

Solid Waste Management Act, 2068 (2011)

Date of Authentication and Publication

2068/3/1(2011/7/ 21)

Act no. 4 of 2068 B.S.

Preamble: Whereas, it is expedient to make the management of the solid waste in a systematic and effective way by reducing at its source, re-use, processing or discharge and for maintaining a clean and healthy environment through the reduction of adverse effects that may be caused to the public health and environment by amending and consolidating the laws relating to the management of solid waste like most essential services laws,

Now therefore, this Act has been promulgated by the Constituent Assembly in the capacity of Parliament under Article 83 of the Interim Constitution of Nepal, 2063.

Chapter 1

Preliminary

1. Short Title and Commencement:

(1) This Act may be called as “Solid Waste Management Act, 2068”

(2) This Act shall come into force immediately.

2. Definitions: Unless the subject or context otherwise requires, in this Act:

- a) "Industrial Waste" means harmful and polluted waste discharged from the Industrial Enterprises.
- b) "Industrial Enterprises" means any industry, company, firm or any other body established under the prevailing law with the purpose of running an industry, profession or services.
- c) “Container” means the utensil, box, basin or any other material used for collection of waste, used for collection of solid waste and kept at

specific places, this word shall also mean any ware used for the production of compost fertilizer.

- d) “Centre” means the Solid Waste Technical Cooperation Centre Under Section 26.
- e) “Transportation” mean the process of carrying out of the collected solid waste from the solid waste producing place to the collection centre and from the collection centre to the solid waste management place or to any other place specified by the local body.
- f) “Prescribed” or “as prescribed” means as prescribed in the Rules framed under this Act.
- g) “Reduction” means the process used for ‘reducing the quantity, size and effect of the solid waste by the use of any technology or knowledge.
- h) “Discharge” means the process of depositing or extracting (the solid waste) from the place prescribed by the local body.
- i) “Council” mean the Solid Waste Management Council formed under Section 23.
- j) “Pollution” means the activities causing considerable damage, loss or harmful effect to the beneficial or useful purpose of the environment is caused by the combined use of solid, liquid or gaseous matters through direct or indirect effect to the environment.
- k) “Affected Area” means the area mentioned in the initial environmental examination and environmental impact assessment report on the solid waste management site.
- l) “Recycling” means the process by which the solid waste is changed on its appearance or property into any other useful substance or product, fertilizer, gas, energy or other substance by which solid waste management is made.

- m) "Recycling Site" means a place where work of recycling of solid waste is done to produce fertilizer, gas, energy or any other substance.
- n) "Recycling use" means the process of re-use of the substance obtained through the recycling of the collected solid waste material using technology into raw material.
- o) "Solid Waste" means domestic waste, industrial waste, chemical waste, health institution related waste or harmful waste and this word shall also mean the materials which cannot be used presently, thrown away or in rotten stage or in solid, liquid, gaseous, thick liquid, smoke, or dust form emitted out damaging the environment or materials and equipments used for electrical or information technology or any other materials of such nature or posters, pamphlets posted unauthorized at public places or other substances prescribed as solid waste through publication of notice in the Nepal Gazette by the Government of Nepal from time to time.
- p) "Sanitary Landfill Site" means any place prescribed by the local body for discharging or processing of the solid waste.
- q) "Solid Waste Collection" means the collection of solid waste from such waste production site, house to house collection, sweeping, depositing, weed uprooting waste materials from public places, and collection of posters or pamphlets which are pasted without permission at public place.
- r) "Solid Waste Collection and Transportation Vehicle" means any vehicle instrument or tools used for the purpose of collection and transportation of solid waste.
- s) "Post Closure Management" means the environmental balancing work carried out in the area where the discharge activity is closed.
- t) "Ministry" means the Ministry of Local Development, Government of Nepal.

- u) "Chemical waste" means all chemical substances which cannot be used as it is derived from any source or reaction capable of inflicting harmful effects on the human health, including animals, living beings and also on the environment or any matter or substance in solid, gas, liquid, dust, thick liquid form prescribed by the Government of Nepal by notification in the Nepal Gazette as chemical waste.
- v) "Disposal" means the last discharge and management of solid waste.
- w) "Collection Centre" means a place specified by the local body where the solid waste produced from household is collected and is thrown, placed or deposited for a prescribed period of time and this term shall also mean the vehicle needed for collection of solid waste or the collector commuting to households prescribed by the local body for household solid waste collection.
- x) "Board" means the Board of Directors constituted under Section 29.
- y) "Community Organization" means participatory user group, cooperative organization or non-governmental organization established under the prevailing Nepal law, having non-profit earning objectives established for the welfare of the community.
- z) "Transferring Centre" means a place prescribed by the local body where the solid waste is collected before its final disposal to the sanitary landfill site.
- aa) "Local Body" means concerned municipality, sub-municipality, city and Village Development Committee.
- bb) "Health institution related waste" means harmful waste produced and discharged from hospital, clinic, pharmacy, medicine shop, blood bank, pathological laboratory, animal health related body or health research centre etc.

- cc) "Harmful Waste" means any substance, matter or radioactive radiation produced in any form, capable of derogating the natural environment, causing damage or, injury to human or living being's health.

Chapter 2

Provisions on Solid Waste Generation, Collection, and Discharge

3. The Local Body's Responsibility to Manage Solid Waste

- 1) The local body shall be responsible for the management of solid waste by construction and operation of infrastructure like transfer station, landfill site, processing plant, compost plant, biogas-plant and also collection of waste, final disposal and processing.
- 2) The local body shall be responsible for the arrangement or its use in any other way of the solid waste collected in the course of cleaning, throwing or placing of solid waste at solid waste collection centre, transfer centre or processing site.
- 3) For the purpose of this Section, any material or substance thrown or placed at the Solid waste collection centre, transfer centre or processing site or deposited in the course of cleaning shall be considered as solid waste.

4. Responsibility for the Management of Solid Waste:

- 1) The local body shall be responsible to manage or cause to manage the solid waste under this Act.
- 2) Notwithstanding anything written in Sub-section (1) the responsibility for the processing and management within the set standard of harmful waste, health institution related waste, chemical waste or industrial waste shall be of the individual or body producing such solid waste.

- 3) If any industry or health institution request the local body to manage the residue left after processing or utilize the solid waste management site may, charging pre-fixed service fee to manage the solid waste residue left after processing of harmful waste, health institution related waste, chemical waste and industrial waste or to utilize the solid waste management site constructed by the local body.

5. Generation of Solid Waste to be Reduced:

- 1) Any individual, organization or body shall, as far as possible, reduce the production of solid waste while carrying out some transaction or activity.
- 2) It shall be the duty of every individual, organization or body to reduce the amount of remaining solid waste by making arrangement for disposal or reuse of solid waste which might have been otherwise disposed off on such individual, organization or body's own area

Explanation – "Own area" shall mean private house compound, premises of industrial waste, hospital or health institution, premises of industrial institution including premises of solid waste producing individual, organization or body.

6. Segregation of Solid Waste:

- 1) The local body shall prescribe to separate the solid waste into at least organic and inorganic including different kinds at its source.
- 2) The liability of transporting the solid waste up to the collection centre by separating at its source as prescribed under Sub-section (1) shall lie on individual organization or body responsible for the production of such waste and the local body may for this purpose provide required technology, goods, equipments and container etc.

7. Discharge of Solid Waste:

- 1) The time, place and manner for discharge of solid waste shall be as determined by the local body.
- 2) Any individual, organization or body producing harmful or chemical waste shall be responsible for the management of such waste as prescribed.
- 3) Harmful waste or chemical waste shall not be discharged at solid waste collection centre or transfer centre.

8. Solid Waste Collection Centre to be Prescribed:

- 1) The local body may make arrangement of necessary containers by prescribing collection centre at every 'tole' or settlement to make a systematic collection of solid waste.
- 2) While prescribing collection centre under Sub-section (1) an appropriate location from an environmental perspective and accessible as far as practicable to all inhabitants of the locality or settlement shall be prescribed.
- 3) The time, place and manner for discharge of solid waste under Sub-Section (1) at the collection centre shall be as determined by the Local Body.

9. Transportation of Solid Waste:

- 1) The liability for transportation of solid waste from the collection centre up to the transfer centre or solid waste management site, shall lie on the Local Body or any organization or body arranged by the Local Body.
- 2) Prescribed transportation vehicle shall be used for transportation of solid waste. While prescribing a transportation vehicle, weight, age, ways or process, capacity of the vehicle, capacity of the road and the impact on the environment while transporting the

solid waste, transportation vehicle shall also be taken into account.

- 3) Local Body shall make transportation of solid waste, which is segregated at its source and discharged and collected under Section 6 in separate vehicles.

10. Reduction, Reuse and Recycling Use of Solid Waste:

- 1) Local Body may, take necessary steps to encourage the reduction, re-use and recycling use of solid waste, by issuing necessary directives for its effective implementation.
- 2) Local Body may coordinate with the concerned industry in the works to encourage the reduction of quantity of solid waste by making re-use of the material used for packing industrial products.

Chapter -3

Provision Concerning Transfer Centre And Landfill Site

11. Prescribing Transfer Centre:

- 1) Local Body may fix any location as a transfer centre to manage the solid waste collected at primary stage.
- 2) While prescribing a Transfer Centre under Sub-section (1) specification shall be made, taking into cognizance that the environment and public health shall not be adversely affected and necessary provisions shall be made to manage the site against the bad odors.

12. Sanitary Landfill Site:

- 1) The Local Body shall, under the prevailing law relating to environment prescribe a sanitary landfill site for the management

and permanent disposal of the solid waste collected within its area.

- 2) Local Body shall, for prescribing a landfill site under Sub-Section (1), if the Local Body has no land of its own or its land is not appropriate for solid waste management, take appropriate land on lease and prescribe the landfill site.
- 3) Management of solid waste may be done on private land, under Section 16 for prescribing the development and Operation Sanitary Landfill Site.
- 4) The local body shall, for prescribing a sanitary landfill site under Sub-section (1) or (2), in case of non- availability of land, after selecting an appropriate site, request the Ministry for making available such site.
- 5) The Ministry shall make the land (site) available after acquiring such land, if any request is received pursuant to Sub-section (4), under prevailing Nepal law.
- 6) The Ministry may, on the written request from local body, in case of appropriateness of landfill site both local bodies, prescribe a place as Solid Waste Management Landfill Site.
- 7) The operation of the landfill site and the works to be carried out after the closure, shall be carried out according to the prescribed environmental standard.
- 8) The management works to be carried out after the closure, shall be made according to the recommendation made in the initial environment examination and the environment impact assessment report of the sanitary landfill site area.
- 9) The Local Body may declare, if necessary, a landfill site as a sensitive area from the environmental context.

- 10) The Local Body may, if an area is declared as environmentally sensitive, after issuing necessary directions and directives for the appropriate management of the area restrict the unauthorized entry of animals, birds, livestock, and human beings and also the excavation of stone, boulders and sand in the said area.

Chapter - 4

Involvement of Private and Community Sector in the Management of Solid Waste

13. Provisions on Licensing:

- 1) Nobody shall, without obtaining a license from the local body carry out activities relating to the management of solid waste.
- 2) Any national or foreign company, body or organization, wishing to carry out management of solid waste shall have to apply to the local body for license enclosing the following particulars:
 - a) Solid waste management plan,
 - b) Details of manpower and technology required relating to the management of solid waste,
 - c) Other matters as prescribed.
- 3) The concerned local body may issue a license after making the necessary inquiry in the application filed under Sub-section (2).
- 4) Local body may issue a license under Sub-section (3) only after obtaining permission from the Government of Nepal on condition that the technology shall be transferred by the foreign company, organization or body within the time period mentioned in the agreement in case of non-availability of technology necessary for the management, recycle use, processing or disposal of solid waste.
- 5) Other matters relating to the license shall be as prescribed.

14. Solid waste Management Works may be Carried out by the Private Sector:

- (1) The local body as necessary after making for competition under Section 15 from among the company or community sector licensed under Section 13 or by following any process concerning private investment law in the infrastructure construction and operation may cause management of the solid waste of its area.
- (2) While making management of solid waste under Sub-section (1) in case of private sector company all and in case of community sector and non- governmental organizations or agency any of the following works may be caused to be carried out:-
 - (a) Enhancement of public awareness in the reduction of solid waste
 - (b) Collection of solid waste
 - (c) Transportation of solid waste
 - (d) Use, reuse recycled use or processing of solid waste
 - (e) Disposal of solid waste
 - (f) Management after closure

15. Awarding Management of Solid Waste by Making Competition:

- 1) The local body shall, for causing solid waste management works under Section 14 from the private sector or community sector organizations, make competition by calling tender and select a manager and award the function of management.
- 2) The selection of solid waste manager under Sub-section (1) shall be made on the following basis:

- a) The amount agreed to be paid to the local body.
 - b) The capacity to generate energy or production of organic fertilizer from the solid waste, capital, technology and human resource capability,
 - c) Financial and technical capacity,
 - d) Sustainability of the technology proposed for the management of solid waste and reduction of environmental effect,
 - e) Management charge if a management contract is to be made
 - f) The royalty agreed to be paid to the local body if it is for the use of solid waste, processing or recycle use.
- 3) Other matters concerning tender shall be according to the prevailing law.
 - 4) The company, body or organization entrusted with the task of management as per Sub-section (1) may realize charges under Section 18 acting within the agreement entered into with the local body.
 - 5) Other matters concerning the involvement of non-governmental organizations in the solid waste management shall be as prescribed.

16. Permit for the Construction and Operation of Landfill Site may be given:

- 1) In case of demand by the private sector for a landfill site, processing site or other structure to be constructed for the management of solid waste is made, the local body may, within the framework of the environment and other prevailing law, permit construction and operation of such plant.
- 2) The Local Body shall make follow up of the prescribed environmental standard, while construction and operation of the

plant for the management of solid waste under Sub-section (1) by the private sector is done..

- 3) The Local Body, if finds out non-observation of the prescribed standard, while monitoring under Sub-section (2), may assign a time period for observance of a set standard, and if no required arrangement is made within that assigned time period, may revoke, as prescribed, the permission of such person or company.

17. Solid Waste Management may be made in Public Private Partnership:

- 1) Local Body may within the provisions of prevailing law, make works on solid waste management, forging a partnership with the private sector, community and non governmental body or organizations.
- 2) Notwithstanding anything written in Sub-section (2) works like promotion of public awareness for reduction of solid waste, collection of solid waste, management after the closure of landfill site, construction of the garden, beautification may only be permitted to be done or caused to be done under partnership with the community and non-governmental organization or body-

Chapter -5

Provisions On the Solid Waste Management Service

Charge

18. Service Charge may be Realized

- 1) The Local Body may fix service charge and realize from the concerned person, body or organization for making the management of the solid waste.

- 2) The fixing of (Service) charge under Sub-section (1) shall be made on the basis of quantity, weight and nature of solid waste and other matters as prescribed by the Local Body.
- 3) The charges under Sub Section (1) may be realized by the concerned local body itself or through any organization or body specified by it.
- 4) Notwithstanding anything written elsewhere in this Section, person, organization or body entrusted with the responsibility to make management of solid waste under Section 15, may on the basis of understanding with the local body realize charges from concerned person, organization or body for making the management of solid waste.

However, the under-privileged group shall be provided a discount as prescribed.

- 5) The local body shall spend the income, generated through the charges and the income received by involving the private sector in the management of solid waste, for the management of solid waste, environmental protection and development of landfill site of the affected areas by making a separate heading and confining it within the prescribed standard.

19. Services may be Suspended or Terminated:

- 1) Local body may suspend or terminate the services of service users relating to the management of solid waste, of defaulter of service charges under Section 18.
- 2) Notwithstanding anything written in the Sub-section(1), any person, organization or body entrusted with the responsibility of solid waste management under Section 15 may suspend or terminate the services of defaulters under Section 18 (4) of solid waste management provided for users of services and such

information of suspension or termination shall be given to the local body.

- 3) In case of suspension or termination of services under Sub-section (1) or (2), the concerned house owner shall make management of the solid waste produced from the house by himself/herself.
- 4) The services of users of the service who pay the dues of service charges under Section 18 shall be resumed after the payment.

Chapter - 6

Provision on Follow-up of Pollution Control and Solid waste Management Works

20. Pollution Control:

- 1) The Local Body shall bear the responsibility of the managing the solid waste collected from its area in a manner so that the adverse effects on the environment would be minimized as less as possible.
- 2) The Centre shall extend necessary technical co-operation to the Local Body for the purpose of management of solid waste in a pollution free manner.
- 3) The Local Body shall follow the standard set under this Act, while conducting discharge and management of collecting solid waste.

21. Follow-up of Management of Solid waste:

- (1) The Local Body shall make or cause to make regular follow up of solid waste management and discharge works.
- (2) The Local Body shall for the purpose of follow up to be made or cause to be made, prepare necessary plan of action and apply it.
- 3) The person deputed for follow up under Sub-section (1) shall submit report after the completion of follow up works to the concerned Local Body.

- 4) The Local Body shall make necessary arrangement for the correction to be made or implementation to be done on the issues pointed out by the report received under Sub Section (3).
- 5) The Centre shall make available technical cooperation to the Local Body if requested for the follow up of the solid waste management works and the Centre shall also work for the follow up on the whole management situation of solid waste.

22. Provisions on Financial, Social Development and Environment Conservation:

- 1) The Local Body shall, prepare a master plan for the financial, economic, social, physical development and environment conservation for the landfill site affected area and implement the plan by preparing various programs.
- 2) The Local Body may principally run programs for the purpose of Sub-section (1) on the following Sectors;-:
 - a) Road construction, electricity supply, drinking water, sewerage discharge, sanitation and environment conservation,
 - b) Establishment and operation of schools and health institutions,
 - c) Necessary programmes for the uplift and development of the economically disadvantaged and socially under-privileged groups of people of the affected area of the landfill site.
- 3) Local Body shall, after consultation with concerned community prepare a plan under Sub-section (1) or make selection of programmes under Sub-section (2).
- 4) The implementation of the programmes prepared for the affected area under this Section shall be made so as to ensure the participation of the local community.

- 5) For running the landfill site or implementation of any programme for the same, each and every activity shall be made compatible with the standard set for the protection of the environment under the prevailing law.
- 6) A committee may be constituted at the local level to advice on the economic and social development and conservation of the environment of the seriously affected and affected area due to landfill site management.

Explanation: For the purpose of this section "Seriously Affected Area" shall mean an area prescribed by the Government of Nepal by publishing a notice in the Nepal Gazette.

Chapter - 7

Provisions On Solid Waste Management Council

23. Constitution of a Council:

- 1) A Solid Waste Management Council has been constituted for the purpose of formulating a policy to be adhered for the management of solid waste,
- 2) There shall be the following members of the Council constituted under the Sub-section (1)
 - (a) Minister, Ministry of Local Development - Chairperson
 - (b) Secretary, Ministry of Physical Planning
and Infrastructure Development - Member
 - (c) Secretary, Ministry of Industry - Member
 - (d) Secretary, Ministry of Environment - Member
 - (e) Secretary, Ministry of Health and Population - Member
 - (f) Secretary, Ministry of Local Development - Member

- (g) Secretary, Ministry of Planning Commission - Member
 - (h) Chief, Kathmandu Metropolitan city - Member
 - (i) Five members nominated from among the chief of municipalities ensuring representation of the five development regions -Member
 - j) Five members nominated from among officials of the organization or federation by the Government of Nepal, among them three members shall be the women - Member
 - k) Two members, at least one women nominated by the Council from among the inhabitants of the area declared by the Government of Nepal as the seriously affected area - Member
 - l) Representative from Nepal Chamber of Commerce and Industry - Member
 - m) Two members nominated by the Council from among the specialists and scientists in the area of solid waste management including one woman - Member
 - n) One representative nominated by the Council from among community organizations working in the area of management of solid waste - Member
 - o) Executive Director of Solid Waste Management Technical Cooperation Centre -Member - Secretary
- 3) The tenure of office of member nominated in the Council under Sub-section (2) shall be of four years and he/ she may be re-nominated.
- 4) The tenure of office of member nominated in the Council under (i) (k) (n) shall be of four years and may not be re-nominated.
- 5) The Centre shall work as Secretariat of the Council.

24. Responsibilities, Powers and Duties of the Council:

The responsibilities, powers and duties of the Council shall be as follows:

- a) To formulate national policy on the management of solid waste and to submit for approval of the Government of Nepal.
- b) To make policy arrangements among the concerned agencies for co-ordination.
- c) To approve a standard for fixing service charges for maintaining uniformity, while fixing service charges by the Local Body.
- d) To determine a percentage of the investment if any, investment is needed to be made by the Local Body for the proposal of the solid waste management works in an integrated manner.
- e) To perform other functions as prescribed.

25. The Meeting of the Council and Decisions:

- 1) The meeting of the Council shall be held at least once a year, on the date, time and venue as designated by the Chairperson.
- 2) The chairing of the meetings shall be made by the Chairperson and, in his/her absence, by the person selected from among the member themselves.
- 3) The quorum of the meetings shall be more than fifty percent of total members present in the meeting.
- 4) The decisions of the meeting of the Council shall be generally made by consensus. If the consensus is not reached then by a majority of votes and in case of a tie the casting vote shall be made by the person chairing the meeting.
- 5) The Council may, if necessary, invite a national or foreign expert or concerned official at the meeting of the Council as an observer.

- 6) The decision of the Council shall be certified by the Member Secretary.
- 7) Other procedural matters regarding Council meeting shall be as prescribed by the Council itself.

Chapter -8

Provisions on Solid Waste Management Technical Co-operation Centre.

26. Establishment of the Centre:

- 1). A Solid Waste Management Technical Centre shall be established to extend technical assistance to the local body for the management of solid waste, to make study and research on relevant subjects.
- 2). The office of the Centre shall be located in the Kathmandu valley.

27. Centre to be a Corporate Organization:

- 1) The Centre shall be an autonomous corporate organization having perpetual succession.
- 2) There shall be a seal of its own for the carrying out of its activities.
- 3) The Centre shall acquire, utilize, dispose of or manage otherwise of movable or immovable property as an individual.
- 4) The Centre may sue or complain, and may be sued or be complained against the Centre as an individual.
- 5) The Centre may enter into contract as an individual or exercise its rights or bear liabilities as an individual.

28. The Responsibilities, Duties and Powers of the Centre:

The responsibilities, duties and powers of the Centre shall be as follows:

- a) To extend assistance to the local body for the improvement of appropriate technology and capacity building enhancement for the management of solid waste.
- b) To suggest, recommend, advise concerned local body for the improvement needed after making an evaluation and follow up of the technical side of the solid waste management,
- c) To prepare annual budget and program and submit it to the Board of Directors for approval,
- d) To extend co-operation to the local body for solid waste management
- e) To prepare a minimum standard to be followed and submit it for approval to the Council on the nature and quantity of solid waste of certain locations, its collection, treatment, transportation, disposal or process of destruction and formulate a minimum standard for the follow-up of the same,
- f) To develop a new technology for the management of solid waste and its expansion and dissemination
- g) To make available technical assistance to the local body for the construction of infrastructure required for solid waste management.
- h) To make study and research by the data collection for the management of solid waste to make public accurate details of solid waste management.
- i) To work as a research and study centre for the development of human resources and capacity building for the management of solid waste.
- j) To draw attention of related body or institution for the appropriate management of harmful, health institution related, chemical and industrial solid waste.

- k) To encourage to follow reducing method, by identifying and developing the method, of solid waste on the basis of the nature of solid waste.
- l) To submit strategy, to be followed or formulated to garner public participation in the works of solid waste management works, for the approval of the Council.
- m) To suggest or advise Local Body for fixing and realizing service charges by making a detailed study of the subject of making the disposal of solid waste more dependable and economically self-sustained.
- n) To implement or cause to implement the decision of the Board of Directors and Co-ordination Committee of the Council.
- o) To provide assistance or opinion after realizing service charge to individual, organization or body from the private sector if requested for technical assistance or opinion.
- p) To carry out or cause to carry out activities as prescribed.

29. Formation of the Board:

A Board of Directors shall be constituted for the operation, supervision and management of all activities of the Centre as follows:

- a) Secretary, Ministry of Local Development – Chairperson
- b) Joint Secretary, Ministry of Finance – Member
- c) Joint Secretary, Ministry of Environment – Member
- d) Joint Secretary, Municipality Management division, Ministry of Local Development – Member
- e) Two members, including one woman nominated from among the specialists – Member

- f) Executive Director of Solid Waste Management Technical Centre -Member-Secretary.
- 2) The terms of office of the nominated member under Subsection (1) (e) shall be of four years and may be re nominated.

30. The Responsibilities, Powers and Duties of the Board:

The responsibilities, duties and powers of the Board shall be as follows.

- (a) To approve a yearly budget, plans and programmes of the Centre,
- (b) To approve proposals relating to obtaining assistance from the Centre to approve plans relating to the sale or transfer of movable or immovable property,
- (c) To give necessary directions to the Executive Director after evaluating the administrative and technical works of the Centre.
- d) To approve the Bye- Rules of the Centre.
- e) To implement or cause to implement the decisions of the Council.
- f) To give necessary directions to the Executive Director of the Centre for taking necessary actions for clearance of the arrears as established by the audit report of the Centre after discussion on the arrears.
- g) To approve as necessary the organization chart and number of personnel, the terms and conditions, salary and facilities of employment of personnel.
- h) To carry out other activities as prescribed.

31. Board Meeting and Directions:

- 1) The meetings of the Board shall convene as necessary, on the date and venue fixed by the Chairperson.

- 2) The meetings of the Board shall be presided over by the Chairperson and, in his/her absence, by the person selected from among the members present.
- 3) The quorum of the meeting shall be more than fifty percent of the total members present. The decisions of the Board shall be made by a majority of votes, and in case of a tie the person presiding over the meeting shall exercise a casting vote.
- 5) If deemed necessary the Board, may invite a national or foreign expert on solid waste management or any official as an observer to participate in the meeting.
- 6) The decisions of the Board shall be certified by the Member-Secretary.
- 7) The other procedures relating to the meeting shall be as determined by the Board itself.

32. Subcommittee or Working Group may be Formed:

- 1) The Board may, for the activities to be taken by the Centre, form a sub-committee or working group as required by including experts related to the field.
- 2) The responsibilities, duties, powers and procedures of the subcommittee or working group formed under Sub Section (1) shall be as prescribed by the Board during the formation of such Subcommittee or Working Group.

33. Provision Relating to Executive Director:

- 1) The Government of Nepal may, to act as a chief administrative authority of the Centre, appoint a person who has obtained at least a Masters degree and gained experience of working for ten years in the field of solid waste management, as an Executive Director of the Centre.

- 2) The tenure of office of Executive Director shall be of four years and he/she may be reappointed.
- 3) Notwithstanding anything written in Sub-section (2), in the event that, he/she does not perform his responsibility honestly or does not behave as his/her post requires or is incapable of performing his/her duty or is inefficient in effective work performance, the Government of Nepal may relieve him/her from his/her post before the completion of the tenure.

However, he/she shall not be deprived of the reasonable opportunity to present his/her clarification before relieving him/her from the post.

- 4) The remuneration, facilities and other terms and conditions of the Executive Director shall be as prescribed.

34. Employees of the Centre:

- 1) There shall be required numbers of employees to carry out the functions of the Centre.
- 2). Appointment of employees of the Centre, terms and conditions of services, provisions on salary, facilities shall be as prescribed in the Bye-Rules of the Centre.

35. Fund of the Centre:

- 1) The Centre shall have its separate fund.
- 2) The fund under Sub-section (1) shall have the following amounts:
 - a) Amounts received from the Government of Nepal.
 - b) Amounts received from research work or from the consultancy services done by the Centre.

- c) Amounts received as a loan or grant assistance from international organizations, body, foreign government or agency,
 - d) Amount received from any other sources
- 3) All the expenditures to be made in the name of the Centre shall be made from the fund under subsection (1)
 - 4) A prior approval from the Ministry of Finance, Government of Nepal shall be obtained to receive any amount under Sub-Section 2 (c) by the Centre.
 - 5) The amounts of the fund shall be deposited in a class A licensed Bank as decided by the Board by opening an account, in accordance with the prevailing bank and financial institution related laws.
 - 6) The operation of the account of the Centre shall be made according to the Bye-Rules of the Centre.

36. Account and Audit:

- (1) The account of income and expenditure of the Centre shall be maintained according to the accounting system adopted by the Government of Nepal.
- 2) The audit of the Centre shall be done by the office of the Auditor General.
- 3) The Centre shall maintain an internal control system as prescribed.
- 4) The Government of Nepal, if wishes, may at any time inspect or cause to inspect income-expenditure account, related documents and cash and kinds of the Centre.

37. Annual Report:

- 1) The annual report containing the works done by the Centre all the year round, shall be submitted to the Government of Nepal, within three months of the end of the fiscal year.
- 2) The report under Sub-section (1) shall contain among other matters short description of activities done by the Centre within the year, achievements and the cost involved, future strategy and programs and financial situation.
- 3) The annual report under Sub-section (1) shall be made public by the Centre.

Chapter- 9

Offenses and Punishment

38. Offense:

Anybody committing any of the following acts shall be considered to have committed an offense under this Act:

- a) Discharge of solid waste in places and time other than prescribed by the local body,
- b) Unauthorized use of solid waste placed in the container or solid waste collection centre,
- c) Damaging, destroying the container placed in solid waste collection centers displacing the container from its position, or inflicting any loss to the collection centre,
- d) To carry out solid waste management works without obtaining permission under this Act,
- e) Violating the terms and conditions mentioned in the license issued for the management of solid waste issued under this Act,

- f) Throwing, placing or depositing any kind of harmful substance at the solid waste collection centre, container or solid waste depositing place,
- g) Placing, throwing or depositing solid waste from the house, compound and premises on the road or on any other public places,
- h) Polluting other's house or land by the leaches or sewer leakage,
- i) Stoppage of any vehicle or denial to move away any stopped vehicle from the road or from any other public place at the time and place prescribed by the Local Body, during solid waste collection or cleaning work is being carried out,
- j) Throwing, placing, depositing or discharging any kind of harmful waste, except in places prescribed by the Local Body like a road or on any other public places, causing detrimental effect to the public health, ,
- k) Littering everywhere, placing, discharging or causing to discharge harmful waste, chemical waste, industrial waste, health institutions related waste.
- l) Littering everywhere, placing, discharging or causing to discharge harmful waste by industrial enterprise or health institutions, emanating from industry or health institution,
- m) Creating obstruction in the collection, transportation and management of solid waste,
- n) Creating obstruction, '*Bandha*' (strike), or '*gherao*' (circumvention) on solid waste collection, transportation works or at the final discharge site or call strikes at the solid waste management work,
- o) Manufacture, sale or distribute any material banned for generating excessive waste by the Government of Nepal through the publication of notice in the Nepal Gazette.

- p) Importing chemical poison contrary to the provisions of Section 44 or not fulfilling the responsibility of destroying date expired medicine.
- q) Discharging solid waste by mixing without segregating at its source contrary to the provisions of Section 6.
- r) Placing, throwing or stockpiling of dead or slaughtered animal or bird, and their excrement (from the stomach and entrails,) feathers, bones and scales of fish etc .at public places, roads, lanes, chowks.

39. Punishment:

- 1) The Local Body may, for committing offences under Section 38 paragraph(a), punish a person (an offender) for the first time with a fine amounting up to five thousand Rupees, and for the second time if the same offense is committed a fine ranging from five thousand Rupees to ten thousand rupees, if the same offense is committed for the third time or more a fine of fifteen thousand Rupees for each time shall be imposed and the expenses incurred for loading the solid waste also may be realized from him/her.
- 2) The Local Body may impose a fine on an offender committing an offense under Section38 paragraph (b) and (i), ranging from five hundred Rupees to five thousand Rupees.
- 3) The Local Body may, impose a fine on an offender committing an offense under Section 38 paragraph (c), ranging from fifteen thousand rupees to Fifty Thousand Rupees and realize the expenses to be incurred for making management of container or collection centre.
- 4) The local Body may, impose a fine on an offender committing an offence under Section 38 paragraph (d) and (e) ranging from fifteen thousand rupees to fifty thousand Rupees and also impose ban on the activities until a license is obtained.

- 5) The Local Body may impose a fine on an offender committing an offense under Section 38 paragraph (f) ranging from five thousand rupees to fifteen thousand rupees and also realize a compensation amount from the such offender, if any damage has been caused by such substance or matter.
- 6) The Local Body may impose a fine on an offender committing an offense under section 38 paragraph (g), (h) and (r) ranging from five thousand rupees to fifteen thousand rupees.
- 7) The Local Body may impose a fine on an offender committing an offense under Section 38 paragraph (j) ranging from thirty thousand rupees to fifty thousand rupees
- 8) The Local Body may impose a fine on an offender committing an offense under Section 38 paragraph (k) (l) (p) ranging from fifty thousand rupees to one lakh and if the same offense is committed again a fine the imposed for the first time shall be doubled and may refer for the revocation of license to the concerned agency.
- 9) The Chief District Officer of concerned district may impose a fine on an offender committing an offense under Section 38 paragraphs (m) and (n) ranging from ten thousand rupees to fifty thousand rupees or award an imprisonment ranging from fifteen days to three months or both.
- 10) The Chief District Officer of concerned district may impose a fine on an offender committing an offense under Section 38 paragraph (o) ranging from five thousand rupees to ten thousand rupees or award an imprisonment up to three months or both.
- 11) The local body may impose a fine, on an offender committing an offense under Section 38 paragraph (q), of five hundred rupees for each time the offense is committed.

40. Services and Facilities may be Blocked:

- 1) The Local Body may block any service or facility to any person who defaults to pay or disobeys to pay the prescribed service charges under this Act and, in addition to that the Local Body may block electricity and telephone services and house and land transaction by sell or otherwise in his/her name by writing to the concerned body.

However, before writing as above, the concerned person shall be given information in writing.

- 2) It shall be the duty of the concern body to block such services and facilities if a written request is received under Sub-section (1)

41. State Offenses:

The offenses under Section 38 paragraph (m) (n) (o) shall be initiated as Government cases, and these offenses shall be considered to be included in Annexure -1 of the State Agencies Act, 2049.

42. An appeal may be filed

Any person dissatisfied with the punishment awarded under Section 39, may appeal against the decision within thirty five days of the date of such order made to the concerned Appellate Court.

Chapter -10

Miscellaneous

43. Management of health related waste:

- 1) Any agency granting permission to establish a health institution in accordance with Nepal law shall, prior to granting such permission for the establishment and operation of health institutions, ascertain whether or not she has made appropriate provision for the waste management and if satisfied, such permission may be granted.

- 2) While granting permission under Sub-section (1), the health agency may prescribe special conditions to be observed or standard to be maintained in waste management.

44. Provisions on Chemical Poison:

- 1) The import of chemical poison shall only be made remaining within the prescribed standard.
- 2) The responsibility of destroying the date expired chemical poison under the prescribed standard shall be on the concerned person or body.

45. To Maintain Record of Community Based Agencies Involved in the Solid Waste Management:

- 1) Every local body may maintain a record of community agencies of its area working in the area of solid waste management.
- 2) The details to be maintained under Sub-section (1) may contain a working area of that agency and nature, manpower, financial and technical resources and other details may also be mentioned as prescribed by the Local Body.

46. To Provide Information:

Anybody operating solid waste management program with the assistance of any foreign individual, body, organization or donor agency, shall inform the Ministry through the Local Body.

47. Delegation of Power:

- 1) The Council may, except making decisions on policy issues, delegate as necessary, some of the vested power to the president or a member of the Council.
- 2) The Board may delegate some of its vested power, as necessary to the Chairperson, member or Executive Director of the Board.

- 3) The Executive Director may, delegate some of the vested power, as necessary to any officer employee of the Centre.

48. Communication with the Government of Nepal:

The Council or Centre shall communicate with the Government of Nepal through the Ministry of Local Development.

49. Prize may be awarded:

- 1) The Centre may award suitable prizes to honour any individual or organization who has developed newer approaches for solid waste management or has encouraged such activities or has contributed in the solid waste management activities.
- 2) The concerned Local Body may award honors and may also provide a cash prize to an individual who complains with evidence against any individual who, has placed, deposited or thrown solid waste haphazardly contrary to this Act

50. Power to frame Rules and Bye Rules:

- 1) The Government of Nepal may frame necessary Rules to implement the objectives of the Act.
- 2) The Centre may frame and apply necessary Bye-Rules under the Act and Rules to be framed under this Act.

However, approval of the Ministry of Finance shall be obtained, while framing Bye-Rules which might incur the financial burden to the Government of Nepal.

51. Standard or Directives may be Issued:

- 1) The Centre may after making consultations set, for management of different types of solid waste, different standards, within the scope of this Act or the Rules to be framed under this Act..

- 2) The concerned Local Body may formulate and implement necessary guidelines for the management of solid waste.

52. Prevalence of this Act:

On matters relating to solid waste, the provisions of this Act shall apply and, on other matters, the prevailing law shall be applicable.

53. Repeal and Savings:

- 1) Solid Waste (Management and Operation) Act, 2044 is hereby repealed.
- 2) All acts and proceedings performed or executed under the Solid Waste (Management and Operation) Act 2044 shall be deemed to have been performed or executed under this Act.
- 3) All the movable and immovable property, employees and liabilities of the Solid Waste Management and Resources Mobilization Centre constituted under the Act mentioned in Sub-section (1) shall be transferred to the Centre under this Act.