

Jhora Area Land Act, 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

2066.10.7 (21 Jan., 2010)

Act Number 13 of 2028 (1971)

An Act Enacted to Make Arrangements Relating to Land in *Jhora*

Areas

Preamble: Whereas, it is expedient to make timely arrangements regarding reclaimed *Jhora* Land in Morang, Sunsari and Jhapa districts in order to maintain peace and order and insure the economic interests of the general people,

Now therefore, be it enacted by His Majesty King Mahendra Bir Bikram Shah Dev, on the advice and with the consent of the *Rastriya Panchayat*.

1. **Short Title, Extent and Commencement:** (1) This Act may be called the "*Jhora* Area Land Act, 2028 (1971)".

(2) This Act shall be commenced on the *Jhora* land of Morang, Sunsari and Jhapa districts.

(3) This Act shall be commenced to such prescribed *Jhora* Land on such dates as prescribed by the Government of Nepal by a Notification in the Nepal Gazette.²

¹ This Act came into force on 15 *Jestha* 2065, "*Prasasti*" and the word "Kingdom" has been deleted.

² Date and place of commencement of Act:

(a) By a Notification of 2028.7.29 of Nepal Gazette, the Act commenced in the *Jhora* Land of Morang, Sunsari and Jhapa districts from 2028.8.1.

2. Definitions: Unless otherwise meant with reference to the subject or context, in this Act,

- (a) "*Jhora Area*" means settled area of cleared (*Phadani*) forest as authorised by the law.
- (b) "Landowner" means a person in whose name lands have been registered or who has the right to register land in his/her name pursuant to the prevailing Nepal Law.
- (c) "Cultivator/peasant (*Raiti*)" means a person who has settled down on land situated in the *Jhora* land and who is cultivating such lands through his/her own labour or the labour of his/her family.
- (d) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under the Act.

3. Title of Landowners to Lapse: (1) All rights and titles of any lands within *Jhora* areas where this Act came into force shall lapse, in case such land is not cultivated by him/her and cultivated through tenants.

(2) Except otherwise explicitly provided for in this Act, irrespective of whether any decision has already been made to allot land within *Jhora* area to any person before the commencement of this Act, no such land shall be obtained by or registered in his/her name through to such decision after the commencement of this Act.

(3) The landowner, whose title to the land is lapsed pursuant to Sub-section (1), shall be paid not exceeding Five times of the amount of the land revenue payable thereon as compensation.

Provided that, no compensation shall be paid for any land which has not already been registered pursuant to the prevailing Nepal Law.

(b) By a Notification of 2034.10.5 of Nepal Gazette, the Act commenced in the mentioned areas of Sunsari district from 2034.10.5

(4) The amount of compensation payable to the landowner pursuant to Sub-section (3) shall be obtained from the prescribed office or agency in the prescribed manner.

4. **Sale and Distribution of Land:** (1) Land within *Jhora* area, where this Act came into force, shall be sold by the prescribed authority to peasants who have settled down there and who have been cultivating such land, for a period of at least One year, at the rate of a maximum of Four *Bighas* each, with due consideration to the size of the family of each peasant.

(2) Lands left over after sale or distribution pursuant to Sub-section (1) shall be sold or distributed by the prescribed authority to the prescribed persons at the prescribed price and in the prescribed manner.

5. **Registration of Land:** (1) The prescribed authority shall register the land, so distributed pursuant to Section 4 in the name of those persons to whom it has been sold in the prescribed manner; and forward a certified copy of such register to the concerned Land Revenue Office or to the Land Administration Office in areas where Land Revenue Office does not exist.

(2) On receipt of the certified copy of the register pursuant to Sub-section (1), the concerned Land Revenue Office or the Land Administration Office shall register such land in the name of such person (allottee) as a landowner.

6. **Conditions to be fulfilled by Allottee:** A person who obtains land pursuant to Section 4 shall comply with the following terms and conditions:

- (a) To pay the stipulated price of the land in a lump sum or in installments in cash at the prescribed time and office.

Provided that, this provision shall not be deemed to have affected the right of any person to pay the amount due in full or in One or more installments before the stipulated time-limit.

- (b) Not to relinquish possession thereof through sale, gift, donation, or otherwise, or mortgage it to any person other than the Agricultural Development Bank or any other institution which supplies credit to peasants and has been established according to law, or to the prescribed administration until the full price of land is paid pursuant to Section 4.
- (c) To pay land tax payable from the year of registration on such land according to prevailing Nepal Law.

7. Power to Adopt the Procedures and Exercise the Powers of a

Special Court: In relation to cases arising in the course of actions taken pursuant to this Act, the prescribed authority shall adopt the procedure and exercise the powers as referred to in Special Court Act, 2059.

8. Penalties: (1) In case any person obtains lands on the basis of false particulars, or contravenes any of the provisions of Section 6, the prescribed authority may confiscate the lands obtained by him/her and forfeit the amount paid by him/her while obtaining such lands.

(2) In case any person creates any obstruction in the course of action being taken pursuant to this Act, the prescribed authority may punish with a fine not exceeding One Thousand Rupees, or with imprisonment upto One year or with both.

9. Complaints or Appeal not to be entertained: No suit, complaint or appeal shall be filed against any action taken or decision make by the prescribed authority pursuant to this Act or the Rules framed hereunder shall be entertained.

Provided that, if any complaint is filed against the prescribed authority, Government of Nepal may review such decision.

10. **Power to frame Rules**: Government of Nepal may frame Rules for the purpose of implementing the objectives of this Act.
11. **Saving**: In matters provided for in this Act and the Rules framed hereunder, action shall be taken accordingly and in other matters action shall be taken in accordance with prevailing Nepal Law.

NEPAL LAW COMMISSION