

SOIL AND WATERSHED CONSERVATION REGULATION, 1985

In exercise of the power conferred by Section 25 of the Soil and Watershed Conservation Act, 2039 (1982), His Majesty's Government has made the following Rules:

1. Short Title and Commencement:

- (1) These Rules shall be called the "Soil and Watershed Conservation Regulation, 2041 (1985).
- (2) This Regulation shall come into force at once.

2. Definition:

Unless the subject or context otherwise requires, in this Regulation;

- (a) "Act" means the Soil and Watershed Conservation Act, 2039 (1982).
- (b) "Commission" means the National Resource Conservation Commission constituted pursuant to Section 15 of the Act.
- (c) "Committee" means the District Soil and Watershed Conservation Committee constituted pursuant to Section 16 of the Act.

3. Declaration of Protected Watershed Area:

- (1) For the purpose of declaring any area within the kingdom of Nepal as protected Watershed Area pursuant to Section 3 of the Act for the conservation of Soil and Watershed, the Watershed Conservation Officer shall, after making necessary investigation, study and survey and obtaining the advise of the Committee, send a request to the Department specifying the area and boundary of an area which is deemed necessary to declare as a Protected Watershed Area.
- (2) Upon receipt of the request under sub-rule (1), the Department may, if necessary, again investigate, study and survey or cause to do so and alter the area and boundary, if it deems necessary, and shall forward it to His Majesty's Government, Forest and Soil Conservation Ministry.

4. Classification of Land:

- (1) In order to undertake or cause to be undertaken the works as mentioned in Section 4 of the Act in a Protected Watershed Area for the conservation of Soil and Watershed, the Watershed Conservation Officer shall classify the land within a Protected Watershed Area specifying the area and boundary of the land and the works to be undertaken in such land.
- (2) In classification of the land within a Protected Watershed Area under sub-rule (1), the Watershed Conservation Officer shall take the advice of the Committee.
- (3) The Watershed Conservation Officer shall post the notice relating to the classification of the land under this Rule in its office and the office of the Village or Town and District Panchayat in the form prescribed in Schedule 1 for the information of concerned persons and shall send a copy of such notice to the Department.

5. Cultivation Under Land Use System:

- (1) In case it is required to undertake or cause to be undertaken the cultivation of any crop or fruit and plant the trees or grass by adopting the Land Use System on the land which is situated within Protected Watershed Area and classified for undertaking the works under clauses (c), (d), (e) and

(f) of Section 4 of the Act, the Watershed Conservation Officer shall specify the area and boundary of such land and give its information to the Department.

- (2) In case the land specified under sub-rule (1) to undertake or cause to be undertaken the cultivation by adopting Land Use System is privately owned land, the landowner or tenant shall have to undertake the cultivation by adopting Land Use System on such land.

6. Aid for Cultivation Under Land Use System:

- (1) In case the technical know-how, services and financial aid are required to undertake cultivation by adopting Land Use System, the concerned landowner or tenant shall submit an application to the Watershed Conservation Officer in the form prescribed in Schedule 2 describing the technical know-how, services and financial aid required in accordance with the nature of cultivation.
- (2) In an application under sub-rule (1), the Watershed Conservation Officer shall, after making necessary investigation and specifying the technical know-how, services and financial aid required to the Department for approval.
- (3) Upon receipt of the request for approval under sub-rule (2), the department, if it deems necessary, may again undertake or cause to be undertaken an investigation and shall give its approval as soon as possible.

7. Relinquishment of Ownership on land by landowner:

- (1) The concerned landowner, in consideration of compensation, may relinquish its ownership to His Majesty's Government on privately owned land which is specified under Section 6 of the Act and Rule 5 for undertaking the cultivation by adopting Land Use System. The landowner wishing to relinquish his ownership in that land shall submit an application to the Watershed Conservation Officer for determining the amount of compensation. In an application the areas and boundary of the concerned Land shall be described and the evidence showing the ownership on such land shall be attached.
- (2) Upon receipt of an application under sub-rule (1), the Watershed Conservation Officer shall, considering the existing rate, determine the amount of compensation of the land and send a request to the Department for approval.
- (3) Upon receipt of the request for approval under sub-rule (2) the Department, if it deems necessary, may undertake or cause to be undertaken an investigation and shall give its approval as soon as possible.

8. Transfer of Ownership on Land to His Majesty's Government:

- (1) After the approval of the amount of compensation for privately owned land under Rule 7, the Watershed Conservation Officer shall inform the concerned landowner to collect the approved amount of compensation.
- (2) After the issue of notification to the concerned landowner under sub-rule (1) the ownership on the land shall be transferred to His Majesty's Government.

9. Technical Know-how, Services and Financial Aid to be Provided:

- (1) In case it is required to construct and maintain the dams, check dams, embankments, terrace improvement, irrigation channel, subsidiary irrigation channel, diversion channel, retaining wall, ponds or similar other necessary structures in the privately owned land situated within the Protected Watershed Area, the landowner may himself undertake such work.
- (2) In case any technical know-how, services and financial aid are required to undertake any work described in sub-rule (1), the concerned landowner shall submit an application to the Watershed Conservation Officer in the form prescribed in Schedule 3, specifying the details of work plan, required technical, know-how, services and the financial aid.

- (3) In an application under sub-rule (2) the Watershed Conservation Officer, after making necessary investigation, shall send a request with its opinion to the Department for approval.
- (4) Upon receipt of the request under sub-rule (3), the Department, if it deems necessary, may again under-take or cause to be undertaken investigation and shall give its approval as soon as possible.

10. Lands to be prescribed Where Nature Calamity may Occur:

- (1) The Watershed Conservation Officer shall prescribe the area and boundary of the land within the Protected Watershed Area which is prone to flood, landslide, washout or erosion.
- (2) In the land prescribed under sub-rule (1), no person shall undertake any work mentioned in clauses (a), (b), (c), (d), (e), (f), (g) and (h) of Section 10 of the Act without obtaining permission under Rule 11.
- (3) A notice, with boundary of the land prescribed under this Rule as prone to natural calamity and details of the works prohibited to undertake without permission on that land, shall be posted in the office or the concerned Village or Town and District Panchayat for the information of the people in general.

11. Permission to be obtained:

- (1) In case it is required to undertake any work described in clauses (a), (b), (c), (d), (e), (f), (g), and (h) of Section 10 of the Act on the land which has been prescribed as prone to natural calamity under sub-rule (1) of Rule 10, an application with reasons for undertaking such works shall be submitted to the Watershed Conservation Officer in the form prescribed in Schedule 4.
- (2) Upon receipt of an application under sub-rule (1) and upon investigation if it is found that there shall be no act against the objective of the Act, the Watershed Conservation Officer shall give permission in the form prescribed in Schedule 5.

12. Power to prohibit the work which may cause soil erosion or washout:

- (1) The Watershed Conservation Officer may prohibit from doing any work which may cause soil erosion or washout on the land where any of the works specified in Section 4 of the Act has been undertaken or in its adjoining area.
- (2) A notice relating to the prohibition from doing any work under sub-rule (1) shall be posted in the office of the concerned Village or Town and District Panchayat for the information of the people in general. Such notice shall include the boundary of the concerned land and details of the prohibited works.

13. Functions, Duties and Powers of the National Resource Conservation Commission:

- (1) The functions, duties and powers of the National Resource Conservation Commission constituted pursuant to Section 15 of the Act shall be as follows :
 - (a) Provide its opinion to His Majesty's Government for determining the policy, objectives, priority and target relating to Soil and Watershed Conservation and to control the natural calamity such as flood, landslide and soil erosion.
 - (b) To maintain co-ordination between the projects implementing the Soil and Watershed Conservation Works.
 - (c) To submit to His Majesty's Government the reports relating to evaluation and review of the Soil and Watershed Conservation.
 - (d) To establish an international contact for Soil and Watershed Conservation.
 - (e) To conduct meeting, training, conference and seminars relating to Soil and Watershed Conservation.
 - (f) To undertake such other works as may be prescribed by His Majesty's Government.

14. Meetings and Procedure of the Commission:

- (1) Meetings of the Commission shall be held according to necessity at the time and venue as specified by the Chairman.
- (2) The quorum for the meetings of the Commission shall be fifty percent of the total number of members of the Commission.
- (3) The opinion of the majority shall be binding at the meetings of the Commission. In the event of a tie, the Chairman of the Commission may exercise a casting vote.
- (4) The Member-Secretary of the Commission shall certify the decisions or orders of the Commission.
- (5) Other procedures relating to the meetings of the Commission shall be as determined by the Commission itself.

15. Secretariat of the commission:

The Department of Soil and Watershed Management shall make arrangement of the secretariat of the Commission.

16. Functions, Duties and Powers of the Committee:

The functions, duties and powers of the District Soil and Watershed Conservation Committee constituted pursuant to section 16 of the Act shall be as follows:

- (a) To assist in conducting the works relating to the Soil and Watershed Conservation in concerned district in conformity with the aims and effective.
- (b) To help in solving the local problem in the execution of the projects relating to the Soil and watershed Conservation.
- (c) To establish co-ordination between different agencies conducting Soil and Watershed Conservation Project.
- (d) To make available necessary people's participation for Soil and Watershed Conservation.
- (e) To constitute the sub-committee according to necessity.

17. Meetings and Procedure of the Committee:

- (1) Meetings of the Committee shall be held according to necessity at time and venue as specified by the Chairman.
- (2) The quorum for the meetings of the Committee shall be fifty percent of the total number of members of the Committee.
- (3) The opinion of the majority shall be binding at the meetings of the Committee. In the event of a tie, the Chairman of the Committee may exercise a casting vote.
- (4) The Member-Secretary of the Committee shall certify the decisions or orders of the Committee.
- (5) Other procedures relating to the meetings of the Committee shall be as determined by the Committee itself.

Schedule 1

(Related to sub-rule (3) of Rule 4)

As the land has been classified in order to undertake or cause to be undertaken the following works in the following land within the Protected Watershed Area for the Conservation of Soil and Watershed this notification is published for the information of the concerned persons.

Boundary of the land	Areas	Works
(1)
(2)
(3)
(4)

Watershed Conservation Officer's:

Signature:

Full Name:

Date:

Schedule 2

(Related to sub-rule (1) of Rule 6)

To Watershed Conservation Officer,
Soil and Watershed Conservation Office,

As the following technical know-how, services and the financial aid are required in order to undertake the following works by adopting Land Use System on the following land within the Protected Watershed Area I/We hereby request you to make it available.

(1) Details of Land:

- (a) Areas
- (b) Boundary
- (c)

(2) Details of works:

- (a)
- (b)
- (c)

(3) Details of necessary Technical know-how and Services:

- (a)
- (b)
- (c)

(4) Details of the amount of costs required for the works to be undertaken by adopting Land Use System:

- (a) Total amount required:
- (b) The amount to be born by itself:
- (c) Financial aid:

Applicant's:

Signature:

Full Name:

Date:

Schedule 3

(Related to sub-rule (2) of Rule 9)

To Watershed Conservation Officer,
Soil and Watershed Conservation Office,

As I/We wish to undertake the following works on the following privately owned land and the following technical know-how, services and the financial aid are required for that works I/we hereby request you to make it available.

(1) Details of Land:

- (a) Areas
- (b) Boundary
- (c)

(2) Details of works:

- (a)
- (b)
- (c)

(3) Details of necessary Technical know-how and Services:

- (a)
- (b)
- (c)

(4) Details of the amount of costs:

- (a) Total amount required:
- (b) The amount to be born by itself:
- (c) Financial aid:

Applicant's:

Signature:

Full Name:

Date:

Schedule 4

(Related to sub-rule (1) of Rule 11)

To Watershed Conservation Officer,
Soil and Watershed Conservation Office,

As it is required to undertake the following works within the Protected Watershed Area due to the following reasons I hereby request you for the permission. I shall undertake the works mentioned below under Soil and Watershed Conservation Act and Rules and subject to the terms and conditions as may be specified by the office.

(1) Details of works:

- (a)
- (b)
- (c)

(2) Reasons for undertaking such works:

- (a)
- (b)
- (c)

Applicant's:

Signature:

Full Name:

Date:

Schedule 5

(Related to sub-rule (2) of Rule 11)

To:
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This permission is issued to authorise the undertaking of the following works under Soil and Watershed Conservation Act and Rules and subject to the following terms and conditions from the date to the date

(1) Details of the works permitted to be done:

- (a)
- (b)
- (c)

(2) Terms and conditions:

- (a)
- (b)
- (c)
- (d)

Watershed Conservation Officer's:

Signature:

Full Name:

Date: