Act Relating to Land of Jhora Area, 2028 (1971)

Date of Authentication and Publication

2028.6.6 (22 Sept. 1971)

Amendment:

Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010)¹

Act Number 13 of the year 2028 (1971)

An Act Made to Provide for Land of Jhora Area

Preamble: Whereas, it is expedient to timely manage the lands of the Jhora area where deforestation has taken place in Morang, Sunsari and Jhapa districts in order to maintain peace and order and economic interest of the general public;

Now, therefore, His Majesty King Mahendra Bir Bikram Shah dev has, on the advice and with the consent of the National Panchayat, made this Act.

1. Short title, extension and commencement: (1) This Act may be called as "Act Relating to Land of Jhora Area, 2028 (1971)."

(2) It shall extend to the Jhora areas of Morang, Sunsari and Jhapa districts.

(3) It shall come into force in such Jhora area and on such date as may be specified by the Government of Nepal by publishing a notice in the Nepal Gazette.

¹ This Act came into force on 15 Jestha 2065 (28 May 2008).
² Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).
2. **Definitions:** Unless the subject or context otherwise requires, in this Act:

(a) "Jhora area" means the area in which settlement has taken place and which has been cultivated after clearing the forest with authority obtained legally.

(b) "Land-holder" means a person in whose name a land has been registered or who has the authority to register the land pursuant to the prevailing Nepal law.

(c) “Tenant” means a person who has cultivated the land of Jhora area, carried out farming in the land with his or her labor or the labor of his or her family and been residing in that place.

(d) “Prescribed” or “as prescribed” means prescribed or as prescribed in the Rules under this Act.

3. **Termination of title of landholder:** (1) In relation to a land in the Jhora area, where this Act has commenced, which has not been cultivated or tilled by the landholder but by a tenant, all kinds of rights and powers of such a landholder shall be terminated.

   (2) Except where explicitly provided in this Act, even though a person is in a position to obtain the land of Jhora area in any manner by the time of the commencement of this Act, that person shall not be entitled to obtain the land of Jhora area accordingly or the land shall not be registered in his or her name after the commencement of this Act.

   (3) The Government of Nepal shall provide a compensation as prescribed not exceeding five-fold of the amount of land revenue chargeable on that land to a landholder whose title to the land lapses pursuant to Sub-section (1).

   Provided that, no compensation shall be provided to any land yet to be registered pursuant to the prevailing Nepal law.
(4) The landholder shall receive, as prescribed, the amount of compensation receivable pursuant to Sub-section (3) from the prescribed office or organization.

4. **Sale and distribution of land:** (1) The prescribed authority shall sell and distribute, as prescribed, the land of Jhora area to a tenant who has, since at least one year ago resided in and cultivated the land of Jhora area to which this Act applies at the rate of a maximum of four Bigaha of land taking into account of the number of his or her family at such price as prescribed, as prescribed.

   (2) The prescribed authority shall sell and distribute, as prescribed, the land remaining upon the sale and distribution made pursuant to Sub-section (1) to the prescribed persons at the prescribed price.

5. **Registration of land:** (1) The prescribed authority shall register as prescribed the land sold and distributed pursuant to Section 4 in the register in the name of the person who has obtained it and send a certified copy thereof to the concerned land revenue office or land administration office in a district where the land revenue office is not situated.

   (2) Upon receipt of the certified copy of the register pursuant to Sub-section (1), the concerned land revenue office or land administration office shall register the land in the name of the person who has obtained it, as a landholder.

6. **Terms to be observed by person obtaining land:** A person who obtains the land pursuant to Section 4 shall observe the following terms:

   (a) To pay the prescribed price of the land, in case in lump sum or installments, to the prescribed office in the prescribed time.

   Provided that, nothing contained in this Section shall be deemed to bar the paying by any person of the whole amount to
be paid by that person or installments of amount more than that before the prescribed time.

(b) Unless and until the whole amount of the land as required to be paid is paid, the land obtained pursuant to Section 4 shall not be sold, disposed of or title to which shall not be transferred in any many including sale, disposal, donation and gift and such land shall not be mortgaged to any person other than the Agricultural Development Bank or a body established by law for disbursing loans to farmers or the prescribed administrator.

(c) The land revenue chargeable on the land pursuant to the prevailing law shall be payable from the year of registration of the land.

7. **Procedures and powers of special court to be followed and exercised:** The prescribed authority shall follow and exercise the procedures and powers of the Special Court Act, 2059 (2002) in relation of cases arisen while doing acts under this Act.

8. **Punishment:** (1) If any person obtains the land showing false details or violates any matter set forth in Section 6, the prescribed authority may forfeit the land obtained by that person and the amount paid to obtain the land.

   (2) If any person obstructs in the taking of any action under this Act, the prescribed authority may punish such a person with a fine of up to one thousand rupees or imprisonment for a term not exceeding One year or with both.

9. **Complaint or appeal not to be entertained:** No law suit, complaint or appeal shall lie against any action or decision taken by the prescribed authority pursuant to this Act or the rules framed under this Act.

   Provided that, if a complaint is made against such a decision of the prescribed authority, the Government of Nepal may revise the same.
10. **Power to frame Rules:** The Government of Nepal may frame Rules to implement the objectives of this Act.

11. **Saving:** The matters contained in this Act and the Rules framed under this Act shall be governed by the same, and the other matters shall be governed by the prevailing Nepal law.