

Nepal Tourism Board Rules, 2055 (1999)

By exercising the Power conferred on it by Sub-section (1) of Section 25 of the Nepal Tourism Board Act, 2053 (1997), Nepal Tourism Board has made the following Rules with the approval of Government of Nepal.

Chapter-1

Preliminary

1. **Short Title and Commencement:** (1) These Rules may be called the "Nepal Tourism Board Rules, 2055(1999)"
(2) These Rules shall come into force immediately.
2. **Definition:** unless the subject or context otherwise requires, in these Rules,-
 - (a) "Act" means the Nepal Tourism Board Act, 2053(1997).
 - (b) "Tourism entrepreneurs" means a person, firm, company or an organization who operates on tourism business.
 - (c) "Service fee" means the service fee that the Board is entitled to receive from the tourist and tourism entrepreneurs as per Rules.

Chapter-2

Provision Relating to Service Fee

3. **Service Fee:** The Board may receive the following service fee from the tourist and tourism entrepreneurs pursuant to Section 7 of Act:-
 - (a) Service fee as determined by the committee for the service to be rendered to the tourist by the Board.
 - (b) Service fee of Two percent over the total amount paid by each tourist to the tourism entrepreneurs who operated the tourism business as prescribed by the committee.
 - (c) If the Board has provided special consultation or service to any tourist or tourism entrepreneur, service fee as determined by the committee for providing
4. **Collection of Service Fee:** The Board may collect service fee from a tourist and tourism entrepreneur for providing direct or indirect consultation or service.

Provided that, the Board may specify particular service fee may not be changed for any consultation or service.

5. **Representative may be appointed to collect the Service Fee:** (1) The Board may appoint a tourism entrepreneur or any other person or body, its representative to collect the service fee, or to collect service fee through any other method.

(2) If the committee considers it necessary, the Board may collect fee from a tourist directly, as per the procedure prescribed by the committee.

6. **To Deposit in Fund:** (1) The responsibility and liability of depositing the amount of service fee collected from a tourist into Board's fund shall be that of the concerned tourism entrepreneur or person or body authorized by the Board.

(2) Where the Board appoints a tourism entrepreneur as a its representative to collect service fee pursuant to Sub-rule (1) of Rule 5, such tourism entrepreneur shall have to deposit the amount to be paid by itself to the Board it's while depositing the amount of service fee collected into the Board's fund pursuant to Sub-rule (1).

(3) A tourism entrepreneur or any other person or body appointed by the Board as its representative to collect the service fee pursuant to Rule 5 shall after having deposited the amount into the Board's fund, give a notice in writing thereof to the Board.

(4) Except otherwise provided in Sub-rule (1) and (2) the other procedure relating to collecting service fee from tourist or tourism entrepreneur and depositing such amount into fund of the Board shall be as prescribed by the Committee.

7. **Action to be taken Against Defaulters:** (1) Where the tourism entrepreneur or any other person or body, having the duty to collect and deposit service fee, fails to collect or to deposit into Board's fund even after collecting, the Board may take necessary action to recover amount for service fee from such tourism entrepreneur or any person or body.

(2) The Board may request to the concerned authority of Government of Nepal to suspend or cancel the license of such tourism entrepreneur, if tourism entrepreneur fails to deposit into the Board's fund.

(3) Where a request is made pursuant to Sub-rule (2), the concerned authority of Government of Nepal shall cause to the concerned tourism entrepreneur to pay the amount of loss caused to the Board and if such tourism entrepreneur does not pay the loss amount, Government of Nepal may suspend or cancel the license for a specified period of such tourism entrepreneur.

(4) The Board may recover reasonable reparation from the concerned tourism entrepreneur, for a loss caused to the Board.

Chapter-3

Provision Relating to the Chief Executive Officer

8. Procedure for Selection of Chief Executive Officer: (1) The committee shall form a Three-member Sub-committee, from among the members nominated pursuant to Clause (g) of Sub-section (2) of Section 9 of the Act to select and recommend the appropriate candidate for the appointment to the Chief Executive Officer.

(2) The Sub-committee constituted pursuant to Sub-rule (1) shall publicly call application; prepare a list of persons desiring the qualification as mentioned in Section 14 of the Act and recommend the name of three candidates to the committee for the appointment to the post of Chief Executive Officer from among persons enlisted in such list with specially qualified, trained and experienced in tourism field.

9. Appointment of Chief Executive Officer: (1) The Committee shall appoint the Chief Executive Officer of the Board from among those persons recommended to committee pursuant to Sub-rule (2) of Rule 8 whom it considers appropriate.

(2) If the person so appointed, to the Post of Chief Executive Officer pursuant to Sub-rule (1), is being engaged in Governmental, non-Governmental

service or any occupation, he/she shall retire from such service or occupation. If one does not retire such appointment shall be *ipso facto* void.

10. Remuneration, Facility and conditions of Service of the Chief Executive Officer: The remuneration, facility and other terms and conditions of service of the Chief Executive Officer shall be as prescribed in By-laws.

11. Assessment of the Chief Executive Officer's Work Performance: (1) The committee shall evaluate work performance of the Chief Executive Officer every year.

(2) The basis of the work performance evaluation to be made pursuant to Sub-rule (1) shall be as prescribed by the committee.

12. Procedure for Removal of Chief Executive Officer from the Posts: (1) If the Chief Executive Officer fails to discharge duty pursuant to Sub-section (4) of Section 14 of Act, the committee shall constitute a Three-member inquiry Sub-committee consisting of a member of the committee as well to inquire that matter.

(2) The inquiry Sub-committee, under Sub-rule (1), in the course of inquiry may call Chief Executive Officer and other concerned persons to appear before the Sub-committee for necessary inquiry, to take statement and to collect necessary documents and evidence.

(3) After completion of inquiry, the inquiry Sub-committee shall submit its report along with its opinion to the committee.

(4) If the report submitted by the Inquiry Committee pursuant to Sub-rule (3) reveals that the Chief Executive Officer is found to have carried out an act against the interest of the Board causing thereby a loss to the Board or not discharged duties in consistency with the direction of the committee, the committee shall issue a notice to the Chief Executive Officer with reasons and grounds to submit clarification in a reasonable time. On non-submission of clarification by the Chief Executive Officer within said time period or on his/her clarification being unsatisfactory, the committee may remove Chief Executive Officer from the post.

(5) If the Committee considers the continuation of the duty of the post of the Chief Executive Officer may be in against of the interest of the Board, the committee may prevent from discharging duty or suspend such Chief Executive Officer until the inquiry is complete, after the Sub-committee to examine the allegation made against the Chief Executive Officer is formed pursuant to this Rule.

(6) In case, it is so proved that the loss was made to the Board knowingly by the Chief Executive Officer, the board shall initiate for necessary action to recover the loss made by such Chief Executive Officer.

13. Other Functions, Duties and Powers of the Chief Executive Officer: In addition to the functions, duties and powers set-forth in Section 15 of Act, the other functions, powers and duties of the Chief Executive Officer shall be as follows:

- (a) To carryout financial, administrative and other functions as per the Act, these Rules and Bye-laws.
- (b) To act as liaison officer on behalf of the Board with Government of Nepal, foreign and domestic persons and Organizations.
- (c) To make or cause to make follow-up and evaluation necessary in the course of implementation of long term and short term of plan and programme approved by the Board.
- (d) To prepare suggestion necessary to solve the policy oriented problem discovered in the course of implementation, follow-up and evaluation on plan and programme, pursuant to Clause (c).
- (e) To prepare agenda for the meeting of the committee after consultation with the chairperson.
- (f) To cause to keep safe the updated document related with Board's functions and proceedings including the record of decision.
- (g) To comply with or caused to be complied with direction given by the committee and the Chairperson.

- (h) To protect and manage the movable and immovable property of the Board.
- (i) To perform other functions and take actions as prescribed by the committee.

Chapter-4

Miscellaneous

- 14. Daily and Travel Allowances of the Chairperson, Vice-Chairperson and the Member of the Board:** (1) The Chairperson, Vice-Chairperson and the Members of the Board shall, while traveling within the country and abroad in connection of the Board's programme, receive daily and travel allowance, clothing allowance and expenses, as prescribed in the By-laws.
- (2) Notwithstanding anything contained in Sub-rule (1), members representing to the Board pursuant to clause (f) of Sub-section (2) of Section 9 of the Act shall not receive such allowance and expense.
- 15. Organization Chart and Division of Work of the Board:** (1) The organization chart and work division of the work of the Board shall be as prescribed by the committee.
- 16. Official to Issue Administrative Order:** (1) The administrative order issuable under these Rules shall be issued by the Chief Executive Officer or an Officer level employee so authorized by the Chief Executive Officer.
- (2) An Officer level employee of the Board shall have the power to certify the order issued pursuant to Sub-rule (1).
- 17. Record of the Decision to be Kept:** (1) The Member-secretary shall record the decision made in every meeting of the committee in minute-book and cause the signature or the members in it.
- (2) A member, who is not satisfied with the decision of the Board made pursuant to Sub-rule (1), may sign in the minute book with separate remarks.
- Provided that, the member attending the meeting of the Board, shall receive travel allowance and Hotel Expenditure for a period of not more than Two days

that is for approaching day and attending day. Such allowance and Hotel Expenditure shall be equal to received by the Chief Executive Officer pursuant to Financial Bye-laws, 2055 of the Nepal Tourism Board.

18. **Copy of Decision to be Made Available:** The Member-secretary shall make available of the decision of the committee to all members.
19. **Annual Report to be submitted:** The Chief Executive Officer shall submit an annual report pursuant to section 21 of the Act which shall also contain programme, cost, work progress and reform to be done in the future.
20. **Oath:** Other than the member representing Government of Nepal, the member, the Chief Executive Officer and every staff of the Board shall take the oath of office before taking charge of their post as mentioned in Schedule 1.
21. **Inspection and Supervision:** The committee may inspect and supervise and cause to be inspected and supervised Central, Branch and Sub-branch offices of the Board at any time as per necessity.
22. **Handover:** The Chairperson, vice-chairperson and members shall handover cash, kinds or other documents concerned with the Board within Seven days of their removal from the post, to the member-secretary or authorized officer and take the receipt.
23. **Office Time of the Board:** The office time of the Board shall be as prescribed by the Committee.

Schedule-1
(Relating to Rule 20)
Form of Oath of Secrecy

I hereby take oath in the name of God/in good faith that as a member/Chief Executive/staff of the Board that I shall discharge the duty entrusted to me to the best of my commence honestly and dutifully being loyal to the Board without any fear, prejudice or enmity, benefit, favour and subject to the Nepal Tourism Board Act, 2053 (1997), Nepal Tourism Board Rules, 2055 (1999), and Bye-laws made thereunder. I shall not disclose any confidential matter of my knowledge directly or indirectly by word or sign in any condition while holding the post or not to any person other than the authorized person.

Oath taking officers

certifying the oath

Name:-

Signature:-

Designation:-

Date:-

Authority

Name:-

Signature:-

Designation:-

Date:-