

Solid Waste (Management and Resource Mobilization) Act, 2044 (1987)

Date of authentication and publication

Kartik 1, 2044 (October 18, 1987)

Amendment

1. Solid Waste (Management and Resource Mobilization)

(first Amendment) Act, 2049

kartik 6, 2049 (October 22, 1992).

Preamble: Whereas, it is expedient to manage solid waste and mobilize resources related thereto and ensure the health convenience of the common people by controlling the adverse impact on pollution from solid waste.

Now therefore, His Majesty King Birendra Bir Bikram Shah Dev has enacted this law on the advice and with the approval of the National Panchayat.

Chapter 1

Preliminary

1.1 Short Title and Commencement

1.1.1 This Act may be called the "Solid Waste (Management and Resource Mobilization) Act, 2044 (1987)".

1.1.2 This Act shall come into force in the Kathmandu, Lalitpur and Bhaktapur Municipal areas immediately; in other areas, it shall come into force on such date as may be prescribed by Government of Nepal by notification in the Nepal Gazette.

1.2 Definitions:

1.2.1 In this Act, unless otherwise the subject or context otherwise requires;

1.2.1.1 "Centre" means the Solid Waste Management and Resource Mobilization Centre established under Section 2.1.

1.2.1.2 "Board" means the Board of Directors formed under Section 3.3,

1.2.1.3 "Plan" means the plan relating to Solid Waste Management and

Resource Mobilization to be operated by the Centre.

- 1.2.1.4 "Chairperson" means the Chairperson of the board.
- 1.2.1.5 "General Manager" means the General Manager of the Centre appointed under Section 3.6.1
- 1.2.1.6 "Member" means a member of the Board and this term also includes the Chairperson and the Member-Secretary.
- 1.2.1.7 "Inspection Officer" means an Inspection Officer appointed under Section 3.7.1.
- 1.2.1.8 "Solid Waste" means materials which are in a state of disuse, or which have been disposed of, or such other materials which are declared as solid waste by the Centre from time to time.
- 1.2.1.9 "Harmful Solid Wastes" mean solid wastes which are harmful to health through infectious or contaminative disease or otherwise.
- 1.2.1.10 "Site for Dumping Solid Wastes" means the place or area prescribed by the Centre for disposing of, keeping or dumping Solid wastes.
- 1.2.1.11 "Pollution" means a state in which physical, chemical, organic and radio-active elements in the atmosphere as well as human beings, birds and animals, aquatic life, or plants are directly or indirectly changed in an undesirable manner or fatally affected by the combination of solid, liquid or gas objects expelled from solid wastes.
- 1.2.1.12 "Container" means any equipment and similar other object made available or prescribed by the Centre for the purpose of disposing of, keeping or dumping solid wastes.
- 1.2.1.13 "Reuse" means the act of converting collected solid wastes into a reusable product.
- 1.2.1.14 "Transit Point" means the place prescribed by the Centre for dumping the collected solid wastes before they are taken to the

place where they are finally disposed of, or to a place of production.

1.2.1.15 "Solid Waste Collection Equipment" means equipment to be used in the collection of solid wastes.

1.2.1.16 "Place of Production" means the place prescribed by the Centre to conduct operations relating to the production of fertilizers or other products.

1.2.1.17 "Prescribed" or "as Prescribed" means prescribed or as prescribed in the Rules or Bye-laws framed under this act.

Chapter 2

Establishment and Management of the Centre

2.1 Establishment of the Centre

2.1.1 A Solid Waste Management and Resource Mobilization Centre shall be established for the purpose of the management of solid wastes and mobilization of resources related thereto.

2.1.2 The Centre shall be known in English as the Solid Waste Management and Resource Mobilization Centre.

2.1.3 The head office of the Centre shall be located in Kathmandu Valley.

2.2 Centre to be An Autonomous Body

2.2.1 The Centre shall be an autonomous and corporate body with perpetual succession.

2.2.2 The Centre shall have a separate seal of its own for the purpose of conducting its functions and operations.

2.2.3 The Centre may acquire, utilize, sell or otherwise manage movable and immovable property as a person.

2.2.4 The Centre may sue or be sued in its own name as a person.

Chapter 3

Functions, Duties and Powers of the Centre

3.1 Functions and Duties of the Centre

3.1.1 The Function and Duties of the Centre shall be as follows:

3.1.1.1 To formulate policies in regard to the implementation of the plan.

3.1.1.2 To supervise whether or not the plan is being implemented, and issue necessary directives accordingly.

3.1.1.3 To undertake basic construction, repair and maintenances works in order to control Solid Wastes and obtain the cooperation of Municipalities for the purpose, if so deemed necessary.

3.1.1.4 To make available a container service for the purpose of disposing of, keeping, or dumping solid wastes or to prescribe appropriate places for the purpose.

3.1.1.5 To make appropriate arrangements for transportation of the collected solid wastes to the transit point, the place where solid wastes are finally disposed of, or the place of production.

3.1.1.6 To make necessary arrangements for the disposal of solid wastes in a pollution free manner.

*3.1.1.7 To produce briquettes, compost fertilizer or bio-gas from the collected solid waste.

3.1.1.8 To make arrangements for the mobilization of the collected solid wastes by using them in a form suitable for their reuse.

*3.1.1.9 To make available technical advice or other necessary assistance to any individual, institution or body in connection with the management and control of solid wastes.

*3.1.1.10 To classify harmful solid waste, and check (their emissions), or

* Amended by first Amendment.

make arrangements for doing so.

- 3.1.1.11 To conduct or cause to conduct study and research required for management, control, and resource mobilization concerning solid wastes.
- *3.1.1.12 To extend or cause to extend necessary assistance in case anyone requests for placing garbage containers at different places for the purpose of disposing of minor garbage and dirt.
- 3.1.1.13 To make arrangements for public toilets, abattoirs, baths, etc. according to need.
- *3.1.1.14 To provide or cause to provide training in matters concerning solid waste management and environmental sanitation.
- 3.1.1.15 To publicize through mass media functions relating to the disposal and control of solid wastes in order to ensure the participation of the local people.
- 3.1.1.16 To maintain or cause to maintain necessary coordination and harmony among different institutions.
- 3.1.1.17 To undertake or cause to undertake other functions necessary for fulfilling the objectives of this Act.

3.2 **Powers of the Centre**

* 3.2.1 The powers of the Centre shall be as follows:

- 3.2.1.1 To obtain loans from the local banks or institutions.
- 3.2.1.2 To obtain loans from foreign governments or institutions, or international organizations or associations.
- 3.2.1.3 To collect the prescribed fees from individuals, institutions, or bodies obtaining sanitation services.
- 3.2.1.4 To sell and distribute briquettes, compost fertilizer or bio-gas produced from the solid waste collected.

* Amended by first Amendment.

- 3.2.1.5 To convert solid wastes into reusable commodities.
- 3.2.1.6 To collect the prescribed fees from individuals, institutions, or bodies obtaining training or services relating to solid waste management and environmental sanitation.
- 3.2.1.7 To perform or arrange for performing other necessary functions in order to fulfill its obligations under this act or the rules framed hereunder.
- 3.2.2 While exercising the powers conferred under Sub-section 3.2.1.2, the Centre shall obtain the prior approval of the Government of Nepal.

3.3 Formation of the Board of Directors.

3.3.1 Board of Directors shall be formed in order to conduct, supervise and manage all the functions and operations of the Centre.

3.3.2 Except otherwise provided for elsewhere in this act, the Board of Directors shall exercise and fulfill all the powers and duties of the Centre subject to this act or the rules framed hereunder.

*3.3.3 The Board of Directors shall consist of the following members:

- 3.3.3.1 A person appointed or designated by Government of Nepal - Chairperson
- 3.3.3.2 Representative, Ministry of Finance - Member
- 3.3.3.3 Representative, Ministry of Local Development - Member
- 3.3.3.4 Representative, Ministry of Housing and Physical Planning - Member
- 3.3.3.5 Representative, Ministry of Forests and Environment - Member
- 3.3.3.6 Member-Secretary, Kathmandu Valley Urban Development Committee - Member

* Amended by first Amendment.

- 3.3.3.7 General Manager, Nepal Water Supply Corporation - Member
- 3.3.3.8 Mayor or his/her nominee member, Kathmandu Municipality - Member
- 3.3.3.9 Mayor or his/her nominee member, Lalitpur Municipality - Member
- 3.3.3.10 Mayor or his/her nominee member, Bhaktapur Municipality - Member
- 3.3.3.11 General Manager, Solid Waste Management and Resource Mobilization Centre - Member-secretary

3.3.4 The tenure of *the Chairperson of the Board shall be of four years and may be reappointed after the expiry of the tenure.

3.3.5 If Government of Nepal so deems necessary, it may alter or charge the members of the Board by notification in the Nepal Gazette.

3.3.6 If the Board so deems necessary, it may invite any local or foreign expert or advisor to attend its meetings as an observer.

3.4 **Meetings and Decisions of the Board**

3.4.1 Meetings of the Board shall be held as prescribed by the Chairperson.

3.4.2 The quorum required for meetings of the Board shall be considered to have been fulfilled in case fifty percent of the total numbers of members are present.

3.4.3 Meetings of the Board shall be presided over by the Chairperson, and, in his/her absence, by a member chosen by the attending members from among themselves.

3.4.4 The opinion of the majority shall prevail on meetings of the Board and in the case of a tie; the Chairperson shall exercise his/her casting vote.

* Amended by first Amendment.

3.4.5 The decisions of the Board shall be authenticated by the Member-Secretary.

3.4.6 Other procedures of meetings of the Board shall be as determined by itself.

3.5 Provisions Regarding Conditions of Service and Facilities of the Chairperson.

Provisions regarding the conditions of service and facilities of the Chairperson shall be as prescribed.

3.6 Provisions Regarding Conditions of Service and Facilities of the General Manager

3.6.1 The general Manager shall be appointed by Government of Nepal.

3.6.2 The General Manager shall be the chief Administrative authority of the Centre and he/she shall have full powers and duties concerning the implementation of the decisions of the Board, and supervision and control of the functions and operations of the Centre.

3.6.3 Provisions concerning the conditions of service and facilities of the General Manager shall be as prescribed.

3.7 *Power to Appoint or Designate Inspection Officer

3.7.1 The Centre may appoint Inspection Officers or [♦]designate any Officer of the Centre to work as an Inspection Officer as required in order to effectively conduct the function of controlling solid wastes.

3.7.2 The functions, duties and powers of an Inspection Officer shall be as follows:

3.7.2.1 To work in the capacity of a chief of the Inspection Team formed under Section 4.7, and to determine by conducting site visits whether or not functions relating to the control and management of solid wastes are being carried out in accordance with this Act or the Rules or Bye-laws framed hereunder.

3.7.2.2 To take action if any one is found performing actions prohibited

* Amended by first Amendment.

♦ Inserted by first Amendment.

under Section 5.1.

3.7.2.3 To submit, to the Centre from time to time, reports prepared on the basis of inspections conducted in regard to whether or not functions relating to the management and control of solid wastes are going on in a smooth manner.

3.7.2.4 To perform or cause to perform any other function prescribed by the Centre.

3.8 Power to Designate Inspection Officer

The Centre may designate any officer as Inspection Officer, with the approval of the chief of the concerned Department, in order to perform, fulfill and exercise the functions, duties and powers of an Inspection Officer under this Act.

3.9 Power to Form Sub-Committees

3.9.1 The Centre may form different Sub-committees for the purpose of undertaking functions relating to solid waste management and resource mobilization by conducting sanitation operations.

3.9.2 The functions, duties and powers, as well as the procedures, of the sub-committees shall be as prescribed.

3.9.3 The Centre may designate any one of the sub-committees to perform functions under Sub-section 5.2.5.

Chapter 4

Management and Control of Solid Wastes

4.1 Obligations of the Concerned Agency

In case the Centre, or the Inspection Team, or the Inspection Officer receives information regarding dead body or carcass thrown in any public place, road, or site where solid wastes are dumped, or in any container, following an accidental or natural death, the concerned Centre, team, responsible for undertaking actions according to current law in regard to such dead body or carcass. After receiving information in that manner, the concerned officer shall take actions in accordance

with prevailing law in regard to such dead body or carcass in accordance with prevailing law, and notify the Centre, the Inspection Team or the Inspection Officer accordingly as early as possible.

4.2 Centre may Issue Order for Management of Solid Wastes.

4.2.1 In case the Centre believes that the solid wastes accumulated in the compound of any industrial or commercial enterprise or any agency, institution or individual are likely to adversely affect the public health, it may order the concerned enterprise, agency, institution or individual to clean such harmful solid waste and throw them in the prescribed place.

4.2.2 In case the concerned enterprise, agency institution or individual is not in a position to clean or throw the solid wastes mentioned as in Sub-section 4.2.1 by itself and therefore requests the to Centre to do so, the Centre may make arrangements for removing or cleaning such solid wastes by charging the necessary fees.

4.3 Prohibition to Dispose of Solid Wastes

The Centre, or the Inspection Officer with the approval of the Centre, may issue order prohibiting such actions as keeping, throwing, burning, burying, or otherwise storing, disposing of or destroying harmful solid wastes in any public place or any private-owned place keeping in view the welfare and convenience of the public.

4.4 Right of the Centre to Solid Wastes

4.4.1 The Centre shall have the right to manage or use in any way the solid wastes thrown or kept in the place prescribed for dumping such wastes, containers, garbage disposal equipment made available by the Centre, or the solid wastes collected in the course of sanitation process.

4.4.2 For the purpose of this Section, any material contained in the place prescribed by the Centre, containers and garbage disposal or other equipment made available by the Centre or collected in the course of sanitation process shall be considered solid wastes.

4.5 Permission to be obtained

Any industrial or commercial enterprise, or any agency, institution or individual desirous of collecting and managing any reusable or any other types of solid wastes disposed of by others or shall obtain the permission of the Centre to do so.

4.6 Permission to be Granted

While issuing permission for managing solid wastes under Section 4.5, the Centre shall conduct inquiries into whether or not the action would adversely affect the health of the public, and grant permission after charging fees as prescribed, only if it is found the action will not have any adverse impact.

4.7 Inspection Team

4.7.1 The Centre may form Inspection Teams, as required under the convenorship of Inspection Officers for the purpose of inspecting on a daily basis whether or not solid wastes are being managed and controlled. The team shall include employees of the Centre, the police, and employees of the Village Development Committee or Municipality.

4.7.2 In case the Inspection Team formed under Sub-Section 4.7.1 finds, in the course of inspection, that anyone is acting in contravention of Section 5.1 or finds evidence that anybody has knowingly or unknowingly acted in that manner, the Inspection Officer may punish the concerned person under Section 5.2.

4.8 Coordination and Obligations

4.8.1 The Centre shall work by establishing coordination with Village Development Committees or Municipalities while undertaking functions relating to the management of solid wastes under this Act.

4.8.2 The concerned Village Development Committee or Municipality shall have the following obligations in respect to the management of solid wastes by the Centre.

4.8.2.1 To make regular arrangements for cleanliness and sanitation in their respective areas by establishing coordination with the Centre.

4.8.2.2 To keep in containers or take to the transit point the solid wastes

collected after undertaking cleanliness and sanitation operations.

4.8.2.3 To inspect or cause to inspect of the disposal and transportation of solid wastes in every Ward.

4.8.2.4 To extend necessary cooperation to the Centre for the appropriate disposal and management of solid wastes.

4.9 Prevention of Pollution

In case the air, soil or water pollution resulting from solid wastes affects or is likely to affect adversely human beings, birds and animals, plants and other objects in any area or public place, or any inhabited area, the Centre may make necessary arrangements for the prevention of such pollution.

Chapter 5

Prohibitions and penalties

5.1 Prohibitions

5.1.1 No one shall take or instigate others to take the following actions:

5.1.1.1 Throw, keep or dump solid wastes in any public place, except in containers or places allotted for dumping solid wastes.

5.1.1.2 Throw carelessly in public places minor garbage such as scraps of paper, stumps of cigarettes and *bidis*, peels of fruits and groundnut, shells and pieces of vegetables without putting them in the garbage container.

5.1.1.3 Relieve oneself or cause or let others do so or throw excrement and urine in the streets or other public places.

5.1.1.4 Make streets or other public places dirty by maintaining shops, indiscriminately.

5.1.1.5 Make streets or other public places dirty by slaughtering any kind of biped or quadruped.

5.1.1.6 Made streets or public places dirty by cleaning fish or throwing rotten fruits, vegetables or other materials.

- 5.1.1.7 Use, remove or destroy without permission, the solid waste kept in containers or places allotted for dumping them.
- 5.1.1.8 Leave or dump construction materials or other goods of any kind in streets or other public places in such a manner as to hinder public traffic.
- 5.1.1.9 Leave or throw dead birds or animals in any place other than those prescribed by the Centre.
- 5.1.1.10 Manage solid wastes without obtaining permission due under Section 4.5 or act in contravention of the conditions mentioned in the license, if permission has been obtained.
- 5.1.1.11 Throw, leave or dump gas or liquid of any kind in pots, containers or places prescribed for dumping solid wastes.
- 5.1.1.12 Allow the spill-over from the septic tanks run outside carelessly.
- 5.1.1.13 Throw solid wastes in the streets or other public places by removing them from the septic tank of another person's residence.
- 5.1.1.14 Throw garbage collected from the house of another person in streets or other public places.
- 5.1.1.15 Park any vehicle in or refuse to remove any parked vehicle from any street or public place during the hours of cleaning or collection of solid wastes prescribed by the Centre or when such cleaning work is in progress.
- 5.1.1.16 Throw, leave or release in the streets or other public places carelessly wastes from hospitals, nursing homes, private clinics, or dispensaries.
- 5.1.1.17 Leave, throw, dump or release harmful wastes of any kind in streets or other public places ♦ other than places prescribed by the Centre in such a manner as to affect adversely the health of the public.

♦ Inserted by first Amendment.

5.1.1.18 Throw, leave or release in any street or public place carelessly wastes from any industrial establishment.

5.1.1.19 Obstruct or oppose in any manner the solid waste control measures undertaken under this Act.

♦5.1.1.20 Throw, keep or dump special types of garbage in containers, streets, footpaths or other public places other than places prescribed by the Centre.

5.2 Penalties

5.2.1 The Inspection Officer may impose fines in the following manner on any person who commits or instigates the following actions and collect such fines in the spot.

5.2.1.1 For committing or instigating actions mentioned in Sub-section 5.1.1.1 or 5.1.1.2, a fine of not more than Fifty Rupees.

5.2.1.2 For committing or instigating actions mentioned in Sub-section 5.1.1.3, a fine of not more than One Hundred Rupees

5.2.1.3 For committing or instigating actions mentioned in Sub-section 5.1.1.4, a fine of not ^{*}more than Five Hundred Rupees.

5.2.1.4 For committing or instigating actions mentioned in Sub-Section 5.1.1.5 or 5.1.1.6, a fine of not more than One Hundred Fifty Rupees.

5.2.1.5 For committing or instigating actions mentioned in Sub-section 5.1.1.7, a fine of not more than Five Hundred Rupees.

5.2.1.6 For committing or instigating actions mentioned in Sub-section 5.1.1.8, a fine of not more than Three Hundred Rupees.

5.2.1.7 For committing or instigating actions mentioned in Sub-section 5.1.1.9, a fine of not more than One Hundred Fifty Rupees. .

5.2.1.8 For committing or instigating actions mentioned in Sub-section

♦ Inserted by first Amendment.

* Amended by first Amendment.

- 5.1.1.10, a fine of not more than One Thousand Rupees.
- 5.2.1.9 For committing or instigating actions mentioned in Sub-section 5.1.1.11, a fine of not more than One Hundred Rupees.
- 5.2.1.10 For committing or instigating actions mentioned in Sub-section 5.1.1.12, a fine of not more than One Thousand Rupees.
- 5.2.1.11 For committing or instigating actions mentioned in Sub-section 5.1.1.14 or 5.1.1.15, a fine of not more than Five Hundred Rupees.
- ♦ 5.2.1.12 For committing or instigating actions mentioned in Sub-section 5.2.1.20, a fine of not more than One Thousand Rupees.
- 5.2.2 After the fine imposed under Sub-section 5.2.1 is Paid, the Inspection Officer shall immediately issue a receipt thereof to the concerned person.
- 5.2.3 The Inspection Officer may issue order to keep under police custody for 24 hours any person who fails to pay the fine imposed under Sub-section 5.2.1. The police employees of the concerned Police Office, Station or Post shall keep in detention the concerned person in accordance with the order issued by the Inspection Officer.
- 5.2.4 The Centre shall provide B class ration to the person detained under the order of the Inspection Officer.
- 5.2.5 The Sub-committee prescribed under Sub-section 3.9.3 may impose fines as follows on persons who commit or instigate the following actions:
- 5.2.5.1 On persons who commit or instigate actions mentioned in Sub-section 5.1.1.16, a fine of not more than One Hundred Fifty Rupees.
- 5.2.5.2 On persons who commit or instigate actions mentioned in Sub-section 5.1.1.17 or Sub-section 5.1.1.18, a fine of not *more than One Thousand Rupees.
- 5.2.5.3 On persons who commit or instigate actions mentioned in Sub-

♦ Inserted by first Amendment.

* Amended by first Amendment.

section 5.1.1.13 or Sub-section 5.1.1.19, a fine of not more than Five Thousand Rupees.

5.2.6 The concerned party must submit to the officer of the Centre the amount of fine imposed under Sub-Section 5.2.5 within a period of seven days from the date of imposition thereof.

♦5.2.A **Punishment to Those Who Violate Orders**

The Centre may impose fine of not more than One Thousand Rupees on any person who violates the order issued by the Centre under Sub-section 4.2.1 of Section 4.2.

5.3 **Amounts Received in Consideration of Service Charges and Fines to be Credited to the Fund** The amounts received in consideration of service charges collected by the Centre, as well as the fines imposed by the Inspection Officer and the Sub-Committee under this Act, shall be credited to the Fund of the Centre in the prescribed manner.

5.4 **Collection as Payments Due to the Government**

The Centre may realize service charges and fines imposed by the Sub-Committee under this Act as payments due to the Government from parties who do not pay such amounts.

5.5 **Appropriate Working Procedure to be Adopted**

The Inspection Officer and the Sub-Committee shall follow an appropriate procedure while inflicting penalties under Section 5.2.

5.6 **Decision to be Final**

The decisions taken by the Inspection Officer or the Sub-Committee under Section 5.2 shall be final.

5.7 **Police to Extend Cooperation**

The police personnel of the concerned Police Office, station of Post must extend cooperation to the Centre in order to implement the objectives of this Act.

Chapter 6

Fund and Audit

6.1 Fund of the Centre

6.1.1 The Centre shall have a fund of its own, and the following amounts shall be credited to this fund:

6.1.1.1 Amounts received from Government of Nepal.

6.1.1.2 Amounts received as service charges for cleaning operations.

6.1.1.3 Fines collected under this Act.

6.1.1.4 Amounts received from internal or external sources.

6.1.1.5 Amounts received from international associations and institutions, foreign governments or agencies.

6.1.1.6 Amounts received from any other sources.

6.1.2 All expenses to be incurred in the name of the Centre shall be met from the Fund.

6.1.3 Amounts credited to the Fund shall be deposited in an account opened in the Nepal Rastra Bank or any commercial bank within Nepal.

6.1.4 The bank account of the Centre shall be operated in the prescribed manner.

6.2 Account and Audit

6.2.1 The accounts of income and expenditures of the Centre shall be maintained in the prescribed manner.

6.2.2 The accounts of the Centre shall be audited by the Auditor General's Department.

6.2.3 If the Government of Nepal so desires, it may itself inspect, or arrange for the inspection of the accounts of incomes and expenditures of the Centre, as well as relevant documents and other cash and materials, at any time.

♦ Inserted by first Amendment.

Chapter - 7

Miscellaneous

7.1 Power of Government of Nepal to Issue Directives

7.1.1 Government of Nepal may issue necessary directives to the Centre in respect to Solid Waste Management and Resource Mobilization Centre.

7.1.2 It shall be the duty of the Centre to comply with the directives issued by Government of Nepal under Sub-section 7.1.1

7.2 Land Acquisition

7.2.1 Government of Nepal may arrange for the acquisition of necessary lands for the Centre for the following purpose in accordance with the prevailing law:

7.2.1.1 To Throw, or dump solid waste or to install containers for the purpose, or for transit points, the places where solid wastes are finally disposed of, and for arranging places of production.

7.2.1.2 To make available other facilities relating to cleanliness and sanitation.

7.2.1.3 To conduct programs relating to resource mobilization.

7.3 Imposition of Services Charges

*7.3.1 The Centre may collect sanitation service charges from any individual, institution or body, or from the inhabitants of a locality or place, in consideration of the sanitation services rendered by it to such individual, institution or body or in such locality or place.

7.3.2 In case any industrial, commercial, religious or social institution, or any foreign or diplomatic mission, or any individual, wishes to obtain the sanitation services of the Centre, the Centre may provide such

services on Payment of a sanitation service charge.

7.3.3 In Case any one wishes to obtain the services of the Centre other than those mentioned in Sub-Sections 7.3.1 and 7.3.2, the Centre may make available such services on payment of a service charge [✕]..... .

7.3.4 The rates of service charges to be collected by the Centre in consideration of its services shall be as determined by it from time to time.

7.4 Annual Report

7.4.1 After the accounts are audited every year, the Centre shall submit a Annual Report to Government of Nepal clearly mentioning the following particulars alongwith the audit report:

7.4.1.1 Particulars relating to the implementation of Policies formulated in respect to solid waste management and resource mobilization.

7.4.1.2 Current Progress report of the plan.

7.4.1.3 Particulars relating to the implementation of directives received from the Government of Nepal under Sub-section 7.1.1.

7.4.1.4 Other particulars as deemed appropriate by the Centre.

7.5 Delegation of Authority

The Centre may delegate the powers conferred on it by this Act to the Chairperson, the General Manager, any Member, the Inspection Officer, or the Sub-Committee, according to need.

7.6 Power to Frame Rules

Government of Nepal may frame necessary Rules in order to fulfill the objectives of this Act.

7.7 Power to Frame Bye-laws

The Centre may frame necessary Bye-laws in order to conduct its business, subject to this Act and the Rules framed hereunder.

* Amended by first Amendment.

[✕] Deleted by first Amendment.

♦ **7.7A Information Regarding the Registration of an Industry to be supplied.**

7.7A.1 Any individual, institution or body registering an industry or enterprises connected with solid waste shall supply information thereof to the Centre within three months.

7.7A.2 The Centre shall maintain the records of industries or enterprises registered under Sub-section 7.7A.1 on a current basis.

7.8 Contact With Government of Nepal

The Centre shall maintain contacts with Government of Nepal through the *Ministry of Housing and Physical Planning or the prescribed Ministry.

7.9 Government of Nepal May Delegate Powers to the Municipality

Government of Nepal may delegate all or any of the powers conferred on the Centre to manage solid wastes under this Act in areas prescribed by Government of Nepal under Sub-section 1.1.2 to the concerned Municipality so as to be exercised by the concerned Municipality.

7.10 Immunity For Action Taken in Good Faith

The Chairperson, the General Manager, members of the Board or the Sub-Committee, Inspection Officers, or other employees of the Centre shall not be held personally liable for any action taken by them in good faith while discharging their duties under this Act.

7.11 Power to Remove Obstacles

In case any obstacle arises in the course of implementing this Act, Government of Nepal may remove such obstacles by issuing an order by notification in the Nepal Gazette.

7.12 Repeal and Saving

7.12.1 The Solid Waste Management Board (Formation) Order, 2038 (1981) hereby repealed and all the movable and immovable assets of the Board

♦ Inserted by first Amendment.

* Amended by first Amendment.

formed under that Order shall devolve on the Centre

7.12.2 Contracts and agreements signed with the Board mentioned in Sub-Section 7.12.1 shall be considered to have been signed with the Centre, and all the functions and operations undertaken by the Board shall be considered to have been undertaken by the Centre.

7.13 Prevailing Law to be Applicable

Actions in respect to matters provided for in this Act shall be taken accordingly and actions in respect to other matters shall be taken according to the prevailing law.

Note:

The following word has been changed by Solid Waste (Management and Resource Mobilization) (first Amendment) Act, 2049;

- (a) "Village Development Committee or Municipality " instead of " *Sthaniya Panchayat*"
- (b) "Municipality " instead of " *Nagar Panchayat*"