

Nepal Gazette

Published by the Government of Nepal

Section 65) Kathmandu 20 December 2015 (5 Poush 2072) (Extraordinary Issue

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PART 2

Government of Nepal

Ministry of Law, Justice and Parliamentary Affairs

The following Act made by the Legislature-Parliament set forth in clause (1) of Article 296 of the Constitution of Nepal is hereby published for information of the general public.

Act No. 11 of 2015 (2072)

An Act Made To Provide for Reconstruction of the Earthquake Affected Structures

Preamble: Whereas, it is expedient to make legal provisions on the establishment of an empowered National Reconstruction Authority in order to promptly complete the construction works of the structures damaged due to a devastating earthquake of 25 April 2015 (12 Baishakh 2072) and subsequent aftershocks, in a sustainable, resilient and planned manner, and to promote national interests and provide social justice by making resettlement and translocation of the persons and families displaced by the earthquake;

Now, therefore, the Legislature-Parliament set forth in clause (1) of Article 296 of the Constitution of Nepal has made this Act.



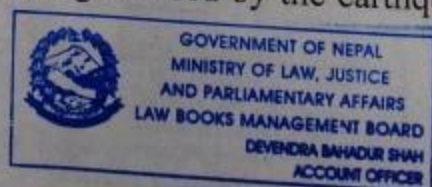
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1. **Short title and commencement:** (1) This Act may be cited as the “Act Relating to Reconstruction of the Earthquake Affected Structures, 2015 (2072).”
- (2) It shall commence forthwith.
- (3) It shall remain in force until the term of the Authority expires.
2. **Definitions:** Unless the subject or the context otherwise requires, in this Act,-
- (a) “Executive Committee” means the Executive Committed provided for in Section 9.
- (b) “prescribed or as prescribed” means prescribed or as prescribed in the rules framed under this Act.
- (c) “Steering Committee” means the Steering Committee provided for in Section 6.
- (d) “reconstruction” means works relating to economic, social and physical development, new construction and reconstruction of the damage caused by the earthquake, in a sustainable, resilient and planned manner.
- (e) “Council” means the National Reconstruction Advisory Council provided for in Section 5.
- (f) “Chief Executive Officer” means the chief executive officer appointed pursuant to Section 11.
- (g) “Authority” means the National Reconstruction Authority established pursuant to Section 3.
- (h) “earthquake” means the earthquake that occurred on 25 April 2015 (12 Baishakh 2072) and subsequent aftershocks.
- (i) “earthquake affected area” means any area so specified by the Government of Nepal by a notification in the Nepal Gazette that it is necessary to make resettlement of the displaced persons because of widespread human or physical damage caused by the earthquake and to



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make reconstruction of social and archaeological structures, by way of plans or programs of special nature.

(j) "Secretary" means the Secretary of the Authority provided for in Section 13.

3. **Establishment of the Authority:** (1) The National Reconstruction Authority is hereby established for the reconstruction of the damage caused by the earthquake.

(2) The jurisdiction/scope of work of the Authority shall be as specified by the Government of Nepal by a notification in the Nepal Gazette.

(3) The term of the Authority shall be five years. If for any reason reconstruction work is not completed within that period, the Government of Nepal may either extend the term of the Authority for one year or make necessary arrangements so that another body performs the functions being performed by the Authority in accordance with this Act.

(4) Upon the expiration of the term of the Authority pursuant to subsection (3), its rights, liabilities and assets shall devolve on the Government of Nepal.

(5) The secretariat of the Authority shall be situated in Kathmandu Valley.

4. **Functions, duties and powers of the Authority:**(1) The functions, duties and powers of the Authority shall be as follows:

(a) To determine, or cause to be determined, the damage caused by the earthquake,

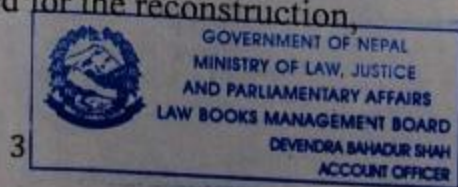
(b) To make recommendation to the Government of Nepal for specification of the earthquake affected area,

(c) To fix priority of the reconstruction,

(d) To approve such policies, plans, budget and programs with schedule of operations as may be required for the reconstruction,



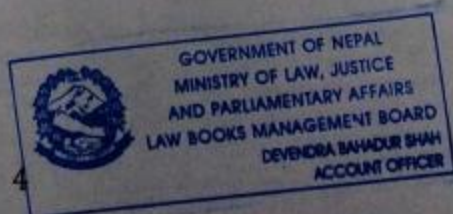
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- (e) To carry out, or caused to be carried out, the reconstruction work,
- (f) To acquire lands in pursuance of the procedures under this Act or assign responsibility to any body or official for such act if it is necessary to acquire lands for the implementation of plans or programs including reconstruction, integrated settlement and integrated house pulling plans or programs,
- (g) To develop norms as required for development of integrated settlement, integrated house pulling, rehabilitation and translocation, identify appropriate sites and formulate and implement, or cause to be implemented, plans for the same,
- (h) To prevent any work done or about to be done for the implementation of any project or program relating to reconstruction or integrated settlement or give order to the concerned person to do such work only in conformity with the prescribed quality, standard or mode,
- (i) To order the concerned body to remove a physical structure belonging to any person by providing compensation in accordance with the laws in force if it is necessary to remove such structure for reconstruction,
- (j) To prepare and execute, or cause to be executed, programs relating to human resource development, reconstruction and rehabilitation as required for education, health, agriculture, industry, employment and reconstruction and rehabilitation,
- (k) To provide requisite budget and other resources to the body responsible for reconstruction,
- (l) To mobilize, as required, non-governmental organizations, private sector or community for reconstruction,
- (m) To carry out, or cause to be carried out, reconstruction work, as required, in collaboration with the governmental, private or non-governmental



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sector, community or with any foreign organization or institution based in Nepal, by selecting the appropriate modality,

- (n) To coordinate with various bodies in order to make reconstruction work effective,
- (o) To build, or cause to be built, capacity of the bodies involved in the reconstruction work,
- (p) To bring about financial resources for reconstruction and arrange, or cause to be arranged, for the effective utilization of such resources,
- (q) To make, or cause to be made, technical examination of the damaged or unsafe physical structures and give order to the concerned person to remove or demolish such physical structure, and to remove or demolish such structure on its own if it is not so removed or demolished and give immediate order to the concerned body or official to recover the actual expenses incurred in such removal or demolition from the concerned owner as governmental dues,

Provided that if the owner himself or herself is not able to remove or demolish such structure because of being economically indigent as prescribed, the Authority may give direction to any body or official to remove or demolish that structure at the governmental expense.

- (r) To make inspection, examination and monitoring, or cause to be inspected, examined and monitored, the acts and actions done and taken at the direction of the Authority, as per necessity,
- (s) To do, or cause to be done, other reconstruction related works in the earthquake affected area.

(2) Notwithstanding anything contained in the laws in force, provisions relating to the acquisition of land, land registration, trusts, public procurement, forests, protection of ancient monuments and environmental impact assessment for the reconstruction to be made in the earthquake affected



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area shall be as provided in the procedures approved by the Government of Nepal, in order to complete, or cause to be completed, promptly and efficiently the reconstruction work required to be completed by the Authority pursuant to sub-section (1).

(3) The Government of Nepal shall frame and enforce separate procedures for the purposes of sub-section (2).

Provided that no procedures shall be framed in a manner to be contrary to the basic principles of the Public Procurement Act.

(4) Any procedure to be framed or any work to be done or procured pursuant to this Section shall be framed or done or procured without prejudice to the environmental balance, fair competition, transparency and accountability.

(5) The procedures provided for in sub-section (3) shall be published in the Nepal Gazette.

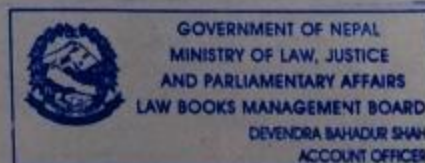
5. **Formation of the National Reconstruction Advisory Council:** (1) There shall be a National Reconstruction Advisory Council for the purpose of advising the Steering Committee on the formulation of reconstruction policies and plans.

(2) The Council shall be formed as follows:

(a)	Prime Minister	-Chairperson
(b)	Leader of Main Opposition Party of the Legislature-Parliament	-Member
(c)	Ministers designated by the Prime Minister	-Member
(d)	Former Prime Ministers	-Member
(e)	Chiefs of the political parties represented in the Legislature-Parliament	-Member
(f)	Fourteen persons nominated by the	



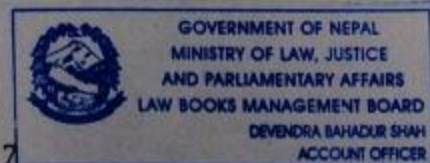
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	Advisory Council in a manner to have representation from each District, on the basis of inclusive principle, from amongst the Members of Parliament who represent the earthquake affected Districts in the Legislature-Parliament	-Member
(g)	Chief Executive Officer	-Member
(h)	Vice-chairperson of the National Planning Commission	-Member
(i)	Chief Secretary of the Government of Nepal	-Member
(j)	Commander-in-Chief, Nepal Army	-Member
(k)	Governor of the Nepal Rastra Bank	-Member
(l)	Secretaries of the Government of Nepal designated by the Prime Minister	-Member
(m)	Inspector General of Police, Nepal Police	-Member
(n)	Inspector General of Armed Police, Armed Police Force, Nepal	-Member
(o)	Five persons including at least two women so nominated by the Government of Nepal as to have representation from amongst the experts of universities, non-governmental organizations, civil society or private sector	-Member
(p)	Secretary	-Member secretary



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(3) The Council shall meet at least once in six months at such date, time and venue as specified by the chairperson.

(4) The Council may, as required, invite any other expert or official to its meeting.

(5) The other procedures relating to its meeting shall be as determined by the Council itself.

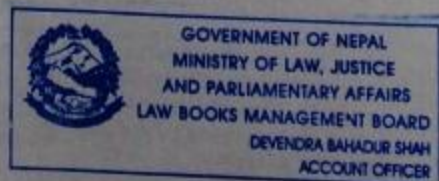
6. **Steering Committee:** (1) There shall be a Steering Committee to act as the central body of the Authority.

(2) The Steering Committee shall be formed as follows:

(a)	Prime Minister	-Chairperson
(b)	Leader of Main Opposition Party of the Legislature-Parliament or one person out of the Deputy Leader, former Prime Ministers, former Speakers, former Deputy Speakers or former members of the Constitutional Council, who are members of the Legislature-Parliament, as designated by him or her	-Member
(c)	Two Ministers designated by the Prime Minister	-Member
(d)	Chief Executive Officer	-Member
(e)	Vice-chairperson of the National Planning Commission	-Member
(f)	Chief Secretary of the Government of Nepal	-Member
(g)	Three persons nominated by the Government of Nepal, on the basis of	



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	inclusive principle, from amongst the experts who have gained at least ten years of experience in the concerned fields including national and international projects, after doing master's degree from any university recognized by the Government of Nepal in infrastructure building and engineering, law, economics, geography, geology, archaeology or development planning	-Member
(h)	Secretary	-Member Secretary

(3) The members under clause (g) of sub-section (2) shall hold their office at the pleasure of the Government of Nepal. If the members are to be removed from office for any reason, they shall be provided with an opportunity to defend themselves.

(4) The facilities of the members under clause (g) of sub-section (2) shall be as specified by the Government of Nepal.

7. **Provisions relating to meeting of the Steering Committee:** (1) The Steering Committee shall meet, as per necessity, at such date, time and venue as specified by the chairperson.

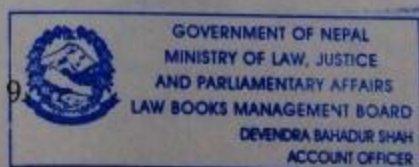
(2) The Secretary shall send a notice of the meeting of the Steering Committee and its agenda to the members generally in advance of twenty-four hours of the time of the meeting.

(3) More than fifty percent of the total number of members of the Steering Committee shall constitute a quorum for its meeting.

(4) The chairperson shall chair the meeting of the Steering Committee.



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(5) A meeting of the Steering Committee shall make decision by a majority of the members present at the meeting, and in the event of a tie, the person chairing the meeting shall exercise the casting vote.

(6) The Steering Committee may, as required, invite any official of the Government of Nepal, representative or expert of any body, organization or institution to its meeting.

(7) The Secretary shall authenticate the decisions of the meetings of the Steering Committee.

(8) The other procedures relating to the meeting of the Steering Committee shall be as determined by the Steering Committee itself.

8. **Functions, duties and powers of the Steering Committee:** The functions, duties and powers of the Steering Committee shall be as follows:

- (a) To approve the policies and plans on reconstruction prepared by the Executive Committee,
- (b) To give directions to the Executive Committee for making the reconstruction work planned and effective,
- (c) To approve the budget of the Authority,
- (d) To approve the organizational structure of the Authority.

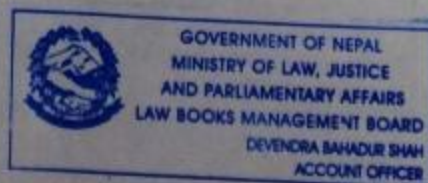
9. **Executive Committee:** There shall be an Executive Committee to exercise and perform, or cause to be exercised and performed, such functions, duties and powers as entrusted to the Authority under this Act.

(2) The Executive Committee shall be formed as follows:

(a)	Chief Executive Officer	-Chairperson
(b)	Secretary at the Office of the Prime Minister and Council of Ministers as designated by the Chief Secretary of the Government of Nepal	-Member



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(c)	Four persons nominated by the Government of Nepal, on the basis of inclusive principle, from amongst the experts who have gained at least ten years of experience in the concerned fields including national, international projects, after doing master's degree from any university recognized by the Government of Nepal in infrastructure building and engineering, law, economics, geography, geology, archaeology or development planning	-Member
(d)	Secretary	-Member Secretary

(3) The members under clause (c) of sub-section (2) shall hold their office at the pleasure of the Government of Nepal. If it is required to remove the members from their office for any reason, they shall be provided with an opportunity to defend themselves.

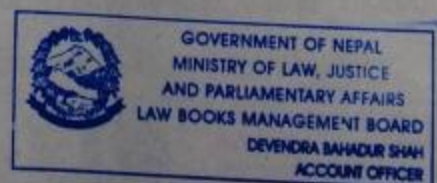
(4) The remuneration and facilities of the members under clause (c) of sub-section (2) shall be as specified by the Government of Nepal.

10. **Provisions relating to meeting of the Executive Committee:**(1) The Executive Committee shall meet as per necessity at such date, time and venue as specified by the chairperson.

(2) The Secretary shall send a notice of the meeting of the Executive Committee and its agenda to the members generally in advance of twenty-four hours of the time of the meeting.



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(3) If more than fifty percent of the total number of members of the Executive Committee are present in a meeting of the Executive Committee, it shall be deemed to constitute a quorum for the meeting.

(4) The chairperson shall chair the meeting of the Executive Committee.

(5) A meeting of the Executive Committee shall make decisions by a majority of the members present at the meeting, and in the event of a tie, the person chairing the meeting shall exercise the casting vote.

(6) The Executive Committee may, as required, invite any official of the Government of Nepal, representative or expert of any body, organization or institution to its meeting.

(7) The Secretary shall authenticate the decisions of the meetings of the Executive Committee.

(8) The other procedures relating to the meeting of the Executive Committee shall be as determined by the Executive Committee itself.

11. **Provisions relating to Chief Executive Officer:** (1) There shall be a Chief Executive Officer to act whole time as the executive chief of the Authority.

(2) The Government of Nepal shall appoint the Chief Executive Officer from amongst the persons who have gained at least fifteen years of experience in the concerned field after having done at least master's degree from any university recognized by the Government of Nepal in administration, management, economics, engineering or development planning.

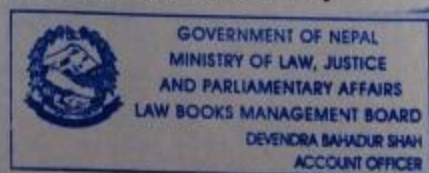
(3) The tenure of the Chief Executive Officer shall be five years after the date of appointment. The Government of Nepal may, as required, extend the tenure of the Chief Executive Officer for a maximum of one year.

(4) Notwithstanding anything contained in sub-section (3), the Government of Nepal may at any time remove the Chief Executive Officer from his or her office if his or her performance is not satisfactory.



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Provided that, prior to such removal from office, he or she shall be provided with an opportunity to defend himself or herself.

(5) If the office of the Chief Executive Officer falls vacant for any reason, the Government of Nepal shall appoint another person to such office for the remainder of tenure from amongst the persons who have the qualification under sub-section (2).

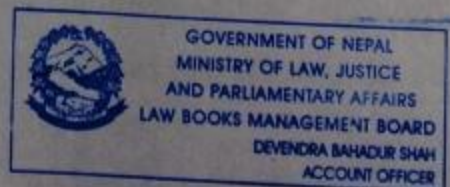
(6) The remuneration, other conditions of service and facilities of the Chief Executive Officer shall be as specified by the Government of Nepal, by a notification in the Nepal Gazette.

12. **Functions, duties and powers of the Chief Executive Officer:** The functions, duties and powers of the Chief Executive Officer shall be as follows:

- (a) To have drafts of the Authority's policies and plans relating to reconstruction prepared and submitted to the Steering Committee for approval,
- (b) To maintain coordination between various bodies in respect of the activities of the Authority,
- (c) To implement, or cause to be implemented, the directions and decisions of the Council and the Steering Committee,
- (d) To enter the house, land owned by any person, prevent the access of any one to such place or remove the obstacle, if any, in the course of the reconstruction or development of settlement,
- (e) To take action, including even removal from office, against any employee appointed to the Authority if he or she fails to perform his or her responsibility,
- (f) To perform, or cause to be performed, such other functions relating to the reconstruction as may be prescribed.



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13. **Secretary of the Authority:**(1) The Government of Nepal shall designate one of the Gazetted Special Class Officers of the Civil Service to act as the Secretary of the Authority.


(2) The functions, duties and powers of the Secretary shall be as follows:

- (a) To act in the capacity of the administrative chief of the Authority,
- (b) To procure, or cause to be procured, such goods and services as may be required for the reconstruction work to be carried out by the Authority,
- (c) To collect such information and details as may be required for the Authority,
- (d) To implement, or cause to be implemented, the decisions as well as directions of the Executive Committee,
- (e) To prepare proposals on matters to be decided by the Executive Committee and submit them to the meeting of the Executive Committee,
- (f) To monitor and inspect, or cause to be monitored and inspected, the programs operated as per the direction of the Executive Committee,
- (g) To perform, or cause to be performed, such other functions as may be prescribed.

14. **Provisions relating to employees:** (1) The Government of Nepal shall provide such employees as may be required for the Authority.

(2) If the Government of Nepal is not in a position to provide required employees as provided in sub-section (1), the Chief Executive Officer may appoint employees of various levels on contract in such manner as prescribed.

(3) The service, conditions and facilities of any employee appointed on contract pursuant to sub-section (2) shall be as specified in the contract.


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(4) The Executive Committee may, as required, procure the service of any expert for the Authority.

(5) The functions, duties, powers, tenure and facilities of any expert who provide service under sub-section (4) shall be as specified by the Executive Committee.

(6) The Executive Committee may provide additional facilities to the employees provided by the Government of Nepal.

15. Reconstruction fund:(1) There shall be a separate reconstruction fund for the Authority.

(2) The following amounts shall be credited to the fund as provided in sub-section (1):

- (a) amounts received from the Government of Nepal,
- (b) amounts received from the Prime Minister Disaster Relief Fund,
- (c) amounts received from any organization, institution or person,
- (d) amounts received from any foreign person, government or international organization, institution in cash or in commodity aid or in form of programs,
- (e) amounts received from any other source.

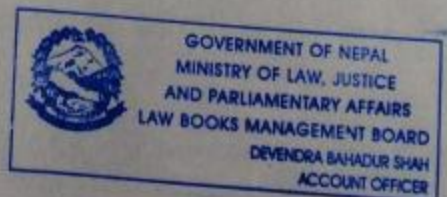
(3) Prior to receiving the amounts under clause (d) of sub-section (2), the Authority shall obtain approval of the Ministry of Finance, in coordination with the Ministry of Foreign Affairs.

(4) The fund under sub-section (1) shall be operated in such manner as specified by the Executive Committee.

(5) Notwithstanding anything contained in the laws in force, amounts held in the reconstruction fund under this Section shall not freeze.



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(6) The amounts in the fund under sub-section (1) shall be spent only for the reconstruction work.

(7) The Authority shall prepare a report of the situation of annual transactions and other accounts of the fund under sub-section (1) and submit it to the Government of Nepal.

16. **To provide funds for administrative expenses:** The Government of Nepal shall annually provide funds required for the administrative expenses of the Authority.

17. **Power to establish offices:** (1) The Authority may, as required, establish its offices to perform, or cause to be performed, the reconstruction work or to supervise, monitor and coordinate, or cause to be supervised, monitored and coordinated, such work.

(2) The functions, duties and powers of the offices established pursuant to sub-section (1) shall be as specified by the Authority.

18. **Organizational structure and number of positions of the Authority:**The number of positions and job description of the employees of the Authority shall be as specified by the Executive Committee, subject to the organized structure and budget ceiling approved by the Steering Committee.

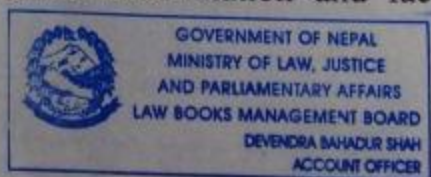
19. **Accounts and audit:**(1) The accounts of incomes and expenditures of the Authority shall be maintained in such form as followed by the Government of Nepal.

(2) The internal audit and the final audit of the fund of the Authority shall be carried out by the Office of Funds and Accounts Controller and the Auditor General, respectively.

20. **Development assistance coordination and facilitation committee:**In order to make reconstruction programs run with development assistance effective and transparent and to monitor, or cause to be monitored, such programs, the Council shall form a development assistance coordination and facilitation



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committee under the convenorship of the Chief Executive Officer, comprising a maximum of eleven members, in such a manner as to have representation of national and international development partners and the civil society, as well.

21. **Power to give direction:**(1) The Authority may, in the course of performing and exercising its functions, duties and powers, give necessary direction to any public body or public employee.

(2) It shall be the duty of the concerned body or employee to comply with the direction given under sub-section (1).

22. **To write for action:**(1) If any public employee fails to comply with any direction given by the Authority pursuant to this Act, the employee shall be deemed to have violated the laws in force relating to his or her conditions of service.

(2) The Authority may write to the concerned body for action against the public employee who fails to comply with a direction given by the Authority.

(3) If a writing is received for action against the chief or employee of any body pursuant to sub-section, the competent authority shall take action against him or her within one month and give information thereof to the Authority.

(4) If any public employee fails to act in accordance with the authority delegated by the Authority pursuant to this Act, the Authority may inquire into the acts done by such employee.

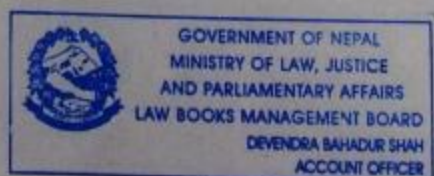
(5) The Authority may, in making inquiry pursuant to sub-section (4), procure the concerned file and also examine the concerned person.

(6) If, in making inquiry pursuant to sub-section (4), any public employee is found to have done any illegal act, the Authority shall write to the concerned body for action against such public employee in accordance with the

laws in force.



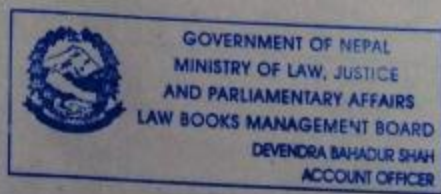
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23. **To conduct public hearing:** The Authority shall conduct a public hearing at least once in six months in order to make its activities effective and transparent.
24. **To publish report:**(1) The Authority shall make public through appropriate means a report including the activities carried out by it and expenditures incurred in the administration and reconstruction in every four months.
- (2) The Authority shall submit an annual report of the activities carried out by it to the Government of Nepal not later than three months of the expiration of a financial year.
- (3) The Government of Nepal shall submit the report received under sub-section (1) to the Legislature-Parliament.
25. **District coordination committee:**(1) There shall be a district coordination committee in each district to coordinate the activities carried out by the Authority in the earthquake affected area.
- (2) The district coordination committee under sub-section (1) shall consist of the Member of Parliament who represents the concerned district to the Legislature-Parliament, the Chief District Officer and Local Development Officer of the concerned district.
- (3) A Member of Parliament, out of the Members of Parliament as provided in sub-section (2), shall be the coordinator of the district coordination committee, according to the Nepali alphabetical order on a rotational basis in every six months.
- (4) The functions, duties and powers of the district coordination committee as provided in sub-section (1) shall be as follows:
- to coordinate the activities carried out by the Authority,
 - to monitor the activities carried out by the Authority,
 - to appraise the activities carried out by the Authority,



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- (d) to make recommendation for action if any district based official or employee related with the functions of the Authority does any act contrary to this Act,
- (e) to perform such other functions as prescribed.

(5) For the purposes of sub-section (4), the district coordination committee may, as required, invite any official of a body, woman and social activist in the district to the committee.

26. **Provisions relating to appeal:** (1) A party who is not satisfied with a decision or order made by the Authority in the performance and exercise of the functions, duties and powers set forth in this Act may make an appeal to the appellate committee as provided in sub-section (2).

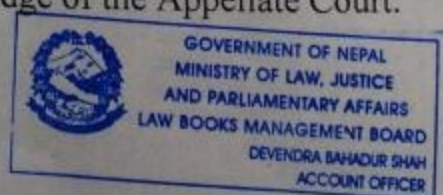
(2) The Government of Nepal shall form an appellate committee as follows to try and settle appeals made pursuant to sub-section (1):

(a)	A Judge designated by the Government of Nepal on recommendation of the Judicial Council from amongst the sitting Judges of the Appellate Court	-Chairperson
(b)	Two persons so appointed by the Government of Nepal as to have representation from amongst the persons who have gained at least fifteen years of experience in the concerned field, after doing at least master's degree from a recognized university in infrastructure, engineering, law, economics, management, economic or social development, archaeology, public procurement or social development	-Member

(3) The facilities of the chairperson and member of the appellate committee shall be equivalent to that of a Judge of the Appellate Court.



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(4) If an inquiry committee formed by the Government of Nepal recommends for the removal of a member appointed under clause (b) of subsection (2) stating that the member is unable to perform the duties of his or her office on ground of his or her misconduct or lack of competency, the Government of Nepal may remove such member from office at any time.

Provided that, prior to such removal from office, he or she shall be provided with an opportunity to defend himself or herself.

(5) The Government of Nepal shall provide such employees as may be required for the appellate committee.

(6) In trying and settling appeals under this Section, the appellate committee shall exercise the same powers as the Appellate Court has under the laws in force.

(7) In trying and settling appeals under this Section, the appellate committee shall follow the procedures as set forth in the Summary Procedure Act, 2028.

(8) A decision or order made by the appellate committee shall be final.

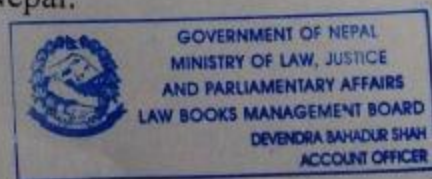
(9) The tenure of the appellate committee shall remain until one year after the date of dissolution of the Authority. The appeals remaining to be settled by the appellate committee within its specified tenure and the related case-files shall be transferred to the Appellate Court having jurisdiction over the seat of the central office of the Authority.

27. **Prevalence of the Act:** The matters set forth herein shall be governed by this Act and the matters not covered by this Act shall be governed by the other laws in force.

28. **Delegation of authority:** The Authority may, as required, delegate some of the powers conferred on it to the Chief Executive Officer, member, Secretary or any body or officer of the Government of Nepal.



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13, 16



29. **Liaison with the Government of Nepal:** In liaising with the Government of Nepal, the Authority shall do through the Office of the Prime Minister and Council of Ministers.
30. **Power to frame rules:** The Government of Nepal may frame necessary rules for the implementation of this Act.
31. **Power to make and enforce guidelines or procedures:** The Authority may, subject to this Act or the rules framed under this Act, may make and enforce necessary guidelines or procedures in order to conduct its business.
32. **Saving:** Expenditures, correspondences, bank account and accounts already made and maintained by the name of the Authority in accordance with the Ordinance Relating to Reconstruction of the Earthquake Affected Structures, 2015 (2072) shall be deemed to have been made and maintained under this Act.
- Date of authentication: 20 December 2015 (2072.9.5)

By order,

Bhesh Raj Sharma

Secretary of the Government of Nepal



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Jan 13, 2016

