

# **Good Governance (Management and Operation) Act, 2064 (2008)**

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**Act No. 36 of the year of 2064 (2008)**

**An Act enacted to guarantee (ensure) good governance,**

**Preamble:** Whereas, it is expedient to make legal provision in relation to good governance by making public administration of the country pro-people, accountable, transparent, inclusive and participatory and make available its outcome to the general public; upon adopting the basic values of good governance like rule of law, corruption-free and smart (lean or smooth) administration, financial discipline, and efficient management of public work and resources to create situation for providing public services in speedy and cost-effective manner; by bringing into execution (enforcement) of the right of the citizens upon having good governance by translating it to practical reality; and transform the administrative mechanism into service delivery mechanism and facilitator;

Now, therefore, the Legislature Parliament has enacted this Act.

## **Chapter-1**

### **Preliminary**

1. **Short title and commencement:** (1) This Act may be called “Good Governance (Management and Operation) Act, 2064 (2006)”.

(2) This Act shall come into force immediately.

2. **Definitions:** In this Act, unless the Subject or the context otherwise requires;

- (a) “Constitution” means the Interim Constitution of Nepal, 2063 (2007).
- (b) “Minister” means Prime-minister, Deputy Prime-minister or Ministers and this term also includes the Minister of State who takes independent responsibility of a Ministry.
- (c) “Secretary” means secretary of the Ministry and this term shall also includes the chief-secretary of the Government of Nepal and officials of special class carrying out the function of secretary.
- (d) “Ministry” means Ministry of Government of Nepal and this term also includes the office of the Prime Minister and Council of Minister or constitutional organ (body) or office at the central level.
- (e) “Head of the department” means an authority acting as chief of the the department or office equivalent to such department.
- (f) "Office in charge" means an official acting as a chief of any governmental office.
- (g) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rule framed under this Act.

## **Chapter-2**

### **General Provisions Regarding to the Operation (execution) of Governance**

3. **Functions to be carried out at different level:** (1) Government of Nepal shall carry out administrative function at central, regional, zonal, district, and local level to maintain good governance within the country.

(2) Division into region, zone and district and determination of geographical areas of local level pursuant to Sub-section (1) shall be made according to the prevailing laws.

4. **Thematic (subject wise) Ministry and Department to be Constituted:** (1) There shall be thematic Ministries and departments as required to carry out the functions at the central level.

(2) Number of ministries and its division of works shall be made in accordance with the Government of Nepal Division of Works Rules (*Nepal sarkar karya bibhajan niyamawali*).

(3) There shall be the Office of the Prime Minister and Council of Minister as the chief administrative organ of the Government of Nepal.

(4) There may be department, office and other bodies established under the Ministry as required.

5. **Essential body may be constituted:** (1) In addition to Ministry, Department and Offices, Government of Nepal may constitute secretariat, commission, board, centre, committee or other such body as per necessity to carry out administrative functions.

(2) The functions, duties, powers and other terms of reference of the secretariat, commission, board, centre, committee or other such bodies constituted under Sub-section (1) shall be as determined by the Government of Nepal.

6. **Basis for executing administrative functions:** While carrying out administrative functions to maintain good governance in the country pursuant to this Act or other prevailing laws, the concerned authority shall carry out its functions on the following basis, in addition to the provisions of the constitution and other prevailing laws :-

(a) greater interest of nation and people;

- (b) equity and inclusiveness;
- (c) rule of law;
- (d) guarantee of the human rights;
- (e) transparency, objectivity, accountability and honesty;
- (f) economic (financial) discipline, corruption-free, lean(smart) and people-oriented administration
- (g) impartiality and neutrality of administrative mechanism;
- (h) access of people to administrative mechanism and its decision;
- (i) decentralization and devolution of powers; and
- (j) popular participation and optimum utilization of local resources.

7. **Policies to be pursued by the Government of Nepal:** (1) In addition to the policies stipulated in the constitution and other prevailing laws and the policies pursued from time to time, the Government of Nepal shall pursue the following policies while carrying out the administrative functions of the country:

- (a) economic liberalization;
- (b) poverty alleviation;
- (c) social justice;
- (d) sustainable and efficient management of natural and public resources;
- (e) empowerment of women and promotion of gender justice;
- (f) environmental protection;
- (g) uplifting of ethnic groups, *dalit*, economically and socially backward classes;

(h) development of remote areas and balanced regional development;

(2) Government of Nepal shall, from time to time, operate necessary programmes and projects to implement policies pursued according to Sub-section (1).

### Chapter-3

#### **Operation and responsibility of administrative function**

**8. Maintaining Good Governance to be the duty of Concerned**

**Authority:** It shall be the duty of the concerned authority to carry out administrative function of the country pursuant to this Act or other prevailing laws, in speedy manner, with the objective of maintaining good governance and make available its outcomes to the people in time.

**9. Responsibility of the Minister:** (1) In addition to the responsibilities mentioned in the constitution and other laws in force, it shall be the responsibility of the concerned minister to perform or cause to perform the entire jobs to be carried out by the Ministry under his/her responsibility including the policy matters.

(2) Without prejudice to the provision of Sub-section (1), the concerned minister may provide necessary directions to the officials of his/her Ministry and its subordinate; and it shall be the duty of the concerned officials to comply with such direction in time.

**10. Chief Secretary and his/her Responsibility:** (1) The Chief Secretary shall be the chief administrative officer of the Government of Nepal and carry out his/her responsibility in that capacity.

(2) Without prejudice to the generality of the provision of Sub-section(1), the chief secretary shall have following functions, powers, duties and responsibilities, in addition to the functions, powers, duties and responsibilities entrusted by this Act or other laws in force;

- (a) To perform or cause to perform the functions of the office of Prime Minister and Council of Ministers as an administrative chief of that office under the supervision and direction of the Prime Minister,
- (b) To supervise the functions carried out by the secretaries and other special class officers of the Government of Nepal as a supervisor and issue necessary direction in relation to their administrative works,
- (c) To coordinate or cause to coordinate among the functions of different Ministries and other concerned bodies,
- (d) To coordinate among the different Ministries and other institutions of the central level to implement or cause to implement governance reform programme as an integral part of the country's public administration,
- (e) To act as the secretary of the Council of Ministers and authenticate the decisions of the council of minister in that capacity,
- (f) To mobilize or cause to be mobilized the concerned ministries for the execution of the decisions of Government of Nepal (Council of Minister) and supervise the status of implementation of those decisions,
- (g) To motivate the secretary and other officials for making administrative mechanism of the country lean (smart) and effective,

- (h) To convene the meeting of secretary, from time to time, to make functions of the Government of Nepal effective; and supervise the status of implementation of the decisions taken by such meetings,
- (i) To monitor, inspect and supervise or cause to do so to administrative functions of the different ministries and other offices at the central level,
- (j) To scrutinize (examine) the agenda/proposal submitted by the secretaries and present them for the decision of the Government of Nepal, Council of Ministers, and return or cause to return in case such agenda /proposal found to be incomplete,
- (k) To monitor or cause to be monitored the state of enforcement (execution) of bilateral and multilateral treaty of which Nepal is a party,
- (l) To perform other prescribed functions.

**11. Responsibility of the Secretary:** (1) Secretary shall be the chief administrative authority of the concerned Ministry, constitutional body or office at the central level and shall carry out the duties in that capacity.

(2) Without prejudice to the generality of provision of Sub-section (1), the secretary shall have following functions, duties and powers, in addition to the functions, duties and powers entrusted by this Act or other laws in force.

- (a) Facilitate the concerned minister to formulate policy of the Government of Nepal.

- (b) Carry out the functions of the ministry or constitutional body or central level office of his/he incumbency under the direction and supervision of the concerned minister.
- (c) Present proposal before the concerned minister for necessary reform in policy matters in the ministry or constitutional body or central level office of his/her incumbency.
- (d) Control and supervise over the management, daily work performance and civil servant of the ministry or constitutional body or central level office of his/her incumbency.
- (e) Make necessary supervision and/or control of the functioning of the ministry, constitutional body or central level office or departments of his/her incumbency or office subordinate to such office and give them necessary directives.
- (f) Implement or cause to implement the policies and programmes approved by the Government of Nepal.
- (g) Submit a monthly report to the Office of the Prime Minister and Council of Minister, as prescribed, on the major works performed by the ministry or constitutional body or central level office of his/her incumbency and other concerned offices.
- (h) Formulate and submit the annual programme of the ministry or constitutional body or central level office before the minister and implement, monitor,



evaluate and make progress assessment or cause to do so to the approved programme.

- (i) Prepare and submit annual report before the minister on major works performed by the ministry or constitutional body or central level office.
- (j) Transfer, recruit or depute the personnel up to gazetted class two officers of the ministry or constitutional body or central level office of his/her incumbency or subordinate office.

Provided that, transfer of civil servants from one ministry or constitutional body or central level office or other body or department or subordinate offices to another ministry or constitutional body or central level office or body or department or subordinate office shall be made according to the provision of the prevailing laws.

- (k) Make nomination of the officers up to gazetted class two for foreign study, training, study tour, or for other such purposes on behalf of Government of Nepal and approve foreign visit deputation.
- (l) Implement or cause to implement the decisions taken by the Government of Nepal (Council of Ministers) on matters related with the ministry, or constitutional body or central level office of his/her incumbency and supervise the state of implementation of such decision.
- (M) Implement the decisions made by the meeting of the secretaries.

- (n) Honour the personnel with outstanding or appreciable work performance with the reward of up to Three grade increment in salary or cash prize of up to Five Thousand Rupees with the detail description of the work performed by such personnel.
- (o) Make frequent supervision of the projects run by the ministry, constitutional body or central level office or head of the department under these offices and give necessary direction.
- (p) While making supervision pursuant to Clause (o), if it is found that the project has not been completed within stipulated time or the completed project found to be less than the quality, make necessary inquiry and take necessary action against the head of the department or project chief under whose authority the concerned project is operated.
- (q) Undertake or cause to be undertaken the other functions, duties and powers as prescribed.

(3) The secretary shall communicate immediately to the concerned minister about the work performed pursuant to Clause (j), (k) of Sub-section (2).

(4) The secretary shall be accountable to the Government of Nepal for functions mentioned in Sub-section (2) and shall also have the responsibility and duty to give updated information to the Government of Nepal about any matters related to the ministry or constitutional body or central level office of his/her incumbency when required.

**12. Responsibility of the Head of the Department:** (1) The head of the department shall be the chief administrative authority of the concerned

department and shall carry out necessary functions to accomplish the responsibility of the office.

(2) Without any prejudice to the generality of the provision of Sub-section (1), the head of the department shall have following functions, duties and powers, in addition to the functions, duties and powers entrusted by this Act or other laws in force.

- (a) Perform work of the department of his/her incumbency.
- (b) Carry out the management, day to day work of the department and supervise and control over the subordinate staffs of the department of his/her incumbency.
- (c) Arrange for providing expeditious and qualitative services to the people by continuous improvement of activities and work performance of the department of his/her incumbency and subordinate offices.
- (d) Present to the secretary, with justification, for reform to be made in the law or policy to be implemented by the department of his/her incumbency or subordinate office.
- (e) Organize orientation and training programmes for continuous improvement of the level of work performance and skill of the employee of the department and subordinate office.
- (f) Submit monthly, annual or other reports of the department of his/her incumbency and subordinate offices before secretary as prescribed.

- (g) Make transfer, placement and deputation of personnel up to gazetted class Three officer working under the department of his/her incumbency.
- (h) Honour the personnel working in the department of his/her incumbency or subordinate office with excellent or appreciable work performance with the reward of up to One grade increase in monthly salary or with cash prize of up to Two Thousand Rupees mentioning the detail description of the work performed by such personnel.
- (i) Make frequent inspection of the project implemented by the office-in-charge and give necessary direction; and while making supervision, if it is found that the project has not been executed within stipulated time or the completed project found to be less than quality, make necessary inquiry and initiate appropriate departmental action against him/her and submit the report of such action to the concerned secretary along with the description of such departmental action.
- (j) Exercise or cause to exercise other functions, duty and authority as prescribed.

**13. Responsibility of the Chief Office-holder:** The office in charge shall have the following functions, duties and powers in addition to functions, duties and powers conferred by prevailing laws;

- (a) Carry out the management of the office of his/her incumbency, its daily functioning and supervision and control over staffs working in the office;

- (b) Make deputation of the personnel of office of his/her incumbency and subordinate office;
- (c) Transfer the non-gazetted staffs from one office to another office from the office of his/her incumbency or subordinate offices ;
- (d) Make recommendation to head of the department for honouring the personnel of his/her incumbency with outstanding or appreciable work performance with the reward of increase in grade or cash prize mentioning the detail description of the work performed by such personnel;
- (e) Cause to complete the work of the projects implemented under the office of his/her incumbency within stipulated time;
- (f) Make effective to the service to be provided to the general public by the office of his/her incumbency
- (g) Exercise or cause to be exercised other functions, duties and powers as prescribed.

#### **Chapter - 4**

#### **Procedure to be Adopted while Carrying out Administrative Function**

- 14. Certain Procedure to be Followed:** Officials authorized to make decision pursuant to this Act or other prevailing laws, while making decisions in any subject, shall follow the procedure prescribed by prevailing laws; and in absence of such procedure shall follow a reasonable procedure taking into consideration of the subject matter to be decided.
- 15. Decision to be Made Within Certain Time:** (1) Officials authorized to make decision pursuant to this Act or other prevailing laws, shall take decision within the time stipulated by prevailing laws if there is such stipulation; in absence of such stipulation one shall decide within a

reasonable time taking into consideration of the subject matter to be decided.

(2) In case it is not possible to make decision within the period mentioned in Sub-section (1) due to unavailability of necessary fact, information or evidence, the decision making authority shall decide the matter mentioning its reason.

(3) After making decision mentioning the reason pursuant to Sub-section (2), the decision making authority shall present its information to his/her superior authority as soon as possible.

**16. Transparency to be Maintained while Making Decision:** (1) Officials authorized to make decision pursuant to this Act or other prevailing laws, shall act in transparent way while making decision in any subject.

**Explanation:** For the purpose of this Act, transparency means procedure of decision making on the basis of certain standard and this term may not prejudice to the matter required to be kept confidential pursuant to prevailing laws.

(2) To maintain transparency pursuant to Sub-section (1), the decision making authority may pay due attention to the opinion and advice of the subordinate staffs on the subject to be decided.

(3) If the process of decision of the subject has to be initiated from one level and subsequently decided from the higher level, the authority involved in each level has to present the subject to the deciding authority enclosing his/her clear opinion on the subject.

(4) The decision making authority, while making decision, shall address the questions, if any, raised in the opinion submitted by authority of all level involved in the process of decision making in each level pursuant to Sub-section (3).

(5) While making decision, the decision making authority may seek an opinion of a legal or technical expert in the subject, if he/she deems it reasonable, if a legal or technical question has to be settled.

(6) If the opinion has been sought pursuant to Sub-section (5), decision may be made also on the basis of such opinion, and if it does not seem necessary to follow such opinion its reason shall be mentioned in the decision.

(7) Other provision regarding transparency shall be as prescribed.

17. **Basis and Reason to be mentioned in the Decision:** The concerned authority, while making decision pursuant to this Act or other prevailing laws, shall mention the clear basis in the decision on which it is based and reason why such decision has been made.
18. **Decision not to be made in conflict of interest:** (1) Official authorized to make decision pursuant to this Act or other laws in force, shall not decide the matter with conflict of interest by the fact that his/her direct benefit, concern or interest is involved in the matter, or the decision directly affects his/her successor or close relatives or provides direct benefit to the business or profession carried out by the member of the joint family of the decision maker.

**Explanation:** For the purpose of this Section, the decision shall not be deemed to be in conflict of interest where the authority decides on the matter for the greater public interest.

(2) In case where the official authorized to make decision could not make decision due to the condition mentioned in Sub-section (1), he/she shall refer the matter to the official corresponding to him/her rank of the same office, in absence of such official in the office the matter shall be referred to the higher official for decision.

(3) If there is no official mentioned in Sub-section (2) in the concerned office or such official also could not make decision due to the situation mentioned in Sub-section (1), the decision making official shall submit the matter to chief-secretary if he/she is a secretary, and the matter has to be referred to his/her senior if the decision making official is other official.

Provided that, if the decision-making authority is chief-secretary, the matter shall be submitted to Government of Nepal (Council of Ministers).

(4) The officer working in policy making or law enforcing body of any sector or sub-sector or regulatory body of any sector or sub-sector shall not be involved in the management of the firm, company or any other enterprise of non-governmental or private sector, engaged in the production of goods, service or carry out business related to the decision made during the tenure of his/her office or involve directly or indirectly in the management of firm, company or enterprise engage in the production of goods, service or carry out business, during the tenure of his/her office or for at least One year of the retirement from the post.

**Explanation:** For the purpose of this Sub-section, such period, for the person working in more than one body, shall mean the period of the latest two years before his/her retirement.

(5) If a person acts in contrary to the provision of this Section, the secretary of the concerned ministry may take departmental action on that ground if such person is incumbent in his/her position and if s/he has been retired from the office the concerned secretary may order to fine such person up to Ten Thousand Rupees.

(6) The person dissatisfied with the order made pursuant to Sub-section (5) may file an appeal to the concerned Court of Appeal within Thirty Five days.



(7) The work performed by the authority, contrary to this Sub-section, during his/her incumbency (tenure) shall *ipso facto* be void.

**19. Performance contract may be made:** (1) If any work to be performed by the Government of Nepal has to be carried out within certain period or to be executed with the achievement of certain quantity or if it is necessary to execute any programme or project of national priority, performance contract may be entered into with any official assigning him/her the responsibility of executing such work.

(2) The contract made pursuant to Sub-section (1) *inter alia*, shall consist of terms of reference, the period of performance and quality or quantity of work performance.

(3) If contract has been made pursuant to Sub-section (1), the person assigned with the responsibility by the contract shall perform the act according to such contract.

(4) In case the work to be performed pursuant to Sub-section (3) could not be performed within stipulated time due to *force majeure* it shall be communicated to the secretary with the detail statement of its reason.

(5) If statement submitted pursuant to Sub-section (4) seems to be reasonable, the performance contract may be amended to perform the work within extended period excluding the time of such stoppage of work due to the *force majeure*.

(6) Departmental action shall be taken against the official failing to perform the work pursuant to Sub-section (3) or (5) without reasonable cause.

(7) In case, any person having responsibility pursuant to this Section fails to perform the work with malice (*malafide intention*) or by recklessness or negligence thereby resulting loss to Government of

Nepal or causes to increase the cost of the project, compensation for such loss or increase may be recovered from such official.

(8) Other provisions relating to performance contract shall be as prescribed.

**20. Consultation may be made with Civil Society or Stakeholders while**

**Implementing the Matters of Public Concern:** (1) Government of Nepal may make necessary consultation with stakeholder and civil society, if necessary, before the implementation of any matter of public concern.

(2) While making consultation pursuant to Sub-section (1) the possible impact assessment that can be attained from the proposed subject shall be made by overall analysis of positive and negative aspects.

(3) Government of Nepal, while executing the subjects of public concern, shall give due attention to the suggestion received from the consultation with stakeholders pursuant to Sub-section(1) or (2) during execution of the matter of public concern.

**Explanation:** For the purpose of this section, 'matter of public concern' shall mean any of the following subject:-

- (a) any subject establishing/introducing a fundamentally new system or fundamentally repealing the existing system,
- (b) subject relating to execution of any development programme or project of public concern, or
- (c) Other subject as prescribed.

**21. Responsibility not to be set Evaded:** (1) Official who has been entrusted with the responsibility to perform any work pursuant to this

Act or prevailing laws shall perform the work according to stipulated terms within stipulated time limit.

(2) Official entrusted with the responsibility to perform work pursuant to Sub-section (1), shall not evade his/her responsibility or cause to do any work by any other/person.

(3) An official who gets the work done by others contrary to Sub-section (2) or evades his/her responsibility of any kind or fails to perform the work within stipulated time with malicious intention to evade the responsibility or does not attain the achievement as per work performance indicator, he/she may be admonished by the Government of Nepal if such officer is the chief secretary, by the concerned Minister in case he/she is secretary, by the concerned secretary in case she/he is the official under ministry or head of the department and the concerned head of the department in case he/she is any other official.

(4) In case there is no improvement in the conduct and activities of the official even after the admonition given pursuant to Sub-section (3), departmental action shall be taken against such an official pursuant to the prevailing law on the grounds of incompetency.

22. **Power may be delegated:** (1) Notwithstanding anything contained in this Act, an official may delegate his/her authority to his/her equivalent or subordinate official to be exercised according to the prevailing laws.

Provided that, the responsible official shall not be exempted from his/her responsibility owing to such delegation of power.

(2) The power delegated pursuant to Sub-section (1) may be withdrawn at any time.

(3) Notwithstanding anything contained in Sub-section (1), the power to make decision using judicial mind shall not be delegated.

23. **Provision Relating to Official or Professional Code of Conduct:** (1)

Every person holding public office shall comply with the official or professional code of conduct as prescribed during the tenure of his/her office or to the specified time after retirement no matter what the reason of retirement be.

(2) Following bodies or authorities shall formulate official or professional conduct for the following official to be complied pursuant to Sub-section (1):-

- (a) Judicial council for judges,
- (b) Concerned constitutional body for the officials and the staff of concerned constitutional body,
- (c) Government of Nepal, Council of Minister for civil servants,
- (d) Supreme Court for the personnel working in the courts,
- (e) Attorney General for public prosecutors and other staffs of the office of Government Attorney,
- (f) Concerned ministry for chief of the organization established pursuant to prevailing laws and; and by concerned organization for other staff thereof,
- (g) Legislature-parliament, Execution and Management committee for the staff of secretariat of legislature-parliament,
- (h) Prescribed authority for other persons holding public offices except the official mentioned in the above Clauses.

(3) Notwithstanding anything contained in the Clause (c) of Sub-section (2), Government of Nepal may delegate power to the concerned

ministry or central body authorizing it to formulate code of official or professional conduct to be complied by the personnel working in any ministry or central body or its subordinate body, taking into consideration of the nature of the duty to be performed by such personnel.

(4) It shall be the duty of concerned person to comply with the official or professional code of conduct formulated pursuant to this Section, and departmental action shall be taken against the person violating such code of conduct based on the gravity of such violation and record of such departmental action shall be maintained, if such official is an employee (personnel) ; and in case of official other than civil servant such record shall be maintained by the authority responsible to formulate professional code of conduct for such officials.

(5) Notwithstanding anything contained in the Sub-section (4), in case any matter concerning to the non-compliance or violation of the official or professional code of conduct has been criminalized by the prevailing laws, shall not prevent from initiating proceeding according to law against such person.

## **Chapter-5**

### **Miscellaneous**

24. **Discharging Official Responsibility:** An official, responsible to perform work pursuant to this Act or prevailing laws, while exercising the authority or discharging duties, shall pay attention to the following matters:

- (a) Take self-initiation to perform one's own official work within stipulated time,

- (b) Mobilize the governmental or public resources in cost-effective manner which might lead to their maximum utilization and productivity,
- (c) Pay attention on the fact that the government or public office is a service providing organization, the concerned authority is the servant of the country, and general public are the holder of the right to receive service,
- (d) Keep in the mind that lingering and delay in the work performance is the misuse of resources as well as additional expenses of resource and wealth of the country,
- (e) Supply information to the higher authority in case the work could not be performed in time due to the inevitable condition,

Provided that, in case in matter concerning to public service or service user (customer), the information shall be disseminated to the general public by broadcasting or publicizing as per necessity,

- (f) The responsible officer shall make decision by her/himself in the matters falling under one's own jurisdiction and shall not seek the direction of superior agency in an ordinary issue without any legal complication or ambiguity.
- (g) The person holding public office, while performing official or public work, shall show modest behaviour toward the the service user (customer) consistent with the prevailing values, norms and culture,

25. **Citizen's charter to be maintained:** (1) Every governmental office (public office) responsible for delivering public service or involved in public relation shall maintain citizen's charter in prescribed form and locate it in the visible place of the office.

(2) The citizen's charter, made pursuant to Sub-section (1), shall contain, and *inter alia*, the following matters:-

- (a) Detail statement of service offered by the office and its nature,
- (b) Procedure to be followed by the service user (customer) to obtain the service,
- (c) Estimated time for delivering the service,
- (d) Description of the officer responsible for providing service and his/her chamber,
- (e) Particulars of the fees to be charged or other amount to be paid, if any, to receive the service,
- (f) Other matters as prescribed,

(3) The matters mentioned in Sub-section (1) shall be mandatory to the concerned office and it shall be the duty of the chief of the concerned office and other personnel thereof, to deliver service by performing the work accordingly.

(4) Departmental action may be taken against the in charge of concerned office and responsible staff thereof in case the service user (customer) does not receive service due to the failure of the office to perform the work (job) pursuant to Sub-section (1) as mentioned in citizen's charter without any reasonable cause,.

(5) The amount of compensation, for the loss incurred to the customer in case he/she does not receive the service due to the failure of the office to deliver service according to citizen's charter made pursuant to Sub-section (1), shall be as prescribed.

26. **Mobile service may be operated:** The Government of Nepal may make arrangement for offering mobile service at the service user's locality, requiring specific office to deliver service in the prescribed location

(area) with the objective of delivering the service on the matter of collective or individual concern.

27. **Provision of fixing reasonable service fees:** (1) Different levels of fees may be fixed based on the principle of social justice while fixing service fee (charge) to be paid by the customer to the Government of Nepal or governmental agency for utilizing the service.

(2) While fixing the service fees pursuant to Sub-section (1) the service fees shall be fixed with the provision of concession to the residents of the remote or backward areas than the residents of other areas

28. **Provision Relating to Public Participation and Ownership:** (1) The Government of Nepal may arrange for the provision of operating any project or programme with direct participation and ownership of the people.

(2) The provision relating to the direct participation and ownership in project or programme shall be as prescribed.

29. **Provision relating to establishment of Governance Reform Unit:** (1) Governance Reform Unit shall be established in every ministry.

(2) The functions, duties and powers of the Governance Reform Unit, established pursuant to Sub-section (1), shall be as prescribed.

30. **Public hearing to be held :** (1) The Chief office-holder at regional, zonal, district and local level involved in delivery of service, shall conduct public hearing as prescribed, with the purpose of making the activities of the office fair, transparent, and objective and addressing the lawful concerns of general people and stakeholders.

(2) While conducting public hearing pursuant to Sub-section (1) the expert of the related subject, stakeholder, and representatives of civil society and officials of the local bodies shall be invited.



(3) Notwithstanding anything contained in this Section, public hearing shall not be required to be held in the matters to be decided judicially.

31. **Grievance management:** (1) A complaint box shall be maintained at the visible place of every ministry, department, and government agency and office for the management of grievance relating to quality, effectiveness of the work carried out by such ministry, department and agency or office and possible irregularities in them.

(2) Whosoever may submit complaint in the complaint box managed pursuant to Sub-section (1).

(3) For the management of complaint submitted pursuant to Sub-section (2), the responsible officer of the concerned ministry, department and government agency or office shall open complaint box in the presence of other officials in every Three days and if the grievances and suggestions are found to be reasonable, necessary step shall be taken for the proper management thereof.

(4) In case complaint received pursuant to Sub-section (3) is irrelevant to the concerned ministry, department and government agency or office, however relating to the individual conduct of chief of such ministry, department and government agency or office, the detail of such grievances shall be submitted to higher authority thereof.

(5) The information of action taken pursuant to Sub-section (3) or (4) shall be published in concerned notice board.

(6) Notwithstanding anything contained in this Section, in case the complaint is irrelevant to the function of concerned ministry, department and governmental bodies or office, its information shall be given to the concerned person if identified and returned to such person and in case the complainant is not identified the complaint shall be

posted in the notice board of the concerned ministry, department and government agency or office.

32. **Approval to be Obtained to Open an Account in Foreign Bank:** (1)

Any official employed in the service of the Government of Nepal should obtain prior approval from the Government of Nepal to open an account in a foreign bank save as prescribed otherwise.

(2) The procedure relating to taking prior approval of the Government of Nepal to open an account in foreign bank shall be as prescribed.

33. **Not to encroach (interfere) on the authority of other officials:** (1)

While performing a function pursuant to this Act or other prevailing laws, no official shall interfere to the authority, responsibility or duty of other official.

(2) Legal action may be taken against an official acting contrary to Sub-section (1).

34. **Advisor may be appointed:** (1) While obtaining the service of expert in the concerned subject wherein the work cannot be performed by the official of civil service, the Government of Nepal may appoint an individual advisor on the subject.

(2) The number, qualification and procedure of the appointment of the advisor pursuant to Sub-section (1) shall be as prescribed.

(3) The functions to be performed by the advisor, his/her terms of reference, authority, duty, responsibility and remuneration or other facilities of the advisor appointed pursuant to Sub-section(1) shall be as mentioned in the terms of reference approved by the Government of Nepal at the time of appointment.

(4) The code of conduct to be complied with by the advisor while performing duty on that capacity shall be as prescribed.

35. **Spokesperson to be appointed:** (1) Every ministry, department and government agency and office shall appoint any of its officials as a spokesperson, for the purpose of providing information to the stakeholders or general public about the activities and functions carried out by the ministry, department, and governmental agency or office.

(2) The function, duty and powers of the spokesperson appointed pursuant to Sub-section (1) shall be as prescribed.

36. **Constitutional body and local body shall comply the Act:** Constitutional body, local body, regulatory body or public corporation under full or partial ownership or control of the Government of Nepal requiring to perform work according to the constitution or prevailing laws and official working in these bodies or corporation, while performing their work, shall *mutatis mutandis* implement or cause to implement the provisions mentioned in Section 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28 and 30.

37. **Information technology may be brought into practice:** (1) Every ministry, department and government agency and office may bring computerized information technology into practice based on the availability of their resources and means.

(2) Other matters relating to bring into practice of information technology shall be as prescribed.

38. **Monitoring and evaluation committee:** (1) With the objective of making the service delivery system effective and transforming the bureaucracy into service provider agency and carrying out evaluation and monitoring of the work performed by the official entrusted to perform the work pursuant to the prevailing laws, there shall be a central monitoring and evaluation committee established under the coordination of chief secretary.

(2) Monitoring and evaluation committee may be constituted in regional, zonal and district level as prescribed.

(3) There shall be an evaluation and monitoring mechanism in every ministry as prescribed to facilitate the central monitoring and evaluation committee.

(4) The secretariat of the monitoring and evaluation committee shall be located in the office Prime minister and council of minister.

39. **Disposal of Government Function and Supervision of Government Office:** In addition to the provision mentioned in this Act or other prevailing laws, other provision related to the clearance (completion) and supervision of the governmental work shall be as prescribed.
40. **Facilities of service shall be as prescribed:** In addition to the facilities received by the chief secretary, secretary, head of the department or Chief office-holder for work performance in that capacity, the other facilities of such officials shall be as prescribed by the Government of Nepal.
41. **Annual report to be submitted:** (1) Ministry or department and other government agency at the central level shall, every year, prepare an annual report including the programme implemented, works that has been performed and condition of such work, progress and expenditure and other necessary matters; and submit it within prescribed period, to the office of the Prime Minister and Council of Minister by the ministry or agency of central level, to the ministry by the department; and to the higher office by other office or agency. Such report may be made public with the approval of the superior Authority.

(2) The report as per Sub-section (1), in addition to the matters mentioned in the Sub-section, shall include the reform programme to

maintain good governance implemented by the concerned ministry or agency in the ministry or agency or the sub-ordinate office.

(3) The prime minister, on the basis of report as per the Sub-section (1), shall submit report every year to the legislature-parliament concerning the significant progress achieved in the matter of governance reform and good governance.

42. **Work Performance indicator:** The indicator of work performance of the work to be performed by any authority pursuant to this Act shall be as prescribed.
43. **Saving of Acts done in Good faith:** No action shall be taken against an official for his/her *bona fide* act done while performing any work or carrying administrative function as per this Act or other prevailing laws.
44. **Power to frame Rule:** The Government of Nepal may frame necessary Rules to implement the objectives of this Act.
45. **Directive or Manual may be framed:** Government of Nepal, for the purpose of carrying out the activities of government offices or work performance in a manageable, speedy and economical manner in term of process, may frame and implement necessary directive or manual.
46. **To be governed as per the prevailing laws:** This Act shall apply on the matter contained in this Act and prevailing law shall apply in other matters.
47. **The Effect of Repeal of Good Governance (Management and Operation Ordinance) 2062:** After the repeal of Good Governance (Management and Operation Ordinance) 2062, unless a different intention appears, the repeal shall not-
- (a) revive anything not in force or existing at the time at which the repeal takes effect;

- (b) affect the previous operation of ordinance so repealed or anything duly done or suffered thereunder; or
- (c) Affect any right, privilege obligation or liability acquired accrued or incurred under the ordinance so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the ordinance so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege obligation. liability, penalty forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed of if the repealing ordinance had not been passed.

NEPAL LAW COMMISSION