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MINISTRY OF FORESTS

AND

SOIL CONSERVATION

SOIL AND WATERSHED CONSERVATION ACT, 1982

**HIS MAJESTY'S GOVERNMENT OF NEPAL
KATHMANDU - 1982**

(Royal Titles).

A Law Enacted to Make Arrangements Relating to Soil and Watershed Conservation

Preamble: Whereas it is expedient to make legal arrangements in respect to the control of such natural disasters as floods, landslides, and soil erosion, and to ensure the convenience and maintain the economic interests of the public.

Now therefore, His Majesty King Birendra Bir Bikram Shah Dev has enacted this law on the advice and with the approval of the National Panchayat.

1. Short Title and Commencement

- (1) This law may be called the Soil and Watershed Conservation Act, 1982.
- (2) It shall come into force at once.

2. Definitions

Unless otherwise meant with reference to the subject or context, in this act:

- (a) Protected Watershed Area means a protected watershed area as declared under Section 3.
- (b) Soil and Watershed Conservation means the work of protecting or saving any area from such natural disasters as floods, landslides, and soil erosion, keeping the volume and flow of waters in normal condition, or maintaining the purity of the flow of water without letting it get muddy.
- (c) Land Use System means the process of using land on a long-term basis by cultivating it or using it otherwise in such a manner that its fertility is maintained, and its physical and chemical properties are not weakened or destroyed, or are preserved.
- (d) Department means the Department of Soil and Water Conservation.
- (e) Watershed Conservation Officer means prescribed or in the manner prescribed in rules framed under this Act.

3. Power to Declare Protected Watershed Area

- (1) In case it so deems necessary for the conservation of soil and watersheds, His Majesty's Government may declare any area of the Kingdom of Nepal as a protected watershed area by notification in the Nepal Rajpatra after indicating the boundaries on four sides.
- (2) His Majesty's Government may alter the boundaries of a protected watershed area as declared under Sub-Section (1) according to need by notification in the Nepal Rajpatra.

4. Measures Which May be Taken in Protected Watershed Area

For the purpose of soil and watershed conservation, the Soil and Watershed Conservation Officer may take the following measures in a protected watershed area:

- (a) Construction and maintenance of dams, check dams, embankments terrace improvement, irrigation channels, subsidiary irrigation channels or diversion channels, retaining walls, tanks, or similar other structures.
- (b) Arrangements for trial plots and maintenance thereof.
- (c) Afforestation, planting of grasses, bushes, or other vegetation, and maintenance and nurturance thereof.
- (d) Protection of forests, bushes, grasses, or other natural vegetation on lands which may be eroded by landslides as well as on steep hillsides, and maintenance and nurturance thereof.
- (e) Cultivation of crops and fruits.

- (f) Maintenance of the fertility of the soil and the purity of water and environment in a balanced manner.
- (g) Electrification of the concerned places.
- (h) Other measures relating to soil and watershed conservation prescribed by His Majesty's Government.

5. **Classificaiton of Lands Within Protected Watershed Area**

For the purpose of Section 4, the Soil and Watershed Conservation Officer may classify lands within the protected watershed area in the prescribed manner.

6. **Cultivation Under Land Use System**

- (1) The Watershed Conservation Officer may undertake or arrange for the cultivation of any crop or fruit, or the planting of trees, plants, or grass, on lands prescribed within the protected watershed area by adopting a land use system.
- (2) In case lands prescribed under Sub-Section (1) are the private property of any one, the concerned landowner or tenant must undertake such activities on his lands by adopting a land use system.
- (3) The Department shall make available in the prescribed manner technical know-how and services, as well as necessary financial co-operation, to landowners or tenants for the purpose of Working on the basis of a land use system according to Sub-Section (2).
- (4) In case any tenant is liable to be evicted from any land as a result of any work caused to be done on the basis of a land use system according to Sub-Section (1), His Majesty's Government shall pay compensation to such tenant. In case the concerned landowner desires to relinquish to His Majesty's Government his ownership of lands on which any work is being done on the basis of a land use system, he may do so. Compensation to such landowners and tenant shall be paid with due consideration to current prices.

7. **Provision of Technical Know-how , Services, and Financial Co-operation**

In case any person desires to undertake on lands owned by him the measures mentioned in Clause (a) of Section 4, the Department shall make available to him for that purpose necessary technical know-how and services, as well as necessary financial compensation in the prescribed manner.

8. **Compensation**

In case the Watershed Conservation Officer undertakes the measures mentioned in Clause (a) or Clause (b) of Section 4 on lands comprising the private property of anyone, he shall pay compensation to the concerned landowner in consideration thereof in consultation with the local Panchayat and with due consideration to current prices as well.

9. **Power to Undertake Tests**

- (1) While making arrangements for any experimental place under Clause(b) of Section 4, the Watershed Conservation Officer may sow or plant and nurture for the purpose of experiment any crop, fruit tree, plant, grass, or similar other vegetation at such place.
- (2) No one shall in any way destroy the crop, fruit, tree, plants grass, or similar other vegetation sown or planted at an experimental place under Sub-Section (1).

10. **Prohibited Actions in Areas Where Natural Disasters Occur or May Occur.**

Notwithstanding anything contained in current law, no person shall be allowed to take any of the following actions without the permission of the Watershed Conservation Officer on lands located

within any protected watershed area prescribed as those on which floods, landslides, washouts, or erosion occur or may occur:

- (a) Block or store in any way water from any stream, rivulet, waterfall, or underground water, or take away elsewhere or divert block or stored water through channels, subsidiary channels, drains, or otherwise, or use such water for any purpose by blocking , storing, or diverting , or in any other way.
- (b) Cut or otherwise destroy tree, plants, or other forest product, permitted to be freely used by current forest legislation.
- (c) Cut or otherwise destroy existing forests, trees, plants, bushes grasses, or other natural vegetation.
- (d) Do anything that results in the accumulation of boulders, soil, sand, mud etc. or let such accumulated boulders, soil , sand, mud, etc. be washed away.
- (e) Dig, extract, or take away boulders, sand or soil of other types.
- (f) Dump dirt or other garbage which may pollute the atmosphere, or construct places where such garbage may be dumped or accumulated.
- (g) Establish industrial, commercial, or resettlement colonies.
- (h) Take, keep, or graze cows, buffaloes, sheep, goats, chicken, or other domestic animals and birds.

11. **Power to Shift Industrial, Commercial or Resettlement Colonies**

- (1) In case His Majesty's Government considers it necessary for the purpose of soil and watershed conservation to shift industrial, commercial or resettlement colonies established on lands within any protected watershed area to other places, or to acquire lands covered by such colonies, it may shift them accordingly, or acquire such lands according to current law relating to land acquisition.
- (2) His Majesty's Government must pay reasonable compensation for the loss caused to the concerned person while shifting any industrial, commercial, or resettlement colony under Sub-Section (1).

12. **Power to Entry**

- (1) Watershed Conservation Officer, or an employee designated by him, may at anytime enter into lands situated within a protected watershed area for taking any of the measures mentioned in Section or to inspect and maintain them.
- (2) No person shall create any opposition or obstacle in entry under Sub-Section (1).

13. **Power to Prohibit**

The Watershed Conservation Officer may prohibit any other person from doing anything that may result in soil erosion or washout on lands on which any of the measures mentioned in Section 4 has been taken or in adjoining areas.

14. **Power to Acquire Land**

In case His Majesty's Government desires to acquire private-owned land for the purpose of soil and water conservation, it may do so according to current law relating to land acquisition.

15. **National Resource Conservation Commission**

- (1) His Majesty's Government shall form a National Resource Conservation Commission by notification in the Nepal Rajpatra in order to advise it on matters relating to soil and watershed conservation.
- (2) The functions, duties, and powers of the National Resource Conservation Commission formed under Sub-Section (1) shall be as prescribed.

16. **District Soil and Watershed Conservation Committees**

- (1) His Majesty's Government shall form a District Soil and Watershed Conservation Committee by notification in the Nepal Rajpatra for co-ordinating soil and watershed conservation operations in any district.
- (2) The functions, duties, and powers of District Soil and Watershed Conservation committees formed under Sub-Section (1) shall be as prescribed.

17. **Prohibition to Destroy, Use up, or Alter**

No person shall destroy, use up, damage, or alter any work done in any protected watershed area under Section 4.

18. **Obligation to Consult District Soil and Watershed conservation Committee**

While classifying lands within protected watershed areas under Section 5, or undertaking any measures on such lands according to a land use system under Sub-Section (1) of Section 6, the Watershed Conservation Officer must consult the District Soil and Watershed Conservation Committee.

19. **Appointment of Watershed Conservation Officer**

For the purpose of this act, His Majesty's Government may appoint Watershed Conservation Officers according to need. In circumstances where watershed conservation officers have not been appointed in this manner, His Majesty's Government may designate any other officer to discharge the functions of a Watershed Conservation Officer.

20. **Power to Seize**

In case any one acts in contravention of this act and the rules framed hereunder, the Watershed Conservation Officer may seize the tools, animals, vehicles, or other goods used in connection thereof.

Provided that in the case of animals, these shall be restored to the owner against a security deposit; in case the owner does not want to furnish a security deposit, the Watershed Conservation Officer may auction such animals.

21. **Penalties**

- (1) Any person, who acts in contravention of Sub-Section (2) of Section 6, or Sub-Section (2) of Section 12, shall be punished with imprisonment for a term not exceeding two months, or with a fine amounting to not more than Rs. 500, or with both.
- (2) Any person who acts in contravention of Section 10 shall be punished with imprisonment for a term not exceeding three months, or with a fine amounting to not more than Rs. 500, or with both.

- (3) Any person who acts in contravention of Section 17 shall be punished with imprisonment for a term not exceeding one year, or with a fine amounting to not more than Rs. 1,000 or with both; the amount of the loss shall also be realised from him.
- (4) Any person who acts in contravention of this act or the rules framed hereunder shall be punished with imprisonment for a term of exceeding three months, or with a fine amounting to not more than Rs. 500, or with both.
- (5) Tools, animals, vehicles, or goods connected with offences which are punishable under this act shall be confiscated.

22. **His Majesty's Government to be Plaintiff**

His Majesty's Government shall be the plaintiff in cases under this act.

23. **Prosecution of Cases**

- (1) The Watershed Conservation Officer shall prosecute cases relating to offences which are punishable under this act.
- (2) For the purpose of prosecuting cases under Sub-Section (1), the Watershed Conservation Officer may take the advice of the government lawyer.

24. **No Obstacle to the Use and Distribution of Water Resources by His Majesty's Government.**

Nothing contained in this act shall be deemed to have prohibited His Majesty's Government from developing waters resources itself.

25. **Power to Frame Rules**

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

Royal Scale affixed on
Marga 6, 2039 (November 21, 1982).