

Ukhada Act, 2021 (1964)

Date of Authentication and Publication

2021.6.17(2 Oct. 1964)

Amendments:

1. Act Relating to *Ukhada* (First Amendment), 2022(1965) 2022.3.30 (14 July 1965)
2. Act Relating to *Ukhada* (Second Amendment), 2024(1967) 2024.7.6 (23 Oct. 1967)
3. Judicial Administration Reforms Act, 2031(1974) 2031.4.18(2 Aug. 1974)
4. Special Court Act, 2031(1974) 2031.6.20(6 Oct. 1974)
5. Judicial Administration Reforms (First Amendment) Act, 2033(1976) 2033.4.10(25 July 1976)
6. Act Relating to *Ukhada* (Third Amendment), 2042(1985) 2042.6.9(25 Sept. 1985)
7. Act Relating to *Ukhada* (Fourth Amendment), 2044(1987) 2044.5.14(30 Aug. 1987)
8. The Administration of Justice Act, 2048(1991) 2048.2.16(30 May 1991)
- 9¹. The Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010) 2066.10.7(21 Jan. 2010)

Act Number 16 of the year 2021 (1964)

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Preamble: Whereas, it is expedient to make some legal provisions relating to *Ukhada*;

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 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).

1. **Short title, extension and commencement:** (1) This Act may be called as “Act Relating to *Ukhada*, 2021 (1964)”.
 - (2) It shall come into force in Nawalparasi, Rupandehi and Kapilvastu (Palhi Majhkhand, Shivaraj and Taulihawa)
 - (3) It shall come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:
 - (a) "Landowner" means a person who has to pay the land revenue to the Government of Nepal because of the registration of land in his or her name or his or her entitlement to the land.
 - (b) "Peasant" means a peasant who has been registered as a peasant tilling the *Ukhada* land or who has been tilling the *Ukhada* land pursuant to the bidding made with the landowner. Provided, however, that does not mean a person who tills the land on *Hunda*, *Mankhap*, equal sharing, *Bataiya* basis.
 - (c) "Rent" means the money payable by a peasant to the landowner in consideration for letting the *Ukhada* land for tilling.
 - (d) "*Ukhada* land" means the land having been cultivated by a peasant in a manner to pay the rent in cash to the landowner pursuant to the bidding made with the landowner.
 - (e) “As prescribed” or “as prescribed” means prescribed or as prescribed in the Rules framed under this Act.

3. **Registration of land in the name of peasant:** The right of the landowner to the *Ukhada* land being cultivated by a peasant in a manner to pay the rent to the landowner at the commencement of this Act, and such land shall be registered in the perfect (*Numbari*) land in the name of the peasant in such manner as prescribed.

Provided that,

- (1)³ If the peasant is a foreign citizen or is later held to be a foreign citizen, the *Ukhada* land tilled by him or her shall be registered in the name of the Government of Nepal, and the Government of Nepal may sell and distribute such land to landless squatters who are citizens of Nepal, on any terms and conditions. If the landowner has not got any compensation out of the compensation receivable by the landowner in relation to such land pursuant to this Act, all such compensation and the remaining amount to be set by deducting compensation already received from the peasant to the landowner in lump sum or in five equal installments.
- (2) If the peasant does not pay the amount of compensation required to be paid in lump sum or for the first installation in accordance with proviso (b) to Sub-section (1) of Section 4, the land shall not be registered in his or her name.

4. **Compensation:** In relation to the land to be registered in the name of a peasant pursuant to Section 3, the concerned peasant shall pay the amount to be set by ten-fold of the land revenue of the land to the concerned landowner as a compensation in lump sum or in five equal installments within Five years after the date of the registration of land.

Provided that,

- (a) Where the peasant has undertaken to pay the amount of compensation in lump sum, the lump

³ Amended by the First Amendment.

sum amount and the amount of first installment where undertaken has been made to pay in installments shall have to be paid until the registration of the land in his or her name and each installment thereafter shall have to be kept on being paid within One year of the date of payment of the previous installment.

- (b) The peasant may pay any installment at any time prior to the time-limit by which it has to be paid.

(2) If the landowner does not receive the amount of compensation tendered for payment by the peasant, the peasant may make a deposit of the amount within the land revenue office of the area within Fifteen days after the date of expiration of the time-limit, and if the peasant so makes a deposit accordingly, the land revenue office shall receive the same and give a receipt thereof to him or her.

(3) If the peasant makes a deposit under Sub-section (2), it shall be deemed as if he or she paid the amount of compensation to the landowner.

(4) If the peasant makes a deposit of the amount of compensation pursuant to Sub-section (2), the land revenue office shall give a notice thereof to the landowner. If the landowner appears to receive the amount within Thirty Five days of the date of receipt of notice, the land revenue office shall pay such amount to the landowner. If the landowner does not appear to receive the amount within the said time-limit, the amount shall devolve on the Government of Nepal.

(5) In the event of failure to pay the other installments required to be paid pursuant to Sub-section (1), except the first installment, within the time-limit, the concerned land revenue office shall, in accordance with the prevailing Nepal laws, make auction sale of the land registered

in the name of the peasant in accordance with Section 3, and the landowner shall get the moneys recovered from the auction sale so made.

5. Procedures relating to registration of land: (1) Upon the commencement of this Act, the following details shall be submitted by the landowner in relation to the land let by him or her for tilling and by the peasant in relation to the land being tilled by him or her, accompanied by the originals or duly made duplicate copies of the evidence whatsoever with him or her to the prescribed authority within the time-limit specified by the prescribed authority, and where the peasant has not got a receipt or evidence of other deed, he or she has also to set out the reason for the same in the details:

- (a) Name, surname, address and citizenship of the landowner and the peasant,
- (b) District, area or place where the land is situated, and
- (c) Borders of the land, area of land indicating *Bigaha*, *Kattha* and *Dhur*, as well.

(2) If, only one party, out of the landowner and the peasant, submits the details as referred to in Sub-section (1), the prescribed authority shall publish a notice, as prescribed, setting out all contents of the details within Seven days after the expiration of the time-limit of the said Sub-section.

(3) If any one party, out of the landowner and the peasant, does not submit the details required to be submitted pursuant to Sub-section (1) even within Fifteen days after the date of publication of the notice pursuant to Sub-section (2), the details submitted by the other party shall be an irrefutable evidence against the party failing to submit the details,

and thereafter, no complaint or claim by the party failing to submit the details shall lie on the ground that the details submitted are false or any evidence relating thereto is fraud or forged.

Provided that, if a complaint is made that the peasant was not allowed by the landowner, by showing fear, terror or doing any kind of coercion, to submit the details and that matter is proved, nothing contained in this Section shall apply.

(4) A person who is not satisfied with any contents of the notice published pursuant to Sub-section (2) may make a complaint, accompanied by the evidence whatever he or she has, with the prescribed authority within Twenty One days after the date of publication of the notice, and if there arises any dispute relating the right or entitlement to any land, the prescribed authority shall send the concerned case-file documents, along with the evidence received pursuant to this Sub-section and Sub-section (1) to the court specified by the Government of Nepal pursuant to Section 7, for justice.

Provided that, if a person required to submit the details pursuant to Sub-section (1) fails to submit the details within the time-limit specified in Sub-section (3), the person shall not be allowed to make a complaint pursuant to this Sub-section.

6. Punishments: (1) If, in submitting the details pursuant to Section 5, any party deliberately submits false details or fake evidence in a manner to aggrieve the other party, that party may be liable to the punishment of a fine not exceeding One Thousand Rupees or imprisonment for a term not exceeding Three months or both punishments.

(2) If a person causes any obstruction hindering any competent authority who is intending to take any action pursuant to this Act or entices any one to take such action, the person causing obstruction or making incitement may, by the order of the prescribed authority, be

liable to the punishment of a fine not exceeding Five Hundred Rupees or imprisonment for a term not exceeding One month or both punishments.

(3) If any party fails to submit the details required to be submitted pursuant to Section 5 in relation any land within the time-limit referred to in that Section, the right of both the landowner and the peasant in relation such land shall terminate and devolve on the Government of Nepal, and the Government of Nepal may again manage the land in any manner.

7.⁴ **Action on cases:** The prescribed court shall take action on and settle the cases as referred to in Sub-section (4) of Section 5 and Section 9.

8.⁵ **Action and appeal:** (1) The court prescribed pursuant to Section 7 and the authority prescribed pursuant to Sub-section (2) of Section 6 may take action by following the procedures under the Special Court Act, 2059 (2002), form mobile benches, as required, in cases and carry out, or cause to be carried out, public inquiries, in presence of the member of the Village Development Committee or Municipality,⁶ in accordance with the prevailing laws.

Provided that, the prescribed authority shall not have the power to hold the accused in detention in the course of trial.

(2) Appeal shall be made to the prescribed court against any order made by the authority prescribed under Sub-section (2) of Section 6.

(3) Appeal shall be made to the Court of Appeal⁷ against the punishment made by the court prescribed under Sub-section (1) of Section 6 under Sub-section (2).

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⁴ Amended by Second Amendment.

⁵ Amended by Second Amendment.

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

⁷ Amended by Administration of Justice Act, 2048(1991).

8A.⁹ Special provision: (1) If a person who intends to have revived and taken action on any case which has been dismissed as a result of the expiration of the time-limit, due date for making presence by the concerned party in the prescribed court in relation to the registration of *Ukhada* land or which has been terminated or held in stay because of failure to submit the citizenship certificate or which has been terminated or held in stay also in the case of the other party because of the expiration of the time-limit, due date for making presence by one party, prior to the commencement of this Section, makes an application to the prescribed court within the time-limit specified by the Government of Nepal by publishing a notice in the Nepal Gazette,¹⁰ the prescribed court may revive and take action on and settle the case so dismissed or terminated or held in stay.

(2) Where the *Ukhada* land could not be registered by the reason of the failure to submit the details as referred to in Sub-section (1) of Section 5 within the time-limit, the prescribed court may specify the time-limit and take action on the registration of the *Ukhada* land also on the basis of the details as referred to in Sub-section (1) of Section 5, if received, within that time-limit.

(3) Appeal may be made to the prescribed court against a judgment made in relation to the registration of the *Ukhada* land prior to the commencement of this Section, within the time-limit specified by the Government of Nepal by publishing a notice in the Nepal Gazette¹¹.

9. Transfer of cases, suits yet to be settled: The cases and suits relating to the right, title of the peasants and landowners to the *Ukhada* land, which were filed in any courts, offices or authorities, other than the Supreme Court, but not yet settled prior to the commencement of this

⁸ Proviso deleted by Administration of Justice Act, 2048(1991).

⁹ Inserted by Third Amendment.

¹⁰ Amended by Fourth Amendment.

¹¹ Amended by Fourth Amendment.

Act shall be transferred to the prescribed court formed under Section 7, after the commencement of this Act, and such cases and suits shall be tried and settled by the prescribed court¹².

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 hereunder shall be governed accordingly, and the other matters shall be governed by the prevailing Nepal laws.

NEPAL LAW COMMISSION

¹² Amended by Second Amendment.