

## **Town Development Act, 2045 (1998)**

### Date of Authentication and Publication

2045.8.1 (16 Nov. 1988)

### Amendments

1. Town Development (First Amendment) Act, 2047 (1990) 2047.10.27 (10 Feb. 1990)
2. Administration of Justice Act, 2048 (1991) 2048.2.16 (30 May 1991)
3. Town Development (Second Amendment) Act, 2049 (1992) 2049.7.13 (29 Oct. 1992)
4. Town Development (Third Amendment) Act, 2054 (1997) 2054.9.16 (31 Dec. 1997)
5. Some Nepal Acts (Amendment) Act, 2064 (2007) 2064.5.9 (26 Aug. 2007)
6. Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010)<sup>1</sup> 2066.10.7 (21 Jan. 2010)

Act Number 22 of the Year 2045 (1998)

### **An Act made to provide for provisions on town development**

**Preamble:** Whereas, in the context of growing population and urbanization, it is expedient to provide for necessary provisions in order to provide necessary services and facilities to the residents of the town by reconstructing, expanding

---

<sup>1</sup> This Act came into force on 15 *Jeshta* 2065 (2008), *Prasasti* and the word "kingdom" has been deleted.

and to develop existing towns and by constructing new towns and to maintain health, convenience and economic interest of general public;

Now, therefore, be it enacted by His Majesty the king Birendra Bir Bikram Shah Dev on the advice and with the consent of *Rastriya Panchyat*.

1. **Short title and commencement:**

1.1. This Act may be called "Town Development Act, 2045 (1998)".

1.2. This Act shall come into force immediately.

2. **Definition:**

2.1 Unless the subject or context otherwise requires, in this Act;

2.1.1 "Town Planning" means town planning approved by the Government of Nepal pursuant to Section 3.

2.1.1 "Committee" means Town Development Committee pursuant to Section 4.

<sup>2</sup>2.1.2a "Local body" means Village Development Committee or Municipality and this expression also includes Metropolitan or Sub- Metropolitan city.

<sup>3</sup>2.1.2b "Local Plan" means a plan prepared by local body upon setting programmes for the development of its area.

<sup>4</sup>2.1.2c "Institution" means institution established pursuant to prevailing law for conducting programmes relating to Physical development such as settlement, habitation and market development

2.1.3 "Land" means any land and the building, structure, lake, pond and tree etc which is remained permanently in such land and such things adjoining permanently to the said building, structure, lake, pond and tree etc.

---

<sup>2</sup>. Inserted by Third Amendment.

<sup>3</sup>. Inserted by Third Amendment

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

2.1.4 "prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

3. **Formulation and approval of town planning:**

3.1 The Committee may formulate town planning to carry out any or all of the following objectives or the whole objectives;

3.1.1 To carry out physical development of town in an integrated manner in any part of Nepal.

3.1.2 To carry out re-construction, expansion and development of existing town as well as to build new towns.

<sup>5</sup>3.1.3 To determine land use area for the development of town to prescribe standard of the physical development permissible in such area as well as to provide services and facilities such as road, transport, electricity, drainage, sanitation and open space based on density of such area.

3.1.4 To carry out other ancillary acts relevant to aforesaid functions.

3.2 The town planning formulated by the Committee shall be approved by the Government of Nepal.

<sup>6</sup>3.3 The detail notice of town planning approved by the Government of Nepal shall be published in Nepal Gazette for the information of<sup>7</sup> ... general public.

<sup>8</sup>3A. **Formulation and approval of local plan:**

3A1. Local body may, with participation of concerned land owner or tenants, formulate local planning in such area where town planning has not yet been approved.

---

<sup>5</sup>. Amended by Third Amendment  
<sup>6</sup>. Amended by Second Amendment  
<sup>7</sup>. Omitted by Third Amendment  
<sup>8</sup>. Inserted by Third Amendment

3A2. After formulating local planning pursuant to Sub-section 3a.1, the local body shall submit it for approval to the Committee where the Committee is constituted or to Town Development District Co-ordination Committee in case where the aforesaid Committee is not constituted and to the Town Development Central Co-ordination Committee where even the said District Co-ordination committee is not constituted.

3A3. Upon approval of local planning pursuant to Sub-section 3A2., the concerned local body shall publish a detail notice thereof in any of the two leading newspapers to be published in Nepal for the information of general public.

<sup>9</sup>3B. **Operation of Local Plan:** The procedures to be followed by local body while operating local planning and other provisions shall be as prescribed by such Committee that approves such plan pursuant to Sub-section 3A2.

4. **Formation of Town Development Committee:**

4.1 The Government of Nepal may form Town Development Committee in any area, city <sup>10</sup>rural area, town area or regional development centre as per necessity.

<sup>11</sup>4.2 The committee shall have the following members;

4.2.1 A person designated by the Government of Nepal Chairperson

4.2.2 Chief District Officer or on officer designated by him/her Member

4.2.3 Chiefs of Five district level offices, in

---

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

<sup>10</sup>. Amended by First amendment

<sup>11</sup>. Amended by Third Amendment

- maximum, of the Government of Nepal or corporate body owned by the Government of Nepal or the representative designated by the concerned Chief Member
- 4.2.4 One representative nominated by the district working committee of each nationally recognized political party Member
- 4.2.5 Five persons, in maximum, nominated by the Government of Nepal from among social workers of respective area who have rendered significant contribution in the development of local area Member
- 4.2.6 Chief of concerned local body or a representative designated by him/her Member
- 4.2.7 An employee designated by the Government of Nepal Member-Secretary

<sup>12</sup>4.2a In case officer level employee of district level office could not be designated to the committee constituted in rural area pursuant to Sub-section 4.1, employee of non-gazetted first class may be designated to such committee.

<sup>13</sup>4.3 The tenure of nominated members of committee shall be as prescribed in the notification published pursuant to Sub-section 4.1.

---

<sup>12</sup>. Inserted by Third Amendment  
<sup>13</sup>. Amended by Third Amendment

<sup>14</sup>4.4 The Government of Nepal, if it deems necessary, may alter the members of committee as per necessity upon publishing a notification in Nepal Gazette.

4.5 The committee may, if it deems necessary, invite national or foreign expert or an adviser at the meeting of the committee to participate as an observer.

5. **Committee to be a corporate body:**

5.1 The Committee constituted pursuant to Sub-section 4.1 shall be an autonomous corporate body with perpetual succession.

5.2 The committee shall have its own seal.

5.3 The committee may, like an individual, acquire, dispose, sell or otherwise manage moveable and immovable property.

5.4 The Committee may, like an individual, sue or be sued from its name.

6. **Procedures relating to the meetings of committee:**

6.1. The meeting of committee shall be held at least once in Two months.

6.2 In case Fifty percent members of total members of committees are present, it shall be deemed to have constituted the quorum for holding meeting.

6.3 The majority opinion shall prevail over the meeting of committee and in case of tie the person who chairs the meeting may exercise casting vote.

<sup>15</sup>6.4 The chairperson of the Committee shall preside over the meeting of the committee. In a condition where the chairperson of the

---

<sup>14</sup>. Amended by Third Amendment

committee is not designated or the chairperson is absent the member chosen by the members of committee from amongst them selves shall chair the meeting of committee.

6.5 The Member Secretary shall call the meeting of committee on such date, time and at the place prescribed by the chairperson.

6.6 The Member-Secretary shall cause to authenticate the minutes of the meeting of the committee from the person who chairs the meeting and shall keep up to date record of the minutes.

6.7 The other procedures relating to the meeting of the committee shall be as determined by the committee itself.

<sup>16</sup>7. **Sub-Committees may be constituted:**

7.1 The committee may constitute sub-committees as per necessity for smoothly operating the acts and activities of the committee.

7.2 The functions, duties, powers and other procedures of the sub-committee constituted pursuant to Sub-section 7.1 shall be as prescribed by the committee.

8. **Restriction may be imposed:**

8.1 The Committee may, by issuing a clear public notification from time to time, impose restriction on fragmentation or any type of physical change of any immovable property situated in town planning area for a period as prescribed in the said notification but not exceeding a period of Two years<sup>17</sup> for the purpose of the formulation of town planning.

---

<sup>15</sup>. Amended by Third Amendment

<sup>16</sup>. Amended of Third amendment

<sup>17</sup>. Inserted by Second Amendment

8.2 The committee shall communicate the notification of such restriction imposed pursuant to Sub-section 8.1 to the concerned registration office.

8.3 Upon receiving the notification pursuant to Sub-section 8.2, the concerned registration office shall not register such immovable property in such a way that causes fragmentation of such property.

9. **Committee may regulate, control or prohibit:**

9.1 The committee may, upon publishing a public notice clearly from time to time, regulate, control or prohibit the following acts and activities as per necessity in town planning area and no one shall, without the prior-approval of the committee, perform or cause to perform the regulated, controlled or prohibited acts and activities.

9.1.1. To enjoy and use agriculture land, natural heritage, flora, forest, fauna, archaeological, religious and historical sites as well as cultivated and barren land and immovable property.

9.1.2 To construct new building, office or any other structure or to expand already constructed structure.

9.1.3 To build structure for any type of settlement, residence or dwelling or to carry out settlement and to build sites of amusement, market, *haat bazaar* (temporary market) and industry.

9.1.4 To do any act and activity which causes adverse effect on natural beauty, tourism site and public health or which causes environmental pollution.

9.1.5 To use road, bridge and transport of vehicle on such road and bridge and for forestation, water, electricity etc.



9.2 The committee may, while granting approval for the purpose of Sub-section 9.4, grant partial or full approval or not to grant approval or specify necessary <sup>18</sup>directives or conditions or criteria.

9.3 The Committee or a person deputed by the committee shall have full power to enter into any building or land or to record the statement of the concerned person for collecting statistics or carrying out survey of immovable property situated in town planning area.

10. **Prevention and Demolition:**

10.1 In case a person commits an act in contravention of regulation, control or prohibition made by the committee pursuant to Section 9 without prior approval of the committee or in the contravention of <sup>19</sup>condition or criteria if any, prescribed by the committee while granting approval, the Committee may issue an order to prevent immediately such act and if a person has constructed any construction in the course of such act, may issue an order in the name of the concerned person to demolish or remove the part of the construction to such an extent that is constructed without approval or <sup>20</sup>against the condition or criteria of the Committee..

10.2 A person, who is not satisfied with the order issued by the committee to demolish or remove the part of construction pursuant to Sub-section 10.1, may lodge a complaint before the Committee of Appeal within Thirty five days from the date of reception of such order. The Committee of Appeal shall make decision on the complaint within Thirty days from the date when the complaint lodged; and such decision shall be final.

---

<sup>18</sup> Amended by Third Amendment  
<sup>19</sup> Amended by Third Amendment  
<sup>20</sup> Amended by Third Amendment

10.3 The concerned person shall demolish or remove the part of construction within Thirty five days from the date of the decision of the Committee of Appeal in case the said committee upheld the decision of the committee to demolish or remove the part of construction where the complaint is lodged pursuant to Sub-section 10.2; and within Thirty five days from the date of the decision made by the Committee pursuant to Sub-section 10.1 in case the complaint is not lodged before the Committee of Appeal.

10.4 If the concerned person fails to demolish or remove the part of construction within the time as referred to in Sub-section 10.3, the Committee may itself demolish or remove the such part of construction and the expenses made for the demolition or removal, as the case may be, shall be <sup>21</sup>recovered from the concerned person as good as government due.

<sup>22</sup>10.5 In the course of demolishing or removing the part of a construction by the Committee itself, it shall demolish or remove the said part in front of the concerned ward member of the Village Development Committee or Municipality, as the case may be. In case more part than to be required is demolished despite the utmost effort in the course of demolition or removable, the committee shall not be liable for the damage; and the concerned person shall not be entitled to obtain compensation for such damage.

<sup>23</sup>10.6 In a condition where the committee has issued an order to demolish or remove the part of a construction pursuant to Sub-section 10.1, the Committee shall write the concerned body not to give effect to the transmission of such property or not to accept the said property

---

<sup>21</sup>. Amended by second Amendment  
<sup>22</sup>. Inserted by second Amendment  
<sup>23</sup>. Inserted by Third Amendment

as security or mortgage until the concerned person demolishes or removes the part of the construction as per order; and the concerned body shall follow the order accordingly.

11. **Functions, duties and powers of the committee:**

11.1 Save as provided elsewhere in this Act, the committee shall have the following functions, duties and powers;

11.1.1 To classify town planning area in to various area for land case.

<sup>24</sup>11.1.2 To specify necessary conditions or standard in land case area for physical development.

<sup>25</sup>11.2.2a. To classify the land on the basis of land use area.

<sup>26</sup>11.2.2b. To set guideline for institutions or local body upon prescribing condition or standard for the physical development of land.

11.1.3 To prepare necessary project and to implement it in town planning area for proper development and conservation of religious, cultural and historical heritage subject to prevailing law of Nepal on ancient monument.

11.1.4 To prescribe condition on construction and other activities to be done in forest, stream, riverside and water area for the protection of nature and environment of town planning region, and to perform and cause to perform the act as per the said conditions.

---

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

<sup>25</sup> Inserted by Third Amendment

<sup>26</sup> Inserted by Third Amendment

11.1.5 To prohibit the use of natural resources that causes adverse effect on nature.

11.1.6 To prepare the project related to land development and building construction in the land use area as per town planning and to implement it.

11.1.7 To carry out other acts as directed by the Government of Nepal from time to time as per town planning.

11.2 It shall be the duty of the committee to keep co-ordination with concerned body of the Government of Nepal in the course of performing or causing to perform an act and activity pursuant to this Act.

12. **Land development programme may be operated:**

12.1 The committee may, subject to policy and directives of the Government of Nepal, operate the following land development programmes to manage residential land for fulfilling the basic need of residents of various income groups in the course of making development of town in planned manner; and for other township activities.

12.1.1 To formulate project relating to service and facility in a part of town planning area with the participation of <sup>27</sup>at least Seventy five percent local land owners and tenants and to operate guided land development programme as per the said project in the investment of the concerned body of the Government of Nepal, corporate body <sup>28</sup>Municipality or local people.

---

<sup>27</sup> . Inserted by Third Amendment  
<sup>28</sup> . Amended by First Amendment

12.1.2 To operate land pulling programme by integrating various units of land situated any part of town planning area on the consent of <sup>29</sup>at least fifty one percent land owner or tenants of the area and to arrange service and facility for the integrated land as per town planning, to recover expenses made to arrange such service and facility by selling developed sites and to return back the said sites to the concerned owner or tenants on *pro-rata* basis.

<sup>30</sup>12.1.2a In case the committee intends to operate land pulling programme in a part of town planning area pursuant to Sub-section 12.1.2 or at least <sup>31</sup>Fifty one percent land owners or tenants of the area where the land pulling programme is not operated pursuant to this Act submit application seeking for the operation of land pulling programme in such area upon setting out four sides of land, the committee may operate land pulling programme in the area where at least fifty families can reside.

<sup>32</sup>12.1.2b In case the committee in going to operate land pulling programme pursuant to Sub-section 12.1.2a, it shall constitute Users Committee from among the users of respective area for the participation of local land owners or tenants and the committee shall operate land pulling programme with the co-operation of Users Committee.

---

<sup>29</sup> Amended by Some Nepal Acts (Amendment) Act, 2064

<sup>30</sup> Inserted by Third Amendment

<sup>31</sup> Amended by Some Nepal Acts (Amendment) Act, 2064

<sup>32</sup> Inserted by Third Amendment

<sup>33</sup>12.1.2c The committee shall, while operating land pulling programme pursuant to Sub-section 12.1.2b, follow the procedure as referred to in Section 8 and shall impose restriction on fragmentation or physical change to be made by any person of the immovable property situated in the said part for a period not exceeding Two years.

<sup>34</sup>12.1.2d In the course of conducting land pulling programme, the committee shall, on consultation of Users Committee, fix the area of land that the land owners or tenants have to provide for land pulling programmes on the basis of current monetary value of that land and existing road and other provided facilities in the said part in order to provide services and facilities such as road, drainage, open space, drinking water and electricity .

<sup>35</sup>12.1.2e After fixing lands pursuant to Sub-section 12.1.2d, the committee shall, for the purpose of returning back the developed sites to the respective land owner or tenants and for transforming the entire unit of lands into a single unit; subject to Sub-section 12.1.2c, shall forward a letter to freeze the transmission of immovable property situated in the concerned area to the office authorized for registration for One year in maximum and after receiving such notice the

---

<sup>33</sup> . Inserted by Third Amendment

<sup>34</sup> . Inserted by Third Amendment

<sup>35</sup> . Inserted by Third Amendment

concerned office shall freeze the transmission of immovable property accordingly.

<sup>36</sup>12.1.2f. After being frozen land for transmission pursuant to Sub-section 12.1.2e, the committee shall return developed sites to the former land owner or tenants along with provisional certificate within the period as mentioned in the said Sub-section.

<sup>37</sup>12.1.2g After returning developed sites to the concerned land owner or tenants pursuant to Sub-section 12.1.2f along with provisional certificate, the Committee shall write to the concerned office of land survey and land revenue for preparing the survey map, maintaining the record of land owner and for issuing land owner registration certificate as per the aforesaid certificate; and the aforesaid offices shall prepare the survey map of the land, maintain the record of landowner and issue land owner registration certificate to the concerned landowner or tenant.

<sup>38</sup>12.1.2h. Notwithstanding anything contained in the prevailing law, upon the preparation of the survey map, record of landowner and landowner registration certificate pursuant to Sub-section 12.2.2g, the previous survey of the land where the programme of land pulling was conducted and entire previous inventory of the landowners and tenants of the concerned area shall *ipso facto*, be void.

---

<sup>36</sup> . Inserted by Third Amendment

<sup>37</sup> . Inserted by Third Amendment

<sup>38</sup> . Inserted by Third Amendment

12.1.3 The committee shall upon causing to execute the acquisition of land which falls within the ambit of town planning area, operate sites and services programme in order to provide service and facility in such land by itself or through any corporate body and to prepare sites for sale and distribution.

<sup>39</sup>12.1.3a In the course of selling sites pursuant to Sub-section 12.1.3, the Committee shall give preference to the former landowner and tenants who do not have sites and land in such town planning area.

12.1.4 In case a land pulled or acquisitioned for operating land development programme is less than the area of minimum unit of sites determined as per land development programme, a site of minimum unit shall be provided to the owner of the said land upon collecting the expenses made thereof.

<sup>40</sup>12.1.5 In case a landowner having less land than the area of minimum unit pursuant to Sub-section 12.1.4 is unable to purchase sites at a cost determined by the Committee, the committee shall itself requisition the land of such landowner or tenant; and shall give compensation as per current value of the said land.

<sup>41</sup>12.2 While constructing to give effect to the guided land development programme, in case the landowner of the land situated in the starting point of the proposed road does not agree to provide such land and no alternative is available other than such land for construction of the said road, such land shall be requisitioned

---

<sup>39</sup> . Inserted by Third Amendment

<sup>40</sup> . Inserted by Third Amendment

<sup>41</sup> . Inserted by Second Amendment



pursuant to Section 16. The committee shall pay Fifty percent amount of the compensation to be given and remaining fifty percent amount shall be paid by the persons to be benefited from the proposed land development programme.

<sup>42</sup>12.3 The committee shall constitute Users group for the participation of landowner and tenants to operate guided land development programme and it shall be the duty of such User committee to assist in the operation of the programme launched by the committee.

<sup>43</sup>12.4 In case landowner and tenants make an application to the committee seeking for launching guided land development programme in the area where the said programme has not been launched by the committee upon setting out the four sides of the land and if the committee concludes that at least Fifty families can reside in the area, it may give effect to the said programme. While launching the said programme, in case acquisition of land is needed, the entire amount of compensation for such acquisition of land shall be paid by the local people to be benefited from the said programme.

<sup>44</sup>12A. **Approval and operation of the planning of physical development:**

12A1. In case any institution intends to operate the physical development planning in the area where town planning has come into force, it shall take approval from the committee.

12A2. After taking approval from the committee pursuant to Sub-section 12A.1, the concerned institution shall operate the approved plan as per the terms and standard prescribed by the Committee.

---

<sup>42</sup>. Inserted by Second Amendment

<sup>43</sup>. Inserted by Second Amendment

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

<sup>45</sup>12B. **Co-operation and rebatemay be provided to the institution:**

12B.1. The committee may recommend the concerned body to provide any of the following facilities to the institution which operate physical development planning.

12B1.1 To provide technical co-operation in order to operate physical development planning.

12B1.2 To recommend the finance company, financial institution or Bank for providing loan as good as privilege receiving sector in order to purchase required land to such institution.

12B1.3 To provide required land to such institution pursuant to the prevailing law.

12B.2 The Government of Nepal may, on the recommendation of the committee, rebate Fifty percent amount of total registration fee in purchasing the land for any institution which formulates and operates physical development plan.

Provided that, in case the said scheme run by such institution could not be implemented for a reason, the said institution shall refund the amount of registration fee received from the Government of Nepal as rebate and the interest thereof pursuant to the prevailing law to the Government of Nepal.

12B.3 The Government of Nepal may, on the recommendation of the Committee as per the conditions and consent of the concerned body which recommends for ceiling free of the land, by a notification in Nepal Gazette, issue an order that the provisions of land ceiling as referred to in the prevailing law shall not be applied to such institution for the said purpose.

---

<sup>45</sup>. Inserted by Third Amendment

Provided that, in case such scheme could not be implemented or the committee decides that the terms or standard prescribed by it was not followed, such institution shall not be entitled to obtain the facility regarding land ceiling.

<sup>46</sup>12C. **Local body may conduct land development programme:**

12C.1 Local body may conduct land development programme in its area pursuant to Section 12.

12C.2 In case local body intends to conduct land development programme pursuant to Sub-section 12C.1, it shall take approval from the Government of Nepal on the recommendation of the committee where the Committee is constituted or of the Town Development District Co-ordination Committee where the aforesaid committee is not constituted or of Town Development Central Co-ordination committee where even the aforesaid District Co-ordination committee is not constituted.

12C.3 While conducting land development programme pursuant to Section 12, the local body shall have the powers as good as committee and the local body shall comply with the procedure and other provisions pursuant to this Act while conducting land development programme.

12C.4 The government of Nepal or the Committee may provide technical and financial facility to the local body which conducts land development programme pursuant to Sub-section 12C.1.

13. **Power to collect financial resources:** The committee may, for the expenses to be required for smooth running of its function, accept loan,

---

<sup>46</sup>. Inserted by Third Amendment

grant and collect financial resources by any manner upon taking approval from the government of Nepal

<sup>47</sup> 13A. **To be taken approval while providing grant, assistance and loan:** The Committee shall take prior approval from the Government of Nepal for providing its movable and immovable property to any person or institution as donation, grant, aid or loan.

14. **Fund of the committee:**

14.1 The committee shall have its separate fund. The following money shall be deposited in to the said fund.

14.1.1 Grant acquired from the Government of Nepal.

14.1.2 Money acquired from any international or foreign institution through the Government of Nepal.

14.1.3 Money to be earned from the movable and immovable property of the committee.

14.1.4 Any other money received by the committee.

14.2 All of the moneys of the committee shall be deposited in to Nepal Rastra Bank or any commercial bank in the name of committee.

14.3 Entire expenses to be made on behalf the committee shall be charged on the fund pursuant to 14.1.

14.4 The account of the committee shall be operated as prescribed.

15. **Account and audit of the Committee:**

15.1. The account of the committee shall be maintained as per the format and manner of the Government of Nepal.

---

<sup>47</sup>. Inserted by Third Amendment

15.2 The account of the committee shall be audited from the Office of Auditor General.

15.3 The Government of Nepal, if it wishes, may hold inquiry or cause to hold inquiry in to the document related to account and other cash and commodity.

16. **Acquisition of Land**: The Government of Nepal may acquire the required land as per the prevailing law for the committee in order to implement town planning.

17. **Constitution functions, duties and powers of Town Development Central co-ordination committee**:

17.1 The Government of Nepal may constitute a Town Development Central Co-ordination Committee upon publishing a notification in Nepal Gazette in order to make co-ordination in the acts and activities of the committees to be formed in various area, city<sup>48</sup>rural area, town area and regional development zone Nepal.

17.2 Fifty percent members of total members of the committee shall be represented from people representatives and social workers.

17.3 The members of the committee constituted pursuant to Sub-section 17.1 and their tenure shall be as prescribed in the notification pursuant to said Sub-section.

17.4 Subject to Sub-section 17.1, the Government of Nepal may, if it deems necessary, upon publishing a notification in Nepal Gazette, alter or change the members of the committee constituted pursuant to sub-section 17.1.

---

<sup>48</sup>. Amended by First Amendment

71.5 The functions, duties and powers of the committee constituted pursuant to sub-section 17.1 shall be as prescribed.

<sup>49</sup>17A. **Constitution of Town Development District Co-ordination Committee:**

17A.1 The Government of Nepal may, upon publishing a notification in Nepal Gazette, constitute Town Development District Co-ordination Committee in order to bring co-ordination in the acts and activities of the committees to be constituted in various part, city, rural area and town area

17A.2 Fifty percent of the total members of the committee constituted pursuant to Sub-section 17A.1 shall be represented from people representatives and social workers.

17A.3 The tenure of chairperson and members of the committee constituted pursuant to Sub-section 17A.1 shall be as prescribed in the notification pursuant to same Sub-section.

17A.4 Subject to sub-section 17A.2, the Government of Nepal, if it deems necessary may, upon publishing a notification in Nepal Gazette, alter or change the members of the committee constituted pursuant to Sub-section 17A.1 as per necessity.

17A.5 The functions, duties and powers of the committee constituted pursuant to sub-section 17A.1 shall be as prescribed.

18. **Penalty:**

18.1 whosoever commits an act regulated, controlled or prohibited by the Committee pursuant to Section 9 without prior approval of the committee or commits an act <sup>50</sup>in contrary of terms and standard, if

---

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

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

any, prescribed by the committee, the Committee may impose <sup>51</sup>a fine up to One Hundred Thousand Rupees or an imprisonment not exceeding One year or the both to such person.

18.2 Whosoever hinders or obstructs in act and activity performed or to be performed by the committee pursuant to this Act or Rules framed there under, the committee may impose a <sup>52</sup>fine up to Twenty five Thousand Rupees or an imprisonment not exceeding Six months or the both.

18.3 Whosoever commits an act or activity in contravention of an order or directive issued by the Committee pursuant this Act or Rules framed there under, the committee may impose a fine up to Five Thousand Rupees.

18.4 Save as mentioned in aforesaid sub-sections, whosoever commits an act or activity in contravention of this Act or Rules framed there under, the committee may impose a fine up to Five Thousand Rupees.

<sup>53</sup>18.5 The penalty imposed by the Committee pursuant to Sub-section 18.1 or 18.2 shall be enforced only after being approved by the Committee of Appeal constituted pursuant to Section 20.

19. **Appeal:** A person who is not satisfied with the decision of penalty made by the committee pursuant to Section 19, may file an appeal to the Committee of Appeal constituted pursuant to Section 20 within Twenty days from the date of decision.

---

<sup>51</sup>. Amended by Second Amendment  
<sup>52</sup>. Amended by Second Amendment  
<sup>53</sup>. Inserted by Second Amendment

20. **Committee of Appeal:**

<sup>54</sup>20.1 The Government of Nepal may constitute Committees of Appeal as per necessity in order to hear appeal against the order issued by the Committee pursuant to Section 10 or 18.

20.2 The committee of Appeal shall consist of the following members designated by the Government of Nepal;

<sup>55</sup>20.2.1 A serving judge of court of appeal or a person who is eligible to be a judge of Court of Appeal Chairperson

20.2.2 Expert on Concerned Subject Member

20.2.3 A reputed person Member

20.3 The Committee of Appeal shall have powers as good as court of law in the matter of recording of statement, issuing summon for witness, causing to produce documentary evidence and collecting evidence.

20.4 Working procedure of Committee of Appeal shall be determined by itself.

<sup>56</sup>20.5 The tenure and conditions of service and facilities of the members of the Committee of Appeal shall be as prescribed by the Government of Nepal.

21. **Saving of Act preformed in good Faith:** No member or employee of the Committee or Appeal committee of Appeal shall be personally liable for

---

<sup>54</sup> . Amended by First Amendment  
<sup>55</sup> . Amended by Third Amendment  
<sup>56</sup> . Inserted by Third Amendment



any loss incurred from any act performed or likely to be performed in good faith during the discharge of his/her duty as per this Act or Rules or By-laws framed thereunder.

Provided that, the concerned personal shall be liable for an act committed with an intention of giving unnecessary trouble or harassment to any one.

22. **Delegation of Power:** The committee may, as per necessity delegate all or any of powers conferred to it pursuant to this Act or Rules framed thereunder to its any member or any officer employee of such committer or to committee constituted pursuant to Section 7.
23. **Government of Nepal may issue directives:** The Government of Nepal may issue necessary directive to the committee with regard to the formulation and implementation of town planning. It shall be the duty of the committee to abide by such directive.
24. **Power of Government of Nepal:**
  - 24.1 In case any committee constituted under this Act commits or likely to commit an act on contrary of this Act, the Government of Nepal may issue an order to prevent such act.
  - 24.2 The Government of Nepal, if it deems for public interest, may entirely or partially quash any order issued by the committee pursuant to this Act.
  - 24.3 In case the Government of Nepal concludes that any committee constituted pursuant to this Act has completed its task or has failed to discharge its duty or to abide by an order, may dissolve such committee.
  - 24.4 In case committee is dissolved pursuant to Sub-section 24.3 or in the condition of preliminary proceeding before constituting

committee, the Government of Nepal shall assume entitlement and liability of committee.

<sup>57</sup>24A. **Law in force to prevail:** The matters set forth in this Act shall be governed by this Act and others matters shall be governed by the prevailing law.

25. **Liaison with Government of Nepal:** Committee shall liaise with the Government of Nepal through the Ministry of Housing and Physical Planning.

26. **Power to frame Rules and Bye-laws:**

26.1 The Government of Nepal may, subject to this Act, frame necessary Rules to carry out the objectives of this Act.

26.2 The committee may, subject to this Act and Rules framed there under, frame necessary Bye-laws with the approval of the Government of Nepal.

27. **Pending case to be transferred:** in the commencement of this Act cases which are pending in the committee constituted pursuant to Town Construction Planning Implementation Act, 2029 (1973) shall be transferred to the Committee constituted pursuant to this Act.

28. **Repeal and Saving:**

28.1 Town Development Committee Act, 2019 (1963) and Town Construction Planning Implementation Act, 2029 (1973), is, hereby, repealed.

28.2 Functions and proceeding carried out by the committee constituted pursuant to Town Development Committee Act, 2019 (1963) and Town Construction Planning Implementation Act, 2029 (1973), and

---

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

entitlement and Liability thereof shall be transferred to the concerned Town Development Committee constituted pursuant to this Act.

- 28.3 Committees constituted pursuant to Town Development Committee Act, 2019 (1963) and Town Construction Planning Implementation Act, 2029 (1973) shall be constituted as if they were constituted pursuant to this Act.

NEPAL LAW COMMISSION