

NEPAL RECORDER  
Year 13, No. 42

Kathmandu : November 30, 1989

not meant for public sale. Reproduction in any form without permission strictly prohibited).

Ministry of Law and Justice

Nepal Rajapatra, Vol. 39, No. 37 (E), Kartik 11, 2046  
(October 27, 1989).

Land (Survey and Measurement) (Sixth Amendment) Act, 1989

Preamble

Whereas it is expedient to amend the 1963 Land (Survey and Measurement) Act, now therefore, His Majesty King Birendra Bir Kram Shah Dev has enacted this law on the advice and with the approval of the National Panchayat.

Short Title and Commencement

- (1) This law may be called the Land (Survey and Measurement) (Sixth Amendment) Act, 1989.
- (2) It shall come into force at once.

Amendment in Section 2 of the 1963 Land (Survey and Measurement) Act.

The following Clauses (a1) and (a2) have been added after Clause (a) in Section 2 of the 1963 Land (Survey and Measurement) Act (hereinafter called the principal act).

- (a1) Survey and Measurement mean the functions of conducting survey and measurement, or fresh survey and measurement, of land and compilation of statistics from concerning landowners and tenants, determining the area and grade of the land and preparing maps and field-books on the basis thereof; the term includes the function of registering the land in the field-book.
- (a2) Registered records means landownership records prepared on the basis of maps and field-books prepared after land survey and measurement in such a manner that the landowner, the tenant, the plot of the land, and its area and grade, are explicitly mentioned.

3. Amendment in Section 3 of the Principal Act

In Section 3 of the principal act:

- (1) The words "in order to determine the area and grade and register (lands)", occurring in Sub-Section (1), have been deleted.
- (2) The term "Survey Goswara", occurring in Sub-Section (4), has been changed to "Napi Goswara" (Survey Office).

4. Amendment in Section 6 of the Principal Act

In Section 6 of the principal act,

- (1) The words "Guthi-controlled lands" occurring in Sub-Section (5), have been deleted, and the words "urban area", occurring in the same Sub-Section, have been changed to "town Panchayat area."
- (2) The restrictive clause contained in Sub-Section (6) has been deleted.
- (3) The following Sub-Section (6a) has been added after Sub-Section (6):
  - (6a) In case any landowner does not present himself or send his representative even within the time-limit prescribed for the second time according to Sub-section (6), the prescribed authority may register his land in the name of the landowner mentioned in the existing registered records in the presence of the Chairman, Vice-Chairman or Ward Chairman of the local Panchayat, two local ward members, and an officer representing the Land Tax Office.
- (4) The following sub-section (9) has been added after Sub-Section (8):
  - (9) In case a fresh survey and measurement is conducted in any place where survey and measurement had already been conducted and registered records prepared under this law, and in case any dispute about the ownership of the land so registered arises between two or more persons, the prescribed authority shall register the land according to the existing records; the provisions of Sub-Section (7) shall not be applicable in this respect.

5. Amendment in Section 7 of the Principal Act

Section 7 of the principal act has been changed as follows:

7. Discrepancy in Area of Land

- (1) In case any excess or shortfall in the recorded area is found while surveying and measuring lands not adjoining any government or public land, the area shall be maintained accordingly in the name of the concerned landowner.

- (2) During the survey and measurement of lands adjoining any government or public lands, action shall be taken according to the document, if any, demarcating the lands of the concerned landowner and the government or public lands. In the absence of any document, the boundaries recommended by the Chairman, Vice-Chairmen, or ward chairman and two among the ward members of the local Panchayat, a representative of the District Office, and two adjoining landowners, shall be determined, and survey and measurement shall be conducted accordingly. The area determined through such survey and measurement shall be maintained in the name of the concerned landowner.
- (3) In places where a fresh survey and measurement has been conducted, in case there is any excess or shortfall in the area of any land while maintaining the area of any government or public land as shown by the previous survey and measurement, the area thus found shall be maintained in the name of the concerned landowner.
- (4) After the registered records according to the area determined through survey and measurement are received at the Land Tax Office, the concerned landowner must pay land taxes according to such records.

6. Amendment in Section 8 of the Principal Act

In Section 8 of the principal act:

- (1) Sub-Section (1) has been amended as follows:
- (1) After survey and measurement operations and preparation of registered records are complete, the prescribed authority shall prepare land-ownership registration certificates as evidence of ownership of the lands mentioned in the registered records, and hand over such certificates to the concerned landowners or their representatives.
- (2) The following Sub-Section (1a) has been added after Sub-Section (1):
- (1a) In case ownership is separate of the ground floor and upper floors, or of the same floor, separate landownership registration certificates shall be prepared for such separately-owned floors, and handed over to the concerned landowners or their representatives.

(3) Sub-Section (4) has been amended as follows:

(4) Government lands and public lands shall be registered in the prescribed manner.

7. Addition of Section 8A in the Principal Act

8A. Registered Records to be Inoperative

After registered records are prepared in places where a fresh survey and measurement has been conducted, the registered records based on the previous survey shall be inoperative from the date prescribed by HMG.

8. Amendment in Section 10 of the Principal Act

The words "urban area", occurring in Sub-Section (2) of Section 10 of the principal act, have been changed to "town Panchayat area."

9. Amendment in Section 11 of the Principal Act

In Section 11 of the principal act:

- (1) The term "Director" occurring in Sub-Section (1), has been changed to "Director-General of the Survey Department."
- (2) The words "records thereof shall be prepared in the prescribed form", occurring in Sub-Section (2), have been changed to "records shall be prepared in the prescribed manner and updated".

10. Amendment in Section 11A of the Principal Act

Section 11A of the principal act has been amended as follows:

11A. Registered Records of Houses and Lands In Town Panchayat Areas and Landownership Registration Certificates

While surveying and measuring lands in town Panchayat areas according to Sub-Section (2) of Section 10, the prescribed authority shall prepare registered records and landownership registration certificates according to the prescribed procedure.

11. Amendment in Section 11B of the Principal Act

The following words have been added at the end of Section 11B of the principal act:

"The functions, duties, and powers of the Committee so formed shall be as prescribed."

12. Conversion

The following terms, wherever they occur in the principal act and the rules framed thereunder, have been converted as follows:

- (1) "Survey or measurement" to "survey and measurement".
- (2) "Registration certificate" to "land-ownership registration certificate".

Royal Seal affixed on  
Kartik 11, 2046  
(October 27, 1989)

\*\*\*\*\*