

Lands (Survey and Measurement) Rules, 1975History

- January 1, 1967. First promulgated. Nepal Rajapatra, Vol. 16, No. 43 (Extraordinary), Poush 17, 2023 (January 1, 1967).
- September 1, 1975. New rules promulgated. Nepal Rajapatra, Vol. 25, No. 21, Bhadra 11, 2032 (September 1, 1975).
- January 5, 1976. First amendment. Nepal Rajapatra, Vol. 25, No. 38, Poush 21, 2032 (January 5, 1976).
- March 22, 1976. Second amendment. Nepal Rajapatra, Vol. 25, No. 49, Chaitra 9, 2032 (March 22, 1976).
- May 9, 1977. Third amendment. Nepal Rajapatra, Vol. 27, No. 4, Baisakh 27, 2034 (May 9, 1977).
- April 2, 1981. Fourth amendment. Nepal Rajapatra, Vol. 30, No. 73A (Extraordinary); Chaitra 20, 2037 (April 2, 1981).

Consolidated Text

His Majesty's Government has framed these rules in exercise of the power conferred by Section 14 of the 1963 Lands (Survey and Measurement) Act.

1. Short Title and Commencement

- (1) These rules may be called the 1975 Lands (Survey and Measurement) Rules.
- (2) These rules shall come into force at once.

2. Definitions

Unless otherwise meant with reference to the subject or context, in these rules,

- (a) Act means the 1963 Lands (Survey and Measurement) Act.
- (b) Director means the Director-General of the Survey Department of His Majesty's Government.

- (c) Survey Officer means the chief of the Central Survey Office (Napi Goshwara) under the Survey Department which surveys and measures all categories of lands, the Chief Survey Officer, or a Survey Officer.
- (c1) Resettlement Officer means the chief of a Resettlement Office under the Department of Resettlement.
- (d) Chief of survey team means the chief of the survey team conducting survey operations under the supervision of the survey officer.
- (e) Survey Inspector means the person inspecting the work of surveyors in the team under the supervision of the chief of the survey team.
- (f) Surveyor means a surveyor who surveys and measures lands under the control of the chief of a survey team.
- (g) Survey team means the local team of the Survey Department, which visits areas specified in the order issued under Sub-Section (1) of Section 3 of the act, and surveys and measures lands under the act and these rules.

### 3. Authority Measuring, Surveying and Registering Lands

- (1) For the purpose of Sub-Section (2) of Section 3 of the act, the authority surveying or measuring lands, determining the area thereof, and registering the same in the field-book, except when a dispute over ownership rights has arisen, shall be the surveyor (Amin) of the Survey Team.
- (2) For the purposes of Sub-Section (2) of Section 3 and Sub-Section (1) of Section 10 of the act, the authority determining the grade of lands shall be the Inspector of the Survey Team. The Survey Inspector shall determine the grade of lands in consultation with the Surveyor (Amin) of the Survey Team, the Ward Chairman of the appropriate Panchayat, the concerned landowner, and the tenant.

Provided that in areas where resettlement operations under the Department of Resettlement are underway, the authority determining the grade of lands and performing other functions in circumstances prescribed by the Department of Survey shall be the Resettlement Officer.

• Determination of Units of Area in Case of Shortfall in Bigha or Ropani

In case the area of any land is found to be less than one bigha or one ropani in the course of operations under Clause (d) of Section 4 of the act, units of area of such lands shall be determined as follows :

- (1) If the area is less than one bigha, one bigha shall be divided into twenty Katthas, one Kattha into twenty dhurs, and one dhur into four Kanuwas. Areas measuring half a Kanuwa or more shall be deemed to be one Kanuwa, and areas measuring less than half a Kanuwa shall be ignored.
- (2) If the area is less than one ropani, one ropani shall be divided into sixteen annas and one anna into four paise, and one paise into four dams. Areas measuring half a dam or more shall be calculated as one dam, and areas measuring less than one dam shall be ignored.

5. Demarcation of Boundaries of Panchayat or Panchayat Wards

- (1) In case it becomes necessary to demarcate the boundaries of any Panchayat or Panchayat Ward, the chief of the survey team shall publish a notification to that effect at the headquarters of the survey team and direct the presence of a representative of the appropriate Panchayat on the prescribed day, and forward a copy of such notification to the Panchayat.
- (2) The chief of the survey team shall demarcate the boundaries of the Panchayat or its wards as indicated by the Panchayat representative who is present under Sub-Rule (1), provided that,
  - (a) If any boundary dispute arises while demarcating the boundaries of two or more zones, districts, town or village Panchayats, or Panchayat Wards, under Section 5 of the act, boundaries shall be demarcated according to the decision of the commissioners of the zones involved in the dispute, of the appropriate commissioner if the boundary dispute is between two or more districts within the same zone, and of the Chief District Officer if it is between two or more town or village Panchayats or Panchayat Wards.
  - (b) The authority mentioned in Clause (a) shall settle the dispute within thirty-five days if it is between two or more zones or districts, and within fifteen days if it is between two or more Panchayats or Panchayat Wards.

## 6. Lands to be Surveyed After Issuing Notices

- (1) After demarcating the boundaries of a Panchayat or of a Panchayat Ward under Rule 5, the chief of the survey team shall issue a notification according to the specimen form indicated in Schedule 1, announcing that lands are being surveyed and measured.
- (2) On the day fixed for surveys and measurement of lands according to the notice issued under Sub-Rule (1), the landowner or his representative, the tenant, and owners of adjoining lands shall be present at the headquarters of the survey team with evidence of title to or possession of lands, and the local Jimidar, Patuwari and a representative of the Panchayat shall do so with records of lands located within the appropriate Panchayat. They shall be present during the survey and measurement of lands, visit and show the boundaries of lands, and have surveys conducted.
- (3) The chief of the Survey Team shall make arrangements for the survey and measurement of lands in the presence of persons who are present according to Sub-Rule (2), and the concerned surveyor (Amin) shall publish a notification according to Schedule 1A every seven days in respect to lands measured during the week, and, subject to Sub-Section (5) and Sub-Section (5b) of Section 6 of the act, check the documentary evidence of lands that have been measured, and record such lands in the name of the concerned person in the field book at the place where the Survey Team has established its camp in the form indicated in Schedule 2 for lands in areas other than urban, in Schedule 2A for lands in urban areas, and in Schedule 2B for lands in respect to which ownership is divided for the ground and first floor, or for the same floor.

Provided that any person who is not satisfied with the notification published according to Schedule 1A shall file a petition to the chief of the concerned Survey Team in the form indicated in Schedule 1C within seven days after the publication of such notification. The chief of the concerned Survey Team shall take a decision on such petitions within fifteen days.

## 7. Authority Empowered to Register Untaxed Lands or to Impose Fines

- (1) In case any complaint is filed while registering under Sub-Section (5) of Section 6 of the act, any land which has been in actual possession and cultivation without any documentary evidence for a long time past, which has not been registered, and on which no tax has been assessed, a committee consisting of the following persons belonging to the concerned district shall be formed to take a decision on such application :

- (a) Chief District Officer ... Chairman
- (b) Chief of Revenue Office  
or Land Tax Office ... Member
- (c) A representative of the  
District Panchayat ... do.
- (d) Chief Survey Officer or  
Survey Officer ... Member-Secretary.
- (2) The quorum of the committee mentioned in Sub-Rule (1) shall be deemed to have been fulfilled if two members are present.
- (3) The notice to be issued for the second time under Sub-Section (6), which shall be in the form indicated in Schedule 1B, shall indicate the plot numbers of plots which remain to be registered. Any person aggrieved by the notice shall submit a petition according to the form indicated in Schedule 1C to the chief of the survey team within seven days from the date of publication of such notice.
- (4) The authority empowered to impose fines under Sub-Section (6) of Section 6 of the act shall be the chief of the survey team.
- (5) The Survey Officer shall be the authority empowered to make decisions if a dispute regarding ownership rights arises between two or more persons under Sub-Section (7) of Section 6 of the act.
- (6) The Survey Officer shall be the authority empowered to take action in respect to lands on which no case has been filed at the court, but which is recorded as disputed in the records under Sub-Section (8) of Section 6 of the act; and he shall send an advance notice of fifteen days to the concerned parties while taking action in respect to such lands.
- Provided that in a district where the Survey Office (Nani Goswara) has already left, the authority empowered to take such action shall be the chief of the Revenue Office or the Land Tax Office.
- (7) For the purpose of Sub-Section (5a) of Section 6 of the act, the authority registering houses and compounds shall be the Survey Officer.

### 8. Issue of Landownership Registration Certificates

- (1) On the completion of survey and measurement of lands, and of registration thereof, according to Sub-Section (1) of Section 8 of the act, the Survey Officer, or where there is no Survey Officer,

the chief of the Revenue Office or the Land Tax Office, shall prepare landownership registers and landownership registration certificates on the basis of the field-book, affix his signature thereon, and then issue the landownership registration certificates to the concerned landowners or their representatives.

- (2) The form of the landownership register and the landownership registration certificate mentioned in Sub-Rule (1) shall be as follows for the following purposes :
- (a) Schedules 3 and 4 for areas other than urban areas.
  - (b) Schedules 3A and 4A for urban areas.
  - (c) Schedules 3B and 4B for lands in respect to which ownership is divided for the ground and first floors, or for the same floor.
  - (d) Schedules 3C and 4C for lands allotted for resettlement under the Department of Resettlement.
- (3) The authority hearing complaints, for the purposes of Sub-Sections (2) and (3) of Section 8 of the act, shall be the Survey Officer where there is one, or else the chief of the Revenue Office or the Land Tax Office.
- (4) In case any person submits a complaint because he has not received a landownership registration certificate under Sub-Rule (1), or is not satisfied with the certificate that he has received, the Survey Officer shall investigate the complaint during the period when he remains in the district, or else the chief of the Revenue Office or the Land Tax Office shall do so, and then issue a landownership registration certificate if so necessary, or else make corrections and issue a new landownership registration certificate.

Provided that in case it is not possible to issue a landownership registration certificate to any landowner or his representative when he applies for such certificate, a note indicating the reasons for such inability shall be furnished to him.

- (5) Notwithstanding anything contained in this rule, in the circumstances mentioned in Sub-Rule (2) of Rule 3, the authority taking action under Sub-Rules (1), (2), (3) and (4) shall be the Resettlement Officer.

### 9. Expenses on Land Survey and Measurement

The expenses incurred in the survey and measurement of lands undertaken at the instance of any person for his private purposes under Section 9 of the act shall be calculated and realized from the concerned person at the following rates :

- (a) Government employees and Jimidars deputed to conduct survey and measurement of the land shall be paid a sum equal to the amount of salaries and allowances payable to them during the period of such survey and measurement.
- (b) An additional sum amounting to fifteen percent of the amount mentioned in Clause (a) shall be paid to meet stationery expenses.

### 10. Amount of Compensation

The amount of compensation for lands used for the establishment of a trigonometrical station under Section 9A of the act shall be twenty-five times the amount of the annual land tax payable in proportion to the area thereof. Three-fourths of the amount of compensation so determined shall be paid to the concerned landowner, and one-fourth to the concerned tenant.

### 11. Method of Grading Lands in Urban Areas

A committee consisting of the Survey Officer, a representative of the Town - anchayat, and the Tax Officer of the local Tax Office shall determine the grade of lands in urban areas under Sub-Section (2) of Section 10 of the act in the following manner, with due consideration to urban facilities already available or to be available in the near future in commercial and residential areas :

- (a) Zone A : Zone A comprises lands and buildings adjoining main roads where urban facilities are available and where main shopping centers are located.
- (b) Zone B : Zone B comprises lands and buildings adjoining auxiliary roads, which also adjoin or are located near Zone A.
- (c) Zone C : Zone C comprises lands and buildings adjoining branch roads, which also adjoin or are located at some distance from Zone B.
- (d) Zone D : Zone D comprises lands and buildings adjoining lands or paths, which also adjoin or are located at some distance from Zone C.

- (e) Zone E : Zone E comprises lands and buildings adjoining Zone D.
- (f) Zone F : Zone F comprises lands and buildings not comprising Zones A, B, C, D, and E, or those located within urban areas where urban facilities have not yet become available.

Explanation : For the purpose of this rule :

- (1) Urban facilities mean such modern urban facilities as water supply, telephones, and convenient means of transport.
- (2) Main roads mean main roads inside residential areas in the town and open highways.
- (3) Auxiliary roads mean roads linked with main roads.
- (4) Branch roads mean roads linked with auxiliary roads.
- (5) Paths mean blind alleys constructed for a few houses only.
- (6) Lanes mean footpaths which cannot be used by motor vehicles.

11A. Registration and Certificates of Houses and Compounds in Urban Areas

For the purpose of Section 11A of the act, the Survey Officer shall register houses and compounds in urban areas and prepare certificates thereof in accordance with the procedure mentioned in the act and the rules.

11B. Committee to Hear Complaints and Time-Limit for Filing Them

- (1) There shall be a committee consisting of a representative of the Department of Survey, the chairman of the town Panchayat, and a Gazetted Class III Officer of the District Office to hear complaints against the grading of lands in urban areas according to Sub-Section (3) of Section 10 of the act. In other areas, such complaints shall be heard by a committee consisting of the chief of the survey team, the chairman of the village Panchayat, and the Panchayat member of the appropriate ward. Such complaints shall be submitted to the appropriate committee through the Survey Office in the case of lands in urban areas, and through the chief of the survey team in other areas. The appropriate committee shall dispose of such complaints within fifteen days.



- (2) Complaints shall be submitted to the committee under Sub-Rule (1) within seven days from the date when a notice is published under Rule 11 in the case of urban areas, and under Sub-Rule (4) of Rule 3 in the case of other areas.
- (3) There shall be a committee consisting of an officer designated by the Director, and one representative each of the Zonal Commissioner's Office and the District Office to dispose of fresh complaints filed against the grading of lands under Sub-Section (4) of Section 10 of the act in urban areas. For lands in areas other than urban areas, the committee shall consist of the Survey Officer and one representative each of the District Office, the Revenue Office or the Land Tax Office, and the District Panchayat. Such fresh complaints shall be filed within seven days after the committee mentioned in Sub-Rule (1) takes a decision through the Survey Office (Napi Goswara) in the case of urban areas, and through the Survey Officer in areas other than urban areas.

#### 11C. Special Complaints Regarding the Grade of Lands

Notwithstanding anything mentioned elsewhere in these rules, any person who is not satisfied with the grading of lands in those areas prescribed by His Majesty's Government where surveys had been completed before these rules came into force, may file a complaint with the Revenue Office or Land Tax Office within the time-limit prescribed by His Majesty's Government. If any such complaint is filed, a committee consisting of the Chief District Officer as chairman, and the Chief of the Revenue Office or the Land Tax Office and the Survey Inspector of the Survey Maintenance Office as members, may conduct necessary inquiries and take a decision.

#### 12. Designation of Authorities

- (1) The authority empowered to impose a fine for the first time under Sub-Section (1) of Section 12 of the act shall be the chief of the survey team. The authority to impose fines for the second and third times, or to award imprisonment, shall be the Survey Officer, where there is one, or else the Chief of the Revenue Office or the Land Tax Office, or, in their absence, or in circumstances prescribed by them, the section officer of the Land Reform Office or the Land Administration Office.

- (2) The authority to impose fines under Sub-Section (2) of Section 12 of the act shall be the Survey Officer where there is one, or else the chief of the Revenue Office or the Land Tax Office.
- (3) The authority to impose fines under Sub-Section (4) of Section 12 of the act shall be the Chief District Officer.
- (4) Fines imposed under Sub-Rule (1), Sub-Rule (2) and Sub-Rule (3) shall be collected by the Revenue Office, or by the Land Tax Office.

13. Repeal

The 1967 Land (Survey and Measurement) Rules have been repealed.

14. Power to Frame Rules

His Majesty's Government may frame rules in order to implement the objectives of the act.

15. Validity of Previous Action

Action taken under the act or the rules framed thereunder before the commencement of the act shall be regarded as having been taken under the act.

(Schedules follow)

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