

Local Self Governance Regulation, 2056 (1999)

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In exercise of the power conferred by Section 265 of the Local Self-Governance Act, 2055 (1999), His Majesty's Government has framed the following rules.

Part-1

Preliminary

1. Short Title and Commencement : (1) These rules may be called the "Local Self Governance Regulation, 2056 (1999)".
(2) It shall come into force at once.
2. Definitions : Unless the subject or the context otherwise requires, in this Regulation,-
 - (a) "Act" means the Local Self Governance Act, 2055 (1999).
 - (b) "Center" means the center 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, godown, 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.

Part-2

Provisions Relating to Village Development Committee

Chapter-1

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

3. Prescription of the Center of the Village Development Area: (1) While prescribing the centre of a Village Development Area, His Majesty's Government 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, His Majesty's Government 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 His Majesty's Government to prescribe of the centre of that Village Development area.

(4) On receipt of the recommendation pursuant to sub-rule (3), His Majesty's Government 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, His Majesty's Government may, on the recommendation of the concerned District Development Committee, prescribe the center of such Village Development area.

4. Classification of Village Development Committee : (1) For the purpose of Section 20 of the Act, His Majesty's Government shall classify the Village Development Committees of the Kingdom of Nepal as follows :-

Group "A" :

- (1) Having a population of at least five thousand,
- (2) Having motarable road to the center or having an airport of running condition within the range of eight miles from the centre.
- (3) Having the facilities of telephone, post office and where at least fifty percent of the population have the facility to use electricity service.
- (4) Having a secondary school, and the fifty percent of the population literate,
- (5) Having a sub-health post and where at least fifty percent of the population have the facility to consume drinking water supplied through pipe-line or tubewell.

Group "B" :

- (1) Having a minimum population of four thousand,
- (2) Having a motarable road to the center or having an airport of running condition within the range of sixteen miles from the centre.
- (3) Having a post office and where at least twenty five percent of the population have the facility to use electricity service.
- (4) Having a secondary school and having at least forty five per cent of the population literate,
- (5) Having a sub-health post and where at least forty percent of the population have the facility to consume drinking water supplied through pipe-line or tube well.

Group "C" :

The Village Development Committees which do not fall under the classification of Groups "A" and "B".

(2) His Majesty's Government shall publish the list of the Village Development Committees classified pursuant to sub-rule (1) in the Nepal Gazette.

(3) His Majesty's Government 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 center 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 Chairman 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 Chairman 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 to referred 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 Constitution of the Kingdom of Nepal, 2047 (1990).

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 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 Chairman,

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 Chairman and Adjournment of Meeting : (1) The procedures of selection of the Chairman 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 Chairman 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 Chairman of the Village Development Committee.

29. Presence : Every members 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 Chairman 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 : (1) 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, 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 Constitution 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 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 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 7 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 Chairman and Vice Chairman and the meeting allowance of the Members shall be as prescribed in Annex-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 His Majesty's Government, 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 His Majesty's Government and for effective implementation thereof.
- (c) To issue necessary directives, subject to the Act and this Regulation, 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, businessmen 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 in the District 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.

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 chairmanship 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,
- (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.
- (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.

49. 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 following shall be the procedures of granting approval for the construction of houses, building, roads and other infrastructures on carrying out an inquiry whether or not the houses, building, roads and other physical infrastructures to be constructed in the Village Development Area match the prescribed criteria:-

- (a) The individual or organization seeking to build a residential house or building within the Village Development Area shall have to submit an application before the Chairman of the Village Development Committee with one rupee fee along with the stipulation of the kind, size, length, breadth of such a house or building, the evidence as to the ownership of the land whereon the house or building is to be constructed or if the house or building is being constructed on others land, the deed of consent of the owner of such land.
- (b) If the houses or buildings or roads or other infrastructures are to be made for commercial or other purposes, an application shall have to be submitted, along with one hundred rupees fee stipulating its objectives, technical report and other details as referred to in clause (a).
- (c) In the event of submission of an application pursuant to clause (a), an approval shall be granted immediately, and if the application has been made pursuant to clause (b), an approval shall be granted as soon as possible on considering the technical report submitted alongwith the application.
- (d) No approval of the Village Development Committee under this Rule shall be necessary for the construction of roads or other infrastructures in accordance with the Project approved by His Majesty's Government or the District Development Committee.

(2) Other provisions relating to the fixation of measurement of construction works shall be as may be prescribed in bye-laws.

Chapter-5

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

50. Function, Duties and Powers of Chairman: In addition to the functions, duties and powers referred to in the Act, the other functions, duties and powers of the Chairman shall be as follows: -
- (a) To obtain approval of the Village Development Committee if the Chairman 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,
 - (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 Centers.
51. Function, Duties and Powers of Vice-Chairman: In addition to the functions, duties and powers referred to in the Act, other functions, duties and powers of the Vice-Chairman shall be as follows: -
- (a) To exercise the powers of the Chairman during the time of working as the acting Chairman,
 - (b) To take part in the meetings of Area-level Services Centers,
 - (c) To carry out other functions as prescribed by the Village Development Committee or the Chairman.
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 Chairman 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 Chairman,
 - (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.
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 Rs. 50.00 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 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 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 Annex-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 Regulation.

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 Country 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 60 days from the date of appointment of the Chairman 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 to in this Regulation 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 Regulation, the proceedings already taken shall not be void only for not having followed the procedures as set forth in this Regulation.

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.

(2) The resource map shall be prepared at the scale of 1:25,000 feet.

(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 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 His Majesty's Government,
- (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 Chairman 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.

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 organization or non-governmental organization as per the format prescribed in Annex-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 :

- (a) A member of the Village Development Committee designated by the Village Development Committee– Convenor
- (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:-

- (a) Whether or not the project or programme has been implemented as per the Annexed 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 Annex-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 Annex-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 Annex-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, businessmen and intellectuals.

Part-3

Provisions Relating to Municipality

Chapter-1

Provision Relating to Municipal Center and Meeting and Procedure of Municipal Council

73. Prescription of Centre of Municipal Area: (1) While prescribing the center of a Municipal area, His Majesty's Government may prescribe the center 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, His Majesty's Government 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, His Majesty's Government 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 :-
- (b) 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 Constitution 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 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 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.

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 Chairman and Adjournment of Meeting : (1) The procedures of selection of the Chairman 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 Constitution 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 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 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.
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 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 7 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 Annex-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 His Majesty's Government 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 His Majesty's Government and for effective implementation thereof;
- (c) To issue necessary directives, subject to the Act and this Regulation, 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, businessmen 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).

(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.

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 chairmanship 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.

(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.

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 Centers.

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 Centers,
 - (c) To carry out 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 Chairman 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 Regulations and the existing laws; and to give his 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 Chairman. 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.
- 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 Annex-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 Regulation.

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 Country 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 60 days from the date of appointment of the Chairman 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 Regulation 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 Regulation, the proceedings already taken shall not be void only for not having followed the procedures as set forth in this Regulation.

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.
- (2) The resource map shall be prepared at the scale of 1:25,000 feet.
- (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.
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 His Majesty's Government,
- (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 man-power or the man-power 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 Chairman 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 programmemes 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 programmeme 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 Annex-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 -
Convenor
- (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 Annex-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 Annex-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 Annex-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 Annex-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 Annex-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 Annex-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 from 10 percent to 40 percent,
- (d) While valuating the physical structure other than land, it shall be valuated on the basis of the classification referred to in Annex-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 Annex-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.

(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 as per the format referred to in Annex-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 Mansir.

(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 10 percent from the tax amount to be paid by a taxpayer who has paid the tax amount within 30 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 Regulation, no integrated property tax shall be levied in the following property:-

- (a) The Royal Palace or the land occupied by the Royal Palace,
- (b) The houses and land under the ownership of His Majesty's Government,
- (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.

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 Annex-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 Annex-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 Annex-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 Annex-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 Annex-21.

Part-4

Provisions Relating to District Development Committee

Chapter-1

Classification of District Development Committee

150. Classification of District Development Committee : (1) For the purpose of Section 184 of the Act, His Majesty's Government shall classify the District Development Committee having the followings infrastructures into 'A' 'B' and 'C' grades as follows:-

Grade 'A' :

- (1) Having the facility of motorable road up to the district headquarters 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 percent Village Development Committees in the district,
- (4) Having achieved the target fixed in the health sector by the national indicator aimed at periodic plans.

Grade 'B' :

The District Development Committees having at least any two of the infrastructures referred to in grade 'A'.

Grade 'C' :

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

(2) His Majesty's Government shall publish in the Nepal Gazette the list of the District Development Committees classified pursuant to sub-rule (1).

(3) His Majesty's Government 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 Constitution of the Kingdom of Nepal, 2047 (1990).

164. Decision on Resolution : (1) After the completion of the order of 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 vote verbally in his 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 Chairman and Adjournment of Meeting : (1) The procedures of selection of the Chairman 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 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 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 statement as to the reasons for 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 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 Constitution 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.
- (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.
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 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 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 Annex-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 His Majesty's Government 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 His Majesty's Government 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 Regulation.

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).

(4) The meeting of the Accounts Committee shall be conducted once the meeting of the District 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 District Development 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 chairmanship 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
- (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.

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.

(2) The resource map shall be prepared at the scale of 1:25,000 feet.

(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 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 His Majesty's Government 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 chairmanship 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 His Majesty's Government, 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 His Majesty's Government 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 referred to in Annex-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 :

- (a) A member of the District Development Committee designated by the District Development Committee - Convenor
- (b) Any two of the District Development Committee members designated by the District Development Committee - Member
- (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 -
Convenor
- (b) The Chiefs of the non-governmental organizations nominated by the President from amongst the non-governmental organisations 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 Chairman, and if necessary, it may be held for more than that.

(2) The Integrated Planing 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 Chairman of the Committee shall preside over the meeting of the Integrated Planning Formulation Committee and in his 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 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 Chairman 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

207. Rate of Tax : (1) The rate of the tax that may be levied by a District Development Committee shall be as referred to in Annex-23.

(2) Notwithstanding anything contained in sub-rule (1), no kind of tax or service charge or fee shall be levied on the raw materials imported from a foreign country and being used in a indigenous industry.

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 Annex-24.

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 Annex-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 His Majesty's government 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.

211. Provisions Relating to Allocation of Revenue : In allocating the revenue pursuant to Section 220 of the Act, the amount to be obtained by the concerned District Development Committee shall be as referred to in Annex-26.

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
- (b) Assistant level
 - (1) Assistant level first class
 - (2) Assistant level second class
 - (3) Assistant level third class
 - (4) Assistant level fourth class
 - (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 Regulation shall be deemed to be in existence under this Regulation and class adjustment shall be made accordingly.

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

(2) The required minimum qualification, 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.

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 18 years for the post of assistant level,
- (c) Not attained the age of 21 years for the post of officer level,
- (d) Attained the age of 35 years in case of male candidates and of 40 years in case of female candidates,
Provided that, a person not above the age of 45 years may also be able to be a candidate in the technical posts or the posts prescribed to be fulfilled by an ex-army man or ex-policeman.
- (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 His Majesty's Government.

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 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- Chairman
- (2) A officer level representative designated by the Regional Director of the concerned Regional Directorate, Ministry of Local Development
- 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 - Chairman
- (2) An Employee representative of any governmental office designated by the secretary of the District Development Committee - 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 Chairman 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.

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 35 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 7 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.

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

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

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 Annex-27.

Chapter-2

Transfer and Promotion

222. Transfer : An employee of any local body may be transferred from one local body to the other by the Ministry with the consent of the concerned employee and of the concerned local body.

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 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.

Provided that, the fulfillment of vacancy of the posts of assistant level first class shall be made only through an open competition.

224. Service Period Required for Promotion : For the promotion in the posts of officer level, a service period of at least 5 years in the post below one class of the post of promotion and for other posts, a service period of at least 3 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

(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 30 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 15 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 Annex 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.

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 :
 - (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 indisciplinary manner,
 - (e) If one violates the code of conduct stipulated in this Regulation,
 - (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 indisciplinary 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 90 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 extra ordinary 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.

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 times of the employees of a local body shall be subject to 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 His Majesty's Government 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 and festival leaves shall get full remuneration.

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

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

(4) No casual leave and 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 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 180 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 12 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 is caught by any serious or complicated disease and the sick leave and home leave are not sufficient for his treatment, he may get an additional sick leave up to 45 days as advance with a condition of deduction from his 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 His Majesty Government.

(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 60 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.

246. Study Leave: (1) The employee of a local body who is 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 subjects 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.

(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 any 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 any employee of a local body has been nominated by His Majesty's Government 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 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 appeared to be reasonable, the local body may grant the extraordinary leave of one year for once and of 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 the 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 prohibit 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 the extraordinary leave taken by an employee of a local body shall be counted in his service period.

248. Leave may be Granted to Serve at International Organization or Association : If any employee of a local body make 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 deduced from the period of an extraordinary leave which may be granted pursuant to Rule 247.

249. Procedures for Demanding a Leave : (1) For the grant of a leave, an employee of a local body shall make an application to the authority granting leave through one's own office stipulating the duration of the required leave, causes thereof, and if one has to go the foreign country, stipulating this fact too, and the authority of granting 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 center of the study.
- (c) Other particulars which may be helpful to the local body in considering the grant of such leave.

250. Authority to Grant Leave : The following authorities shall have the power to grant the following leaves:-

Types of the Leave Authority to Grant the Leave

- (a) Casual leave and festival leave - Secretary
- (b) Home leave - Secretary
- (c) Sick leave - Secretary
- (d) Maternity 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 itself 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 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 may take.

253. Action Against the Absent Employee : The employee of a local body who is not present at the office without having taken a leave may be recorded as absentee and departmental actions may be taken against him by decreasing the remuneration for the period of such abstention. No such period of abstention shall be counted in his service period.
254. Record of Leave : (1) The authority of granting a leave shall cause to be kept the record of the leave of employee of a local body working under it.
- (2) In the event of an employee of a local body having been transferred or promoted from one local body to the other, the record of leave shall 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 have to 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.

Chapter-5

Miscellaneous

257. Remuneration and Allowance : While determining the remuneration, allowance and other benefits, resort shall be had on the remuneration, allowance and benefits being received by the Civil servants of His Majesty's Government.
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.
259. Training : A local body may, in order to promote the working efficiency of the employees of the local body, organize training programmes or send the employees to a training imparting institution.
260. Resignation : The resignation tendered by an assistant and offices level employees 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 58 years.
262. Work Performance Evaluation : The employee specified by the Secretary shall evaluate the work performance of an employee of a local body and the Secretary shall review on such evaluation.
263. Dashain Allowance : An employee of a local body shall get an amount equal to his current pay scale of one month as the Dashain allowance 15 days in advance of Ghatasthapana each year. While giving the Dashain allowance, the remuneration of that month shall also be given even if the month prior to the Dashain leave is not over.
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 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 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 Regulation, and the employees to be newly appointed shall, within one month from the date of their 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 their 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 family.
- (f) No credit shall be accepted from any person who has a relationship of works with the local body and no one should be under the influence of his 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 obtained 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 His Majesty's Government or the local body.
- (k) No public speech shall be made and no press-release shall be published against the policy of His Majesty's Government and of the local body.
- (l) One should be regularly present at the office at the time fixed by the local body and one should not be absent without having approved 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 soon with labour.
- (o) An employee of a local body shall pay due respect to all of the officials above him.

- (p) No undue political or other influence shall be exercised or tried to be exercised to any superior official for the accomplishment of any vested interest relating to the employment.
- (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 Country Code (*Muluki Ain*).
- (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 His Majesty's Government.

Provided that this Rule shall not be deemed to have restricted having subscribed 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 things shall receive them in due time.

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 is an assistant level employee, as an amount of treatment allowance.

(2) If an employee of a local body or any member of his 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 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 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 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 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 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 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 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 His Majesty's Government, on the recommendation of the concerned district hospital, decides that his treatment can not be done within the Kingdom of 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 disqualified from the service of a local

body in the future or has been relieved from the service, he 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 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 current remuneration of one month for each year of his service,
- (c) For the employees of a local body having a service period from fifteen to twenty years, an amount equal to his current remuneration of one and half month for each year of his service,
- (d) For the employees of a local body having a service period from twenty to twenty-five years, an amount equal to his current remuneration of two months for each year of his service,
- (e) For the employees of a local body having a service period from twenty-five to thirty years, an amount equal to his current remuneration of two and half months for each year of his service.

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 His Majesty's Government wants to be transferred 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 is going to be transferred, and in consultation with the Ministry of General Administration and the Public Services Commission.
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 Annex-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 Chairman and Mayor as the case may be, as per the format given in Annex-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 Chairman 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 Chairman or Mayor, as the case may be, shall certify the relationship and give the certificate thereof as per the format prescribed in Annex-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 His Majesty's Government, if any, for building a cinema hall.

274. Delegation of Powers : A local body may, out of the powers conferred on it under this Regulation, 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 by-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) For formulation of bye-laws referred to in sub-rule (1), the Ministry shall frame a model bye-law and make it available to local bodies and local bodies may approve and enforce their respective bye-laws on the basis of such model bye-laws.

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 Regulation 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) For formulation of the guidelines referred to in sub-rule (1), the Ministry shall frame a model guidelines and make it available to local bodies, and the local bodies may approve and enforce their respective guidelines on the basis of such model guidelines.

277. Alteration in Annexes : His Majesty's Government may, by publishing a notification in the Nepal Gazette, make necessary alteration and changes in the Annexes.

278. Repeal and Saving : (1) The following Regulations have been repealed:-

- (a) The District Development Committee (Business Management) Regulation, 2049;
- (b) The Municipality (Business Management) Regulation, 2049;
- (c) The Village Development Committee (Business Management) Regulation, 2049.
- (d) Decentralization (Business Management) Regulation, 2041.

(2) The works done and actions taken under the Regulations repealed pursuant to sub-rule (1) shall be deemed to have been done or taken under this Regulation.