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TA 7566-REG: Strengthening and Use of Country Safeguard Systems

Subproject: Strengthening Involuntary
Resettlement Safeguard Systems (Nepal)

REPORT ON DIAGNOSTIC STUDY OF LAND ACQUISITION ACT, 1977 (CURRENT ACT) AND DRAFT LAND ACQUISITION ACT, 2011 (COMPARISON OF TWO LA ACTS)

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Asian Development Bank



Consultant's Report

Report on Diagnostic study of Land Acquisition Act, 1977 (Current Act) and draft Land Acquisition Act, 2011 (Comparison of two LA Acts)

*TA 7566 REG: Strengthening and Use of Country Safeguards System.
NEP Subproject: Strengthening Involuntary Resettlement Safeguard Systems
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Report on Diagnostic study of LA Act, 1977 and draft LA Act, 2011

(Comparative study of LA Act, 1977 and draft LA Act, 2011):

The Land Acquisition Act, 1977 was promulgated to amend and consolidate Nepal Law relating to land acquisition. This Act repealed the Land Acquisition Act, 1961 and made improvement over it. LA Act, 1977 worked smoothly for about one decade. Over the years after 1990 this Act is not working properly. Land acquisition is being more and more complicated and faced difficulties. Project implementation is delayed, Resettlement and Rehabilitation process is being intricate. This Act required to be changed for the implementation of its objectives. Taking these things into consideration, Nepal Law Commission has drafted a new Land Acquisition Act, 2011. This draft LA act, 2011 seems to be comprehensive and has broad coverage about the land acquisition. It envisages project implementation, land acquisition and public interest etc. within the Act. Diagnostic study of these Acts is presented in the following table:

Comparative Study of Land Acquisition Act, 1977 and Land Acquisition Act, 2011 (Draft Act)

S.No.	Section of the Act	Land Acquisition Act, 1977 (Current Act)	Section of the Act	Land Acquisition Act, 2011 (Draft Act)	Difference/ Insufficiency/Excessive/ Suggestion
1.		<u>Preamble:</u> Enacted to amend and consolidate current Nepal Law relating to Land acquisition.		<u>Preamble:</u> Enacted for timely amendment and consolidation of current Nepal Law relating to Land acquisition to maintain the public interests and facilities rendering assistance for Project implementation by easily availing land in time and to provide fast, justifiable and sufficient compensation due to land acquisition.	The preamble of the draft LA Act, 2011 is comprehensive and broad coverage. It envisages project implementation, land acquisition and public interests. The preamble of current Land Acquisition Act has shortcomings in this regard.
2.	1(3)	Commencement- It shall come into force immediately.	1(2)	Commencement- This Act shall come into force on the ninety first day from the date of certification.	The draft LA Act, 2011 has given sufficient time for the public to know about it before its commencement.

3.	2.	It has defined the words and terms used in the Act, such as Land, Public purpose, Local Officer, Concerned person and Institution.	2	It has defined many more words and terms including some of those which are included in the R & R policy.	According to the draft LA Act, 2011 no cultivable land should be acquired except in some exceptional case, such as –security or strategic purpose or for large project relating to infrastructures.
4.	3	Power of Government of Nepal to acquire any Land of any place for public purpose, subject to compensation.	3 & 4	Power to acquire land exists on the Government of Nepal only. It may acquire any land of any place and in any amount.	More or less similar provisions in both the Acts.
5.	4	Power of Government of Nepal to acquire land for the public institutions, if requested to the govt. with necessary information.	5,6& 7	Government of Nepal may acquire land to the companies for the works relating to the Public interest, if requested to the govt. with necessary information.	More or less similar provisions in both the Acts. Detail of the section 6 of the draft LA Act, 2011 can be included in the regulation.
6.	5	After the decision of the government to acquire the land, at least gazetted 3 rd class officer or office chief or project chief and officer level employee in case	8 & 9	Section 8 and 9 deal with the govt. decision to acquire land and the authority to initiate for the same. After the decision of	More or less similar procedures in both the Acts.

		of the institution may initiate preliminary action to acquire the land for the govt. itself or for the institution.		the govt., any officer level employee of the govt. or project chief or any staff in the case of company as designated by the local officer may initiate the preliminary action to acquire the land.	
7.	6	The officer initiating preliminary action shall publish a notice for the information of the stakeholder. After 3 days of the notification, that officer may enter into the land and do necessary works therein.	10	Same provisions as in the current Act for the notification. After 7 days of the notification, the initiating officer may enter into the land and do necessary works therein.	LA Act, 1977 gives 3 days notice, while the draft LA Act, 2011 gives 7 days notice.
8.	7	Compensation for the losses due to preliminary action shall be given to the concerned stakeholder. If he is not satisfied with the compensation amount, he may file a complaint to the Chief District Officer (CDO).	11	The concerned stakeholder shall be provided compensation for the losses due to preliminary action. If he is not satisfied with the compensation amount, he may file a complaint to the local officer. Again, if he is not satisfied with the decision of the local officer, he may file appeal in the appellate court.	In the LA Act, 1977, there is a provision for one step complaint with the CDO, while the draft LA Act, 2011 has given two steps of complaint over the dissatisfaction of the compensation amount, one with the local officer and the second with the appellate court. Giving such opportunities, it

9.	8	Report to be submitted to the local officer relating to the preliminary action including suitability of the land to be acquired by the officer initiating preliminary action.	13	The officer initiating preliminary action shall determine whether the land to be acquired is suitable or not and if the land to be acquired is unsuitable, he should report it to the ministry through the office of local officer.	seems more democratic, but it consumes more time for LA process. So, it is considerable. In the draft LA Act, 2011 there is a provision of reporting in relation to the unsuitability of the land to be acquired in sub-section (2) of section 13.
10.	9(4)	After the notification of land acquisition, the concerned land revenue officer relinquishes title of the concerned land in any manner.	12	After 3 days of notice relating to the preliminary action, the officer initiating preliminary action shall notify the concerned office to stop the registration of the document of transfer of such land in any manner. And the concerned office shall have to do accordingly.	In the LA Act, 1977, there is a provision of relinquishing the title of the land under section 9(4). This is to be carried out after the notification of LA. In the draft LA Act, 2011 it is managed in the separate section 12 and the relinquishing the title of the land is just after the notification of preliminary action.

11.	---		14 to 28	<p>From section 14 to 28, there are various provisions relating to negotiation with the concerned stakeholders of the concerned land to be acquired by the Government of Nepal. These sections are related to each other and overall related with the negotiation procedures.</p>	<p>These provisions are not in the LA Act, 1977. Fifteen lengthy sections are related with the negotiation process. The procedural matters which may be included in the regulation are also included in the Act itself. It has made the draft Act very clumsy. Even these long negotiating processes may delay to acquire land for the projects. Therefore, this matter should be taken into consideration seriously.</p>
12.	9+10	<p>According to section 9, the local officer shall issue a notification of land acquisition. This shall contain different particulars regarding the land to be acquired and the notice to be affixed in different places, etc. In section 10, additional information to be mentioned in the notice is laid down.</p>	29	<p>The concerned office shall issue a notification of land acquisition. This shall contain different particulars regarding the land to be acquired and the notice to be affixed in different places. There are also the provisions of additional information to be mentioned in</p>	<p>According to draft LA Act, 2011, name of the landowner and tenant of the land also should be mentioned. The procedural matters should be included in the regulation, keeping only substantial part in the Act.</p>

13.	11	The concerned land owner may file complaint to the Ministry of Home Affairs, Govt. of Nepal, through the local officer, explaining the reasons why his/her land should not be acquired. The tenants of the land also have the right of complaint.	-----	the notice.	In LA Act, 1977 the notice is to be issued by the local officer, while in draft LA Act, 2011, it is to be done by the concerned office. The draft LA Act, 2011 has no such provision of complaint by the land owner and tenant.
14.	12	The local officer shall take the concerned land in possession at any time and handover it to the concerned office or institution for which the land is acquired, after the publication of the notice to acquire such land under section 9.	42	After the publication of notice of land acquisition under section 29, the concerned office shall take the concerned land in possession at any time and use it to the concerned purpose.	According to LA Act, 1977, the local officer shall occupy the land and handover it to the concerned office or institution but according to the draft LA Act, 2011 the concerned office itself occupy the land and use it to the concerned purpose.

15.	13	<p>Compensation under this Act shall be given in cash. There shall be a committee for the determination of amount of compensation headed by the Chief District Officer (CDO). Other members are- Land Administrator or Chief of the Land Revenue Office, the Project Chief in the case of project and for other purposes, an officer designated by the CDO and a representative of the District Development Committee (DDC).</p>	30,31 & 33	<p>After 7 days of publication of the notice under section 29, the concerned office shall request to the compensation determination committee to determine the compensation payable to the concerned stakeholder for the land to be acquired, according to section 30. Section 31 has a provision of a compensation determination committee to be formed with the CDO, Government advocate of the concerned district, Chief of the Land Revenue office, Chief of the concerned office or any officer designated by him and a representative of District Development Committee. Section 33 has stated that the compensation of the land shall be provided in cash.</p>	<p>Section 30,31 and 33 of the draft LA Act, 2011 should be merged into a section. They may be merged in Section 30. There is no meaning of keeping them separate. Chairman and other members of the committee should be spelled out therein. To replace a representative of Village Development Committee (VDC) will be more practical in place of DDC representative in clause (e) of section 31(1).</p>
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16.	14	In case any person whose land is wholly acquired under this Act wants to obtain compensation in the form of land elsewhere, the Government may provide land in exchange to such person.	35	Notwithstanding anything written elsewhere in this Act, if the person, whose whole land has been acquired under this Act, wants land itself, the Government may provide him any land elsewhere in compensation.	In both the Acts there are similar provisions.
17.	15	In the case of Guthi (Trust) lands acquired under this Act, compensation shall be provided in accordance with the provisions of Guthi Corporation Act, 1976.	34	The Guthi lands acquired under this Act shall be compensated with the provisions of this Act.	According to the LA Act, 1977 Guthi land acquired under this Act shall be compensated in accordance with the provisions of the Guthi Corporation Act, 1976. But the draft LA Act, 2011 states that the Guthi land acquired under this Act shall be compensated with the provisions of this Act. So there is difference between the provisions of the two Acts.

18.	16	This section has managed some criteria to be considered by the compensation determination committee while determining compensation for the land acquired under this Act.	32	This section has stated that the compensation should be justifiable and sufficient. There are also some criteria to be regarded as the basis of compensation determining by the Compensation Determination Committee.	The provisions of draft LA Act, 2011 seem to be more progressive than those provisions of LA Act, 1977 regarding the criteria to be followed while determining the compensation for the land to be acquired.
19.	17	In case the land to be acquired happens to be part of the land taken excess of the ceiling on the landholding prescribed in the Lands Act, 1964 the amount of compensation shall not exceed the amount payable under the Lands Act 2064.	36	Provisions of this Act are exactly same as provided in the LA Act, 1977.	Similar provisions in both the Acts.
20.	18	This section deals with the notification of the list of persons entitled to get compensation and complaints against it. A person who is not satisfied with the list affixed by local officer may file complaint with the Ministry of Home Affairs. The Ministry shall dispose the case other than those involving a dispute over	37	This section deals with the duration of determination of compensation and publication of list of persons entitled to get compensation. The compensation determination committee shall have to determine the	According to LA Act, 1977 the local officer issues the notification of list of persons entitled to get compensation and there is a provision of complaint over it. But the draft LA Act, 2011 has provided

		<p>ownership or possession. In the cases of dispute over ownership or possession, the person who is entitled by the decision of the court shall get the compensation.</p> <p>21. 19 After the Compensation Determination Committee has determined the amount of compensation, the concerned Chief District Officer shall have to notify to the Government of Nepal accordingly.</p>		<p>compensation within one month. The committee shall affix notification for the information of the concerned persons that the list of persons entitled to get compensation including the amount and its basis.</p> <p>38 After the determination of the compensation under this Act, the concerned office shall have to notify to the Ministry.</p>	<p>that such notification is to be issued by the Compensation Determining Committee itself. There is no provision of complaint against such list in this Act. This Act has managed duration of the compensation determination within one month.</p> <p>According to LA Act, 1977 the CDO should notify the Government about the determination of compensation. While draft LA Act, 2011 has provided that the concerned office shall notify the Ministry about the determination of the compensation.</p>
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22	18	Provision of complaints contained in sub-section (2),(3) and (4) of section 18 are already described in serial no. 20 (above).	39	This section deals with the provision of complaint against the amount of compensation or the list of persons entitled to get compensation. A person who is not satisfied in these matters may file a complaint to the appellate court within 25 days. A person who has obtained the compensation is not eligible to file complaint.	The draft LA Act, 2011 has provision of complaint against the compensation amount or the list of person entitled to get compensation. But the content of section 39 is not compatible with the title of this section. While LA Act, 1977 has a provision of complaint with the Ministry of Home Affairs against the list of person entitled to get compensation and not for the amount of compensation.
23	----		40	This section is concerned with the provisions of duration on which the compensation shall have to be provided as follows, if the concerned person comes to take the compensation: (a) Within one month from the date of determination of compensation.	LA Act, 1977 has not provided such provisions.

24	-----		41	<p>(b) In the case of an appeal pursuant to section 39(1), within two months after the date of decision of the Appellate Court.</p> <p>(c) In the case of those concerned persons who have not appealed pursuant to section 39(1), within two months of expiry of the time limit to appeal.</p> <p>The decision of the appellate court shall be final according to this section. If a person who is not satisfied with the list of persons entitled to get compensation or the amount of compensation determined thereof has filed appeal pursuant to section 39(1), the decision of the appellate court in this regard shall be final.</p>	<p>LA Act, 1977 has not included such provisions.</p>
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25.	20	Fifty percent of the amount of the compensation payable to the acquired land shall be given to the tenant. In case of house constructed by the tenant, with the consent of the landowner is also acquired, the tenant shall receive full amount of compensation paid for such house.	43	Provision of compensation of land and house to be obtained by the tenant are exactly the same as in section 20 of the LA Act, 1977.	Similar provisions in both the Acts.
26.	21	This section is concerned with the arrears due to the government may be deducted from the compensation amount to be provided under this Act.	44	Deduction of arrears due to the government from the compensation amount provided in this section is exactly the same as in section 21 of the LA Act, 1977.	Similar provisions in both the Acts.
27.	22	This section deals with the devolution of the ownership. After the possession of the acquired land under this Act, the ownership thereof shall accrue to the government or any institution for which the land has been acquired.	45	After the possession of the land to be acquired under this Act, the ownership of such land shall be transferred to the government or to any company for which the land is acquired.	Similar provisions in both the Acts.
28.	23	This section deals with the process of transfer of title and adjustment in the record of land revenue register. The local	46	This section has also the same provision of transfer of title and adjustment in the record of	Similar provisions in both the Acts.

		<p>officer shall write to the office possessing records of such land for the said purpose.</p>		<p>land revenue register as in section 23 of LA Act, 1977.</p>	
29.	24	<p>There will be no effect on circumstances existing prior to transfer of ownership of land. In case any land or other tax is due from the expropriated land owner before the accrument of ownership of his land to govt. or institution under this Act, he should pay such arrears even after the transfer of the land. Similarly, the expropriated land owner has the right to initiate action to recover arrears of the rent due from the tenant.</p>	47	<p>This section deals with the same provisions as in section 24 of LA Act, 1977 deals with.</p>	<p>Similar provisions in both the Acts.</p>
30.	25	<p>This section has made a provision of special power to acquire land in special circumstances. In case it becomes urgently necessary for the government to acquire any land to maintain transport or communication facilities or to ensure safety of life and property against extreme damage or to protect any other public property in the event of sudden diversion of course of any river or any natural disaster or any other</p>	48	<p>This section is exactly the same as section 25 of the LA Act, 1977.</p>	<p>Provisions of special powers to acquire land in special circumstances in both the Acts are similar.</p>

31.	-----	<p>extraordinary circumstances, it may order the local officer to initiate action for the acquisition of such land. So also this section is followed by procedural matters.</p>	49	<p>Before initiating action to acquire land for a project under this Act, social impact assessment should be performed to identify the risk impact of the project to be caused at present or in future in the project affected areas.</p>	<p>In the LA Act, 1977, there is no provision of such social impact assessment of the project.</p>
32.	26	<p>In case Government of Nepal has already used any land for any public purpose, even if it has not been acquired in accordance with this Act, compensation may be determined under the provision of this Act. And if the concerned land owner gives his consent to do so, such land shall be deemed to have acquired under this Act.</p>	50	<p>This section has the same provision about the consent of the concerned land owner as the provision of section 26 of LA Act, 1977.</p>	<p>Although both the Acts have the similar provisions regarding the consent of the land owner in draft LA Act, 2011 has included tenant and the person having use of the land traditionally, though he has not obtained the landowner's certificate under the law.</p>

33.	27	Notwithstanding anything elsewhere in this Act, Government of Nepal may acquire any land for any public purpose through negotiations with the concerned land owner. It shall not be necessary to comply with the process of this Act in this regard.		There is no such provision of acquiring land through negotiations with the land owner in this Act.	No provision of land acquisition by negotiations with the land owner in draft LA Act, 2011. But there are some provisions of negotiations with the land owner after the notification of land acquisition.
34.	28	Lands may be acquired under this Act for the use of diplomatic missions including consulates and of international organizations. Compensation to such lands shall be determined under this Act.		There is not a separate section in this Act regarding the land acquisition for diplomatic missions, consulates and international organizations.	Under the draft LA Act, 2011 there is a definition of "public interest" which includes the function of land acquisition for diplomatic missions including consulates and international organizations as well as inter-governmental agencies.
35.	29	If the concerned person submits an application requesting that all crops, trees, walls, buildings, etc. located on the land which is to be acquired under this Act also be acquired. Action shall be	51	This section has the same provision as in section 29 of the LA Act, 1977, regarding the acquisition of land with buildings etc.	Both the Acts have similar provisions.

36.	-----	taken accordingly.	52	This section states that the whole land should be acquired, in case some portion of a land or only some of the rights of such land is to be initiated to acquire in accordance with this Act, the other portion or land left out from the social impact assessment which may not be used economically, in such situation action to acquire ownership of entire land should be initiated.	LA Act, 1977 has not included such provisions.
37.	30	Power of Government of Nepal to take decision not to acquire land. At any stage of the proceedings already started for the acquisition of land under this Act, Government of Nepal may decide not to acquire the land, and in such situation, the local officer shall affix notice for the information of the concerned persons.	53	This section is similar with that of section 30 of the LA Act, 1977.	Both the Acts have similar provisions.

38.	31	Government of Nepal or any institution may let any land acquired under this Act for cultivation to any person on contract until it is used for the purpose for which it has been acquired. Such cultivation shall not be entitled to the tenancy right as per the current Nepal Law by virtue of cultivation of such land.	54	The same provision as in the section 31 of LA Act, 1977.	Both the Acts have similar provisions.
39.	32	After the ownership of land acquired under this Act by the Government of Nepal or any Institution, no person shall construct any building, shed, wall, etc. on such land or cultivate without the written approval of Government of Nepal or the concerned institution. In case of any construction or cultivation is done in contradiction to it, such construction or crops shall be confiscated by the Government or Institution without giving compensation for it.	55	This section has also the same provision as that of section 32 of LA Act, 1977.	Both the Acts have similar provisions.
40	-----		56	Section 56 (1) has made a provision that the land acquired under this Act shall have to be	The LA Act, 1977 has not made of the provision of time period on which the

41.	33	<p>In case the land acquired for the Government of Nepal or an Institution fully owned by the Government of Nepal pursuant to this Act is not required for that purpose as it was acquired or there remains surplus land upon using it for that purpose, the Government may use such land for any other public purpose and the Institution may use such land in the activities as mentioned in section 4(1).</p>	56	<p>utilized within ten years from the date of acquisition for which purpose it has been acquired. Sub-section (2) of section 56 provided that in the case of a company, the time period shall be of five years.</p> <p>Sub-section (3) of Section 56 states that in case the land acquired under this Act is not required for that purpose as it was acquired or there remains surplus land upon using for that purpose, it may be decided to use such land for any other public purpose and the land used should have to be used in such purpose within the four years from the date of decision. Sub-section (4) of section 56 provides that the land acquired under this Act for a company may not be used in other purpose than those for which the land was acquired.</p>	<p>land acquired under the Act should have to be utilized for the set purpose.</p> <p>Land acquired for the Government of Nepal for one purpose may be used for another public purpose, if not used or left out from the former public purpose. Both the Acts have similar provision in this regard. But the LA Act, 1977 has made a provision that in such situation the land acquired for fully government owned institution, they may use such land for the set activities under the Act, while the draft LA Act, 2011 restricts the companies to use such</p>
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42	34	<p>This section states that the unnecessary land to be returned to the expropriated person. If any land acquired pursuant to this Act is found unnecessary for the purpose for which it has been acquired, or there remains surplus land upon using for such purpose, it shall be returned to the expropriated landowner, unless it is otherwise utilized by the Government of Nepal or an institution under section 33. At the same time, in case any land is acquired for any institution other than one fully owned by the Government of Nepal is not utilized for the purpose mentioned in the agreement executed under sub-section (2) of section 4, such land shall be returned to the expropriated landowner. This section is followed by other procedural matters too and the local officer shall perform the task therein.</p>	57	<p>The title to this section is "Land to be returned". In case the land acquired under this Act is not utilized during the stipulated time period or has not used otherwise, such land shall be returned to the expropriated person. It is further stated that in case the concerned person wishes that the said land be returned to him, he shall have to submit an application within three months. This section is followed by other procedural matters and the local officer shall perform the task therein.</p>	<p>land other than the set purpose.</p> <p>Sub-section (2) of section 57 of the draft LA Act, 2011 has made a provision that in case the concerned person wishes that the land to be returned to him/her, he/she shall have to submit an application before three months, while the LA Act, 1977 has not made such provision.</p>
43.	35	<p>Power to sell land which has been acquired. In case the expropriated</p>	58	<p>Power to sell land which has been acquired. The same</p>	<p>Both the Acts have similar provisions.</p>

		landowner refuses to get back the land under section 34, or he is not traced, it may be sold to any other person.		provision as that of section 35 of LA Act, 1977.	
44.	36	Goods not to be returned if not lifted within prescribed time limit. In case the person permitted to lift the crops, trees, building or wall constructed on the land in accordance with the different provisions of this Act fails to do so within the prescribed time limit, the local officer may impound the same and no claim by such person to such crops, trees, building or wall shall be entertained.	59	Goods not to be returned if not lifted within prescribed time limit. This section contains the same provisions as that of section 36 of LA Act, 1977.	Both the Acts have similar provisions.
45	37	Compensation to be received within prescribed time limit. In case the concerned person fails to receive the compensation amount within the prescribed time limit for the purpose under the different provisions of this Act or refuses to accept it, the local officer shall issue a notice prescribing a final time limit of three months for receiving such compensation amount. If the concerned person fails to receive	60	Compensation to be received within prescribed time limit. This section contains the same provisions as that of section 37 of the LA Act, 1977.	Both the Acts have similar provisions. But the final notice of three months time limit to receive compensation is to be given by the local officer according to LA Act, 1977 while the same is to be given by the concerned office according to the draft LA Act, 2011.

		compensation even within such time limit, he shall not be entitled to any compensation. Such compensation amount shall be deposited in the consolidated fund.			
46.	38	<u>The local Officer to provide assistance:</u> Any officer who is empowered under this Act to perform any action may request the Chief District Officer (CDO) or the police for assistance in the course thereof and in that event, the CDO or police shall provide assistance.	61	The local officer to provide assistance. This section contains the same provision as that of section 38 of LA Act, 1977.	In both the Acts the title of the Section and contains of the section are not compatible. Title of the section refers to Local Officer to provide assistance. Thus the title and contains of the section not matching to each others.
47	39	<u>Penalties:</u> (1) In case any person who opposes or obstructs any action being taken under section 6, or uses force to the persons who are taking such action or assaults them or destroys any equipment installed or erected or erases or damages any marker or map	62	<u>Penalties:</u> (1) In case any person who opposes or obstructs any action being taken under section 10, or uses force to the persons who are taking such action or assaults them or destroys any equipment	More or less both the Acts have similar provisions of penalties. But the draft LA Act, 2011 has increased the amount of penalties. For the violation of the section 10, the concerned person shall be punished with a fine from ten thousand rupees to

	<p>installed or made in the course of such action, he/she shall be punished with a fine not exceeding to one thousand rupees or with imprisonment for a term not exceeding to one month or with both.</p> <p>(2) In case any person who opposes or obstruct or creates disturbances with affixing the notice pursuant to section 9, he/she shall be punished with a fine not exceeding to one thousand rupees.</p> <p>(3) In case any person who opposes or obstructs or creates a disturbances while occupying the land by the local officer under sub-section (1) of section 12 or sub-section (3) of section 25, he/she shall be punished with a fine not exceeding to one thousand rupees or with imprisonment for a term not exceeding to one month or with both.</p>		<p>installed or erected or erases or damages any marker or map installed or made in the course of such action, he/she shall be punished with a fine from ten thousand rupees to twenty five thousand rupees or with imprisonment for a term not exceeding to one year or with both.</p> <p>(2) In case any person who opposes or obstructs or creates disturbances with affixing the notice pursuant to section 29, he/she shall be punished with a fine not exceeding to five thousand rupees.</p> <p>(3) In case any person who opposes or obstructs or creates a disturbances while occupying the land by the local officer under sub-section (1) of section 42 or sub-section (3) of section 48, he/she shall be punished with a fine</p>	<p>twenty five thousand rupees, or imprisonment for a term not exceeding to one year or with both. Similarly, for the violation of section 29, the concerned person shall be punished with a fine not exceeding to five thousand rupees. And for the violation of sub-section (1) of section 42, the penalties are not increased to that of LA Act, 1977 which remains constant as a fine not exceeding to one thousand rupees or with imprisonment not exceeding to one month or both. Penalties for violating Sub-section (3) of section 48 is left out in subsection (3) of section 62, which should be included in draft LA Act, 2011.</p>
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48.	40	<p><u>Authority to hear cases and Appeals:</u></p> <p>(1) The original jurisdiction in respect to offences punishable under this Act shall be in the Chief District Officer (CDO).</p> <p>(2) Appeals against any decision made by the Chief District Officer under Sub-section (1) shall be entertained in the court of Appeal within thirty five days.</p>	63	<p>not exceeding to one thousand rupees or with imprisonment for a term not exceeding to one month or with both.</p> <p><u>Authority to hear cases and Appeals:</u></p> <p>(1) The original jurisdiction in respect to offences punishable under this Act shall be in the District Court.</p> <p>(2) Appeals against any decision made by the District Court under Sub-section (1) shall be entertained in the court of Appeal within thirty five days.</p>	<p>In the LA Act, 1977 the original jurisdiction to hear cases is given to the Chief District Officer and appeal against it to be entertained by the appellate Court, while the draft LA Act 2011, has managed the original jurisdiction to hear the cases to be given to the District Court and the appeal against it to be entertained by the appellate Court.</p>
49.	41	<p><u>Government of Nepal to be the plaintiff :</u> Government of Nepal shall be the plaintiff in all the cases filed under this Act.</p>	64	<p><u>Government of Nepal to be the plaintiff :</u> Government of Nepal shall be the plaintiff in all the cases filed under this Act.</p>	<p>Both the Acts have the similar Provisions.</p>

50.	42	<p><u>Power to frame Rule:</u> The government of Nepal may frame Rules to implement the objectives of this Act.</p>	65	<p><u>Power to frame Rule:</u> The government of Nepal may frame Rules to implement the objectives of this Act.</p>	Both the Acts have the similar Provisions
51.	43	<p><u>Repeal and Saving:</u></p> <p>(1) The Land Acquisition Act, 1961 has been repealed.</p> <p>(2) Any action taken for the purpose of acquisition of land under the Land Acquisition Act, 1961 at the time of commence of this Act shall be deemed to have been taken under this Act after the commencement thereof and may be continued as if it was stated under this Act.</p>	66	<p><u>Repeal and Saving:</u></p> <p>(1) The Land Acquisition Act, 1961 and The Immoveable Property Acquisition Act, 1956 has been repealed.</p> <p>(2) Any action taken for the purpose of acquisition of land under the Land Acquisition Act, 1961 and The Immoveable Property Acquisition Act, 1956 at the time of commence of this Act shall be deemed to have been taken under this Act after the commencement there of and may be continued as if it was stated under this Act.</p>	The LA Act, 1977 has repealed the Land Acquisition Act, 1961, while the draft LA Act, 2011 has repealed the Land Acquisition Act, 1977 and the Immoveable Property Acquisition Act, 1956.

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