third Amendment.

Committee and materials to be sold and to be reused having included the price on it with container except raw materials remained being produced metallic industrial products (so certified by the concerned industry).

- (d) **Rate of tax on the feather of birds:** On the feather of birds, as referred to in Clause (5) of Schedule -23, the ones prohibited by the prevailing laws, tax at the rate as specified in the same Schedule.
- (e) **Rate of tax on bones, horns, hoofs, leather of animals:** On the bones, horns, hoofs, leather of dead or killed animals other than those prohibited by the prevailing laws, tax at the rate as specified in Clause (6) of Schedule-23.
- (f) **Rate of tax on agriculture, animals and animal products:** In regard of the agriculture and animal products produced within the district for commercial purpose, tax may be levied not exceeding one percent of the prevailing price of such material as specified by the District Council on the advice of the Consultation committee pursuant to Rule 193A, commoditywise Chamber of Commerce, farmers group, civil society or a cooperative institution related to agriculture.

(2) Notwithstanding anything contained in Sub-rule (1), while raising tax under this Rule it shall be required to do as follows:-

- (a) No tax shall be levied on the imported ⁴²goods and while taking information ⁴³of such goods, the customs declaration shall be taken as a basis.
- (b) While raising tax, fee, charge, the materials on which such tax is levied and the rate thereof shall have to be affixed in the notice board in a manner conspicuous to all.
- (c) The tax to be imposed by the District Development Committee shall have ⁴⁴to be collected in the production place or the collection centre so prescribed by the committee. Such tax and fee shall be managed to have been collected by the firms/individuals having been listed or obtained certificate to collect in and export from the concerned Local Bodies after having caused competition.
- (d) Tax to be raised pursuant to this Rule shall not be collected in the national highways or sub-highways prescribed under the prevailing laws having kept a bar or obstruction.
- ⁴⁵(e) No tax shall be levied in marble and lime stone which is used in agriculture and agricultural industries.

208. Rate of Service Charge : The rate of the service charge that may be levied by a District Development Committee pursuant to Section 216 of the Act shall be as referred to in Schedule-24.

⁴² Amended by the Third Amendment.

⁴³ Amended by the Third Amendment.

⁴⁴ Amended by the Third Amendment.

⁴⁵ Amended by the Third Amendment.

209. Rate of Fee : The rate of the fee that may be levied by a District Development Committee pursuant to Section 217 of the Act shall be as referred to in Schedule-25.

210. Power to Sell : A District Development Committee may, subject to the following provisions, sell or cause to sell the sand of rivers, aggregate, stone, slate, soil and the dry woods pursuant to Section 218 of the Act:

(a) If the concerned body of Government of Nepal has send a letter along with a technical report stating that it is not appropriate from environmental viewpoint to excavate soil, sand, aggregate, stone etc. or to operate mines or to extract out such things from a river or riverbank, or if the concerned Village Development Committee or Municipality or District Development Committee has sent a letter along with a technical report stating that it is not appropriate to excavate in that way or to operate mines, such operation of mines and soil excavation works shall have to be closed immediately.

(b) No soil, stone, sand and aggregate shall be excavated or caused to be excavated from any place within the boundary of national forests or government forests without an approval of the concerned body and no dry woods flown by rivers and are blocked or lying within the forest boundary shall be taken out, collected or sold or distributed.

⁴⁶**211. Provisions Relating to Allocation of Revenue**: (1) In allocating the revenue pursuant to Section 220 of the Act, the amount to be obtained by the concerned District Development Committee shall be deposited having opened a separate bank account in the name of such office which collects the revenue. The amount shall be provided to concern District Development Committee from such bank account pursuant to Schedule-26.

(2) Among the amount to be obtained pursuant to Sub-rule (1), the amount to be determined by District Council on the basis of need and expansion of service which the District Development Committee shall provide such amount to Municipality and Village Development Committee within own territory.

(3) The amount to be obtained from District Development Committee pursuant to Sub-rule (2), shall not be expended in the administrative function by Municipality and Village Development Committee.

⁴⁶ Amended by the Third Amendment.

Part-5

Provisions Relating to the Employees of Local Bodies

Chapter -1

Vacancy Fulfillment

212. Kinds of Posts : (1) There shall be the following posts in local bodies:

- (a) Officer level posts.
- (b) Assistant level posts.

(2) The class of the posts referred to in Sub-rule (1) shall be as follows:

- (a) Officer level
 - (1) Officer level Sixth class
 - (2) Officer level Seventh class
 - ⁴⁷(3) Officer level Eighth class
 - ⁴⁸(4) Officer level Ninth class
- (b) Assistant level
 - (1) Assistant level First class
 - (2) Assistant level Second class
 - (3) Assistant level Third class
 - (4) Assistant level Fourth class

⁴⁷ Inserted by the Second Amendment.

⁴⁸ Inserted by the Second Amendment.

(5) Assistant level Fifth class

(3) In addition to the posts and classes referred to in Sub-rule (2), all the posts existing in the local bodies at the time of commencement of this Rule shall be deemed to be in existence under this Rule and class adjustment shall be made accordingly.

⁴⁹(4) Notwithstanding anything contained in this Rule, the positions referred to in Sub-clause (3) and (4) of Sub-rule (2) shall only be remained in the Local Bodies whose annual internal income is more than One Hundred Million.

⁵⁰(5) The designation to be remained in the posts pursuant to Sub-rule (2) shall be as specified in the Bye-laws.

213. Vacancy Fulfillment : (1) The posts falling vacant in the local bodies shall be fulfilled by new appointment or by promotion.

(2) ⁵¹... .. the method of advertisement for the vacancy fulfillment, the conduct of examination and selection method shall be as prescribed by the Ministry in consultation with the Public Service Commission.

⁵²(2a) Notwithstanding anything contained otherwise, in this Rule no new post of assistant level first, second and third class and driver shall not be created in the local body after commencement of this Rule and the post of assistant level first, second and third class and driver *ipso facto* shall be cancelled after the post to be filled up are fulfilled pursuant to Rule 213A.

⁴⁹ Inserted by the Second Amendment.

⁵⁰ Inserted by the Third Amendment.

⁵¹ Deleted by the Second Amendment.

⁵² Inserted by the Third Amendment.

⁵³(3) Notwithstanding anything contained in this Rule, after the commencement of this Rule no permanent employees shall be appointed for the work such as waste management, supply of electricity and water, security, sanitation, garden care taker, photocopy. Such works shall be caused to have been done on contract basis.

Provided that, there shall be no objection to cause to be done such work by the permanent employees who are involved in doing such work until such permanent employees remain in such position.

⁵⁴(4) Any post of local body shall *ipso facto* be cancelled in case not fulfilled permanently within One year after the creation or vacancy of the post.

Provided that, the post shall not be cancelled if the fulfillment or promotion process has been began by Vacancy Fulfillment Committee.

⁵⁵**213A.Special provision relating to fulfillment of vacancy:** (1)

Notwithstanding anything contained otherwise in these Rules, the vacancy shall once be fulfilled by a separate competition upon conducting examination among those employees who have obtained minimum qualification as referred to in these Rules and who are appointed in the approved post of officer level Sixth class and assistant level Fifth and Fourth class upto the last day of *Ashad*, 2059 and who are working continuously upto the commencement of this Rule.

(2) While fulfilling the post pursuant to Sub-rule (1), Fifty percent of the approved vacant posts of the local body shall be fulfilled as referred to in Sub-rule (1) and out of the remaining Fifty percent Thirty percent by internal competitive examination in the case of officer and the vacancy of assistant level shall be fulfilled through performance evaluation promotion system.

⁵³ Inserted by the Second Amendment.

⁵⁴ Inserted by the Third Amendment.

⁵⁵ Inserted by the Third Amendment.

Provided that, while fulfilling vacancy in the post of assistant First, Second and Third level, it may be fulfilled as referred to in Sub-rule (1) in the Cent percent vacancies.

(3) If no candidate is available for the vacancy of internal competitive examination or promotion on the basis of work efficiency pursuant to Sub-rule (2), such post shall be included into the vacant seat to be fulfilled pursuant to Sub-rule (1).

4. ⁵⁶

(5) Notwithstanding anything contained in these Rules there shall be no age bar to be a candidate to personnel who is serving continuously for a period of One year in the local body through an advertisement pursuant to this Rule.

(6) Fulfillment of vacancy as referred to in Sub-rule (1) shall be made by the concerned local body ⁵⁷ within last day of Bhadra, 2067 B.S. from the date of commencement of this Rule.

⁵⁸ **213B. Appointment to be taken as inclusive basis:** (1) Notwithstanding anything contained in these Rules, in order to make inclusive the local body service, Forty-Five percent posts of the local body posts to be fulfilled by open competition shall be set aside and be filled up by having separate competition between the following candidates only, by considering the percentage into cent percent:

- | | | |
|-----|------------------------|-----------------------|
| (a) | Women | -Thirty Three Percent |
| (b) | <i>Adiwasi/Janjati</i> | -Twenty Seven Percent |
| (c) | <i>Madhesi</i> | -Twenty Two Percent |
| (d) | <i>Dalit</i> | -Nine Percent |

⁵⁶ Deleted by the Fourth Amendment.

⁵⁷ Amended by the Fourth Amendment.

⁵⁸ Inserted by the Fourth Amendment.

- (e) Disabled (differently able) -Five Percent
- (f) Backward Area - Four Percent

Explanation:

- (1) For the purpose of this Sub-rule "backward area" means *Accham, Kalikot, Jajarkot, Jumla, Dolpa, Bajhang, Bajura, Mugu and Humla* districts.
- (2) For the purposes of Clauses (a), (b), (c) and (d) of this Sub-rule, "women, *Adiwasi /Janajati, Madhesi, and Dalit*" means *women, Adiwasi/Janajati, Madhesi, and Dalit* who are backward economically and socially.

(2) Notwithstanding anything contained elsewhere in these Rules, the posts of the percentage determined pursuant to Clause (e) of Sub-rules (1) shall be filled up through competitive examination among such disabled (differently able) only as may be specified for any specific nature of work.

(3) While determining the percent pursuant to Sub-rules (1), if there is a fraction that is less than One percent, the fraction shall continue to pass on to the immediately next group of the group in respect of which such fraction has resulted.

(4) If no appropriate candidate is available from the advertisement for a post set aside pursuant to Sub-rules (7) in the year of advertisement, such post shall be included in the advertisement of next year, and if any appropriate candidate is not available even upon such advertisement, such post shall be included in the posts to be filled up through the open competition in that year.

⁵⁹**213C. Provision Relating to municipal police (*Nagar prahari*) :** (1) The Municipality shall not create new post of municipal police without taking prior approval of the Government of Nepal.

(2) The Municipality may, by framing the Bye-laws, make necessary arrangements regarding the service, terms and operation of municipal police serving in the post created before the commencement of this Rule.

⁶⁰**213D. Vacancy to be fulfilled by assistant level first class employee:**

(1) Notwithstanding anything contained otherwise in these Rules, Twenty percent of the posts of the assistant level first class of local body shall be filled up through open competition from amongst the employees who are serving assistant level first class of local body and have obtained minimum educational qualification and minimum Five years service period in local body.

214. Disqualifications for being a Candidate: The following persons may not be eligible to be a candidate for a post in a local body:

- (a) Non-Nepali Citizen,
- (b) Not attained the age of Eighteen years for the post of assistant level,
- (c) Not attained the age of Twenty One years for the post of officer level,
- (d) Attained the age of Thirty Five years in case of male candidates and of Forty years in case of female candidates,

⁶¹Provided that,

⁵⁹ Inserted by the Fourth Amendment.

⁶⁰ Inserted by the Fourth Amendment.

⁶¹ Amended by the Fourth Amendment.

- (1) A person not above the age of Forty Five years may also be able to be a candidate in the technical posts or the posts prescribed to be fulfilled by an ex-army personnel or ex-police personnel.
 - (2) No age bar shall be applied, for those employees of local body who is working permanently.
- (e) Convicted of any offence involving moral turpitude;
- (f) Sacked from any service having been rendered unfit for any government service or service of any organization or Development Committee under the ownership of Government of Nepal.

⁶²Notwithstanding anything in Clause (d), no age bar shall be applied, for the temporary employees who are continuously working for at least One year being duly appointed in the Local Bodies, to become candidate for one time in the advertisement of the concerned Local Bodies to be made after the commencement of this Rule.

215. Vacancy Fulfillment Committee : (1) For the selection of suitable candidates in the vacant posts of local bodies and recommendation of the same, there shall be a Vacancy Fulfillment Committee as follows:

(a) In case of District Development Committee and Municipality:

- (1) A person designated by the concerned District council or Municipal Council from among the Nepali citizens who have

⁶² Inserted by the Second Amendment.

taken no membership of any political party and who have been retired from the service with an experience of officer level for at least Seven years in administrative or judicial or educational field after having obtained at least graduation

- Chairperson

⁶³(2) An officer level representative designated by the Ministry of Local Development

- Member

⁶⁴(2a) An officer level representative designated by concerned Regional or Zonal office of Public Service Commission

-Member

(3) Secretary of the concerned District Development Committee or Municipality

-Member
secretary

(b) In case of Village Development Committee:

(1) Any person designated by the concerned Village Council from amongst prestigious local citizens having taken no membership of any political party

- Chairperson

(2) An Employee representative of any governmental office

⁶³ Amended by the First Amendment.

designated by the secretary of
the District Development
Committee - Member

⁶⁵(2a) An officer level representative
designated by concerned
Regional or Zonal office of
Public Service Commission - Member

(3) Secretary of the concerned
Village Development Committee - Member
Secretary

(2) The Vacancy Fulfillment Committee to be constituted pursuant to Sub-rule (1) may invite an expert on any subject at the meeting of the Vacancy Fulfillment Committee as per necessity.

(3) The Chairperson and members of the Vacancy Fulfillment Committee shall get meeting allowance, daily allowance or transportation expenditure as fixed by the concerned local body.

(4) The Vacancy Fulfillment Committee shall submit its annual report to the Council of the concerned local body.

(5) The concerned local body shall also act as the secretariat of the Vacancy Fulfillment Committee.

⁶⁶(6) The tenure of the Chairperson of the vacancy fulfillment committee shall be of Five years.

⁶⁴ Inserted by the Third Amendment.

⁶⁵ Inserted by the Third Amendment.

⁶⁶ Inserted by the Second Amendment.

216. Appointment: (1) The Secretary shall, as per the decision of the concerned local body, appoint the candidate recommended by the Vacancy Fulfillment Committee.

(2) The concerned local body shall, within Thirty Five days from the date of recommendation made for appointment, decide to provide with the appointment letter.

(3) The Secretary of the concerned local body shall, within seven days from the date of the decision made pursuant to Sub-rule (2), provide with the appointment letter.

(4) In the event of a decision not made within the time-limit referred to in Sub-rule (2), the Secretary of the concerned local body shall, within Seven days from the date of lapse of such time-limit, provide with the appointment letter.

(5) The job description of the post of the appointment shall be made available along with the appointment letter.

(6) No appointment shall be made except in the approved posts. No. temporary, daily-wages or any other types of appointment shall be made even in the approved posts.

⁶⁷(7) If any one appoints any person in contravention of Sub-rules (6), such appointment shall be cancelled and the person who has given order or has got authority to appoint, shall be punished in accordance with the law,

⁶⁸(8) If a person is appointed in contravention of Sub-rules (6), the amount of salary and allowances amounts shall be recovered from

⁶⁷ Inserted by the Fourth Amendment.

⁶⁸ Inserted by the Fourth Amendment.

the person who has given order or has got authority to appoint and the person so appointed proportionally.

217. Appointment on Contract: (1) A local body may appoint any person in the technical post of the approved list of posts on contract.

⁶⁹(1a) Notwithstanding anything contained in Sub-rule (1), for operating new programme or project by a local body, local body may appoint particular person in contract service showing reason therefor through an open competition, incase employee working in the local body are not sufficient or it requires human resource having special qualification and such human resource is not available therein .

⁷⁰(1b) Notwithstanding anything contained in Sub-rule (1a), the local body may remove the employee so appointed in contract whose function is completed or whose his/her performance is not satisfactory.

(2) The remuneration, benefits and terms of service of the employee appointed ⁷¹pursuant to Sub-rule (1a) in (1) shall be as prescribed by the local body.

⁷²(3) The person who is appointed in contract pursuant to this Rule shall not be adjusted or transferred in post of local body.

⁷³(4) If any one makes contract appointment in contravention of this Rule or adjustment or transfers in post of local body, he/she shall be punished by invaliding such action and the amount of salary and allowances shall be recovered from such person who has made such decision.

⁶⁹ Inserted by the Fourth Amendment.

⁷⁰ Inserted by the Fourth Amendment.

⁷¹ Amended by the Fourth Amendment.

⁷² Inserted by the Fourth Amendment.

⁷³ Inserted by the Fourth Amendment.

- 218. Lien:** No permanent appointment of any other employee shall be made in a post which is under lien of an employee.

Provided that, there shall be no objection for appointment on contract basis on creation of special post for a period of One year in maximum if the employee is on leave or on deputation for more than one year having created lien to his post and if there is difficulty in the tasks being carried out by him because of his absence.

- 219. Probation Period :** (1) Any employee having been employed afresh in any post shall be put in a probation period of One year.

Provided that, in case of woman employee, the duration of such probation period shall only be of Six months.

(2) If the job-performance of the employee in probation period is not satisfactory, the appointing authority may remove him prior to the lapse of probation period.

- 220. Health Certificate :** The employee being appointed afresh shall, prior to the receipt of appointment letter, furnish a health certificate on the examination of his/her health by a recognized physician.

- 221. Oath of office:** The employee being employed afresh shall, at the presence of the Secretary of local body, take an oath of office as per the format referred to in Schedule-27.

Chapter-2

Transfer and Promotion

- ⁷⁴**222. May be transferred:** (1) Ministry may transfer an employee of a local body to any other local body subject to the provision of Sub-rule (3).

⁷⁴ Amended by the Fourth Amendment.

(2) Ministry shall take consent of the concerned local bodies before making transfer pursuant to Sub-rule (1).

(3) The standard and basis of transfer of employee pursuant to Sub-rule (1) shall be as specified by the Ministry.

⁷⁵**222A. Employee may be deputed:** (1) Ministry may depute an employee of a local body to another local body.

(2) Deputation shall not be made for a period exceeding Three months a year pursuant to Sub-rule (1).

223. Promotion : (1) The promotion shall be made to the Seventy five per cent of the total posts falling vacant of the officer level seventh ⁷⁶ Eighth and Ninth class on the basis of evaluation of work performance and to the Twenty Five percent posts on the basis of an internal competitive examination from amongst the employees engaged in the post below one class of the post falling so vacant.

(2) The promotion shall be made to the Seventy Five percent post of the total posts falling vacant of the officer level sixth class on the basis of an open competition, and to the Twenty Five percent posts by promotion on the basis of an internal competitive examination from amongst the employees engaged in the assistant level fifth class.

(3) The promotion shall be made to the fifty percent of the assistant level posts falling vacant on the basis of evaluation of work performance from the employees working in the post below the posts so falling vacant, and to the Fifty percent posts by an open competition.

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⁷⁵ Inserted by the Fourth Amendment.

⁷⁶ Inserted by the Second Amendment.

⁷⁷ Deleted by the Third Amendment.

⁷⁸(4) The employee who is working in the assistant second and third level after commencement of this Rule, he/she shall *ipso facto* be promoted upto one level if he/she has completed the service period and has obtained minimum educational qualification.

⁷⁹(5) After such promotion pursuant to Sub-rule (4), upper level post shall be created and the lower level post shall *ipso facto* be cancelled.

224. Service Period Required for Promotion : For the promotion in the posts of officer level, a service period of at least Five years in the post below One class of the post of promotion and for other posts, a service period of at least Three years shall be required, and the employee shall be permanent one.

225. Basis of Promotion : (1) In promoting the employee of local bodies, the employee having secured highest marks in the evaluation of his work performance shall be promoted first.

(2) In the event of the employees getting equal marks in the evaluation of work performance, resort shall be had to the recommendation of the appointment to the present post.

(3) The following factors shall be taken as the basis in the promotion of the employee:

- (a) Job seniority
- (b) Educational qualifications
- (c) Evaluation of work performance
- (d) Training

⁷⁸ Inserted by the Third Amendment.

⁷⁹ Inserted by the Third Amendment.

(4) In computing the marks for seniority, Two marks shall be given for each year of the service in the present post to the extent of Thirty marks in maximum. While computing the marks for the service period over One year and some months or days, the marks shall be given on proportional basis.

(5) For educational qualification, a maximum of Fifteen marks shall be given and the marks therefor shall be computed as follows:-

- (a) For the educational qualification required for entry into the present post, Ten, Eight and Six marks shall be given for the First, Second and Third division thereof respectively.
- (b) For one concerned educational degree above the required minimum qualification, Five, Four and Three marks shall be given for the First, Second and Third division thereof respectively.

(6) For work performance, a maximum of Fifty marks shall be given on the evaluation of the works performance as has been referred to in the work performance evaluation form referred to in Schedule 28.

(7) For training, Five, Four and Three marks shall be given for the First, Second and Third division thereof respectively.

(8) In promotion of a post falling vacant in any local body, the promotion shall be made from amongst the employees under the same local body having met the qualifications for the promotion.

⁸⁰**225A. Minimum Academic Qualification:** The minimum academic qualification required for the ⁸¹entry of service shall be as follows:-

⁸⁰ Inserted by the Second Amendment.

⁸¹ Amended by the Fourth Amendment.

- (a) For the officer level employees Bachelor level passed,
- (b) For assistant level fifth class employees Intermediate level passed or equivalent to that,
- (c) For assistant level fourth class employees S.L.C. passed or equivalent to that,
- (d) For assistant level third class employees ten class passed or equivalent to that,
- (e) For assistant level second class employees eight passed or equivalent to that,
- (f) For assistant level first class employees general literate having the skill of reading and writing.

⁸²**225B. Special provision of promotion by evaluation of work**

performance and experience: (1) Notwithstanding anything contained elsewhere in this Rules, the local body employee shall be promoted up to one level who has completed the following service period in the following class and obtained the upper level educational qualification than prescribed for minimum educational qualification at the time of entry in the service either before or after the entry in the service:

- (a) Assistant level fourth level - Ten years
- (b) Assistant level fifth level - Twelve years
- (c) Officer level sixth level - Seven years
- (d) Officer level seventh level - Seven years
- (e) Officer level eighth level - Twelve years

⁸² Inserted by the Fourth Amendment.

(2) Notwithstanding anything contained in Sub-rule (1), a local body employees who has completed the service period of Fifteen, Thirteen or Eleven years or more in the permanent post of the same class of Officer level Sixth and Seventh level, assistant level Fifth and Fourth level and who has acquired minimum educational qualification required for the post at the time of entry of service shall be promoted to a higher level or group division of the concerned service, group or sub-group.

(3) To get promotion pursuant to Sub-rule (1) and (2) one must have acquired Ninety percent or more score on average in the last Three years work performance evaluation and one should not have been punished for withholding salary increment and promotion.

(4) The promotion referred to in Sub-rule (1) and (2) shall be made by local body on recommendation of Vacancy Fulfillment committee constituted pursuant to Rule 215.

(5) The Vacancy Fulfillment Committee referred to in Rule 215 shall recommend for promotion once a year within the month of *Poush*.

(6) To make promotion pursuant to Sub-rules (1) or (2) one higher level special post of the same service shall *ipso facto* be created in local body where he/she serves.

(7) The position shall *ipso facto* lapse if the employee is promoted, pursuant to Sub-rule (6), gets retirement for any reason or is promoted or adjusted to the registered post and the post shall *ipso facto* be settled as the earlier post before the post of his/her promotion pursuant to this Rule.

(8) The employee of local body promoted for the special post pursuant to Sub-rules (6) shall have to conduct the same work of the

post where he/she has been working except in the case of adjustment of the post pursuant to Sub-rule (7).

(9) The transfer of the employee of a local body promoted as per this Rule shall be with the special post created as per the promotion of this Rule of other local body until an adjustment is made pursuant to Sub-rule (7).

⁸³**225C. Provision relating to layer upgrade of classless employee:** (1)

Upgrading of Assistant level first layer posts of the local body shall be as follows:

- (a) First layer,
- (b) Second layer,
- (c) Third layer,
- (d) Fourth layer,
- (e) Fifth layer.

(2) The assistant level employee of local body at the time of appointment shall be settled into the first layer.

(3) In the case of assistant level First grade employees who has not inflicted for Departmental action, the concerned local body upgrade as following:

- (a) To the second grade/ layer who has served for a period of Five year or more and less than Ten years.
- (b) To the third grade/layer who has served for a period of Ten year or more and less than Fifteen years.

- (c) To the fourth grade/layer who has served for a period of Fifteen year or more and less than Twenty years.
- (d) To the fifth grade/layer who has served for a period of Twenty year or more.

226. Appeal : The employee of the local body having any complain about the promotion may file an appeal through the Secretary of the local body to the Secretary at the Ministry within Thirty Five days from the date of publication of the promotion list. Actions upon such an appeal shall, generally, be completed within Three months, and the decision of the appellate authority shall be final.

Chapter-3

Punishment and Appeal

227. Punishment : If there are reasonable and adequate causes, an employee of a local body may be imposed the following punishments:

(a) **Ordinary Punishments** :

- (1) Admonition
- (2) Stoppage of two annual increment in the remuneration in maximum.
- (3) Stoppage of promotion for a period of Five years in maximum.

(b) **Special Punishments**:

⁸³ Inserted by the Fourth Amendment.

- (1) Removal from the service not having been rendered the employee disqualified for the appointment in the service of local body in the future.
- (2) Dismissal from the service having been rendered the employee generally disqualified for the appointment in the service of local body in the future.

228. Giving Admonition or Stoppage Remuneration Increment or

Promotion: On any of the following grounds, an employee of a local body may be admonished or his remuneration increment or promotion may be stopped:-

- (a) If working performance is not satisfactory,
- (b) If one does not attend the office transferred to within the time-limit;
- (c) If one is absent at the office frequently without a prior approval,
- (d) If one acts in an indisciplinatory manner,
- (e) If one violates the code of conduct stipulated in this Rule,
- (f) If one does not hand over the cash or kind or documents to be handed over to the office,
- (g) If one gets the warning for three times in a year, and
- (h) If one does not fulfill the occupational liabilities specified by the prevailing laws with accountability.

229. Removal or Dismissal from Service : (1) On any of the following grounds, an employee of a local body may be removed from the service having rendered him as disqualified for appointment in the service of local body in the future:-

- (a) Inability to perform the tasks or responsibilities of the post due to disqualification of the employee,
- (b) Frequent violation of the Rules of conduct,
- (c) Frequent consumption of intoxicating substances during office hours,
- (d) Frequent commission of disciplinary acts,
- (e) Taking part in politics,
- (f) Frequent indifference towards the responsibilities of one's own post, and
- (g) Absence at the office for a period of Ninety consecutive days without getting a leave approved.

(2) On any of the following grounds, an employee of a local body may be dismissed from the service having rendered him disqualified for appointment in the service of local body in the future:-

- (a) Having been convicted of criminal offence involving moral turpitude, and
- (b) Commission of corruption.

230. Authority to Impose Penalty : The ordinary punishment may be imposed on an employee of the concerned local body by the Secretary thereof.

Provided that, the special punishment may be imposed only by the concerned local body.

231. Procedure Relating to Punishment : The authority imposing the punishment shall, prior to the issuance of the order of punishment on

any employee, give an opportunity to the employee to furnish his explanation on the charge by notification along with the reasons for taking actions against him/her. In giving him such notification, the allegations made against him shall be clearly mentioned and an explanation shall be sought from him having clearly mentioned that which allegation is based on which grounds and facts.

232. Notice to be Furnished Prior to Issuance of Order of

Punishment : Before issuance of order of punishment to an employee whose explanation sought pursuant to Rule 231 is not satisfactory or who does not submit an explanation at all, the authority issuing the order of punishment shall ask again for explanation on giving him reasonable time why the proposed punishment is not to be imposed upon him along with Notification of the proposed punishment to be imposed upon him.

233. Actions of Suspension : (1) The authority having power to impose punishment upon an employee may, in inquiring into the allegations referred to in Rule 229 made against any employee of a local body, suspend such employee within the inquiry is over.

Provided that, no employee shall, generally, be suspended without there being the following conditions:-

- (a) If there is a possibility of collecting false evidences or concealing the evidences against himself if one is allowed to work in the post without suspension, or
- (b) If there is a possibility of incurring any harm or loss to the local body if one is allowed to work in the post without suspension.

(2) The authority having power to order punishment upon an employee of a local body may have power of suspension.

(3) Generally, in suspending an employee of a local body, one shall not be suspended for more than Three months. Within that period, the inquiry upon the employee shall be completed. If there is an extraordinary situation developed and the actions against the employee could not have been completed within that period, the period of suspension may be extended, with a prior approval from the Ministry, for another Three months and not more than One month for once.

(4) An employee of a local body having been in custody after arrest in the charge of a criminal offence involving moral turpitude shall, during the period of such custody, *ipso facto* be deemed to have been suspended.

(5) The employee having been in suspension pursuant to Sub-rule (1) shall, during the period of suspension, get only half of the amount of his remuneration.

234. End of Suspension : (1) The suspension of an employee of a local body shall come to an end if he is back to his post, or if he is removed or is dismissed from the service.

(2) In cases where an employee of a local body is back to his post, he shall get the remaining amount of remuneration and allowances.

Provided that, if an employee of a local body has been suspended not as a result of an action taken by the local body and if one has been suspended by any other reasons whatsoever, no remuneration and allowances shall be given for such period of suspension.

235. Appellate Authority : (1) The employee having complaints against the punishment imposed pursuant to Rule 228 may, within Thirty Five days

from the date of such punishment, file an appeal before the local body, and the employee having complaints against the punishment imposed pursuant to Rule 229 may, within Thirty Five days, file an appeal before the Secretary at the Ministry.

(2) The authority hearing the appeal may uphold, set aside or commute the punishment imposed upon an employee.

(3) The decision made by the appellate authority shall be final.

236. Procedures for Appeal: The following procedures shall be followed by an employee of a local body while filing an appeal against the punishment imposed upon him:-

- (a) Appeal shall be made in one's own name,
- (b) Appeal shall consist of all evidences for clearance from the charge, and shall be written in a polite language,
- (c) A copy of an order against which the appeal has been made shall be enclosed along with the appeal,
- (d) The appeal shall be filed within Thirty Five days from the date of receipt of the order of punishment.

Provided that, if the appellant employee could produce adequate reasons for his failure to file an appeal within the time-limit, the Secretary at the Ministry may grant permission to file the appeal within Three months from the date of imposition of punishment by the local body.

237. Sending of Appeal : (1) An appeal shall be sent through the authority of punishment.

(2) The authority against whom the appeal has been made pursuant to Sub-rule (1) shall send the appeal to the appellate authority along with its opinion on the issues raised by the applicant and all essential documents relating thereto.

⁸⁴**237A. Record of punishment:** (1) The concerned local body shall maintain the record of punishment inflicted to employees of the local body.

(2) The record which is maintained pursuant to Sub-rule (1), should be kept up to the following period and the following matters shall be considered at the time of posting or providing acting head of department or head of General Department, designating the responsibility as Head of anybody, evaluating the performance of employee, or giving reward or nominating for study or training or upgrading level or providing any opportunity.

- (a) In the event of Censure, One year period from date of given punishment.
- (b) In the event of suspension, during the period of suspension,
- (c) In the event of withholding of promotion, during the period of withholding,
- (d) In the event of withholding of increment in salary, during the period of withholding.

(3) The information of the record of punishment pursuant to Sub-rule (1) shall be given to concerned employee and body when he/she shall be transferred or deputed.

⁸⁴ Inserted by the Fourth Amendment.

- 238. Getting Remuneration and Allowances if Reinstated in the Service of Local Body** : In the event of an employee being reinstated back in the service of a local body after setting aside the order of punishment for removal from service by the appellate authority, such employee shall get all remuneration, allowances even with an increment if there is any due, beginning from the date of such removal or dismissal up to the date of restoration to the service.

Chapter-4

Leave

- 239. All Time of Employees of Local Body Subject to Local Body** : All the time of an employee of the local body shall be under the control the local body, and any employee may be deputed at any time to the job of the local body.
- 240. Office Time, Time Punctuality and Attendance** : (1) The employee of a local body shall regularly attend their offices during the office hours fixed by Government of Nepal for the business of local bodies.

(2) The Secretary of the concerned local body may cause abstention of the employee who does not attend the office within the time fixed pursuant to Sub-rule (1).

Provided that, the Secretary may allow to attend office to the employee who comes to office Fifteen minutes later than the time so fixed for Three times in a month.

(3) Except with reasonable ground, no employee shall be absent at his/her office without getting a leave approved. Such absent employee shall file an application for leave within Seven days.

241. Casual Leave and Festival Leave: (1) An employee of a local body shall get a casual leave of Six days and festival leave of Six days each year.

(2) The employee of a local body who is on casual or festival leave shall get full remuneration.

(3) The casual and festival leaves may be taken even for a half-day.

Explanation: For the purpose of this Sub-rule, "half-day" means the half time of the office-hours.

(4) No casual leave or festival leave shall be carried forward to and taken in the next year.

(5) The officer granting approval to leave may approve the casual leave and festival leave on verbal basis also.

Provided that, in granting approval of the casual leave and festival leave on verbal basis, the officer shall cause to keep the record thereof.

242. Home Leave: (1) An employee of a local body shall get the home leave at the rate of One day for his/her working period of each Twelve days.

Provided that, the employees of a local body who are getting the winter or summer vacations shall not get this leave.

(2) For the purpose of this Rule, "working period" includes also the period on which the employee has taken casual leave, festival leave, sick leave, maternity leave, obsequies leave and it also includes public holidays.

(3) The employee of a local body who is on home leave shall get full remuneration.

(4) The employee of a local body may accumulate the home leave up to a period of One Hundred Eighty days if there is any due.

(5) In the event of leaving from the service by any reason, an employee of a local body shall get the lump sum payment for the accumulated home leave on the basis of his present remuneration of the post of his lien.

(6) In the event of death of an employee of a local body prior to the receipt of the payment for accumulated home leave, the person as willed shall get the lump sum payment of the amount for such accumulated leave.

Provided that, if no person has been so willed, the keen heir shall get the payment of such amount.

(7) In cases where an employee of a local body used to get the summer and winter vacations has been deputed to such work in which no such vacations are granted, the local body which has deputed the employee to such work shall give the payment for such leave on the basis of the present remuneration of the post of his lien.

(8) No employee of a local body who has been on home leave, study leave or extraordinary leave shall get the home leave for that period.

(9) An employee of a local body shall, once in a year, get a holiday for journeys at the rate of One day for each Sixteen miles for the walking on foot, and the exact period of a journey in case of travel by motor, train and plane if he/she has taken at least Seven days of home

leave for going to home and coming back therefrom to the office after completion of the home leave.

243. Sick Leave: (1) An employee of a local body shall get the sick leave of Twelve days for each year.

(2) While being on sick leave, an employee of a local body shall get full remuneration.

(3) If an employee of a local body falls into serious sickness and if the accumulated sick leave could not cover it, the sick leave of 12 days in maximum may be granted to him as an advance.

(4) No employee of a local body who is on the extraordinary leave shall get the sick leave for that period.

(5) An employee of a local body seeking for the sick leave for more than Seven days shall have to produce a certificate from a recognized medical practitioner.

Provided that, if the authority granting the leave believes that it was normally not possible to produce such certificate, he may approve such leave without such certificate, having taken notes of such fact.

(6) An employee of a local body may accumulate the sick leave due.

(7) In the event of leaving from the service by any reason, an employee of a local body shall get the lump sum payment for the accumulated sick leave on the basis of his present remuneration of the post of his lien.

(8) In the event of death of an employee of a local body prior to the receipt of the payment for accumulated sick leave, the person willed

shall get the lump sum payment of the amount for such accumulated leave.

Provided that, if no person has been so willed, the keen heir shall get the payment of such amount.

(9) If an employee of a local body suffers from any serious or complicated disease and the sick leave and home leave are not sufficient for his/her treatment, he/she may get an additional sick leave up to Forty Five days as advance with a condition of deduction from his/her home and sick leaves to be due in future. The employee of a local body who is in such an advance leave shall get the full remuneration.

(10) In the event of the leave obtained pursuant to Sub-rule (9) falls short and more leave is required, the employee of a local body may get an extraordinary leave on the recommendation of the district hospital or of the Medical Board appointed by Government of Nepal.

(11) If the employee of a local body who has taken the sick leave as advance pursuant to Sub-rule (9) dies such advance sick leave shall *ipso facto* be exempted.

244. Maternity Leave : (1) If a female employee of a local body has been pregnant, she may take the maternity leave before and after the delivery totaling Sixty days.

(2) The female candidate on maternity leave shall get full remuneration.

(3) Maternity leave shall be given only for Two times in the total service period.

(4) The concerned local body has to update the records of the maternity leave.

245. Obsequies Leave : (1) If any employee of a local body himself/herself is to have performed obsequies rites as per family and religious traditions, he/she shall get the obsequies leave of Fifteen days. If the husband of an employee of a local body is to have performed obsequies rites or if a female employee is to have performed obsequies rites in the event of death of the father-in-law and mother-in-law, such employee shall get the obsequies leave of Fifteen days.

(2) The employee of a local body who is on obsequies leave shall get the full remuneration.

⁸⁵**244A. Maternity care leave**: (1) In cases where the wife of a male employee of a local body is to deliver a baby, such an employee shall be entitled to a maternity care leave of Fifteen days before and/or after delivery.

(2) An employee of local body going on the maternity care leave shall be entitled to get full salary.

(3) The maternity care leave shall be given only for Two times during the service period.

(4) An employee of local level who has gone for the maternity care leave shall have to submit the birth registration certificate of the child within Thirty-Five days after the date on which the employee has taken the leave to the local body in which he is in service.

(5) The period of such a leave of the employee of local body who fails to submit such a certificate within the period as referred to in Sub-rule (4) shall be deducted from other leave to which he is entitled.

(6) The local body shall have to maintain updated records of the maternity care leave.

⁸⁵ Inserted by the Fourth Amendment.

⁸⁶**244B. Infant care allowance:** An employee of a local body who has been sanctioned the maternity leave and the maternity care leave shall be given an infant care allowance in a lump sum of Five Thousand Rupees for each infant for a maximum of Two infants.

246. Study Leave: (1) The employee of a local body who has to go to study in a scholarship received to a local body on a subject which is essential and useful for the service of the local body having been selected with the approval of the Ministry through an open competition or inter-local body competition or on nomination of local body may get a study leave for the duration of such study.

(2) An employee of a local body may get a study leave up to Three years at once or from time to time in the total service period.

Provided that, the local body may grant an additional study leave up to Two years in the circumstances it deems necessary.

(3) Notwithstanding anything contained in Sub-rule (2), neither an additional study leave nor an extraordinary leave shall be granted to the employee who is on study leave for the study on an additional subject or for getting an additional degree.

(4) The employee of a local body who is on study leave shall get full remuneration.

(5) An employee of a local body who has been to study on a subject essential and useful for the service or group concerned on the personal efforts with the permission of the Ministry may be granted the study leave pursuant to Sub-rule (2).

Provided that, no employee of a local body in such a leave shall get the remuneration.

⁸⁶ Inserted by the Fourth Amendment.

(6) No employee of a local body shall get the study leave without completing Three years of service period.

Explanation : If the temporary service period of an employee of a local body has been computed in the permanent service period, such temporary service period shall also be computed for the purpose of this Sub-rule.

(7) If an employee of a local body has been nominated by Government of Nepal to take part in a training which is essential for execution of a programme or a project, such employee shall be sent in deputation for the training period, and he/she shall be given full remuneration for that period.

Provided that, such deputation shall exclusively be for the purpose of a training, and no employee of a local body shall be granted deputation while sending him/her for getting an academic degree.

247. Extraordinary Leave: (1) If an employee of a local body has to take an extraordinary leave, an application shall be made along with the reasons therefor, and if the reasons are found reasonable, the local body may grant extraordinary leave of One year for once and upto Three years for the total period of the service.

(2) No employee of a local body who is on an extraordinary leave shall get the remuneration.

Provided that, an employee of a local body who is on the extraordinary leave pursuant to Sub-rule (10) of Rule 243 shall get full remuneration for the period of such leave.

(3) No employee of a local body shall get an extraordinary leave without having completed the Five years service period of a local body.

Provided that,

- (a) This Sub-rule shall not hinder in granting an extraordinary leave as an additional sick leave pursuant to Sub-rule (10) of Rule 243.
- (b) An employee of a local body willing to study on personal efforts may, after completion of two years of service period, get an extraordinary leave up to Three years at once or from time to time subject to Sub-rule (1)

(4) No period of extraordinary leave taken by an employee of a local body shall be counted in his/her service period.

248. Leave may be Granted to Serve at International Organization or

Association : If an employee of a local body makes an application to join the service of an international organization or association on leave, and if there are enough grounds that it is useful for the local body also to send the employee in such service, the local body may, on getting a declaration to be made to the effect that he/she shall rejoin the service of the local body, give permission to go for such service, and the service period shall be deducted from the period of an extraordinary leave which may be granted pursuant to Rule 247.

249. Procedures for Requesting a Leave: (1) For the sanction of a leave,

an employee of a local body shall make an application to the authority sanctioning leave through one's own office stipulating the duration of the required leave, causes thereof, and if one has to go to a foreign country, stipulating this fact too, and the authority of sanctioning leave shall give a notification to such employee about the acceptance or rejection of the leave application.

(2) If the authority of granting a leave is satisfied with the following factors, he may grant a leave to be effective from a date prior to the date of the application:-

- (a) It was not possible to obtain a prior permission of the authority of granting the leave,
- (b) The application had tried his best to obtain prior permission.

(3) In submitting an application for a study leave, following factors shall be referred to in addition to other matters:-

- (a) Particulars of the subject of which one is seeking for study.
- (b) Particulars of the acceptance for admission to the university, institution or training centre of the study.
- (c) Other particulars which may be helpful to the local body in considering the grant of such leave.

250. Authority to Sanction Leave: The following authorities shall have the power to sanction the following leaves:-

Types of the Leave
Leave

Authority to Grant the

- | | |
|-------------------------------------|-------------|
| (a) Casual leave and festival leave | - Secretary |
| (b) Home leave | - Secretary |
| (c) Sick leave | - Secretary |
| (d) Maternity leave | - Secretary |

- ⁸⁷(d1) Maternity care leave - Secretary
- (e) Obsequies leave - Secretary
- (f) Study leave - Local body
- (g) Extraordinary leave - Local body

251. Leave not to be Changed : Only the leave which has been taken by an employee of a local body under this chapter shall be utilized. No alteration of a leave taken earlier shall be made into others except in cases of obsequies leave or maternity leave.

252. Inclusion of Public Holiday: Save in the cases of casual leave and festival leave, if there falls a public holiday during the period of a leave of an employee of a local body and if such an employee does not attend the office after the public holiday, the period of such public holiday shall also be deemed to have been included in the leave taken by the employee or in any other leaves which he/she may take.

253. Action Against the Absent Employee: The employee of a local body who is not present at the office without sanctioning taken a leave may be recorded as an absentee and departmental action may be taken against him/her by decreasing the remuneration for the period of such abstention. No such period of abstention shall be counted in his/her service period.

254. Record of Leave: (1) The authority of sanctioning a leave shall cause to keep the record of the leave of the employee of a local body working under it.

(2) In the event of an employee of a local body transfer from one local body to the other or promotion thereof, the record of leave shall

⁸⁷ Inserted by the Fourth Amendment.

be forwarded along with the information of such transfer or promotion to the current local body.

(3) A copy of the record of the leave referred to in Sub-rule (2) shall be provided to the concerned employee also.

255. Alternative Leave: The employees of a local body who have been working in the local bodies like radio transmission studio, hospital, fire brigade, museum, drinking water, sewerage management in which the employees have to work even on public holidays shall, in lieu of their work on public holidays, get an alternative leave with remuneration, and such leave may be taken within One year with arrangement of their turn.

256. Leave not a Matter of Right: Leave is not deemed to be a right, it is merely a facility.

NEPAL LAW COMMISSION

Chapter-5

Miscellaneous

⁸⁸**257. Remuneration and Allowance:** (1) While fixing the remuneration, allowance and other benefits of the employee of the local body it shall fix the remuneration, allowance and other on the basis of the remuneration, allowance and benefits being received by the Civil servants of Government of Nepal and within limitation of its income and expenditure.

(2) The annual salary report of employees of local body shall be caused to be approved by the concerned council.

(3) Salary and allowance shall not be written as expenses by the any local body without approving such report pursuant to Sub-rule (2).

(4) If Salary and allowance is written as expenses in contravention of Sub-rule (2), that salary and allowance amounts shall be recovered from the Chief of the official of the such local body.

258. Deputation: The Secretary may depute any employee of a local body to a temporary assignment, provided that an approval of the Ministry shall be obtained before deputing an employee for a temporary assignment abroad.

⁸⁹**259. Training:** (1) A local body may, in order to promote the working efficiency of the employees of the local body, organize pre-service and in service training programmes or send the employees to a recognized training imparting institution.

⁸⁸ Inserted by the Fourth Amendment.

⁸⁹ Amended by the Second Amendment.

(2) While giving marks for training to the employees of local body, it shall be given to in service trainings duration of which shall be of five weeks or more. While giving marks for the training, it shall be calculated only for such class at which class the employee was nominated for training.

(3) The employees of the local bodies shall have to submit a certified copy of academic qualification and training. No marks shall be given if such copy is not submitted.

260. Resignation: The resignation tendered by an assistant and officer level employee of a local body may be accepted by the concerned Secretary and the local body respectively.

261. Compulsory Retirement: An employee of a local body shall be given a compulsory retirement from the service on attaining the age of Fifty Eight years.

⁹⁰**262. Work Performance Evaluation:** (1) The provision relating to the work performance of an employee of the local body shall be as specified in the Bye-laws.

⁹¹**263. Festival expenses and other facilities:** (1) A employee of local body shall receive an amount equivalent to the salary of One month being earned by him/her as the festival expenses each year to celebrate festival as per his/her religion, culture and custom.

(2) An employee of local body who is entitled to get the festival expenses in advance of Fifteen days of the main festival in relation to which he/she intends to obtain the festival expenses, every year. While so giving the festival expenses, the salary of the preceding month shall

⁹⁰ Amended by the Second Amendment.

⁹¹ Inserted by the Fourth Amendment.

also be paid by debiting as expense even though the preceding month to the festival has not expired.

(3) Information in writing as to the main festival in relation to which one intends to receive the festival expenses and possible months falling in such festival shall be informed to the concerned office within Three months after the date of the commencement of this Rule by the employee of local body who is in service at the time of commencement of this Rule and within Three months of assumption of office by the employee of local body who is appointed after the commencement of this Rule. After an application is so made, the employee shall not be entitled to request for expenses on the occasion any another festival during the period of his or her service.

264. Conduct of Employees: The employees of a local body shall have to abide by the following conducts:-

- (a) No donation, gift or grant shall be accepted by any employee of a local body or shall cause to be accepted by any member of his/her family so as to causing any impact in the functioning of a local body without a prior permission of the local body. If any gift is offered by any foreign country or representative, the information thereof shall be communicated to the local body and shall be done as per the decision of the local body.
- (b) Without prior approval of a local body, no kind of donation shall be asked for or no donation shall be accepted or no kind of financial assistance shall be accepted.
- (c) In the event of receipt of any immovable property in the employee's own name or in the name of any member of his/her family, the information thereof shall be furnished, along with the price thereof, to the local body through the Secretary.

- (d) The employee of a local body currently at service shall, within Three months from the date of commencement of this Rule, and the employee to be newly appointed shall, within One month from the date of his/her appointment, submit the particulars of the movable and immovable properties including shares, bank balance, jewellery, gold and silver owned by themselves or any member of /her family, to the local body through the Secretary.
- (e) No contract, tender or quotation for the works of the local body shall be accepted or taken in the name of the employee or any member of his/her family.
- (f) No credit shall be accepted from a person who has working relationship with the local body and no one should be under the influence of his/her financial gratitude.

Provided that, this Rule shall not be applicable while making transaction with a bank.

- (g) No employee shall be involved in any kind of gambling.
- (h) No employee shall take part in the establishment, registration or operation of a bank or company without having obtaining a prior approval of the local body.
- (i) No document or information written or received by an employee shall, without having obtained an authority from the local body, be made available directly or indirectly to any unauthorized employee, or non-governmental person or a press.
- (j) No article or opinion shall be published or broadcasted in a newspaper or magazine or radio or television in real or nickname or anonymously so as to causing adverse impact on the functioning of Government of Nepal or the local body.

- (k) No public speech shall be made and no press-release shall be issued (published) against the policy of Government of Nepal and the local body.
- (l) One shall be regularly present at the office at the time fixed by the local body and one shall not be absent without sanctioning a leave.
- (m) Secrecy of office shall not be disclosed.
- (n) An order given by a superior officer about any matter relating to the works of a local body shall be carried out as soon as possible and with all labour.
- (o) An employee of a local body shall pay due respect to all senior officials.
- (p) No political or other undue influence shall be exercised or tried to be exercised to any superior official for the accomplishment of any vested interest relating to the employment (job).
- (q) No employee of a local body shall marry or cause to marry in contravention to the provisions of the chapter on Marriage of the *Muluki Ain* (General Code).
- (r) No employee shall take part or request for vote or exercise any influence in any election of political post.

Provided that, this Rule shall not be deemed to have restricted the exercise of the voting right provided by law.

- (s) No membership of an employees organization shall be subscribed which has not been registered under law and not been recognized by Government of Nepal.

Provided that, this Rule shall not be deemed to have restricted to subscribe the membership of a professional organization.

(t) No officer level employee shall be a member of any employees organization.

(u) An employee shall submit all the cash or kind or documents that have to be submitted by him/her in due time and the employee who has to receive those items shall be received in due time.

⁹²(v) No employee of a local body shall subject any one to torture or Sexual abuse or domestic violence.

⁹³(w) An employee of a local body must treat everyone in a decent manner while discharging his/her duties in the office.

⁹⁴(x) The employee of a local body must bear the responsibilities in his/her office and post and must perform his/her job as demanded by an impartial, fair, efficient and prompt manner.

⁹⁵(y) The employee of local body must not use or consume any property of the government or local body for private purpose.

⁹⁶(z) No an employee of local body must not use or consume for domestic or private use.

⁹⁷(z1). The employee of local body must accord decent treatment to the stakeholders related with his/her job.

⁹² Inserted by the Fourth Amendment.

⁹³ Inserted by the Fourth Amendment.

⁹⁴ Inserted by the Fourth Amendment.

⁹⁵ Inserted by the Fourth Amendment.

⁹⁶ Inserted by the Fourth Amendment.

⁹⁷ Inserted by the Fourth Amendment.

⁹⁸(z2) An employee of a local body shall not obstruct any essential service delivery prescribed by Government of Nepal or local body or shall not take part in strike, *tala bandi* (lock-up) or entice other persons to commit such acts in such manner which may cause negative impact in local body or shall not stage strike, detention and *Gherao* to obstruct to any office or officer from performing duties required by the law.

⁹⁹(z3). A clear information, *inter alia*, on the matters and process related with the work of the stakeholders and the time required to perform the work must be given to the stakeholder in due time.

¹⁰⁰**264A.Provision relating to Trade Union (Professional**

Organization): (1) The employee of local body may form an organization subject to the provisions of prevailing laws.

(2) The conditions to be abided by the officials of the Trade Union shall be as good as the civil employees.

(3) The facilities to be received by officials of Trade Union shall be as specified by Ministry.

¹⁰¹**264B.Provisions relating to insurance**: Local body may manage for necessary provision of insurance to the employees of local body, where the both of them shall bear equal amount through Bye-law.

264C. Special economic facility: (1) If an employee of local body dies while in service, the local body may provide a lump sum amount of One Hundred Fifty Thousand Rupees to the near heir.

⁹⁸ Inserted by the Fourth Amendment.

⁹⁹ Inserted by the Fourth Amendment.

¹⁰⁰ Inserted by the Fourth Amendment.

¹⁰¹ Inserted by the Fourth Amendment.

(2) In cases where an employee of a local body sustains grievous injury (*Angabhanga*) while performing the business of local body, he/she may be given additional economic facilities.

265. Employees Welfare Fund : (1) A local body shall deposit an amount equal to one month remuneration to be needed for that office each year to a donation fund to be established in the name of Employees Welfare Fund.

(2) The employees of a local body shall be given gratuity from the fund to be established pursuant to Sub-rule (1).

266. Treatment Allowance : (1) An employee of a local body shall, for the total service period, get an amount equal to 12 months remuneration in maximum if he is an officer level employee, and equal to 18 months remuneration if he/she is an assistant level employee, as an amount of treatment allowance.

(2) If an employee of a local body or any member of his/her family falls sick, the local body shall give the treatment allowance not exceeding the amount that is available pursuant to Sub-rule (1) as follows:-

- (a) The fee for medical examination carried out by a recognized medical practitioner for treatment and the expenses for purchase of the medicines as per the prescription after the examination;
- (b) The expenses as per the bill for the admission to a hospital and treatment thereat;
- (c) As to the treatment made where there is no hospital and recognized medical practitioner, the expenses as recommended by the secretary in cases of

employees of local body, and by the local body in cases of the Secretary;

Explanation: "Recognized medical practitioner" means the doctor *Kaviraj*, health assistant or *Vaidya* at government service or registered as doctor as per prevailing laws.

- (d) The expenses as per bill for all kinds of surgical operations except plastic surgery;
- (e) In the event of treatment in other district or abroad leaving the home or residence, all the amount of transport expenses for the patient and one person looking after him/her to go to such place and to return back therefrom, and for fooding expenses, the amount equal to Seventy Five percent of the daily allowance that the employee is entitled to as per prevailing laws.

(3) If an employee wishes to get the treatment allowance that he/she is entitled to under this Rule on credit, and if the reasons therefor appear to be reasonable, the amount may be given on credit with a condition of settling the account later on. While settling the account, if such credit allowance appears to be more than the amount to be received as treatment expenses, the exceeding amount shall be recovered from the remuneration of the concerned employee on installment basis. If the employee or the member of his family dies before the recovery of such exceeding amount, the due shall be exempted.

(4) Departmental actions may be taken against the employee who demands or receives the treatment allowance under this Rule by

presenting false content, and the medical practitioner (if he/she is an employee) who certifies such false content.

(5) In releasing the treatment allowance in the event of any temporary employee falling sick, twenty- year duration shall be regarded as total period of service and such temporary employee falling sick shall be given the treatment allowance by multiplying the proportion thereof by the service period of such employee.

Provided that, no treatment allowance shall be given to a temporary employee when he/she is relieved from the service.

(6) Save in cases of dismissal from service having been rendered one disqualified for the service of local body in future, any employee relieved from the service on whatsoever ground shall get the lump sum payment of the remaining amount of treatment allowance to be received under this Rule due after getting some of it or getting not at all.

(7) While giving the treatment allowance to an employee who has not completed a service period of Ten years, the amount specified in this Rule shall be deemed as the amount to be given for Ten years of service period and amount shall be given in proportion thereof.

(8) If the employee demanding the treatment allowance under this Rule is falling sick and is unable to be present at the office, he/she shall have to take the sick leave within it has not to be used up. Other leaves may be demanded if no sick leave is remaining.

(9) Except in cases of treatment in hospital or in abroad under this Rule, any employee may be given the treatment allowance equal to an amount not exceeding his/her current remuneration of One and half month in One year, subject to Sub-rule (1).

(10) If an employee is suffering from such a disease which is not curable at a local hospital under this Rule whereby the very life of such an employee is at threat, and if he/she is carried to the nearest well-equipped hospital from the place by the shortest means with the approval of the Ministry, the transportation expenses to and from the hospital shall be borne by the local body.

267. Additional Financial Assistance: In the event of a treatment of an employee of a local body who has sustained injuries in connection with carrying out a task of the local body, if the Medical Board constituted by Government of Nepal, on the recommendation of the concerned district hospital, decides that his/her treatment cannot be done within the Nepal, and if such an employee has to have his treatment done in abroad, the local body may provide an amount as it thinks fit as additional assistance.

268 Gratuity: In cases where a permanent employee of a local body who has worked for Five years or more has been given a retirement or gets out of the service by tendering resignation from the service or has been removed from the service without rendering him/her disqualified from the service of a local body in the future or has been relieved from the service, he/she shall get the gratuity as per the following rates:-

- (a) For the employees of a local body having a service period from Five to Ten years, an amount equal to half of his/her current remuneration for each year of his service,
- (b) For the employees of a local body having a service period from Ten to Fifteen years, an amount equal to his/her current remuneration of One month for each year of his/her service,
- (c) For the employees of a local body having a service period from Fifteen to Twenty years, an amount equal to his/her current

remuneration of One and half month for each year of his/her service,

- (d) For the employees of a local body having a service period from Twenty to Twenty-Five years, an amount equal to his/her current remuneration of Two months for each year of his/her service,
- (e) For the employees of a local body having a service period from Twenty-Five to Thirty years, an amount equal to his/her current remuneration of Two and half months for each year of his/her service.

¹⁰²**268A. To Deposit into Provident Fund:** (1) Ten percent amount from the monthly salary to be received by a permanent employee of the local body shall be deducted and the local body shall add Hundred percent amount to the amount so deducted and shall deposit the total amount into the Provident Fund.

(2) If an employee who has deposited the amount pursuant to Sub-rule (1) is detached from the service of the local body by whatever reason, such amount may be obtained in lump sum by him/herself or any person nominated by him/her.

Part-6

General Provisions Relating to Local Body

Chapter-1

Miscellaneous

269. Provisions Relating to Transfer: In cases where a civil servant working in the services of Government of Nepal wants to be transferred

¹⁰² Inserted by the Second Amendment.

to in the services of a local body, such employee may be transferred to in the services of the local body at the consent of the local body in which he/she is going to be transferred, and in consultation with the Ministry of General Administration and the Public Services Commission.

¹⁰³**269A. May be transferred:** (1) A local body may enter into an agreement to perform any function funded by its own source, through service contract or any other matters with private sector, cooperator or any other institutions.

The ongoing self funded projects of local body may be carried on through service contract, from private level, with co-operative institution or other any methods by making agreement.

(2) While entering into agreement pursuant to Sub-rule (1), the approved post of employee of local level, resources and other goods may be transferred to such institution. The service, terms and facilities of employee shall not be affected by such transfer.

(3) The post of the employee so transferred pursuant to Sub-rule (2), shall *ipso facto* be cancelled.

¹⁰⁴**269B. Adjustment of level** : (1) If the officer level Third and second class permanent post of any employee of local body has yet to be adjusted, such an employee shall be adjusted into officer level Sixth and Eighth level respectively.

(2) If the non-gazetted first and non-gazetted second class permanent post of any employee of local body has yet to be adjusted, such an employee shall be adjusted into non-gazetted first and non-gazetted second level responsibility.

¹⁰³ Inserted by the Third Amendment.

¹⁰⁴ Inserted by the Fourth Amendment.

(3) The level adjustment function pursuant to Sub-rules (1) and (2) shall be done within Six months from the date of commencement of this Rule.

(4) The service period served in the concerned class or post served before such an adjustment pursuant to Sub-rule (1) and (2) shall be counted for the promotion purpose.

270. Establishment of Sectoral Section : (1) For the purpose of Section 257 of the Act, a District Development Committee may, in order to formulate, operate, monitor and evaluate the programmes relating to development and construction to be launched within the District Development Area, establish in its office sectoral Sections on the basis of having met the following criteria:-

- (a) Having followed the participatory planning formulating process referred to in Sub-section (1) of Section 197 of the Act,
- (b) Having opened an Information and Documentation Centre referred to in Section 212 of the Act and having collected the information and records by that centre in a planned way as referred to in the same Section,
- (c) Having implemented the periodic and long-term plans of the plans and programmes as referred to Section 189 of the Act.

(2) On the basis of having met the criteria pursuant to Sub-rule (1), the District Development Committee shall, having paid attention also to the priority, prepare a plan to establish the sections along with the arrangement of necessary staff, get it approved by the District Council, and submit its recommendation to the Ministry.

(3) Upon receipt of the proposal referred to in Sub-rule (2), the Ministry shall have to request to the concerned Ministry having provided therewith an information about whether or not the criteria referred to Sub-rule (1) are met, to provide comments on the proposal.

(4) Upon receipt of the comments pursuant to Sub-rule (3), the Ministry shall, on having studied the comments, grant a permission to establish a sectoral Section under the concerned District Development Committee.

(5) Upon giving permission to establish sectoral Sections under the District Development Committee by the Ministry pursuant to Sub-rule (4), arrangements shall be made in necessary coordination with the concerned Ministry to hand over office building of the sectoral office and the physical facilities relating to office operation to the concerned District Development Committee.

271. Provision Relating to Oath of Office: Members of a local body shall have to take an oath of office of their respective posts pursuant to Sections 15, 83 and 179 of the Act in the format referred to in Schedule-29.

272. Procedures of Certification of Relationship: (1) Any person residing within a Village Development Committee or Municipality area willing to have certified a relationship pursuant to Section 259 of the Act shall have to make an application through the concerned Ward Office to the concerned Chairperson and Mayor as the case may be, as per the format given in Schedule-30 enclosing therewith the certificates of the registration of birth, death, marriage, divorce and of migration, if any, as per law.

(2) Upon receipt of the application pursuant to Sub-rule (1), the concerned Ward Chairperson shall, if it appears from the evidences

enclosed therewith as to whether or not there exists the relationship as has been requested by the applicant, make necessary recommendation to the concerned Village Development Committee or Municipality, as the case may be, for certification of the relationship.

(3) In the event of the applicant's inability to produce any evidence or even if he produced the evidences but it appears to be not sufficient basis for certification of relationship, a request shall be made to the concerned police office to make an inquiry whether or not there exists the relationship as has been requested by the applicant.

(4) Upon receipt of a request made by the ward office of a Village Development Committee or Municipality, as the case may be, the concerned Area Police Office shall have to go to the home address of the applicant and make necessary inquiries with other relatives and neighbours of the applicant, and a deed of public inquiry shall be prepared in their witness, and the original copy of such deed of public inquiry shall have to be sent to the concerned Village Development Committee or Municipality as the case may be.

(5) On the basis of the statements made during the time of public inquiry, if it appears that the relationship demanded to be certified by the applicant is continuing, the recommendation necessary for certification of relationship along with the application of the applicant and the documentary evidences made available shall be sent to the concerned Ward Office of the Village Development Committee or Municipality as the case may be.

(6) If a recommendation made pursuant to Sub-rules (2) and (5) has been received, the concerned Chairperson or Mayor, as the case may be, shall certify the relationship and give the certificate thereof as per the format prescribed in Schedule-31.

273. Procedures of Granting Approval to Build Cinema Hall: While granting approval to build a cinema hall by a District Development Committee pursuant to Sub-clause (1) of Clause (k) of Sub-section (1) of Section 189 of the Act, the approval shall be granted having considered over the map, design and fees of the cinema hall, the health and safety of the cinema viewers, the terms and conditions and basic things for facilities to be followed according to the prevailing laws, and the conditions prescribed by Government of Nepal, if any, for building a cinema hall.

¹⁰⁵**273A. Public Private Sector Partnership Promotion:** (1) In order to encourage and systematize the public private sector partnership system, there shall be a committee in each local body consisting of the chairperson and member as follows:-

- | | | |
|-----|--|-------------|
| (a) | Chief of the concerned local body | Chairperson |
| (b) | President of Local Chamber of Commerce and Industries or a representative designed by him | Member |
| (c) | One representative nominated by the concerned local body from the local civil societies having knowledge in public private partnership | Member |
| (d) | Expert representative related to public private sector nominated by the local body | Member |
| (e) | Secretary of the concerned local body or an officer designated by him | Member |

(2) The tenure of office of the representatives nominated pursuant to Clause (c) and (d) shall be of Two year. They may be re-nominated.

¹⁰⁵ Inserted by the Second Amendment.

(3) The procedure for the committee under Sub-rule (1) shall be as fixed by the concerned local body.

(4) If the committee under Sub-rule (1) deems necessary, it may invite a representative of the concerned subject matters to its meetings.

¹⁰⁶**273B. Local Body Revenue Recommendation Committee:** (1) In order to render opinions suggestions to the Ministry on matters such as tax, fees that can be imposed by the local bodies, rate of tax, fees and collection procedures of tax, the Ministry may form a Local Body Revenue Recommendation Committee comprising of the following persons:-

- | | | |
|-----|--|----------|
| (a) | A gazetted first class officer of the ministry designated by the Secretary of the Ministry | Convenor |
| (b) | Member-Secretary of the Secretariat of the Local Body Fiscal Commission | Member |
| (c) | One representative of the Federation of Nepal Chamber of Commerce and Industries | Member |
| (d) | One representative of the Ministry of Finance | Member |
| (e) | One representative of Nepal Chamber of Commerce | Member |
| (f) | One each representative of Association and Federation of the Local bodies | Member |
| (g) | Chief of the Municipality Management Division of the Ministry | Member |
| (h) | One representative of the Ministry of Industries, Commerce & Supplies | Member |

¹⁰⁶ Inserted by the Second Amendment.

- (i) One revenue expert from the Decentralization Implementation and Monitoring Working Committee Member
- (j) Chief of the Decentralized work Plan Section of the Ministry Member-Secretary

(2) The procedure of the committee under Sub-rule (1) shall be as fixed by the committee itself

(3) The committee under Sub-rule (1) may invite an the expert of the concerned field and required persons to its meetings.

¹⁰⁷ **273C. Provision of a Joint Committee of the Local Bodies:** (1) The local bodies, for the purpose of doing following business, may form a Joint Committee of Local Bodies:-

- (a) Land utilization and physical development plan,
- (b) Internal income collection, management and allocation,
- (c) Allocation of natural resources and utilization,
- (d) Road transportation, operation and management,
- (e) Environment protection and waste management,
- (f) Mutual coordination, working together and network making,
- (g) Human resource development and capacity building of local bodies,

¹⁰⁷ Inserted by the Second Amendment.

- (h) Management and operation of technical manpower
- (i) Promotion and development of tourism, technology and culture,

(2) The experts of the concerned sector may also be included in the committee under Sub-rule (1). The procedure of the committee shall be as fix by the committee itself.

¹⁰⁸**273D. Grant to be Given to the Local Bodies May be Altered:** (1) The ministry, having obtained recommendation from the Local Bodies Fiscal Commission and having done evaluation of the local bodies on the basis of minimum terms and conditions and work performance indicator, may alter the grant to be given to the local bodies and may reward the local bodies to have best performances.

274. Delegation of Powers: A local body may, out of the powers conferred on it under this Rule, delegate some of the powers to the committees, sub-committees, members or any official under it.

275. Bye-Laws may be Framed: (1) A local body may, for implementation of objectives of the Act, frame necessary Bye-laws on the subjects relating to financial administration, personnel administration, and establishment and operation of Local Development Fund.

(2) Upon the approval of the bye-laws framed pursuant to Sub-rule (1) by the Council of a local body, a copy thereof shall be sent to the Ministry.

(3) ¹⁰⁹

¹⁰⁸ Inserted by the Second Amendment.
¹⁰⁹ Deleted by the Second Amendment.

276. Guidelines may be Framed : (1) For the implementation of the objectives of the Act, a local body may frame necessary guidelines so as not to making them contrary to anything referred to in the Act, this Rule and bye-laws.

(2) Upon approval of the guidelines framed pursuant to Sub-rule (1) by the Council of a local body, a copy thereof shall have to be sent to the Ministry for information.

(3) ¹¹⁰

277. Alteration in Schedules : Government of Nepal may, by publishing a Notification in the Nepal Gazette, make necessary alteration and changes in the Schedules.

278. Repeal and Saving: (1) The following Rules have been repealed:-

- (a) The District Development Committee (Business Management) Rule, 2049;
- (b) The Municipality (Business Management) Rule, 2049;
- (c) The Village Development Committee (Business Management) Rule, 2049.
- (d) Decentralization (Business Management) Rule, 2041.

(2) The works done and actions taken under the Rules repealed pursuant to Sub-rule (1) shall be deemed to have been done or taken under this Rule.

¹¹⁰ Deleted by the Second Amendment.

Schedule-1

(Relating to Rule 44)

The Remuneration and Meeting Allowance of the Chairperson and Vice-Chairperson and the Meeting Allowance of the Members

| <u>Designation</u> | <u>Monthly Remuneration (Rs.)</u> | <u>Meeting Allowance (Per meeting Rs.)</u> |
|--------------------|-----------------------------------|--|
| Chairperson | 1500.00 | 100.00 |
| Vice-Chairperson | 1000.00 | 100.00 |
| Member | × | 100.00 |

NEPAL LAW COMMISSION

Schedule-2

(Relating to Sub-rule (1) of Rule 55, and Sub-rule (1) of Rule 125)

Format of the Summons to be issued in the Name of a Defendant by the Village Development Committee or Municipality

A.....days summons/notice issued in the name of the Defendant.....a resident of..... by.....Village Development Committee/ Municipality.

Whereas,.....a resident of....., filed a Plaint/Complaint in this Village Development Committee of Municipality against you on.....in..... case; the plaint/complaint is, hereby, herewith enclosed and forwarded.

You are, hereby, required to appear at this Village Development Committee/Municipality in person or through an attorney as per laws for filing your counter statement or note replies along with one copy each of the documentary evidences whatever you have within Fifteen days excluding the period necessary for journeys. If you fail to appear, it shall be as per laws.

Done on theth day of the month ofof the year B.S.

¹¹¹**Schedule-3**

(Relating to Sub-rule (2) of Rule 67, Sub-rule (2) of Rule 137 and Sub-rule (2) of Rule 200)

Format of the Agreement to be concluded between the Local Bodies and Consumers' Committee/Community based Institutions/Non-governmental Organizations

Office of (Local Body)

1. **Parties to Agreement and Project**

(a) Particulars of the Consumers' Committee/community based Institutions/Non-governmental organizations:

Of the representative of agreement concluding institution,-

1. Name
2. Designation
3. Address

(b) Particulars of the project:

1. Name
2. Address
3. Objectives
4. Project Approving Body
5. Date of Beginning of the Project
6. Date of completion of the Project

¹¹¹ Amended by the Second Amendment.

2. Particulars Relating to the Cost of the Project:

(a) Estimated cost Rs.

(b) Sources to bear the cost:

| | | |
|----|-------------------------------------|---------|
| 1. | From Government of Nepal | Rs..... |
| 2. | From the concerned Local Body | Rs..... |
| 3. | From other Local Bodies | Rs..... |
| 4. | From Non-governmental organizations | Rs..... |
| 5. | From Community-based Organizations | Rs..... |
| 6. | From Foreign Donor Agencies | Rs..... |
| 7. | From consumers committee | Rs..... |
| 8. | From others, | Rs..... |
| | Total | Rs. |

(c) Particulars of Construction Materials:

| <u>Quantity</u> | <u>Name of materials</u> | <u>Unit</u> |
|-----------------|-------------------------------------|-------------|
| 1. | From sectoral section | |
| 2. | From concerned local body | |
| 3. | From other local bodies | |
| 4. | From Non-governmental organizations | |
| 5. | From Community-based organizations | |
| 6. | From Foreign Donor Agencies | |
| 7. | From Consumers Committee | |
| 8. | From others | |

(d) Beneficiary of the Project:

1. Number of Household families
2. Population
3. Community
4. Others: Community-based non-governmental organizations.

3. Particulars Relating to the Consumers Committee/Non-governmental Organizations/Community based Organizations:

.....

.....

1. Chairperson
2. Vice-chairperson
3. Treasurer
4. Member
5. Member
6. Member
7. Member
8. Member
9. Secretary

(c) Number of beneficiaries present at the time of formation of the committee.

(d) Number of beneficiaries absent at the time of formation of the committee

4. Experience in operation of projects:

5. Details of the installment to be received by Consumers Committee, community-based Organizations, Non-governmental Organizations.

| Installment | Date | Amount of Installment | Quantity of construction materials | Remarks |
|-------------|------|-----------------------|------------------------------------|---------|
| First | | | | |
| Second | | | | |
| Third | | | | |
| Total | | | | |

6. Provisions for the maintenance of Project (monthly, trimesterly, annual resource).

- (a) Name of the Committee/Organizations responsible for maintenance of the project:-
- (b) Public labour contribution (number of labour force)
- (c) From service charge Rs...
- (d) From fees, donation Rs....
- (e) From cost involvement or grants Rs....
- (f) Interest or other savings Rs....

7. Other (technical and managerial) details:

- (a) (b) (c)

Terms of Agreement:

1. The amount and materials shall be used or shall be caused to be used only for the project and the purpose for which those materials have been received.
2. Upon completion of the project, approval and clearance shall be taken from the local body.
3. Next installment shall be requested after informing the particulars of income/expenditure and work progress to the consumers group and having discussed with them.

4. Receipt of cash, kind, expenditure and remaining and the record of the details of progress of the project shall be maintained.
5. In cases where a project has been completed in less cost than the total estimate of the project, it is agreed to take/give the payment accordingly having fixed the percentage of the grant and labour contribution.
6. The body launching the project shall have to make arrangement for maintenance of the project.
7. All the works of the project shall be done as per the decision of the consumers committee/group.
8. Project shall begin from and be completed by.....
9. The physical particulars and expenditure statement of the project shall be sent to the local bodies.
10. Other terms

(1) (2) (3)

We are agreed to do as mentioned above.

On behalf of the Local Body:

Name :

Chairperson:

Designation :

Signature:

Signature :

Secretary:

Date:

Signature:

Date:

- (b) Progress report to be submitted by the Consumers Committee / Community - based Organizations/Non-governmental organizations to the Local Bodies while requesting for installment.

To,

The Secretary,

Office of (Local Bodies)

Date: 20

Subject: Submission of progress report.

The work progress of the following project launched by us, pursuant to the terms of the agreement concluded between the Local Body and us, is as follows. The required bill, receipt including the decision of the Consumers Group/Committee is also attached herewith. We request for payment of installment/approval and clearance.

Particulars

1. Details of the project:

Name of the project:

Ward :

Tole :

Of the consumers committee/
community based organization/
Non-governmental organization,-
Chairperson:
Secretary:

2. Cost of the project:

Received grant Rs..... Donation Rs.

Peoples participation Rs..... Total Rs.....

3. Expenditure till now Rs.

(a) Amount received from the local bodies:

1. In construction materials (cement, iron rod, wood, stone, aggregate, equipment etc. Rs.

2. Wages: Skilled Rs. Unskilled Rs.... Total Rs.....

3. Stationery goods (copy, pen, ink, paper etc.) Rs....

4. Daily and travel allowance (as approved in the agreement) Rs.

5. Expenses for technical audit (as approved in the agreement) Rs....

6. Others

(b) Expenses borne from peoples participation Rs.

Amount equivalent to the labour cost Rs....

Amount equivalent to the goods in kind Rs....

Total Rs.

4. Evaluation amount as per the technical report Rs.

5. Expenses found from appraisals as per the decision of the Consumers' group Rs.

6. Major problems identified during implementation:

a.

b.

c.

7. Ways of solution:

a.

Problems identified during implementation:

- 1.
- 2.
- 3.

Possible ways of solution:

- 1.
- 2.
- 3.

Number of meetings of the Consumers Committee/Community-based Organization/Non-governmental Organizations and the copy of the decisions are attached herewith.

Signature of the Secretary of Consumers Committee/Community based Organizations/Non-governmental Organizations-

Signature of the Treasurer of Non-governmental Organizations-

Signature of the Chairperson of Non-governmental organizations-

Schedule-4

(Relating to Sub-rule (1) of Rule 70)

Rate of the Taxes That May be Levied by a Village Development Committee Within Its Area

¹¹²1. House-land Tax

An annual amount from Five Rupees to Five Hundred Rupees per house on the basis of the location, area, structure and storey of the concrete house.

¹¹³2. Land Revenue

From One Rupees to Hundred Rupees per *Ropani* and from One Rupees to Sixty Five Rupees per *Kattha* as per the decision of the concerned council having considered the type of land (Grade I, Grade II, Grade III and Grade IV) and productivity.

¹¹⁴3. Land Tax

From Fifteen Rupees to Four Hundred Rupees per *Ropani* and from Ten Rupees to Two Hundred Sixty Rupees per *Kattha* with the approval of the concerned Council taking into consideration the productivity or the commercial, residential, trust, agriculture or forest utility of the land.

Note:

1. One Rupees for each plot of the landowner in the Districts in the hilly region where land survey has not been completed and the Land Revenue Act, 2034 B.S. (1977) has not been enforced, on the basis of the previous plot (existing before the survey).

¹¹² Amended by the Second Amendment.

2. The rate of the land revenue of the land in the district where tea and rubber farming is carried out, and of the land occupied by private forests will be minimum rate as per the type of the land concerned.
 3. In cases where the total amount of the land revenue and tax is less than Two Rupees per landowner per annum, the minimum annual land revenue or land tax shall be set at Two Rupees.
 4. No land revenue shall be levied on the land on which land tax has been levied.
 5. The District council shall, on the recommendation of the Village Council, determine the area where the land tax is to be levied.
- ¹¹⁵4. Fair (Haat), Market, Shop Tax: (1) On the materials or services to be sold and purchased in the fair, market and in regard to shop, taxes at the rate as determined by the Council.
5. Transport Vehicle Tax (Annual):-
 - (a) One to Three Thousand Rupees on a bus, truck, lorry and other heavy vehicle;
 - (b) Two Hundred to Five Hundred Rupees on a car, jeep on hire;
 - (c) One to Three Hundred Rupees on auto-rickshaw on hire;
 - (d) Five Hundred to Three Thousand Rupees on a minibus on hire;
 - (e) One Hundred to Three Hundred Rupees on a private car, auto rickshaw and mini-bus;

¹¹³ Amended by the Second Amendment.

¹¹⁴ Amended by the Second Amendment.

¹¹⁵ Amended by the Second Amendment.

- (f) From Fifty Rupees to Two Hundred Rupees on a scooter, motorcycle and other motor vehicle;
- (g) From Fifteen to Twenty Five Rupees on a hand cart and rickshaw,

Note:- In cases where a Village Development Committee has levied the vehicle registration and annual vehicle tax in respect of a motor vehicle, no other Village Development Committee shall be entitled to levy such tax on the same vehicle.

- (h) In cases of entry of the following vehicles registered abroad into the first Village Development Committee, that Village Development Committee so permitting the entry may impose the following daily vehicles tax for thirty days in maximum:-

- (1) Twenty Rupees for a motorcycle, scooter,
- (2) Fifty Rupees for a motor, car, jeep and van
- (3) One Hundred Rupees for such a heavy vehicle as a truck, lorry, bus, container, dozer and roller;

Provided that, if there exists any agreement between the Two countries, the provisions such an agreement shall prevail.

- (i) The following motor vehicle tax may be imposed on more than one kilometer long gravel or pitch road built by the Village Development Committee itself or handed over to it:
 - (1) Five to Ten Rupees for a private or on-hire bus, truck and tractor;

- (2) Five to Ten Rupees for a mini-bus;
- (3) Five to Ten Rupees for a private or on-hire car and auto-rickshaw;
- (4) Up to Five Rupees for other transport vehicle;

Note:- (1) No tax referred to in this clause shall be levied on a Highway or sub-highway.

(2) The amount of the tax of this kind shall only be used in the works of repair and maintenance of the concerned road.

(3) No irregular vehicle tax shall be levied within the same Village Development Area on the vehicles in respect of which the vehicle registration and annual vehicle taxes have been levied.

6. Entertainment Tax:-

(a) Two to Five percent of the entry fee of a cinema hall, video hall, cultural show, theater music and entertainment exhibition ground.

(b) Per day Two to Five Hundred Rupees for a magic show, circus, fun etc.

7. Rent and *Bitauri* tax:-

(a) In cases where a Village Development Committee provides for a temporary shop or residence any shed and hut built, operated and controlled by the Village Development Committee itself in the uncultivated/barren, unregistered land within the Village

Development Area, the rent, *Bitauri* tax at the rate of Fifty Rupees to One Thousand Rupees per month for each shed and hut.

- (b) In cases where a Village Development Committee itself has not built any shed and hut in the uncultivated unregistered land within the Village Development Area, but any individual has carried on any shop or any other business in the market, fair area or in the land near the road by building any such shed and hut, the rent *Bitauri* tax at the rate of One Rupee to Ten Rupees per square feet of the land each month.
8. Advertisement Tax:- An annual tax of Two Hundred to One Thousand Rupees on the advertiser who advertises or keeps hoarding boards at the houses and places belonging to Village Development Committee or any other public places.
9. Business (Enterprise) Tax (Annual):-
- (a) Fifty to Five Hundred Rupees on the shops selling commodities of daily consumption,
- (b) Twenty Five to One Hundred Rupees on the tailoring, hair dressing, laundry, *pan* selling, photography and ceramics selling shops;
- (c) One Hundred to Five Hundred Rupees on the shops selling fabrics, iron, cement, zinc-slates, copper, ornaments or bullions, various pots made of brass, paints, materials for artistic sculpture and electric goods
- (d) Fifty to Five Hundred Rupees on the shops selling stationery goods, petrol, mobil, ice cream, shoes, furniture, furnishing, machinery spare parts, readymade garments etc.

- (e) One Hundred to One Thousand Rupees on the shops selling radio, watch, camera, television, refrigerator, transport vehicle, or other luxury good.
- (f) Two Hundred to One Thousand Rupees on the shops or inns selling all kinds of liquors produced by the licensed factory;
- (g) Three Hundred to Three Thousand Rupees on the shops of cement tiles, cement blocks, *hume* pipes, cement poles or the like commodities made of cement;
- (h) Fifty to Two Hundred and Fifty Rupees on the seal-packed liquors produced from indigenous or foreign distilleries or breweries;
- (i) Fifty to Two Hundred Rupees on the tea or sweet shops or hotels;
- (j) One Thousand to Five Thousand Rupees on the distilleries or breweries established with the approval of Government of Nepal;
- (k) One Hundred to Two Thousand Rupees on the presses,
- (l) Five Hundred to Two Thousand Rupees on each chimney of bricks and Two Hundred to Eight Hundred Rupees on the production and sale of bricks and tiles of local factory;
- (m) Ten Rupees to One Hundred Rupees for the tradesman along with workshop;
- (n) Five Thousand to Ten Thousand Rupees for Five and Four stars hotels; Two Thousand to Four Thousand Rupees for three stars hotels; One Thousand to One Thousand Five Hundred Rupees for two stars and one star hotels;

- (o) One Hundred to Five Hundred Rupees for the hotels, guest houses, lodges excluding those referred to in Clause (n);
- (p) Twenty Five to One Hundred Rupees on *Kaviraj*, doctors, dentists, engineers, legal practitioners, auditors, professional gymnasium, astrologers, educational institutions (type, computer), money-changers, furniture, veterinary services, massage parlors, painters;
- (q) One Hundred to One Thousand Rupees for banking and financial institutions;
- (r) Fifty to Two Hundred Rupees for dairy entrepreneurs and cheese industries;
- (s) Ten to One Hundred Rupees on vocational training centres;
- (t) Fifty to Two Hundred Rupees on pelitric set (micro hydro).
- (u) Industries:-
 - (a) Ten Rupees to One Hundred Rupees for cottage and small- scale industries;
 - (b) One Hundred to One Thousand Rupees for medium-scale industries;
 - (c) One Thousand to Five Thousand Rupees for large-scale industries.
- ¹¹⁶(v) Five Hundred Rupees to Five Thousand Rupees for the construction business with its head office located in the Village Development Committee.

¹¹⁶ Amended by the Second Amendment.

- (w) Fifty Rupees to Five Hundred Rupees for the services of business communication (phone, fax);
 - (x) Twenty Five Rupees in maximum for each horse-power of a mill;
 - (y) Fifty to One Thousand Rupees for the shops and transactions other than those referred to in the classification above.
10. Commercial Video Tax:- An annual tax of One Hundred to One thousand Rupees for commercial video operators.
11. Natural Resources Consumption Tax: - One Thousand Rupees in maximum on the business, industry, firms, companies or persons not included in the tax jurisdiction of the District Development Committees referred to in Sub-section (2) of Section 215 of the Act, and consuming natural resources in commercial manner.

NEPAL LAW COMMISSION

Schedule-5

(Relating to Sub-rule (2) of Rule 70)

Local Collection and Storage Tax

An annual amount of One Hundred to One Thousand Rupees on the collection and storage of the commodities produced at local level by establishing collection centre by an industrial entrepreneur.

NEPAL LAW COMMISSION

¹¹⁷**Schedule-6**

(Relating to Rule 71)

Rate of the fee that may be levied by a Village Development Committee within its Area

Recommendation Fee:

1. From One Hundred Rupees to One Thousand Rupees for each recommendation for valuation of immovable property.
2. From Five Rupees to One Hundred Rupees for each recommendation of other subjects.

¹¹⁷ Amended by the Second Amendment.

Schedule-7

(Relating to Rule 114)

Remuneration of Mayor and Deputy Mayor

| Classification of Municipality | Monthly Remuneration (Rs.) Mayor | Monthly Remuneration (Rs.) Deputy Mayor |
|--------------------------------|----------------------------------|---|
| Municipal Corporation | 6,500.00 | 5,500.00 |
| Sub-Municipal Corporation | 5,500.00 | 4,500.00 |
| Municipality | 4,500.00 | 3,500.00 |

NEPAL LAW COMMISSION

Schedule-8

(Relating to Rule 140)

Rate of the Land Revenue or Land Tax and House-Land Tax to be levied by a Municipality in its Area

1. House-Land Tax:-

| <u>Price of House-Land</u> | <u>Rate of the Tax</u> |
|------------------------------------|------------------------|
| Up to the first one million rupees | None |
| Up to one million thereafter | Rs. 300.00 Lumpsum |
| Up to three million thereafter | 0.05 percent |
| Up to five million thereafter | 0.25 percent |
| Up to ten million thereafter | 0.50 percent |
| For the remaining amount | 1.50 percent |

2. Method of Valuation of House-Land

(1) The following shall be the classification of the structure and valuation for the areas in which the house land tax is levied:-

(a) Classification of Structure of the house:

- (1) All kinds of houses built with raw bricks inside and outside and attached with soil, and the houses made of wood only;
- (2) All kinds of houses built with strong bricks or stone inside and outside and attached with soil;
- (3) All kinds of houses built with strong bricks or stone inside and outside and attached with cement or other strong materials;

- (4) The houses having been built by R.C.C. frame structure.

(b) Valuation of Houses

| | <u>Structure of Houses</u> | <u>Average Cost</u> | <u>Annual</u> | <u>Total years of</u> |
|-----|---|---------------------|--------------------------|-----------------------|
| | | <u>Per sq. feet</u> | <u>Depreciation rate</u> | <u>Depreciation</u> |
| (w) | House referred to in Clause (2) (1) (a) (1) | Rs. 450.00 | 3.00 | 25 |
| (x) | House referred to in Clause (2) (1) (a) (2) | Rs.525.00 | 2.00 | 30 |
| (y) | House referred to in Clause (2) (1) (a) (3) | Rs.575.00 | 1.00 | 70 |
| (z) | House referred to in Clause (2) (1) (a) (4) | Rs.635.00 | 0.75 | 100 |

- (c) No valuation shall be made of the houses having used raw bricks or wall or soil or of bamboo or of wood and having the roof made of hay.

- (d) While valuating the front side (main auditorium) of Cinema Halls, valuation shall be made by giving Twenty Five percent discount in the aforesaid rates.

- (2) While valuating the land in the area where house land tax is levied, it shall be as prescribed by the local committee constituted for that purpose. If no such prescription has been made, valuation shall be made as per the valuation of the land made by the Land Revenue Office for registration purposes.

¹¹⁸3. Land Revenue

From One to One Hundred Rupees per *Ropani* and from One to Sixty Five Rupees- per *Kattha* with the approval of the concerned Municipal Council having considered the type of land (Grade I, Grade II, Grade III and Grade IV) and productivity.

¹¹⁸ Amended by the Second Amendment.

NEPAL LAW COMMISSION

¹¹⁹4. Land Tax

From Fifteen Rupees to Four Hundred Rupees per *Ropani* and from Ten Rupees to Two Hundred Sixty Rupees per *Kattha* with the approval of the concerned Municipal Council taking into consideration the productivity or the commercial, residential, trust, agriculture or forest utility of the land.

Note:

1. Five Rupees for each plot of the landowner in the districts in the hilly region where land survey hasn't been completed and the Land Revenue Act, 2034 B.S. (1977) has not been enforced, on the basis of the previous plot (existing before the survey).
2. The rate of the land revenue of the land in the district where tea and rubber farming is carried out, and of the land occupied by private forests will be minimum rate as per the type of the land concerned.
3. In cases where the total amount of the land revenue and tax is less than Five Rupees per landowner per annum, the minimum annual land revenue or land tax shall be set at Two Rupees.
4. No land revenue shall be levied on the land on which land tax has been levied.
5. Government of Nepal shall, on the recommendation of the concerned Municipal Council, determine the area where the land tax is to be levied.

¹¹⁹ Amended by the Second Amendment.

Schedule-9

(Relating to Rule 141)

Rate of Rent Tax that may be levied by a Municipality in its Area

1. Two percent of the rent amount in maximum for the concerned owner on full or partial rental of a house, shop, garage, godown, shed, factory, land or pond.
2. A monthly rent amount of Two Rupees to Twenty Rupees for each square meter for allowing the operation of temporary shops in the occasional temporary markets), bazaar (shopping centre) constructed, supervised or operated by itself or in the public place, uncultivated unregistered land or in the places adjoining to the road.

NEPAL LAW COMMISSION

Schedule-10

(Relating to Rule 142)

**The Minimum and Maximum Rate of Commercial Tax that may be
Levied Annually by a Municipality within its Area**

| 1. <u>Commercial Goods :</u> | Minimum (Rs.) | Maximum (Rs.) |
|--|------------------|------------------|
| (1) On the wholesale and retail business of cigarette, liquor, jewellery, video, cassette recorder and player. | 750.00 | 10,000.00 |
| (2) On the wholesale and retail business of construction materials, computer, electric goods, camera, television, radio, carpet, petroleum materials and the like. | 500.00 | 5,000.00 |
| (3) On the wholesale and retail business of foods of daily use, cotton fabrics etc. | 360.00 | 1,000.00 |
| ¹²⁰ (4) Vehicle seller | 360.00 | 10,000.00 |
| 2. <u>On Expert Consultation and other Professional Services :</u> | | |
| (1) Doctors | 360.00 | 3,000.00 |
| (2) <i>Kaviraj (Aurvedic doctors)</i> | 360.00 | 1,000.00 |
| (3) Engineers | 360.00 | 3,000.00 |
| (4) Legal Practitioners | 360.00 | 3,000.00 |
| (5) Auditors | 360.00 | 3,000.00 |
| (6) Dentists | 360.00 | 3,000.00 |
| (7) Researcher and Consultants | 360.00 | 3,000.00 |
| (8) Computer Analysts and Programmers | 360.00 | 3,000.00 |

¹²⁰ Inserted by the Second Amendment.

| | | | |
|---------------------|---|----------|-------------------------------|
| (9) | Insurance Agents | 360.00 | 3,000.00 |
| (10) | Surveyors | 360.00 | 3,000.00 |
| (11) | Translators | 360.00 | 3,000.00 |
| (12) | Veterinary Doctors | 360.00 | 3,000.00 |
| (13) | Share Brokers | 360.00 | 3,000.00 |
| (14) | Goods Carrier and Companies | 750.00 | 3,000.00 |
| ¹²¹ (15) | Institutional Painters | 5000.00 | 15,000.00 |
| 3. | <u>Construction Business :</u> | | |
| | The construction business with the head office located at the Municipality. | 2,000.00 | 10,000.00 |
| 4. | <u>Production-oriented Industries :</u> | | |
| | The industrial business manufacturing goods by using or processing raw materials, semi-processed materials or waste materials or other materials. | 2,000.00 | 10,000.00 |
| 5. | <u>Energy-oriented Industries :</u> | | |
| | The industrial business producing energy from water resources, air, solar power, coals, natural oil, gas, bio-gas and other sources | 2,000.00 | ¹²² <u>5000.00</u> |
| 6. | <u>Agricultural and forest-oriented industries :</u> | | |
| | The industrial business based mainly on agricultural and forest products | 1,500.00 | 10,000.00 |
| 7. | <u>Mineral Industries :</u> | | |
| | The industrial business excavating and processing minerals | 1,500.00 | 10,000.00 |

¹²¹ Inserted by the Second Amendment.

¹²² Amended by the Second Amendment.

| | | | |
|-----|---|-----------|------------------------|
| 8. | <u>Tourism Industries :</u> | | |
| | Tourist residence, motel, hotel, restaurant, resort, travel agency, skiing, gliding, water rafting, pony trekking, trekking, hot air ballooning, para sailing, golf-course, polo, horse-riding etc. | 10,000.00 | 50,000.00 |
| 9. | <u>Service Industries :</u> | | |
| | Press, consultation service, ginning and wailing business, film business, public transport business, photograph, laboratory, air-services, cold storage etc. | 400.00 | ¹²³ 7000.00 |
| 10. | <u>Construction Business :</u> | | |
| | Road, bridge, rope-way, trolley bus, tunnel, flying bridges, and construction and operation of industrial, business and residential complex | 1,000.00 | 10,000.00 |
| 11. | <u>Communication Services :</u> | | |
| | (1) Private sector postal business | 360.00 | 1,500.00 |
| | (2) Private sector telephone, fax services, photocopy, mobile phone, ISD, STD, e-mail, internet, radio-paging. | 360.00 | 1,500.00 |
| | (3) Courier services | 360.00 | 1,500.00 |
| | (4) Printing and publication | 360.00 | 3,000.00 |
| 12. | <u>Financial Services :</u> | | |
| | (1) Commercial banks carrying on financial transactions excluding those under the full ownership of Government of Nepal. | 5,000.00 | 50,000.00 |

¹²³ Amended by the Second Amendment.

| | | | |
|-----|--|------------------------------|-----------|
| (2) | Head office of a finance company carrying out financial transactions as well | 5,000.00 | 10,000.00 |
| (3) | Branch offices of finance companies | 1,000.00 | 3,000.00 |
| (4) | Insurance Companies | 5,000.00 | 10,000.00 |
| (5) | Foreign currency exchange | 1,000.00 | 3,000.00 |
| (6) | Securities transactions | 1,000.00 | 3,000.00 |
| (7) | Cooperative banks | 1,000.00 | 3,000.00 |
| 13. | <u>Health services :</u> | | |
| (1) | Non-governmental hospital | 1,500.00 | 500.00 |
| (2) | Nursing home | 2,500.00 | 5,000.00 |
| (3) | Clinic and lab | 500.00 | 3,000.00 |
| 14. | <u>Education services :</u> | | |
| (1) | Private sector school, campus, university | 360.00 | 1,000.00 |
| (2) | Training and Research centre | 1,000.00 | 3,000.00 |
| (3) | Typing, computer and language training centres | 1,000.00 | 3,000.00 |
| (4) | International non-governmental organization | 2,500.00 | 5,000.00 |
| 15. | <u>Repairing and Maintenance services :</u> | | |
| (1) | Heavy equipment, bus, truck, car, motorcycle, tempo, cycle repairing facilities. | ¹²⁴ <u>100.00</u> | 3,000.00 |
| (2) | Radio, T.V., watch, pressure cooker, heater, telephone set, electric goods repairing centre. | ¹²⁵ <u>100.00</u> | 1,500.00 |
| 16. | <u>Other services :</u> | | |
| (1) | Advertisement service | 360.00 | 1,500.00 |

¹²⁴ Amended by the Second Amendment.

¹²⁵ Amended by the Second Amendment.

| | | | |
|---------------------|--|----------|------------|
| (2) | Foreign employment service | 1,000.00 | 5,000.00 |
| (3) | Native employment service | 360.00 | 1,500.00 |
| (4) | Secretarial service | 1,000.00 | 5,000.00 |
| (5) | Housing company and real estate | 1,500.00 | 5,000.00 |
| (6) | Beauty parlour, hair dressing, dry cleaners, photo studio, tailoring etc. | 360.00 | 1,500.00 |
| (7) | Painting service to prepare signboard | 360.00 | 1,500.00 |
| (8) | Animal slaughterhouse | 1,000.00 | 3,000.00 |
| (9) | Meat-sellers | 360.00 | 1,500.00 |
| ¹²⁶ (10) | Flowers and plants seller | 960.00 | 1,000.00 |
| ¹²⁷ (11) | Pool house | 360.00 | 1,000.00 |
| ¹²⁸ (12) | Rosin professional | 360.00 | 1,000.00 |
| ¹²⁹ (13) | Glass, plywood seller | 360.00 | 1,000.00 |
| ¹³⁰ (14) | Pots seller | 360.00 | 1,000.00 |
| ¹³¹ (15) | Steel, wood, furniture seller | 500.00 | 1,500.00 |
| ¹³² (16) | Toys, gift seller | 100.00 | 500.00 |
| ¹³³ (17) | Cable, Net working (on the basis of customers number) | 5000.00 | 50,000.00 |
| 17. | <u>Other Business :</u> | | |
| (1) | Park, picnic spot | 750.00 | 1,000.00 |
| (2) | Casino | 5,000.00 | 100,000.00 |
| (3) | Tour operator | 2,500.00 | 4,000.00 |
| (4) | Massage parlour | 1,000.00 | 3,000.00 |

¹²⁶ Inserted by the Second Amendment.

¹²⁷ Inserted by the Second Amendment.

¹²⁸ Inserted by the Second Amendment.

¹²⁹ Inserted by the Second Amendment.

¹³⁰ Inserted by the Second Amendment.

¹³¹ Inserted by the Second Amendment.

¹³² Inserted by the Second Amendment.

¹³³ Inserted by the Second Amendment.

18. Temporary Haat (weekly temporary market) Bazaar or Mobile shop :
Notwithstanding anything contained elsewhere in this Annex, the following business tax may be levied on the following temporary *Haat* (weekly temporary market), bazaar or mobile shop :
- (1) Two Rupees to Twenty Five Rupees on the mobile shop including *Khuncha*
 - (2) Two to Twenty-Five Rupees on each quadrupeds.
 - (3) One Rupee to Five Rupees on each duck or chicken.
 - (4) One Rupee to Three Rupees on vegetables and fruits shop
 - (5) One Rupee to Ten Rupees on others.
19. An annual tax of ¹³⁴One Hundred Rupees to Five Thousand Rupees as per transactions and level of the service and business not included in the classification above.

¹³⁴ Amended by the Second Amendment.

Schedule-11

(Relating to Rule 143)

The minimum and maximum rates of the vehicle tax that may be levied by a Municipality within its Area

1. Vehicles Registration and Annual Vehicle Tax :
 - (a) One Thousand to Three Thousand Rupees on the bus, truck, lorry and other heavy vehicle;
 - (b) Two Hundred to Five Hundred Rupees on the car and jeep on hire;
 - (c) One Hundred to Three Hundred Rupees on the auto-rickshaw on hire;
 - (d) Five Hundred to One Thousand Rupees on the mini-bus on hire;
 - (e) One Hundred to Three Hundred Rupees on the private car, auto-rickshaw, mini-bus;
 - (f) Fifty to Two Hundred Rupees on the scooter, motorcycle, and other vehicle;
 - (g) Fifteen to Twenty Five Rupees on the car and rickshaw.

Note: In cases where a Municipality has levied the Vehicles Registration and the Annual Vehicle Tax in respect of a motor vehicle, no other Municipality shall be entitled to levy such Vehicles Registration and Annual Vehicle Tax.

2. Temporary Vehicle Tax : A Municipality may levy the temporary vehicle tax as follows on the roads it has constructed or having been handed over to it :-

- (a) Five to Twenty Rupees for a private or on-hire bus, truck and tractor,
- (b) Five to Ten Rupees for the mini-buses,
- (c) Five to Twenty Rupees for the private or on hire bus, truck and tractor,
- (d) Upto Five Rupees for other vehicle;

Note : (1) No tax referred to in this clause shall be levied on a highway and sub-highway.

(2) The amount of tax under this clause shall be expended in repair and maintenance of the concerned roads.

(3) No irregular vehicle tax shall be levied within the same Municipality on the vehicle in respect of which vehicle registration and annual vehicles tax have been levied pursuant to Clause (1).

3. Registration and operation License Fee: A Municipality may levy the vehicle registration tax of Fifteen to Fifty Rupees for registration and giving number to carts, rickshaws, horse-drawn-carts within the Municipality Area.

¹³⁵Schedule-12

(Relating to Sub-rule (1) of Rule 144)

The Rate of Integrated Property Tax that may be levied by a Municipality within its Area

| Value of the Taxable integrated Property | Rate (Annual) |
|---|---|
| Upto One Million Rupees | From Twenty Five to Two Hundred Rupees |
| From One Million One to Two Million Rupees | From Two Hundred Fifty to Four Hundred Rupees |
| From Two Million One to Three Million Rupees | From Five Hundred to One Thousand Rupees |
| From Three Million One to Five Million Rupees | From One Thousand Two Hundred to Three Thousand Rupees |
| From Five Million One to Ten Million Rupees | From Three Thousand Five Hundred to Ten Thousand Rupees |
| From Ten Million One to Twenty Million Rupees | From Twelve Thousand to Twenty Thousand Rupees |
| From Twenty Million One to Fifty Million Rupees | From Twenty-Five Thousand to Sixty Thousand Rupees |
| Above Fifty Million One Rupees | Two Rupees per Thousand |

¹³⁵ Amended the Second Amendment.

Schedule-13

(Relating to Sub-rule (2) of Rule 144)

Particulars of Integrated Property

Office of the.....Municipality/Sub-Municipal/Municipal Corporation Ward No.

| S. No. | Name of the owner of the house and land | Occupation | Address | | Particulars of the land | | Particulars and types of the physical structure | | | | | | Date of the construction of physical structure | Physical structure's | | | | | | | | | | | | |
|--------|---|------------|------------------|-----------|-------------------------|------|---|---------|-----|------|--------|------|--|----------------------|--------------|---------------|--------------|----------------|--------|--|--|--|--|--|--|--|
| | | | Name of the path | House No. | Plot No. | Area | Building | Go-down | Hut | Shed | Garage | Wall | | Other | Length meter | Breadth meter | Height meter | Area sq. Meter | Storey | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <u>Use of Physical Structure</u> | | | | <u>User</u> | <u>Remarks</u> |
|----------------------------------|----------|------------|----------|-------------|----------------|
| Residence | Business | Industrial | Official | | |

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NEPALI LAW COMMISSION

Schedule-14

(Relating to Clause (d) of Sub-rule (5) of Rule 144)

Office of.....Municipality/Sub Municipal
Corporation/Municipal Corporation

Classification of the Physical Structure

1. R.C.C. frame structure
2. Joined with cement in brick or stone - R.C.C roof
3. Joined with soil in brick or stone - R.C.C roof
4. Joined with cement in brick or stone - roof of zinc/*Aswaistatus*
5. Joined with soil in brick or stone - roof of zinc/*Aswaistatus*
6. Joined with soil in brick or stone - Tile roof
7. Mud-mortar
8. House

Schedule-15

(Relating to the Sub-rule (6) of Rule 144)

Integrated Property Valuation Form

Office of.....

Municipality/Sub-Municipal Corporation/Municipal Corporation

Ward No.:

| S. No. | Name of owner of land/house | Occupation | Address | | Particulars of land | | Rate of per unit fixed | Value of the land fixed | Area of physical structure (in sq. m.) | | | | | | Rate of per unit having been fixed | Condition of physical structure and the value assessed on the basis of area | Deprecation of value of physical structure assessed | Value of physical structure to be maintained | Value of the integrated property to be maintained | Remarks |
|--------|-----------------------------|------------|--------------|-----------|---------------------|------|------------------------|-------------------------|--|---------|-----|------|--------|------|------------------------------------|---|---|--|---|---------|
| | | | Name of Road | House No. | Plot No. | Area | | | Building | Go-down | Hut | Shed | Garage | Wall | | | | | | |
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Schedule-16

(Relating to Sub-rule (8) of Rule 144)

Office of the..... Municipality/ Sub Municipal
Corporation/Municipal Corporation

Notice Relating to the Integrated Property Valuation and Tax Rate

This notice is, hereby, published for information of general public that the meeting of the Municipal Council held on.....has fixed the rate of the tax that may be levied on the taxable property after the valuation of integrated property within Municipality Area.

It is, hereby, humbly requested to contact during office hours for the information in detail.

Any person who is not satisfied may submit an application to the Mayor within Thirty-Five days from the publication of this notice.

..... Office

.....

Secretary

Date:

¹³⁶**Schedule-17**

(Relating to Rule 145)

Rate of the Entertainment Tax that may be Levied by a Municipality within Its Area

1. From Two to Five per cent of the entrance fee of the Cinema Hall, Video Hall, Cultural Programme hall, Theater Music, Entertainment Exhibition Ground, historical place, archeological place and religion importance gift.

Provided that, no entrance fee shall be levied to Nepalese citizen to enter into the historical place, archeological place and religion importance gift.

2. From Two Hundred Rupees to Five Hundred Rupees per day on magic show, circus, etc.

¹³⁶ Amended the Third Amendment.

Schedule-18

(Relating to Rule 146)

Rate of the Commercial Video Tax that may be Levied by a Municipality
within Area

From Two Hundred Rupees to Five Hundred Rupees per video per year.

NEPAL LAW COMMISSION

Schedule-19

(Relating to Rule 147)

Rate of the Vehicle Parking Charges that may be Levied by a Municipality within Its Area

1. A Municipality may levy a parking charge of not exceeding Forty Rupees per hour each time on the buses, minibuses or trucks and tractors which have been parked.
2. A Municipality may levy a parking charge as fixed by the Municipality Council at the bus park with modern facilities constructed and operated by itself.
3. A Municipality may levy a parking charge of up to Twenty Rupees each time on the basis of the time of parking on the parking area as prescribed by the Municipality.
4. A Municipality may levy a parking charge of upto Ten Rupees on the vehicles other than the vehicles referred to in Clauses 1, 2 and 3 to be parked in the areas managed by the Municipality on the basis of the parking time.

Schedule-20

(Relating to Rule 148)

**The Property Valuation Services Charge that may be levied by a
Municipality within its Area**

At the rate not exceeding One Rupee per Thousand.

NEPAL LAW COMMISSION

Schedule-21

(Relating to Rule 149)

The Format of the Application to be submitted for the Letter of Permission for Building Construction

Office of Municipality,

Serial No.

Computer Registration No.

Date :

Subject : Approval of design

As I/we am/are to carry out the following construction work, I/we hereby submit this application, mentioning the particulars of the house/building to be constructed as follows, accompanied by duplicate copies of the certificates of ownership and possession of the plot, survey map and necessary design of the house / building. I/we request for approval of the design and permission for carrying out the construction work. The matters contained herein are true and correct, if proved false, I/we shall bear and pay as per the law.

Particulars

1. Name, surname and address of the owner of the land:
2. Name, surname and address of the person applying for approval of design:

Citizenship Certificate No:

Name of Father / Husband:

3. Location of the Land:

Current Ward No.

Tole:

The then

Ward No. :-

4. Plot No. of the Land:- Area:- Ownership:- Private/ Trust/ Co-ownership

5. Purpose of the house / building to be Constructed:-

6. Four boundaries and name of the owners of the adjoining land:-

East Ward: One's own land up to...../thereafter the land of Mr.

West Ward: One's own land up to...../thereafter the land of Mr.

North Ward: One's own land up to...../thereafter the land of Mr.

South Ward: One's own land up to...../thereafter the land of Mr.

7. Type of Construction Work:

- (a) New building construction
- (b) Addition of storeys
- (c) Reconstruction by demolition of the old house
- (d) Expansion and Extension of house
- (e) Construction of solid wall in the land
- (f) Alteration of frontage of the house
- (g) Changing the roof of house

Applicant's:-

Signature:-

Full name and address:-

Age:

Address: Ward No.....

Telephone:

Signature of the person submitting
the design for registration:

Name:

Age:

Date:

Schedule-22

(Relating to Rule 190)

Meeting Allowance and Other Facilities of the President, Vice-president and Members of District Development Committee

| | | | |
|---------------------------------------|--|----------------|-------------|
| Meeting Allowances | Other Facilities (¹³⁷ telephone, newspapers and other facilities) (monthly) | | |
| President, Vice-president and Members | President | Vice-president | Members |
| Rs. 200 - | Rs.7,000 - | Rs. 4,000 - | Rs. 2,000 - |

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¹³⁷ Deleted by.....

¹³⁸ Inserted by.....

¹³⁹Schedule -23

(Relating to Rule 207)

Rate of the Tax that may be levied by District Development Committee

1. The following temporary tax on the vehicles and means of transportation plying through the road, way or bridge constructed from its own resources or handed over to it:

- (a) Five to Twenty-Five Rupees on private bushes, trucks and buses, trucks on rent.
- (b) Five to Fifteen Rupees on mini-bushes and tractors.
- (c) Five to Ten Rupees on private cars and auto rickshaws or cars and auto rickshaws on rent.
- (d) Upto Five Rupees on other vehicles.

Note:

- (1) No tax referred to in this clause shall be levied on the highways and sub-highways.
- (2) An annual vehicle pass may be issued having charged One Thousand Eight Hundred Rupees in lieu of temporary tax.
- (3) The amount of tax levied pursuant to this Clause shall be used only for the repairing and maintenance of the concerned roads.

2. Tax to be levied as prescribed by the District Council being within the limit of the following minimum and maximum rate on the following materials to be produced within the district and exported therefrom:-

¹³⁹ Amended the Third Amendment.

| S.No. | Name | Unit | Minimum Rate | Maximum Rate |
|-------|--|-------------------------------|-------------------|--------------|
| (a) | Wool (Natural, artificial, mane) | per kg. | 0.05 paisa | 0.10 paisa |
| (b) | Rosin | per kg. | 0.25 paisa | 0.50 paisa |
| (c) | Rate as prescribed by the District Council on the herbs mentioned in the prevailing Forest Regulations according to the price, quality and quantity; provided that only half rate shall be levied on the herbs on professional farming and to be half processed in local industries. | | | |
| (d) | Dry grass (<i>Khar</i>), <i>Babio</i> , <i>Malahan Patta</i> , <i>Chhawali</i> , hay, <i>Bagas</i> , <i>Nigalo</i> , <i>Lokta</i> , <i>Pater Amliso (Kucho)</i> | per cart, tractor truck | Rs. 1/- | Rs. 100/- |
| | Bamboo | per piece | 0.25 paisa | 0.50 paisa |
| | Sisau, Saal tree (<i>chatla</i> , <i>Golia</i> , <i>Chiran</i>) | per truck | Rs. 200/- | Rs. 300/- |
| | (On the basis of Dispatch of the concerned District Forest Office) | per truck | Rs. 100/- | Rs. 200/- |
| (e) | Boulder, aggregate, sand gravel and pebble | Per cubic ft. | Rs. 1.50 | Rs. 2/- |
| (f) | Slate, paving boulder | per sq.ft. | Rs. 0.50 paisa | Rs. 2/- |
| (g) | Soil used in Kiln | per sq.mt. | Rs. 0.25 paisa | 0.50 paisa |
| | (1) breaks | per One Thousand piece | up to Rs. 25 | |
| | (2) cement | per sacks | up to | |

| | | | | |
|-----|---|------------|-------------------|------------------------------|
| | | | Rs.1.00 | |
| (h) | Leaves, stalk and nasal of Tobacco | per kg. | Rs. 0.10 paise | Rs. 0.25 paise |
| (i) | Seeds of <i>Saal</i> | per kg. | Rs. 0.50 paise | Rs. 1/- |
| (j) | Conifer fire wood | per kg. | Rs. 0.10 paise | Rs.0.25 paise |
| (k) | Natural coal | per kg. | Rs. 0.05 paise | Rs. 0.10 paise |
| (l) | Mineral water | per bottle | Rs. 0.10 paise | Rs.0.20 paise |
| (m) | Other mineral substances as determined by the Council as per the recommendation of the Revenue Consultative Committee | | | As prescribed by the Council |

- (3) Tax to be collected in the collection centre on the following materials which are reused in the similar form by the industries established within the country as prescribed by the District Council being within the maximum and minimum limit as follows:

| S.No. | Name | Unit | Rate | |
|-------|---|-----------|-------------------|-------------------|
| | | | Minimum | Maximum |
| (a) | Empty Bottle (Beer) depending on size | per piece | Rs. 0.50 paise | Rs. 1/- |
| (b) | Empty Bottle (liquors and others) above 500 ml. | per piece | Rs. 0.25 paise | Rs. 0.50 paise |
| (c) | Empty bottle (liquors and other) below 500ml | per piece | Rs. 0.10 paise | Rs. 0.25 paise |
| (d) | Plastics (Bottle pots, old | per kg. | Rs. 0.25 | Rs. 0.50 |

| | | | | |
|-----|---|-----------|-------------------|-------------------|
| | shoes, slippers etc.) | | paisa | paisa |
| (e) | Empty sacks: | | | |
| | (1) Plastic sacks with the capacity of 50 kg. food grains | per piece | Rs. 0.15 paisa | Rs. 0.25 paisa |
| | (2) Jute sacks with the capacity of 50 kg. food grains | per piece | Rs. 0.15 paisa | Rs. 0.25 paisa |
| | (3) Jute sacks with the capacity of 100 kg. food grains | per piece | Rs. 0.25 paisa | Rs. 0.50 paisa |
| (f) | Oil tin | | | |
| | (1) With the capacity of more than 10 ltr. | per piece | Rs. 1/- | Rs.2/- |
| | (2) With the capacity of less than 10 ltr. | per piece | Rs. 0.50 paisa | Rs.1/- |

- (4) Tax to be levied as per the procedures set up by the District Council being within the minimum and maximum limit as follows, on the used-up materials which can be reused after recycling.

| S. No. | Name | Unit | Rate | |
|--------|--|-----------|-------------------|----------|
| | | | Minimum | Maximum |
| (a) | <i>Jhindu</i> (piece of natural and artificial wool) | per kg. | Rs. 0.50 paisa | Rs. 2/- |
| (b) | Pieces of Garment Fabrics | per kg. | Rs. 0.50 paisa | Rs. 2/- |
| (c) | Burnt mobil | per litre | Rs. 0.25 paisa | Rs. 1/- |
| (d) | Sacks of Jute and plastics | per kg. | Rs. 0.05 | Rs. 0.20 |

| | | | | |
|-----|---|---------|-------------------|-------------------|
| | | | paisa | paisa |
| (e) | Pieces of carpets | per kg. | Rs. 0.50 paisa | Rs. 2/- |
| (f) | Tyre tube | per kg. | Rs. 0.50 paisa | Rs. 2/- |
| (g) | old tin | per kg. | Rs. 0.25 paisa | Rs. 0.50 paisa |
| (h) | Old drum | per kg. | Rs. 0.25 paisa | Rs. 0.50 paisa |
| (i) | used papers | | | |
| | 1. News print | per kg. | Rs. 0.25 paisa | Rs. 0.50 paisa |
| | 2. Other paper (including cartoons) | per kg. | Rs. 0.50 paisa | Rs. 2/- |
| (j) | Used up metal materials | | | |
| | 1. Iron | per kg. | Rs. 0.25 paisa | Rs. 1/- |
| | 2. Other metals (brass, copper etc.) | per kg. | Rs. 1/- | Rs. 2/- |
| | 3. Old not useable machinery instruments. | per kg. | Rs. 1/- | Rs. 2/- |
| (k) | Pieces of <i>polithen</i> pipes | per kg. | Rs. 0.25 paisa | Rs. 1/- |
| (l) | Glass (lead) dust or pieces | per kg. | Rs. 3/- | Rs. 4/- |
| (m) | Crystal | per kg. | Rs. .25 paisa | Rs. 1/- |

| | | | | |
|----|---|---------|----------|---------|
| 5. | Tax on feather of birds other than the ones prohibited by prevailing laws i.e. ducks, chicken, as determined by | per kg. | Rs. .1/- | Rs. 2/- |
|----|---|---------|----------|---------|

| | | | | |
|--|--|--|--|--|
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- (6) Of the dead or killed animals other than those prohibited by the prevailing laws,-

| S.No. | Name | Unit | Rate | |
|-------|--------------|---------|-------------------|----------|
| | | | Minimum | Maximum |
| (a) | Bones | per kg. | Rs. 0.50 paise | Rs. 1/- |
| (b) | Horns | per kg. | Rs. 1/- | Rs. 2/- |
| (c) | Hoof | per kg. | Rs. 1/- | Rs. 2/- |
| (d) | Skin (Big) | per kg. | Rs. 20/- | Rs. 30/- |
| (e) | Skin (Small) | per kg. | Rs. 10/- | Rs. 15/- |

NEPAL LAW COMMISSION

¹⁴⁰Schedule-24

(Relating to Rule 208)

Rate of the Service Charge that may be levied by a District Development Committee

Subjects on which the service charges may be levied

1. On the guest house, library, hospital, rest house on city hall, garden, park, lake, pond, entertainment spot historical place, archeological place and religion importance gift or other infrastructures of similar kind at the rate as prescribed by the District Council on the basis of available infrastructure and facilities.

Provided that, no entrance fee shall be levied from Nepalese citizen to enter into the historical place, archeological place and religion importance gift.

2. On canal, water canal, dam
 - (a) Per *Ropani* per annum Rs. 5.00
 - (b) Per *Bigaha* per annum Rs. 60.00
3. Local body may levy the local development fees to industries, factories, (cock, *pepsi*, beverages, marbles industries, cement etc) which are situated within the its territory on the basis of mutual co-operation considering with pollution in the environment, local infrastructure and use of natural resources. Such rate of fees shall be as settled by the decision of the concerned council on the recommendation of Revenue Advisory committee involving with concerned party in considering on production capacity of industry and use of local natural resources.

¹⁴⁰ Amended the Third Amendment.

¹⁴¹Schedule-25

(Relating to Rule 209)

Rate of Fees that may be levied by a District Development Committee

| S. No. | Subjects on which service charges may be levied | Rate of Registration of license and fee | Renewal fee |
|-----------|--|---|---|
| 1. | (a) Rafting on the rivers (annual) (c) Fishing (annual) (b) Boating and twining (annual) | Rs. 2,000.00 Rs. 500.00 Rs. 200.00 | Rs. 1,000.00 Rs. 100.00 Rs. 50.00 |
| 2. | Recommendation fee (for export) (a) aggregate per trips (b) sand per trips | Rs 1000.00 Rs1000.00 | |
| 3. | other Recommendation fee | up to Rs 1000.00 | |
| 4. | <u>Cable Car Operation fee :</u> (a) Each District Development Committee may levy a cable car operation fee of Two per cent on each of the passenger ticket of the cable car. | | |

¹⁴¹ Amended the Third Amendment.

| | | | |
|--|--|--|--|
| | <p>(b) Twenty-Five per cent of the total amount collected by a District Development Committee pursuant to clause (a) shall be provided to the concerned Village Development Committee.</p> <p>(c) If there be more than One area along the cable car operation route, the amount referred to in clause (b) shall be distributed to all the Village Development Committees proportionately.</p> | | |
|--|--|--|--|

Note: (1) In cases where the aforementioned services are concerned with more than one district, the concerned District Development Committee may cause to adjust the rates on their mutual consultation, and to carry out the functions.

(2) The businessperson operating rafting and boating on the rivers shall have to obtain and renew a license therefor from the concerned District Development Committee of the district in which there are the rivers for such business.

Provided that, if the businessperson operating rafting and boating has obtained a license from the District Development Committee having the first and last points it shall be necessary to obtain the license from the District Development Committee which is in between the rafting way.

- (3) No license referred to in this Rule shall be necessary for the use of solo rafting from security point of view or for the use of *Kayak* and *Kayak* operators for the same purpose.
- (4) The fishery businessperson shall have to obtain a license from the concerned District Development Committee; the license shall be renewed each year and the concerned District Development Committee shall have to cause competition as per rules from amongst the businessperson having renewed the license, and shall award the business to the businessperson who is the highest bidder.

NEPAL LAW COMMISSION

Schedule-26

(Relating to Rule 211)

The Amount to be Received by a District Development Committee from the Allocation of Revenue

- ¹⁴²1. Out of the total revenue collected from registration fee of the house and land,
- (a) Ninety percent if the total revenue collected is Five Million Rupees.
 - (b) After that Sixty percent in the amount upto Ten Million Rupees.
 - (c) After that Thirty percent in the amount upto Twenty Million Rupees.
 - (d) After that Twenty percent in the amount upto Thirty Million Rupees.
 - (e) After that Fifteen percent in the amount up to Fifty Million Rupees.
 - (f) After that Ten percent in the amount upto One Hundred Million Rupees.
 - (g) After that Five percent up to however amount.
2. Fifty per cent of the amount collected from the mining royalty.
3. Ten per cent of the royalty amount collected from the forest products in forest areas.

¹⁴² Amended the Third Amendment.

- ¹⁴³4. Fifty percent of the royalty amount received to Government of Nepal from 2060 *Magh* (January/February 2004) from the production and sale of hydro electricity. Such amount shall be distributed on the following grounds as determined by a meeting of the committee comprising of the Presidents of the District Development Committees or authorized representatives:-
- (a) Twelve percent to the District Development committee in which electric powerhouse is operated.
 - (b) Thirty percent to all the District Development Committees of the development region in which electricity is produced.
- ¹⁴⁴5. Thirty percent of the fees and royalty amount received from trekking and the tourists entering into the National park and wild life preserve.
- ¹⁴⁵6. Thirty percent of the royalty amount to be received to Government of Nepal for mountaineering.
- ¹⁴⁶7. Thirty percent of the entrance fee to be collected by Government of Nepal with tourists to enter into District Development Area.

¹⁴³ Amended the Third Amendment.

¹⁴⁴ Amended the Third Amendment.

¹⁴⁵ Inserted the Third Amendment.

¹⁴⁶ Inserted the Third Amendment.

Schedule-27

(Relating to Rule 211)

Form of Oath of Office for an Employee

I do swear in the name of God/solemnly affirm that as an employee of.....(name of the local body),..... I shall carry out the responsibilities entrusted to me with honesty and to the best of my ability, knowledge and conscience, with loyalty to.....(name of the local body), and without fear, biasness, prejudice, greed and favour and in accordance with Nepal law and the rules and regulations of.....(name of the local body); and I shall not disclose or indicate any confidential information about.....(name of the local body) to anybody other than the concerned officers in whatsoever situation.

Signature of the official administering the oath of office :

Signature of the employee taking the oath of office :

Name and Address :

Name :

Date :

Address :

Post :

Date :

Office :

Designation :

Name of the local body :

Schedule-28

(Relating to Sub-rule (6) of Rule 225)

Work Performance Evaluation Form

Name : Designation : Level : Name of Office :

Period: From the 1st of *Shrawan* of the year 20to the last day of month of *Ashadh* of the year 20.....

| S. No. | Details of the works performed, quality and character | Evaluation by Supervisor | | | | | Evaluation by Reviewer | | | | |
|--------|---|--------------------------|---------------|-----------|----------------|---------------|------------------------|-----------------|-----------|--------------------|---------------|
| | | Poor 0 | Ordinary 1 | Good 2 | Excellent 3 | Justification | Poor 0 | Ordinary 1/2 | Good 1 | Excellent 1 1/2 | Justification |
| 1. | Ability to act as per calendar of operation and the quality of the works performed. | | | | | | | | | | |
| 2. | Knowledge of subject-matter and skills | | | | | | | | | | |
| 3. | Result or utility of the works performed | | | | | | | | | | |

| | | | | | | | | | | | |
|-----|--|---|---|---|---|--|---|-----|---|--|--|
| 4. | Motivation and dedication to works | | | | | | | | | | |
| 5. | Ability to act as per direction | | | | | | | | | | |
| 6. | Honesty, discipline and politeness | | | | | | | | | | |
| 7. | Spirit of cooperation | | | | | | | | | | |
| 8. | Decision making ability | | | | | | | | | | |
| 9. | Ability to control and guide the subordinate employees | | | | | | | | | | |
| 10. | Discipline | | | | | | | | | | |
| 11. | Potential ability for promotion | 0 | 1 | 2 | 3 | | 0 | 1/2 | 2 | | |
| | Total :- | | | | | | | | | | |

NEPAL LAW COMMISSION

Schedule-29

(Relating to Rule 271)

Format of Oath of Office

I.....do swear in the name of God/solemnly affirm that I shall be fully loyal to the Constitution of the Kingdom of Nepal, 2047, and while acting in official capacity to the post of the Chairperson/ Vice-Chairperson/ Member/ Ward Member/nominated Member/ Member of Village Council of the.....Village Development Committee, Mayor/Deputy Mayor/Member/Ward Member/nominated Member/ Member of Municipal Council of.....Municipality, President/Vice-president/Member/ nominated Member/ Member of District Council of..... District Development Committee, I shall discharge my duties with honesty and as per the prevailing laws without fear and favour, partiality, affection and illwill to anyone.

Signature of the person
Administering oath of Office :

Name and Address :

Date :

Post :

Office :

Signature of the person
Administering oath of Office :

Name :

Address :

Date :

Designation :

Name of the local body :

Schedule-30

(Relating to Sub-rule (1) of Rule 198)

Format of the Application to be submitted for Certification of Relationship

Chairperson/Mayor

..... Village Development Committee/ Municipality

.....

.....

..... C/O

Office of the Village Development Committee, Ward
Committee of the Ward No.

Office of the Municipality, Ward Committee of the Ward No.
.....

Subject: Request for Certification of Relationship.

As, I have the following relationship with the following persons, I hereby submit this application for certification of the relationship, enclosing herewith a fee of Twenty Five Rupees for relationship certification. I have enclosed herewith the documentary evidences that I am having for certification of the relationship.

Name, surname and address
of the person whose
relationship is to be
certified

The existing relationship

Documentary evidences enclosed

(a)

(b)

(c)

Applicant's:-

Full name:-

Address :-

Signature:-

Date:-

NEPAL LAW COMMISSION

Schedule- 31

(Relating Sub-rule (7) of Rule 272)

Format of the Certification of Relationship

Office of Village Development Committee /Municipality

Mr./Mrs./Miss.....

Whereas, an application has been submitted to the Office of this Village Development Committee/Municipality on through the Ward Office of Ward No.....of this Village Development Committee/Municipality requesting for certification of the following relationship with the following persons;

Whereas, it has been learnt from making necessary investigation and public inquiry (*Sarjamin*) through the concerned Ward Office/Area Police Office that you have the following relationship with the following persons;

Now, therefore, on the basis of the letter of recommendation received from the Ward Office of Ward No.of Village Development Committee /Municipality, the following relationship has been, hereby, certified pursuant to Section 259 of the Local Self-Governance Act, 2055 (1999), and this Certificate has been issued to that effect.

Name and address of the person who is having the relationship
 (a)
 (b)
 (c)

The existing relationship

Official Certifying the Relationship:-
 Name:-
 Designation:-
 Signature:-
 Date

Signature of the Applicant:-

| | |
|-------|------|
| Right | Left |
| | |

Photograph of the person having the relationship:-

