

# Private Forests Nationalization Act, 2013 (1957)

## Date of Authentication and Publication

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## Amendment:

Republic Strengthening and Some Nepal

Laws Amendment Act, 2066(2010)<sup>1</sup>

2066.10.7 (21 Jan. 2010)

Act Number 18 of the year 2013 (1957)

.....<sup>2</sup>

## An Act Made To Nationalize Private Forests

**Preamble:** Whereas, it is necessary to nationalize private forests in order to prevent the destroy of national wealth given that forests constitute an essential component of national wealth and to provide for the protection and proper use of forests for the interest of the country and people;

Now, therefore, His Majesty the King has, on the advice of the Council of Ministers, made and issued this Act.

1. **Short title, extension and commencement:** (1) This Act may be called as “Private Forests Nationalization Act, 2013 (1957)”.

(2) It shall come into force at once throughout the State of Nepal.

2. **Determination of private forests:** (1) For the purposes of this Act, private forests shall mean forests in all types of lands being owned and possessed by individuals upon the remission of revenue on the whole or some parts thereof or in any manner prior to the commencement of this Act and include the barren lands within the boundary of the said forests.

<sup>1</sup> This Act came into force on 15 *Jestha* 2065 (28 May 2008).

<sup>2</sup> Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

Provided that,

- (a) Some sporadic trees in some distances in the cultivated lands or fruits garden within or outside house compound and other trees inside the same shall not be considered as forests.
- (b) Trees planted and grown by any person with his or her own efforts in a maximum of Twenty Five *Ropanis* of land in the valley and hills and a maximum of Five *Bigaha* of land in the Terai shall not be considered as forests.

(2) If there arises any question as to whether any land falls in the private forests or not or whether private forests fall in any land or not or as to the borders or area of that forests or whether any forests are private forests or not, that matter shall be decided by the officer designated by the Government of Nepal for that purpose.

(3) A person who is not satisfied with the decision of the officer designated under Sub-section (2) may make an appeal to the Government of Nepal within Thirty Five days; and the right of the forest officer to make such appeal shall also be reserved.

(4) In order to make decision upon the making of such appeal, the Government of Nepal shall form one tribunal chaired by a justice of the Supreme Court or a person qualified to become a justice of the Supreme Court, consisting of two other members nominated by it, and the decision of the tribunal shall be final.

(5) No court shall have powers to hear suits against the decision made pursuant to Sub-section (2) or (4).

3. **Nationalization of private forests:** (1) The ownership of all private forests in the State of Nepal shall devolve on the Government of Nepal after the date of commencement of this Act.

(2) The Act, indenture, authorization or other deed creating the monopoly of any person in the forests shall be repealed after the date of commencement of this Act.

(3) The laws applicable to the government forests shall also apply to the forests devolved on the Government of Nepal pursuant to Sub-section (1) after the date of commencement of this Act.

4. **Effects of contracts concluded with former owners of forests nationalized:** The contracts duly concluded through the Government of Nepal with the former owners of the nationalized forests shall be deemed to have been concluded with the Government of Nepal.
5. **Prohibition on claiming compensation:** No claim for any compensation may be made in relation to the right to the private forests deprived pursuant to this Act.
6. **Power to frame Rules:** The Government of Nepal may frame necessary Rules to implement the objectives of this Act.
7. **Power of the Government of Nepal to remove difficulties:** If there arise any difficulties with the implementation of the Sections of this Act, the Government of Nepal may publish necessary orders in the Gazette in order to remove such difficulties, and each of such orders shall be deemed to be included in this Act.