

**Act Prohibiting the Charging and Taking of Amount
(*Bhatti Charsa* etc.) by *Birta*-holder on
Birta , 2015 (1958)**

Date of Royal Assent

2015.8.11(26 Nov. 1958)

Date of Publication in Nepal Gazette

2015.8.18(2 Dec. 1958)

Amendments:

Date of Royal Assent and Publication

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| 1. | Judicial Administration Reforms (Fourth Amendment) Act, 2043(1986) | 2043.7.24(10 Nov. 1986) |
| 2. | Administration of Justice Act, 2048(1991) | 2048.2.16(30 May 1991) |

**Date of Authentication
and Publication**

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| 3. ¹ | Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010) | 2066.10.7(21 Jan. 2010) |
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Act Number 19 of the year 2015(1958)

**An Act Made to Prohibit the Charging and Taking of
Amount (*Bhatti Charsa* etc.) by *Birta*-holder on *Birta***

Preamble: Whereas, it is expedient to make provisions prohibiting the charging and taking of amount by the *Birta*-holders except the crops of *Birta* lands;

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

- 1. Short title, extent and commencement:** (1) This Act may be called as “Act Prohibiting the Charging and Taking of Amount (*Bhatti Charsa* etc.) by *Birta* -holder on *Birta* , 2015(1958)”.

(2) It shall come into force throughout Nepal.

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

(3) It shall come into force immediately.

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

- (a) "*Birta* " means any kind of land that is wholly or partly exempt from the land revenue.
- (b) "*Birta*-holder" means the owner of land as referred to in clause (a) who is exempted from the land revenue.
- (c) "Crops" means:
 - (1) the crop rent payable by the cultivator of the *Birta* land to the *Birta*-holder, or
 - (2) where the *Birta* -holder himself or herself has cultivated the land , the crops grown in the land.
- (d) "Amount" means *Bhatti*, *Charsa* and similar other amount.

3. Prohibition on charging and taking by *Birta* -holders on *Birta* :

(1) No *Birta* -holder shall charge or arrange and take any kind of amount on *Birta* except the crops of the *Birta* land with effect from financial year 2011-2012 (1954-1955). Provided that, the *Birta*-holders shall be entitled to Sixty Five percent of the amount from financial year 2011-2012 (1954-1955) to financial year 2012-2013 (1955-1956).

(2) The amount that is not allowed to be taken by the *Birta*-holders pursuant to Sub-section (1) or income from the amount shall devolve on the Government of Nepal, and the Government of Nepal shall arrange for or recover the amount.

Provided that, in the case of the amount already arranged and taken by the *Birta* -holders prior to the arrangement or recovery by the Government of Nepal, the *Birta* -holders shall pay Thirty Five percent of such amount until financial year 2012-2013(1955-1956) and the whole

income from financial year 2013-2014(1956-1957.) to the Government of Nepal within the time-limit specified by the order.

4. **Transfer of immature contract to Government of Nepal:** If the last date of a contract previously arranged by a *Birta*-holder has not expired by the date of the commencement of this Act, such a contract shall be transferred to the Government of Nepal.

Provided that, if it appears or is proved that the contract has not been duly made or if the period of the contract has been so specified as to exceed Three years, such a contract shall not be valid.

5. **Punishment:** A person who shows a contract prior to the commencement of this Act in a false manner or falsifies the date or figure of such a contract or otherwise causes any act resulting in a loss to the Government of Nepal makes an attempt to commit such an act or who does not pay the income pursuant to Section 3 shall be liable to the punishment of a fine equal to the amount in controversy or of imprisonment for a term not exceeding One year or with both, and the governmental amount in controversy shall also be recovered from such a person.
6. **Case trying authority:** (1) If there arises any matter relating to amount under this Act, the Chief District Officer² shall take summary action and make decision on the matter related with the Government of Nepal.

(2) The Chief District Officer³ shall have all such powers as the court may have in relation to the action as referred to in Sub-section (1).

(3) No question may be raised in the court in respect of any matter related with the Government of Nepal pursuant to Sub-section (1).

² Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

³ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

- ⁴⁷. **Appeal:** A person who is not satisfied with a decision made by the Chief District Officer⁵ pursuant to this Act may make an appeal to the Court of Appeal⁶.
8. **Cancellation, and no claim for compensation:** If there is any order, deed entitling any person to charge and take any amount in relation to the amounts under this Act, such order, deed shall be deemed invalid after financial year 2011-2012(1954-1955), and no claim may be made for any compensation where the amount has become governmental.
9. **Power to remove difficulties:** If there arises any difficulty with the implementation of this Act, the Government of Nepal may issue necessary order by publishing a notice in the Nepal Gazette to remove such a difficulty, and each such order shall be deemed as if it were included in this Act.
10. **Power to frame Rules:** The Government of Nepal may frame Rules to implement the objectives of this Act.
11. **In cases of matters not mentioned in this Act and the Rules framed hereunder:** 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 law.

⁴ Amended by Judicial Administration Reforms (Fourth Amendment) Act, 2043(1986).

⁵ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

⁶ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).