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Private Forests (Nationalization) Act, 1957*

Whereas forests constitute an important part of the national wealth, and whereas it is expedient to prevent the destruction of national wealth and to nationalize private forests for their adequate protection, maintenance and utilization, so as to ensure the welfare of the country and the people, now therefore, His Majesty has framed and enacted the following law on the advice of the Cabinet.

1. Short Title, Extent, and Commencement

- (1) This law may be called the Private Forest (Nationalization) Act, 1957.
- (2) It shall come into force throughout the Kingdom of Nepal at once.

2. Definition of Private Forests

- (1) For the purposes of this act, private forests include all forests in lands wholly or partly tax-exempt, or on which rights have been acquired by any particular individual in any way, and which are utilized by him prior to the commencement of this act, as well as waste lands within the boundaries of such forests.

Provided:

- (a) Stray trees in the midst of cultivated lands, or orchards situated within residential compounds or elsewhere, and other trees therein, shall not be regarded as forests.
 - (b) In case any person has planted trees and maintained them in plots not exceeding twenty-five ropanis in Kathmandu Valley and the hills, or five bighas in the Tarai, with his own labor, such trees shall not regarded as forests.
- (2) In the event of any dispute as to whether any land constitutes a private forest, or whether any lands is included in any private forest, or whether private forests are included in any land, or regarding demarcation of boundaries or determination of the area of any private forest, the decision shall be made by an officer appointed by His Majesty's Government for this purpose.
 - (3) Any person who is dissatisfied with the decision of the officer appointed under Sub-Section (2) may file an appeal to the government within thirty-five days. The right to file such appeal shall be secure also so far

as the Forest Officer is concerned.

- (4) After such an appeal is filed, His Majesty's Government shall form a special court headed by a Judge of the Supreme Court, or any persons. The decision of the special court shall be final.
- (5) No court shall be empowered to hear appeals against decisions arrived at under Sub-Section (1) or (2).

3. Nationalization of Private Forest

- (1) After the commencement of this act, ownership of all private forests in the whole of the Kingdom of Nepal shall accrue to His Majesty's Government.
- (2) All laws, regulations, orders, or other document providing for the sole rights of any individual in such forests shall be inoperative from the date of commencement of this act.
- (3) All laws, regulations and orders operative in the case of State-owned forests shall also be operative in the case of forests accruing to His Majesty's Government after the commencement of this act under Sub-Section (1).

4. Effect of Contracts Concluded with Former Owners Regarding Nationalized Forests

All contracts concluded through His Majesty's Government according to the prescribed procedure with the former owners of nationalized forests shall be regarded as having been concluded with His Majesty's Government after the commencement of this act.

5. No claims to be Made for Compensation

No claims for compensation shall be made for the confiscation of rights in private forest under this act.

6. Power to Frame Rules

His Majesty's Government may frame rules to implement the purposes of this act.

7. Power of His Majesty's Government to Remove Difficulties

In the event of any difficulty in implementing the provisions of this act, His Majesty's Government may issue necessary orders by notification in the Nepal Rajapatra for its removal, and every such order shall be regarded as a part of this act.