

Tourist Search, Rescue, Medication and Monitoring Guidelines-2018

Preamble: WHEREAS it is expedient to make necessary arrangement to make effective implementation from Nepal government of the provision contained in the section 29 of the Tourism Act 1978, by mitigating the impact induced from natural and other disasters likely to face by the tourists during trekking, water-adventure, mountaineering and other adventurous tourism activities, by making quick, easy, simple, well-managed, reliable, safe and economic to the search, rescue and medication as well as by making authentic agencies that manage such activities;

Now therefore, the Ministry has framed this Guideline.

- 1. Short name and Commencement:** (1) The name of this procedure is "Tourist Search, Rescue, Medication and monitoring Guidelines, 2018".
(2) It shall come into force immediately.
- 2. Definition:** Unless the subject or context makes otherwise requires, in this procedure:
 - a. '**Ministry**' means the Ministry of Culture, Tourism and Civil Aviation.
 - b. '**Department**' means the Department of Tourism.
 - c. '**Agency**' means the company granted license from the department that causes to operate trekking, expedition, rafting or such other adventure activities.
 - d. '**Trekking guide**' means to the person who has obtained training certificates from the Government of Nepal after taking training to operate to guide the tourists.
 - e. '**Tourists**' means foreigner or native citizen who involves in trekking, mountaineering, water- adventure or other similar types of adventurous activities after taking permission from government of Nepal through agency.
 - f. '**Adventurous creativity**' means trekking, mountaineering, water-adventure, rock-climbing, Canoeing, Sky Diving, Bungee Jumping or similar types of adventurous activities.
 - g. '**Committee**' means the committee formed pursuant to section 10.
 - h. '**Disaster**' means the situation occurred in the course of trekking, water-adventure, mountaineering or similar types of adventurous activities in which the adventurous activities cannot be continued due to facing natural disasters such as: wind, cyclone, tornado, land-slide, snow fall, avalanche, road accident, etc. or attack by wild-life,

or drowning in the river, missing, disappearing, or occurrence of the situation in which rescue is required because of health hazard due to injury or high-altitude sickness or any other reason.

- i. **'Rescue'** means the act or process of transporting to safe place or taking to medical treatment of disaster stricken tourist, leader, guide or helper by available means including a human carriage, a vehicle or an air service or a helicopter.

3. To have involved in the adventure without taking license is prohibited: 1) No one should engage tourists in adventurous activities without taking permission from the department.

- 2) The agency shall have engaged tourists in adventure activities only in company with guide.
- 3) The guide who goes along with tourists should have obtained license from concerned authority after taking training on the concerned subjects.
- 4) Tourists who engage in adventurous touristic activities must have procured insurance.

4. The duty and responsibilities of the Agency and the Guide: (1) The responsibility of taking the tourists to their destination and taking back safely shall be of concerned agency and guide sent along with them.

(2) The concerned agency shall have obligation of giving sufficient precautionary information about probable accident and risk associated with the performance of the acts of adventurous activities by the tourists.

(3) The concerned agency shall have the obligation of predicting and minimizing the risk associated with the adventurous activities.

(4) The concerned agency shall have obligation of managing first aid materials, managing healthy food and drink and to do proper arrangement of stay for the tourists involved in the adventurous activities.

(5) The guide sent along with tourists shall have paid special attention towards facilities, health and safety of tourists.

5. Tourists should be treated in decorum and respectful manner:

- 1) Everyone should treat tourist with decorum and respectful manner.

- 2) No one should do or cause to do any treatments that are restricted by prevailing laws of Nepal.

6. Search and Rescue of Tourist:

- (1) The concerned agency shall have primary obligation to search immediately if any tourist or helper goes missing or disappeared being affected from natural or other disasters in the course of adventurous activities.
- 2) If the search according to the sub-section (1) is not possible and a separate search and rescue is required then the same agency shall have obligation to do or cause to do search and rescue operation with support of the specialist person, organization, agency, rapid means including air service or helicopter.
- 3) Tourist name, nationality, passport number or any other documents that identifies or discloses identity, confirmed details of the destination location or area to go for search and rescue should be disclosed while making request for support of the supportive person, association, organization, agency, air service or helicopter companies for search and rescue according to the sub-section (2).
- 4) In the course of rescue, the air service or helicopter engaged in rescue work is prohibited to transport other passengers and materials in the same flight, except the rescued tourist, his/her helpers and the goods.

7. Provision Related to Treatment: 1) After search and rescue of the tourist, primary treatment should be arranged according to the necessity of the tourists, leader, guide or the assistant workers.

- 2) After the primary treatment, if required further treatment should be given taking to the nearest hospital or health institution from the place.
Provided that, nothing contained in this sub-section shall be deemed to prevent for treatment in hospitals or health institutions chosen by the tourists.
- 3) If the concerned hospital or health institutions as per the Sub-section (2) recommend that treatment is not possible or if requested any specific hospital by the concerned tourists, s/he should be given treatment taking to the recommended or demanded hospital or health institution.
- 4) Related health institutions should provide the concerned agency with identified health problems of the tourist brought for treatment and details of preliminary details of expenses of potential treatment.

5) The Hospital and the health institutions involved in treatment of the tourist rescued and brought for treatment should, subject to not being contrary to the policy, rules, criteria, and standards of Ministry of Health and Population, provide quality health services responsibly and in accordance with professional dignity.

8. Providing notice and information: 1) In the condition a separate search and rescue in accordance with sub-section (2) of the section (6) for the reason search and rescue of the tourist has been impossible by the concerned agency alone, then the concerned agency should compulsorily provide information thereof to the tourist police and tourism department, as soon as possible

2) While providing notice and information pursuant to sub-section (1), should be disclosed the name, nationality, passport number or any other Identity card number that discloses identity of the tourists, confirmed details of the destination location or area to go for search and rescue as well as the person, association, organization, agency, air service or helicopter companies requested for support.

3) The tourist police should, forthwith upon receiving information as per the sub-section (2), provide notice thereof with complete details to the National Disaster Management Center.

4) The concerned agency should, as soon as possible, give information about the means used to rescue the tourist, rescue costs, hospital or health institution transported for giving treatment after rescue and condition of the tourist.

5) All air-service provider companies or helicopter companies engaged in tourist rescue should, within fifteen days after end of every season, provide the Committee with details of the number of rescue operation flight, location and fare amount.

6) The hospital and the health institutions involved in treatment of the tourist rescued and brought for treatment should, within fifteen days after discharge of such tourist, provide the Committee with the details of the cost incurred to his/her treatment.

9. Provision related to claim and payment of cost: 1) The person, agency and company involved in search, rescue and treatment should provide the details with original invoice of all the cost incurred to such search, rescue and treatment to the concerned agency for payment.

2) The concerned agency shall do the task of attaching and making claim from the insurer company based on original invoices from the concerned person, agency and company payable or paid in accordance with sub-section (1).

- 3) While claiming the expenditure of search and treatment works of tourist in humanitarian work like rescue and treatment only the actual, natural and fair amount should be claimed.
- 4) The person and body involved in the rescue and treatment of the tourists should make claim showing only the actual and reasonable expenditure.
- 5) The agency claiming insurance should lodge its details to the Committee on monthly basis.

10. Provision related to the committee: 1) to monitor with quickness, efficacy, reasonability and discretion in all the phase tasks related to the search, rescue and treatment of the disaster stricken tourists and to coordinate and facilitate other Government bodies, Air Service companies, private companies, hospitals and other organizations and to regulate, direct and control the said work, there shall be a search and rescue Directorate Committee as per following:-

a.	Director General, Department of Tourism	Coordinator
b.	Representative (at least Gazetted Second class), Ministry of Home	Member
c.	Representative (at least Gazetted second class, technical), Ministry of Health and Population	Member
d.	Representative (at least director), Nepal Tourism Board	Member
e.	Representative (at least Deputy Director), Civil Aviation Authority of Nepal	Member
f.	President, Nepal Mountaineering Association	Member
g.	President, Himalayan Rescue Association, Nepal	Member
h.	Head, Tourist Police	Member
i.	Director, Mountaineering Section, Department of Tourism	Member-Secretary

- 2) Secretariat of the committee shall be located at Department of Tourism.
- 3) The committee meeting shall be called as per the requirement.
- 4) If required, the committee may invite the Subject Experts in its meeting.
- 5) If task performed holding meeting in the time other than office hour, allowance as per rule shall be provided from the department.

11. The work, duty and authority of the committee: (1) The committee shall do or cause to do coordination and facilitation to government bodies, air services or helicopter companies, agencies, hospitals and other stakeholders, association, organization, in connection with the search, rescue and treatment of the tourists in the disaster.

- 2) To fix the maximum limit of fare of air service and helicopter for rescue flight on the basis of flight time, distance, and height coordinating with Civil Aviation Authority of Nepal, Air Service Operator Association, Insurance Company and concern association .
- 3) To do or cause to monitoring whether or not implement the fare rate determined according to the sub-section (2).
- 4) To do or cause to monitoring whether or not the stakeholders has followed the guidelines.
- 5) To ensure air service or helicopter companies provide to the committee the details of rescue operation flight, the duration of the flight the cost amount, within fifteen days from the end of each season.
- 6) To tally the details received as per sub-section (5) with the records of the Civil Authority of Nepal.
- 7) To ensure the hospitals and health institutions involved in treatment of the rescued tourist provide to the committee the details of treated tourists and cost incurred to his/her treatment.
- 8) To ensure the details of rescued tourists, insurance claim and paid amount.
- 9) May give direction as required to the stakeholder bodies and agencies in connection to search, rescue and treatment of tourists.
- 10) Shall do necessary coordination regarding the operation of the security agencies during the search, rescue and treatment of tourists.
- 11) Shall table to the Ministry the details collected pursuant to this section by the committee within a month after the completion of each season.
- 12) The committee shall make its own procedures.

- 12. Compliance of instructions:** To comply with the directions regarding search, rescue and treatment of the disaster-victim tourist issued from time and again by the committee shall be obligation of all concerned.
- 13. Miscellaneous:** 1) Nepal-based any agent of foreign insurance company is not allowed to engage in any work related to the search, rescue, and treatment of the tourist victimized from disaster.
- 2) The Ministry shall do arrangements for publishing annually the details related to search, rescue and treatment of tourists.
- 14. Provision Related to Action:** If else one is found to have violated the provisions mentioned in this guideline, then the committee shall have to send it to the concerned body for taking strict action according to the prevailing law.