

## **Local Administration Act, 2028 (1971)**

### Date of Authentication and Publication

2028.4.20 (5 Aug. 1971)

### Amendments:

- |   |                              |
|---|------------------------------|
| 1. Judicial Administration Reform Act, 2031<br>(1974)                             | 2031.4.18<br>(2 Aug. 1974)   |
| 2. Black Market and Some Other Social<br>Offences and Punishment Act, 2032 (1975) | 2032.5.20<br>(5 Sept. 1975)  |
| 3. Local Administration (First Amendment)<br>Act, 2033 (1976)                     | 2033.4.28<br>( 12 Aug. 1976) |
| 4. Local Administration (Second Amendment)<br>Act, 2037 (1980)                    | 2037.6.2<br>(18 Sept. 1980)  |
| 5. Freedom of Speech and Publication, Act,<br>2037 (1980)                         | 2037.4.29<br>(13 Aug. 1980)  |
| 6. Some Nepal Acts (Amendment) Act, 2041<br>(1984)                                | 2041.7.27<br>(12 Nov. 1984)  |
| 7. Judicial Administration Reform (Fourth<br>Amendment) Act, 2043 (1986)          | 2043.7.24<br>(13 Nov. 1986)  |
| 8. Some Nepal Acts (Amendment) Acts, 2043   | 2043.7.24<br>(13 Nov. 1986)  |

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| 9. Administration of Justice Act, 2048 (1991)  | 2048.2.16<br>(30 May 1991)  |
| 10. Local Administration (Third Amendment) Act, 2048 (1991)                            | 2048.2.21<br>(4 June 1991)  |
| 11. Local Administration (Fourth Amendment) Act, 2058 (2001)                           | 2058.5.6<br>(22 Aug. 2001)  |
| 12. Provision of Some Nepal Acts Revival Act, 2063 (2006)                              | 2063.4.23<br>(8 Aug. 2006)  |
| 13. Some Nepal Laws (Amendment) Act, 2063 (2006)                                       | 2063.4.23<br>(8 Aug. 2006)  |
| 14. Some Nepal Act (Amendment) Act, 2064 (2007)  | 2064.5.9<br>(26 Aug. 2007)  |
| 15. Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010) <sup>1</sup> | 2066.10.7<br>(21 Jan. 2010) |

Act Number 2 of the year 2028 (1971)

**An Act to Amend and Consolidate Law Relating to Local Administration**

**Preamble:** Whereas, it is expedient to amend and consolidate law related to local administration to make consistent with decentralized administrative system and maintain peace and order.

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<sup>1</sup> This Act come into force from 15 *Jestha* 2065, "*Prasati*" and the word "Kingdom" has been deleted.

Now, therefore, be it enacted by His Majesty King Mahendra Bir Bikarm Shah Dev on the advice and with consent of *Rastriya Pachayat*.

## Chapter-1

### Preliminary

1. **Short title, extent and commencement:** (1) This Act may be called as "Local Administration Act, 2028 (1971)".

(2) This Act shall extend throughout Nepal.

(3) This Act shall come into force immediately.

<sup>2</sup>2. **Definitions:** In this Act, unless the subject or context otherwise required,-

(a) <sup>3</sup> .....

<sup>4</sup>(a1) "Regional Administrator" means the Regional Administrator as appointed pursuant to Sub-section (2) of Section 4A.

(b) "Chief District Officer" means the Chief District Officer as appointed by Government of Nepal.

<sup>5</sup>(c) "Assembly/Meeting" means the group of Twenty Five or more than Twenty Five persons gathered with an intention in an organized or unorganized manner in public place to address particular objectives.

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<sup>2</sup> Revived by provision of Some Nepal Acts Revival Act, 2063.

<sup>3</sup> Deleted by Third Amendment Act.

<sup>4</sup> Inserted by Fourth Amendment.

<sup>5</sup> Inserted by Some Nepal Law Amendment Act, 2063.

## <sup>6</sup>Chapter-2

### **Division of Development Regions, Zones and Districts**

3. **Division of development regions, zones and districts:** (1) Nepal has been divided into development regions, zones and districts as prescribed in schedule.

(2) The boundaries and headquarters of every development regions, zones and districts shall be as prescribed by Government of Nepal by publishing a Notification in the Nepal Gazette.

(3) The boundaries and headquarters of the districts maintained before shall be maintained unless otherwise prescribed by Government of Nepal by publishing a Notification in the Nepal Gazette.

## **Chapter-3**

### **<sup>7</sup>Regional and District Administration**

4. <sup>8</sup> .....

<sup>9</sup>4A. **Regional Administration:** (1) There shall be a Regional Administration Office as follows in each development region:

- (a) Regional Administration Office, Eastern Development Region, Dhankuta.
- (b) Regional Administration Office, Central Development Region, Hetauda.
- (c) Regional Administration Office, Western Development Region, Pokhara.

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<sup>6</sup> Amended by Fourth Amendment.

<sup>7</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>8</sup> Repealed by Third Amendment .

<sup>9</sup> Inserted by Fourth Amendment.

- (d) Regional Administration Office, Mid-western Development Region, Surkhet.
- (e) Regional Administration Office, Far-western Development Region, Dipayal.

<sup>10</sup>(2) Government of Nepal shall appoint the Regional Administrator as a Chief of Regional Administration Office from amongst the gazetted special class officer of the Civil service.

<sup>11</sup>**4B. Functions, Duties and Powers of Regional Administrator:** (1) The Regional Administrator shall be responsible to carry out the general administration in the region in accordance with the policies and directives of the Government of Nepal.

(2) Functions, Duties and Powers of the Regional Administrator shall be as follows:

- (a) To maintain or cause to maintain peace and order in the region,
- (b) To monitor and co-ordinate the functions of <sup>12</sup>District Administration Offices of the region,
- (c) To carry out or cause to carry out necessary actions regarding the functions of Regional <sup>13</sup>and District Offices of the region to make them ..... service oriented and economical as well as to restrain from delay, negligence and corruption,

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<sup>10</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>11</sup> Inserted by Fourth Amendment.

<sup>12</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>13</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

- (d) To or cause to protect, monitor and maintain the government or public property within the region except otherwise provided in the prevailing laws.
- (e) To provide actual information relating to peace and security situation of the region to the Government of Nepal regularly,
- (f) To cause to carry out periodic inspection of the border with foreign countries adjoining to the district by the concerned <sup>14</sup>Chief District Officer and submit a report thereof to the Government of Nepal and make necessary arrangements to control the criminal activities in the border areas by increasing effectiveness of the local administration,
- (g) To make necessary arrangements to settle difference and dispute, if any, on the matter of public interest such as boundaries, roads, canals, *paini*, drinking water etc arises between Two or more than Two <sup>15</sup>Districts of the region in the presence of the concerned parties,
- (h) To carry out or cause to carry out necessary arrangements to control and manage the critical situations such as natural calamities, epidemics, famine etc.,
- (i) To regularly inspect the prisons of the region and make necessary arrangements for their proper functioning and recommend for pardoning of the prisoners,

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<sup>14</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>15</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

- (j) To perform necessary functions to promote nationalism in the region and maintain unity between Nepalese people through conciliation and mutual goodwill,
- (k) To perform or cause to perform other functions as per the orders and directions of Government of Nepal issued from time to time and to monitor the same.

<sup>16</sup>**4C. Regional Security Committee:** <sup>17</sup>(1) There shall be a Regional Security Committee, as follows, to provide assistance in peace, security and order in each region:

- (a) Regional Administrator - Chairperson
- (b) Local Chief of Nepalese Army - Member
- (c) Chief of Regional Police Office - Member
- (d) Chief of Armed Police Office- - Member
- <sup>18</sup>(e) Chief of the office of the National Investigation Department who looks after concerned region - Member-secretary

(2) The Regional Administrator may invite officers of the other offices of the region in the meetings of the Regional Security Committee as per necessary.

(3) The Chairperson may convey meetings of the committee pursuant to Sub-section (1) as required.

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<sup>16</sup> Inserted by Fourth Amendment.

<sup>17</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>18</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>19</sup>**4D. To Function under the supervision of Regional Administrator:**

The Regional Police Office shall discharge its functions to maintain peace, security and order in the Region under the direct supervision and direction of the Regional Administrator.

**5. District Administration:** <sup>20</sup>(1) There shall be a District Administration Office in each district to operate general administration of the district. The Government of Nepal shall appoint a Chief District Officer in each district to function as a Chief Administration Officer. The Chief District Officer shall be the representative of Government of Nepal. The Chief District Officer shall perform functions in accordance with prevailing laws, policies and directions of the Government of Nepal and under the supervision of <sup>21</sup>Regional Administrator.

(2) Except the court and Defence Offices.....<sup>22</sup> the offices at district level, as prescribed by Government of Nepal by publishing a Notification in Nepal Gazette from time to time, shall be the branches of District Administration Office.

(3) The Chief District Officer shall have no control over the prescribed powers to be exercised by district level office or officer of such office, which are conferred to in the branches of District Administration Office pursuant to Sub-section (2) on judicial and quasi-judicial powers as prescribed by prevailing laws.

(4) The <sup>23</sup>powers and duties of the Chief District Officer or other Officer to monitor, control and supervise of the Offices at the District level

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<sup>19</sup> Inserted by Fourth Amendment.

<sup>20</sup> Amended by Some Nepal Acts Amendment Act, 2064.

<sup>21</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>22</sup> Omitted by Third Amendment.

<sup>23</sup> Amended by Second Amendment.



which are to be the branches of the District Administration Office pursuant to Sub-section (2) shall be regulated by the Rules framed under this Act.

(5) Functions, duties and powers of the Chief District Office shall be as follows:

- (a) To maintain peace, order and security in the district,
- <sup>24</sup>(b) To provide for assistance in development activities run by Government of Nepal, District Development Committee, Municipality and Village Development Committee in the district,
- (c) To monitor, maintain or repair or cause to monitor, maintain or repair the properties of the Government of Nepal in the district,
- (d) .....<sup>25</sup>
- (e) To perform other functions and activities pursuant to the orders and directions issued by the Government of Nepal<sup>26</sup> from time to time.
- (6) .....<sup>27</sup>

**6. To maintain peace and security:** (1).....<sup>28</sup>The Chief District Officer shall perform following functions to prevent any activity if there is any doubt of violence or riot:

- (a) If it deems that an assembly, procession or mob (crowd) may take violent or destructive tendency and there is a possibility of disorder from such activities,

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<sup>24</sup> Amended by Third Amendment.

<sup>25</sup> Omitted by Third Amendment.

<sup>26</sup> Amended by Third Amendment.

<sup>27</sup> Omitted by Second Amendment.

<sup>28</sup> Omitted by Third Amendment.

he/she shall cause to control it through the police and if it goes beyond the control of the police, he/she shall attend him/herself or depute subordinate officer in the concerned place and persuade to maintain peace and if peace could not be maintained, he/she may cause to use baton (*Lathi charge*), teargas, *Phohora*, blank fire as per necessity based on the situation, to maintain peace and order,

- (b) If it is not possible to maintain peace pursuant to Clause (a) and it deems necessary to open fire to issue warning to the crowd with all clarity before opening the fire; if the mob is not dispersed after such warning and if it becomes necessary to open fire to give order in writing to open fire below the knee,
- (c) .....<sup>29</sup>
- (d) To provide written order to the police to maintain peace and security in the district.....<sup>30</sup> if it is possible and if not so possible to provide verbal order as per necessity and if the order is verbal it shall be confirmed in writing within Twenty Four hours,
- <sup>31</sup>(e) For maintaining peace and security in the district, the District Police Office shall perform its functions on the direct supervision and direction of the Chief District Officer.

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<sup>29</sup> Omitted by Second Amendment.

<sup>30</sup> Omitted by First Amendment.

<sup>31</sup> Inserted by First Amendment.

<sup>32</sup>(1a) The Chief District Officer shall provide information regarding the functions and activities pursuant to Sub-section (1) to the Regional Administrator and Ministry of Home Affairs<sup>33</sup> as soon as possible and the Chief District Officer shall have a duty to abide by directions of the Regional Administrator in this regard.<sup>34</sup>

<sup>35</sup>(2) If the Chief District Officer reveals that any serious disorder has been occurred or to be occurred, and he/she thinks that it is not possible to control it only with the assistance of the police in such place under his/her jurisdiction, he/she may request to local or nearest Armed Police Force or Nepal Army as per the situation demands upon mentioning reasons and grounds for the same. The notice of such request to the Armed Police Force and Nepal Army shall be given to the Regional Administration<sup>36</sup> and Ministry of Home Affairs within Twenty Four hours by the quickest means.

<sup>37</sup>(2a) If the Regional Administration reveals that any serious disorder has been occurred or to be occurred in the Two or more districts adjoining the boundaries, and he/she thinks that it is not possible to control it with the assistance of the police in such place under his/her jurisdiction, he/she may request to local or nearest Armed Police Force or Nepal Army as per the situation demands. The notice of such request to the Armed Police Force or Nepal Army shall be given to the Concerned Chief District Officer and Ministry of Home Affairs within Twenty Four hours by the quickest means.

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<sup>32</sup> Inserted by Fourth Amendment.

<sup>33</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>34</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>35</sup> Amended by Fourth Amendment.

<sup>36</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

<sup>37</sup> Revived by Provision of Some Nepal Acts Revival Act, 2063.

(3) If there is a possibility that peace and security may be breached or inconvenience to someone may arise or cause adverse effect to the public health due to any act of someone or let it remain or keeping some goods or materials by someone in any specific place.....<sup>38</sup> the Chief District Officer may issue an order as follows and such an order shall not be for more than Two months at one time:-

- (a) To prohibit someone to carry out any act,
- (b) To order to remove any object or property from that place to the owner, manager or chief or to prohibit to carry out any act in such place.

<sup>39</sup>(3a) If there happens any hooliganism or there are sufficient grounds of happening of hooliganism or disorder in any place, the Chief District Officer may issue an order to prevent to be gathered more than Five persons for the purpose of hooliganism or disorder at the specific place and time. The Chief District Officer may impose a fine upto Five Hundred Rupees or an imprisonment upto One month or the both to a person who violates such an order.

(4) In the course of issuing an order to a person pursuant to Sub-section (3).....<sup>40</sup>, Chief District Officer shall send a notice alongwith the reason thereof to the concerned person. If the concerned person is not found; such a notice shall be affixed pursuant to prevailing Nepal law in such a way that the functions shall not be hampered. The officer issuing such an order may fine upto Fifty Rupees for each time who violates such an order.

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<sup>38</sup> Omitted by First Amendment.

<sup>39</sup> Inserted by Some Nepal Acts Amendment Act, 2064.

<sup>40</sup> Omitted by First Amendment.

<sup>41</sup>(5) If the Chief District Officer reveals that there arises any dispute or there is a possibility of arising dispute regarding land, canal, water, boundaries which may cause to lead to disorder in the district, the Chief District Officer may summon to present in his/her office to the concerned parties of the conflict as soon as possible and shall record their statements and may hold such property and may handover it as per necessity to a person who has possessed it since last Three months or Village Development Committee or Municipality<sup>42</sup> or reliable person and issue an order to aggrieved party to go to the court for final disposition of ownership on the disputed property.

<sup>43</sup>(6) The aggrieved party may file an appeal against the order issued or penalty imposed by Chief District Officer pursuant to Sub-sections (3), (3a), (4) and (5) before the concerned Court of Appeal within Thirty Five days.

<sup>44</sup>(7) There shall be a District Security Committee in each district to assist the peace, security and order in the district as follows:

- |                   |   |               |
|-------------------|---|---------------|
| (a)               | Chief District Officer                              | - Chairperson |
| (b)               | Local Chief of Nepal Army                           | - Member      |
| (c)               | Chief of District Police Office                     | - Member      |
| (d)               | Local Chief of Armed Police Office                  | - Member      |
| <sup>45</sup> (e) | District Chief of National Investigation Department | - Member      |

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<sup>41</sup> Amended by First Amendment.

<sup>42</sup> Amended by Third Amendment.

<sup>43</sup> Amended by Some Nepal Acts Amendment Act, 2064.

<sup>44</sup> Amended by Fourth Amendment.

<sup>45</sup> Revived by provision of Some Nepal Acts Revival Act, 2063.

<sup>46</sup>(f) Assistant, Chief District Officer - Member-secretary

(8) .....<sup>47</sup>

(9) The Chief District Officer may invite officials of other offices of the district in the meetings of the District Security Committee, as per necessity.

(10) The Chief District Officer may convene the meeting of the Committee pursuant to Sub-section (7) as per necessity.

<sup>48</sup>**6A. Curfew may be imposed:** (1) If it is revealed that peace may be violated in any area due to mob (*Aandolan*) or hooliganism, the Chief District Officer may impose curfew order to prevent movement, assemble or not to commit any other act as prescribed by prescribing the boundaries upon considering the circumstances.....<sup>49</sup> While issuing such an curfew order, the Chief District Officer<sup>50</sup> shall publicise the order for the information of the general public of the area where curfew is to be imposed and the vicinity.

(2) If a curfew order is issued pursuant to Sub-section (1), no other person except the authorized person who has obtained a secret sign from the Chief District Officer<sup>51</sup> shall make movement in the restricted area during the restricted time.

(3) The person who violates curfew order shall be arrested by police and the police shall produce such person before the Chief District Officer<sup>52</sup> immediately. The Chief District Officer<sup>53</sup> shall impose a penalty of

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<sup>46</sup> Inserted by Some Nepal Acts Amendment Act, 2064.

<sup>47</sup> Omitted by Fourth Amendment.

<sup>48</sup> Inserted by Second Amendment.

<sup>49</sup> Omitted by Third Amendment.

<sup>50</sup> Amended by Third Amendment.

<sup>51</sup> Amended by Third Amendment.

<sup>52</sup> Amended by Third Amendment.

<sup>53</sup> Amended by Third Amendment.

imprisonment upto One month or a fine upto One Thousand Rupees or both to the person so arrested upon adopting an appropriate summary trial procedure and an appeal against such an order shall lie before the Court of Appeal<sup>54</sup>.

(4) While issuing a curfew order the Chief District Officer<sup>55</sup> may issue an order to the police to open fire to the person or group who violates the curfew order to control the situation. In such a situation, before firing, police shall use baton (*lathi charge*), teargas, *phohara* or blank fire and if the person or group does not disperse police shall clearly warn that if they do not dispersed police shall open fire to them. If the person or group does not disperse even after such warning the police may open fire.

Provided that, it shall not deemed to bar by the provision as mentioned in this Sub-section to the Chief District Officer<sup>56</sup> to issue a shoot at sight order to any person or group who violates curfew with violent tendencies.

(5) The Chief District Officer.....<sup>57</sup> shall reduce the duration of curfew gradually depending on circumstances and the same authority shall withdraw the curfew order after the situation becomes normal.

<sup>58</sup>(6) The Chief District Officer shall inform immediately to the Regional Administrator and Ministry of Home Affairs<sup>59</sup> after issuing of the curfew order.

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<sup>54</sup> Amended by Administration of Justice Act, 2048.

<sup>55</sup> Amended by Third Amendment.

<sup>56</sup> Amended by Third Amendment.

<sup>57</sup> Omitted by Third Amendment.

<sup>58</sup> Amended by Third Amendment.

<sup>59</sup> Revived by provision of Some Nepal Acts Revival Act, 2063.

<sup>60</sup>**6B. To declare a riot affected area:** (1) If it is deemed that a procession, mob or organized group with or without arm is likely to carryout violent or destructive acts such as looting, arson in houses or shops, destroying the public property and it is reveled that such a situation is not controlled by the general police action, the Chief District Officer.....<sup>61</sup> may declare such area as a riot affected area. The Chief District Officer<sup>62</sup> shall act any or all of the following acts to maintain peace and order after the declaration of such riot affected area.

- (a) To arrest suspicious person without arrest warrant from such area and put in preventive detention pursuant to Public Security Act, 2046,<sup>63</sup>
- (b) To shoot fire at sight who loots or put fire in houses (buildings) and shops or destroys public property or causes any other types of violent or destructive acts,
- (c) To ban on assembly, procession, meetings or exhibitions or to ban on writing or fixing poster, pamphlet and such types of communication materials,
- (d) To make provisions of supply of essential goods in such area and to control the transportation, storage and sale and distribution of such goods,
- (e) To close down educational institutions, any other institutions, exhibition centres and offices of such area,

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<sup>60</sup> Inserted by Second Amendment.

<sup>61</sup> Deleted by Third Amendment.

<sup>62</sup> Amended by Third Amendment.

<sup>63</sup> Amended by Third Amendment.



- (f) To ban strike on any essential service pursuant to Essential Service Operation Act, 2014 (1957) in such area,
- (g) To ban gathering of Five or more than Five persons in such area,
- (h) To issue curfew order in such area,
- (i) To take assistance of Nepal Army as required for the said functions in such area.

(2) If, it seems suspicious that the arms and ammunitions have been put in a riot affected area, the police personnel at least Sub-inspector of police may search houses, shops, compound, go-down of any person without a prior notice as per the order of the Chief District Officer<sup>64</sup>.

<sup>65</sup>(3) While declaring a riot affected area pursuant to Sub-section (1), the Chief District Office may declare it for One month at a time. If, duration is to be extended, the Chief District Officer may extend such period upto Three months as per the approval of Ministry of Home Affairs, Government of Nepal.

(4) The Chief District Officer shall communicate the information of declaration of riot affected area to the <sup>66</sup>Regional Administrator and Ministry of Home Affairs immediately.

(5) If someone violates the provision of Clauses (e) and (g) of Sub-section (1) or obstructs on the search pursuant to Sub-section (2), the Chief District Officer<sup>67</sup> may impose a fine upto Three Thousand Rupees or an imprisonment upto Three months or both by using appropriate summary

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<sup>64</sup> Amended by Third Amendment.

<sup>65</sup> Amended by Third Amendment.

<sup>66</sup> Revived by provision of Some Nepal Acts Revival Act, 2063.

<sup>67</sup> Amended by Third Amendment.

procedure and an appeal against such order shall lie in the Court of Appeal.<sup>68</sup>

**69C. Not to obstruct (barricade) on public service or road or not to destruct any house or vehicle:** (1) No one shall commit or cause to commit the followings acts:

- (a) To obstruct by *Chakkajam* or any other kinds of obstruction in the smooth operation of such public roads as notified by the Government of Nepal by a Notification published in Nepal Gazette,
- (b) To damage government, public or private vehicle, house or property by means of destruction, fire or looting or to forcefully enter into such vehicle or house and land or to forcefully take in to possession of such vehicle or house or property,
- (c) To obstruct government or public institution and educational institution by means of lockups or any other similar acts.

(2) If, someone commits any act pursuant to Sub-section (1), Chief District Officer may impose a fine upto Ten Thousand Rupees or an imprisonment upto Six months or the both and to realise an amount equal to claimed amount and fine such person equal to the claimed amount as per the nature of an offence.

(3) The Chief District Officer shall follow (adopt) the procedure pursuant to Summary Procedure Act, 2028 to the proceeding of this Section.

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<sup>68</sup> Amended by Administration of Justice Act, 2048.

<sup>69</sup> Inserted by Some Nepal Acts Amendment Act, 2064.

(4) The aggrieved person may file an appeal against the penalty imposed by the Chief District Officer pursuant to Sub-section (2) before the concerned Court of Appeal within Thirty Five days.

<sup>70</sup>7. **Powers and duties of the police personnel:** (1) The Chief District Officer shall inquire, as per necessity whether or not District Police Office, Area Police Office and Police Posts are in proper condition or whether or not police officers and employees performed their duties in accordance with the law, and shall act as follows in this regard:

- (a) Inspect compulsory District Police Office, Area Police Office and Police Posts at least once a year and submit a report of such inspection to the Regional Administrator and Ministry of Home Affairs.<sup>71</sup>
- (b) Submit a report on the personal conduct and performance (*nekibadi*) of police officers to the Regional Administrator and Ministry of Home Affairs.<sup>72</sup> twice a year, by the end of *Poush* (about mid January) and *Ashadh* (about mid July) respectively.
- (c) If it is necessary to make arrangements on policing in a district, the Chief District Office shall communicate to the Regional Administrator and Ministry of Home Affairs.<sup>73</sup> along with his/her opinion.
- (d) In a person files a complaint that a police employee has acted in contravention of the law while discharging his/her duties, the Chief District Officer shall

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<sup>70</sup> Amended by Third Amendment.

<sup>71</sup> Revived by provision of Some Nepal Acts Revival Act, 2063.

<sup>72</sup> Revived by provision of Some Nepal Acts Revival Act, 2063.

<sup>73</sup> Revived by provision of Some Nepal Acts Revival Act, 2063.

investigate the matter as required and submit a report along with the recommendations and opinions to the Regional Administrator and Ministry of Home<sup>74</sup> Affairs for necessary action.

**8. Original and appellate Jurisdiction:** (1) Chief District Officer shall have the powers to proceed and adjudicate the following cases:

- <sup>75</sup> (a) Minor cases of theft having claimed amount upto maximum Five Hundred Rupees,
- (b) Cases relating to pick-pocketing,
- (c) .....<sup>76</sup>
- (d) Cases relating to the use of inaccurate weights and measures for deception,
- (e) Cases relating to the slaughter of female animals at places other than temples where it is a customary practice.

(2) A decision made by the Chief District Officer on cases pursuant to Sub-section (1) in which one is not recorded as a recidivist criminal and a fine upto Five Hundred Rupees is imposed, shall be final, and no one may file an appeal against such decision. An appeal against the decision of the Chief District Officer in cases a fine exceeding Five Hundred Rupees is imposed or in which a guilty person has been recorded as a recidivist may be filed before the Court of Appeal<sup>77</sup> within Thirty Five days.

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<sup>74</sup> Revived by provision of Some Nepal Acts Revival Act, 2063.

<sup>75</sup> Amended by Third Amendment.

<sup>76</sup> Repealed by Black Market and Some Other Social Offences and Punishment Act, 2032.

<sup>77</sup> Amended by Administration of Justice Act, 2048.

(3) If the Chief District Officer deems necessary in the course of hearing a complaint that the property of a woman or minor to be kept in safe custody, he/she may direct to keep safe such property to any prominent person in the district or to any government office with the cooperation of the Municipality or Village Development Committee.<sup>78</sup>

(4) .....<sup>79</sup>

(5) .....<sup>80</sup>

(6) .....<sup>81</sup>The Chief District Officer shall proceed and adjudicate cases filed pursuant to this Act or prevailing Nepal law within the time limit stipulated by such law, specifying the laws under which these cases are to be adjudicated.

**9. Other functions duties and powers of the chief district officer: (1)**

The Chief District Officer may order to arrest an intoxicated person who speaks indecently or misbehaves in a public place, and may detain him/her until he/she is relieved from the intoxication. The Chief District Officer may issue a verbal warning to the detainee, and if he/she repeats the same act, the Chief District Officer may impose a fine to him/her upto One Thousand Rupees<sup>82</sup> for each offence.

(2) If any unclaimed goods or commodities are found, the Chief District Officer shall act in accordance with the provisions of the Chapter on *Bona Vacantia (Kalyan Dhan)* of the *Muluki Ain* (General Code).

(3) If a Government employee forces a person to work without remuneration to an official or his/her domestic work, the Chief District

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<sup>78</sup> Amended by Third Amendment.

<sup>79</sup> Repealed by Judicial Administration Reform (Fourth Amendment) Act, 2043.

<sup>80</sup> Repealed by Judicial Administration Reform (Fourth Amendment) Act, 2043

<sup>81</sup> Repealed by Black Market and Some Other Social Offences and Punishment Act, 2032.

<sup>82</sup> Amended by Fourth Amendment.

Officer may write to the concerned departmental head requesting for an action against such employee under the prevailing law or otherwise be subjected to departmental (disciplinary) action pursuant to the Civil Service Rules.

(4) If a report is submitted by Municipality or Village Development Committee<sup>83</sup> that a tiger, leopard or any other wild animal is creating trouble within the district, the Chief District Officer shall order to be killed such animal and to have its fur or any other parts thereof to be handed over to the concerned Forest Office, or as instructed by the Ministry of Forests and Soils Conservation.<sup>84</sup>

(5) If a person is found to have made undue profits through the sale of any goods or commodities, the Chief District Officer may punish the seller with a fine upto One Thousand Rupees or with imprisonment upto Three months<sup>85</sup> or both taking into consideration the quantity and price of the goods or commodities transacted. The aggrieved person may file an appeal before to Court of Appeal<sup>86</sup> within Thirty Five days against the decision made by the Chief District Officer.

(6) The Chief District Officer shall keep records of public water taps, wells, ponds, well-sides, shelters (*Pati, pauwa*), guest houses (*Sattal Dharmasala*), temples, caves, bridges etc. situated within the district; if they are damaged or likely to collapse, he/she shall order to be repaired by the owner or his/her agent, or by the Municipality or Village Development Committee<sup>87</sup> or by the *Guthi* Trust Corporation.

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<sup>83</sup> Amended by Third Amendment.

<sup>84</sup> Amended by Fourth Amendment

<sup>85</sup> Amended by Third Amendment.

<sup>86</sup> Amended by Administration of Justice Act, 2048.

<sup>87</sup> Amended by Third Amendment.

<sup>88</sup>(6A) No one shall construct houses (building) on governmental or public land without establishing one's ownership. In case a person constructs or cause to construct a house on such land, the Chief District Officer may issue an order to prohibit the construction a house. In case house has already been constructed or is under construction at the time of an order, he/she may order for the demolition and removal of materials within One month. If a person does not demolish or remove materials with in such time frame, the Chief District Officer may punish a fine upto Five Thousand Rupees and demolish the house. The expenses incurred for the demolition may also be reimbursed from such person.

**Explanation:**

- (1) For the purpose of this Sub-section, the term "public land" means lands being used from ancient times such as paths, roads, pastures, water sources, crematories, cemeteries, wells, ponds, pond embankments, sources of drinking water, cattle paths, fairgrounds, public entertainment sites, play grounds and similar publicly used lands or adjoining plots, as well as land kept uncultivated or sequestered by the order of Government of Nepal.
- (2) For the purpose of this Sub-section, the term "house" means huts and temporary structures with or without roofs of hay, straw or tin sheets.

(7) If the Chief District Officer considers that a person has become insane and he/she may cause a danger to the concerned person or society if

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<sup>88</sup> Inserted by Some Nepal Acts (Amendment) Act, 2043

he/she is not kept under control he/she shall take action pursuant to Section 8 of the Chapter on Medical Treatment of the *Muluki Ain*.

(8) If a person submits an application to the Chief District Officer requesting for a certificate of relationship with another individual, the Chief District Officer shall after an inquiry, issue necessary certificate by obtaining of a fee of Five Rupees.

<sup>89</sup>(9) The aggrieved person may file a complaint before the Court of Appeal<sup>90</sup> against the order made by the Chief District Officer upon exercising the powers conferred by Sub-sections (1) and (7).

<sup>91</sup>(10) If a person slaughters, except on the occasions which requires slaughter for traditional religious worship, animals or birds on the days of *Buddha-Jayanti*, *Krishna Janmastami*, *Mahashivaratri*, *Ramnawami* and festival of *Ekadashi* or at any religious place where the slaughter of animals and birds has been specifically prohibited by Government of Nepal by a Notification in the Nepal Gazette, the Chief District Officer may impose penalty to such person a fine upto Five Thousand Rupees<sup>92</sup> and no appeal against such order in respect of penalty shall be considered.

<sup>93</sup>(11) No one shall let cattle roam free inside the Municipality area,<sup>94</sup> and if a person let cattle on the road and the concerned Municipality<sup>95</sup> does not capture and detain such cattle, the Chief District Officer shall capture the cattle and sell them by auction, in accordance with procedures considered appropriate by him/her, and the proceeds of the

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<sup>89</sup> Amended by Third Amendment.

<sup>90</sup> Amended by Administration of Justice Act, 2048.

<sup>91</sup> Inserted by First Amendment.

<sup>92</sup> Amended by Third Amendment.

<sup>93</sup> Inserted by Second Amendment.

<sup>94</sup> Amended by Third Amendment.

<sup>95</sup> Amended by Third Amendment.



auction shall be deposited to the District Development Committee<sup>96</sup> fund. If no one offers a bid in the auction, the Chief District Officer may handover such cattle to a person other than the owner without any payment.

**Explanation:** For the purpose of this Sub-section-

- (1) The term 'cattle' means bullocks, buffaloes, male buffaloes, horses, sheep and goats.
- (2) The Term 'free cattle' means cattle let loose by the owner on roads and streets unattended by any cowman (*Gothala*) or other person.

<sup>97</sup>(12) The owner of cattle who contravenes the provisions of Sub-section (11) shall be punished with a fine upto Two Hundred Rupees by the order of the Chief District Officer and an appeal against such order may be filed before the Court of Appeal.<sup>98</sup>

**10.** ....<sup>99</sup>

<sup>100</sup>**10A. Records of public property:** (1) The Office of the Chief District Officer shall prepare records of all public land, inns (*pati*), rest-houses (*pauwa, sattal*), parks, ponds, wells, pastures, outlets etc. identified through cadastral survey maps, Royal Seal, *Khadga Nishana* orders, copper and stone inscriptions, or other similar authoritative inscriptions, and send a copy of each to the Land Revenue Office and the District Development Committee<sup>101</sup> Office.

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<sup>96</sup> Amended by Third Amendment.

<sup>97</sup> Inserted by Second Amendment.

<sup>98</sup> Amended by Administration of Justice Act, 2048.

<sup>99</sup> Repealed by Some Nepal Acts (Amendment) Act, 2041.

<sup>100</sup> Inserted by Some Nepal Acts (Amendment) Act, 2043.

<sup>101</sup> Amended by Third Amendment.

(2) The public land, inns (*pati*), rest-houses (*pauwa, sattal*), parks, ponds, wells, pastures, outlets etc. mentioned in Sub-section (1) shall not be reclaimed (*aawad*) or allowed to be reclaimed without the prior approval of Government of Nepal. If they are reclaimed or permission thereof is granted, the guilty party shall be punished with a fine equal to the value of the property or with an imprisonment upto Three months or the both.

(3) If a person has registered any public land, inns (*pati*), rest-houses (*pauwa, sattal*), park, pond, well, pasture and or outlet etc., in his/her name, such registration shall be revoked. There shall be no limitation for the revocation of such registration.

## Chapter-4

### Miscellaneous

**11. Delegation of powers:**(1) Government of Nepal may, by a Notification in the Nepal Gazette, delegate any or all of the powers conferred to any authority or institution other than a Court pursuant to this Act or any other prevailing Nepal laws to the concerned District Development Committee or Municipality or Village Development Committee<sup>102</sup> or any other official.

(2) .....<sup>103</sup>

(3) .....<sup>104</sup>

<sup>105</sup>(3a) The Regional Administrator may delegate any or all of the powers conferred to him/her pursuant to this Act or any other prevailing Nepal Laws to the Chief District Officer or any subordinate officer and

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<sup>102</sup> Amended by Third Amendment.

<sup>103</sup> Deleted by Third Amendment.

<sup>104</sup> Deleted by Third Amendment.

<sup>105</sup> Inserted by Fourth Amendment.

information thereof shall be given to Ministry of Home Affairs immediately.

(4) The Chief District Officer may delegate any or all of the powers conferred to him/her pursuant to this Act or any other prevailing Nepal Laws to any subordinate officer and the information thereof shall be given to the Regional Administrator and Ministry of Home Affairs<sup>106</sup> immediately.

Provided that, the Chief District Officer shall not delegate the adjudicating power.

**12. Power to frame Rules:** Government of Nepal may frame Rules to implement the objectives of this Act.

<sup>107</sup>**13. Devolution of cases:** The cases which are pending before the erstwhile (the then) Zonal Commissioner pursuant to prevailing Laws, appellate cases shall be transferred to the concerned Court of Appeal<sup>108</sup> and other cases shall be transferred to the concerned Chief District Officer.

**14. Saving:** Notwithstanding anything contained in the prevailing laws, this Act and Rules framed hereunder shall prevail over the matters covered in this Act and Rules.

**15. Repeal:** The following Nepal laws have been repealed:

- (a) Local Administration Act, 2022,
- (b) *Madesh Goswara Act*, 2012,
- (c) *Kathamndu Valley Commissioners' and Magistrate Sawal*, 2009

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<sup>106</sup> Revived by provision of Some Nepal Acts Revival Act, 2063.

<sup>107</sup> Amended by Third Amendment.

<sup>108</sup> Amended by Administration of Justice Act, 2048.

- (d) *Gauda Goswara* Administration (Provisional Arrangements) Act, 2019,
- (e) *Madesh Goswara* Act, 2012 (enforcing to the Hilly Region) Act, 2014.

**16. Effect of inoperativeness of the Local Administration Ordinance,**

**2028 (1971)**: With the Local Administration Ordinance, 2028 (1971) being inoperative, unless a different intention appears, the inoperativeness shall not:

- (a) revive anything in force or existing at the time at which the ordinance became inoperativeness;
- (b) affect the matter in operation as per the ordinance or anything duly done or any punishment suffered there under;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the ordinance;
- (d) affect any penalty, punishment or forfeiture incurred under the ordinance;
- (e) affect any action or remedy made or taken in respect of any such right, privilege, obligation, liability, penalty or punishment aforesaid; and any such legal proceeding or remedy may be instituted, continued or enforced as if the ordinance was in force.

## <sup>109</sup>Schedule

(Related to Sub-section (1) of Section 3)

### Name of Development Regions, Zones and Districts

Development Region	Zone	District
Eastern Development Region	Mechi	Taplejung
		Panchthar
		Ilam
		Jhapa
		Sankhuwasabha
	Koshi	Terhathum
		Dhankuta
		Bhojpur
		Sunsari
		Morang
	Sagarmatha	Solukhumbu
		Okhaldhunga
		Khotang
		Udayapur
		Saptari
Siraha		

<sup>109</sup> Amended by Fourth Amendment.

<b>Development Region</b>	<b>Zone</b>	<b>District</b>
Central Development Region	Janakpur	Dolakha
		Ramechhap
		Sindhuli
		Dhanusa
		Mahottari
		Sarlahi
		Sindhupalchowk
	Bagmati	Rasuwa
		Kabhrepalanchowk
		Bhaktapur
		Lalitpur
		Kathmandu
		Nuwakot
		Dhading
	Narayani	Makawanpur
		Rautahat
		Bara
		Parsa
	Western Development Region	Gandaki
Gorkha		
Tanahu		
Manang		
Lamjung		
Kaski		
Syangja		

		Gulmi
		Palpa
	Lumbini	Arghakhanchi
		Nawalparasi
		Rupandehi
		Kapilbastu
		Parbat
	Dhaulagiri	Myagdi
		Mustang
		Baglung
		Rukum
		Rolpa
	Rapti	Pyuthan
		Salyan
		Dang (Deukhuri)
		Dolpa
Mid-Western Development Region		Jumla
	Karnali	Kalikot
		Mugu
		Humla
		Jajarkot
		Dailekh
	Bheri	Surkhet
		Banke
		Bardiya

Far- Western Development Region	Seti	Bajura
		Bajhang
		Achham
		Doti
		Kailali
	Mahakali	Darchula
		Baitadi
		Dadeldhura
		Kanchanpur

NEPAL LAW COMMISSION