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# **THE RAJASTHAN SOIL AND WATER CONSERVATION ACT, 1964**

(Act No. 1 of 1965)

*[Received the assent of the President on the 7th day of January, 1965]*

## **An Act to provide for the conservation and improvement of soil and water resources in the State of Rajasthan**

Be it enacted by the Rajasthan State Legislature in the Fifteenth Year of the Republic of India as follows:-

### **CHAPTER I**

#### **Preliminary**

**1. Short title and commencement.**-(1) This Act may be called the Rajasthan Soil and Water Conservation Act, 1964.

(2) It shall come into force at once in the districts mentioned in the First Schedule. In the remaining districts it shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf and different dates may be appointed for different districts.

**2. Definitions.**-In this Act, unless the context otherwise requires,—

- (a) "beneficiary", in relation to any land benefited or likely to be benefited by the execution of a plan means—
  - (i) in the case of land held by a khatedar tenant, such tenant; and
  - (ii) in any other case, any owner, holder or occupier of land whom the District Soil Conservation Officer, in view of the nature of his interest in land and the benefits or likely benefits to the land from the execution of the plan, declares in the prescribed manner to be the beneficiary;
- (b) "Board" means the Rajasthan Soil and Water Conservation Board established under section 8;
- (c) "Collector" includes any person whom the State Government may, by notification In the Official Gazette, appoint or designate to exercise and perform the powers and duties of a Collector under this Act;
- (d) "District committee" means the District Soil and Water Conservation Committee established under section 11;
- (e) "District Soil Conservation Officer" means an officer appointed under section 14;
- (f) "erosion means the removal or displacement of earth, stones or other materials by the action of wind or water;

- (g) "Executive Officer" means an officer appointed under section 23 to execute a plan;
- (h) "Inquiry Officer" means an officer appointed under section 18;
- (i) "khatedar tenant" means a tenant recognised as such under the Rajasthan Tenancy, 1955 (Rajasthan Act 3 of 1955);
- (j) "plan" means a plan prepared under this Act;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "reclamation" means cultivation, afforestation or any other improvement of land;
- (m) "soil and water conservation" means reclamation, maintenance and improvement of soil and water resources and includes-
  - (i) proper land utilization according to its potentialities; and
  - (ii) any of the measures mentioned in the Second Schedule;
- (n) "State Soil Conservation Officer" means the officer appointed or designated by the State Government as such for the purposes of this Act;
- (o) "waste land" means any land lying waste on account of water logging, salinity, accumulation of sand, growth of weeds, soil erosion or any other cause or lying uncultivated, for not less than three consecutive years;
- (p) "work" means any work carried out under a plan and includes pasture or forest provided for or raised under the plan;
- (q) the expression "cattle", "forest produce", "timber" and "tree" have the meanings respectively assigned to them in the Rajasthan Forest Act, 1953 (Rajasthan Act 13 of 1953); and
- (r) the expression "block", "Panchayat Samiti" and "Zila Parishad" have the meanings respectively assigned to them in the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959).

## CHAPTER II

### Notification of Areas and Control over them

**3. Notification of areas.**-Whenever it appears to the State Government that in any area it is desirable to provide for soil and water conservation, the State Government may, by notification in the Official Gazette, declare the area to be a notified area for the purposes of this Act.

**4. Power to regulate, restrict or prohibit certain matters within notified areas.**-In respect of any notified area or part thereof, the State Government may, by order published in the Official Gazette, regulate, restrict or prohibit—

- (a) the clearing or breaking up of land for cultivation;

- (b) the quarrying of stone or the burning of lime;
- (c) the cutting of trees and timber or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b), of any forest produce for any purpose;
- (d) the setting on fire of trees, timber or forest produce;
- (e) the admission, herding, pasturing, or retention of cattle or any class or description of cattle; and
- (f) the grant of permits to the inhabitants of towns and villages situated within the limits or in the vicinity of the area specified in the order—
  - (i) to take any tree, timber or forest produce for their own use, or
  - (ii) to pasture cattle, or
  - (iii) to erect buildings in such areas, and the production and return of such permits by such persons.

**5. Proclamation of order under section 4 and admission of claims for compensation.**-(1) Upon the publication of an order under section 4, the Collector shall cause to be published, in every village or town in which any part of the area specified in such order is situated, a proclamation, in Hindi written in Devnagri script, as provided in sub-section (2).

(2) The proclamation referred to in sub-section (1) shall contain the terms of the order and shall also require every person claiming any compensation in respect of any right, the exercise of which is restricted or prohibited by the order, to prefer his claim to the Collector with such particulars and within such period as may be prescribed.

(3) Any claim not preferred within the prescribed period shall be rejected:

Provided that the Collector may admit a claim after such period if he is satisfied that the claimant had sufficient cause for not preferring the claim within such period.

**6. Inquiries into claims and award of compensation.**-(1) The Collector shall proceed to inquire, in the prescribed manner, into every claim admitted under section 5.

(2) For the purpose of such inquiry, the Collector may exercise all or any of the powers of a civil court for the trial of suits under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(3) The Collector shall, after such inquiry, make an award in writing with respect to each such claim, setting out therein the following particulars, namely:—

- (i) the person making the claim;
- (ii) the nature and extent of the right claimed;
- (iii) the extent to which the claim is upheld; and

- (iv) the amount of compensation awarded and the persons to whom it is payable.

(4) The Collector shall give notice in the prescribed manner of his award to claimants or their representatives and to the person to whom compensation is payable.

**7. Method of awarding compensation.**-(1) In determining the amount of compensation, the Collector shall be guided, so far as may be, by the provisions of section 23, 24 and 24A of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953) and as regards matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.

(2) The Collector may, with the sanction of the State Government and the consent of the person entitled, instead of money, award compensation by reduction of revenue or in any other form.

(3) If any case the exercise of any right is prohibited or restricted for the time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited or restricted.

### **CHAPTER III**

#### **Administrative Machinery**

**8. Establishment and constitution of Soil and Water Conservation Board.**-(1) As soon as maybe after the commencement of this Act, there shall be established by the State Government, by notification in the Official Gazette, aboard for the State called the Rajasthan Soil and Water Conservation Board.

- (2) The Board shall consist of the following members, namely:—
- (a) the Minister in charge of the Agriculture Department, who shall also be the Chairman;
  - (b) three members of the Rajasthan Legislative Assembly to be nominated by the State Government;
  - (c) the Development Commissioner, Rajasthan;
  - (d) the Secretary to the Government, Agriculture Department;
  - (e) the Secretary to the Government, Revenue Department;
  - (f) the Secretary to the Government, Forest Department;
  - (g) the Secretary to the Government, Finance (Expenditure) Department;
  - (h) the Director of Agriculture, Rajasthan;
  - (i) the Chief Conservator of Forests, Rajasthan;
  - (j) the Director of Animal Husbandry, Rajasthan;
  - (k) the Chief Engineer, Irrigation, Rajasthan;

- (l) one representative of, and proposed in the prescribed manner by, the Rajasthan Branch of the Farmers Forum; and
- (m) members not exceeding five to be nominated by the State Government from amongst person interested in soil and water conservation.

(3) The State Soil Conservation Officer, Rajasthan, and the Soil Conservation Officer, Forest Department, Rajasthan, shall respectively be the Secretary and Additional Secretary of the Board.

(4) All communications and order of the Board shall be issued by the Secretary of the Board or by such officer as may be specially authorised by the Board in this behalf.

**9. Term of office of members.**-(1) The term of office of member referred to in clause (b) and clause (1) of sub-section (2) of section 8 shall be five years:

Provided that the term of office of a member nominated under clause (b) or (1) of sub-section (2) of section 8, to fill a casual vacancy shall be for the remainder of his predecessor's term of office.

(2) The term of office of a member nominated under clause (m) of sub-section (2) of section 8 shall be two years.

(3) When a member ceases to hold the office by virtue of which he become eligible for the membership of the Board he shall cease to be such member.

(4) A non-official member may, at any time by notice in writing to the chairman, resign his office.

**10. Functions of the Board.**-The functions of the Board shall be—

- (a) to lay down policy for soil and water conservation in the state;
- (b) to advise the State Government regarding matters pertaining to soil and water conservation;
- (c) to devise ways and means for co-ordinating the work under the plans and for eliminating any difficulties in relation thereto;
- (d) to consider and approve the soil and water conservation plan for the State or any part thereof;
- (e) to scrutinise the progress made under the plans;
- (f) to perform such other functions as may be specified by or under this Act.

**11. Establishment and constitution of District Soil and Water Conservation Committees.**-(1) There shall be established for each district a District Soil and Water Conservation Committee.

(2) The District Committee shall consist of—

- (a) the collector, who shall also be the chairman thereof;

- (b) the Pramukh of the Zila Partshad;
- (c) the Executive Engineer, Irrigation Department, exercising jurisdiction in the district or any part thereof;
- (d) the Divisional Forest Officer exercising jurisdiction in the district or any part thereof;
- (e) the District Agriculture Officer exercising jurisdiction in the district or any part thereof;
- (f) the District Soil Conservation Officer;
- (g) a person interested in soil and water conservation chosen annually by the Zilla Parishad:

Provided that an Executive Engineer or a Divisional Forest Officer or a District Agriculture Officer shall have a right of participation in only such proceedings of the District Committee as relate to a plan covering an area in which he exercises jurisdiction as such Engineer or Officer.

(3) The District Committee may, for the purpose of assisting it in the consideration of any plan, prepared for any area, co-opt one person from amongst farmers of that area:

Provided that such co-opted member shall have a right of participation in only such proceedings of the District Committee as relate to the plan for consideration of which he has been co-opted and any dispute as to the right of such participation shall be decided by the chairman of the District Committee whose decision in the matter shall be final.

(4) The District Soil Conservation Officer shall be the ex- officio Secretary of the District Committee.

(5) All communications and order of the District Committee shall be issued by the Secretary of the Committee or by such officer subordinate to him as may be authorised by the District Committee in this behalf.

**12. Functions of District Committee.**-The functions of the District Committee shall be—

- (a) to take steps to educate people in soil and water conservation;
- (b) to direct the District Soil Conservation Officer to make survey, collect data and prepare plans for the district or any selected area, or catchments therein and to perform functions incidental thereto;
- (c) to consider the plan and, subject to prescribed conditions, approve the same;
- (d) to take steps to ensure proper execution of the plans and to watch the progress of work thereunder;

- (e) to make recommendations to the Board for securing efficient administration of the plans;
- (f) to carry out the directions issued by the Board from time to time with regard to a plan; and
- (g) to perform such other functions as may be specified by or under this Act.

**13. Functions of Panchayat Samiti.**—The functions of the Panchayat Samiti shall be—

- (a) to take steps to educate people in soil and water conservation;
- (b) to prepare a soil and water conservation plan for the block;
- (c) to perform such other functions pertaining to soil and water conservation in the block or any selected area or catchment therein as may be specified in this Act or the rules made thereunder;
- (d) to carry out instructions issued by the Board or the District Committee, as the case may be, from time to time.

**14. District Soil Conservation Officer.**—(1) The State Government shall appoint for every district a District Soil Conservation Officer:

Provided that one person may be appointed to be the District Soil Conservation Officer for more than one district or more than one person may be appointed to be District Soil Conservation Officer in the same district.

(2) The District Soil Conservation Officer shall perform such functions as may be specified by or under this Act.

## **CHAPTER IV**

### **Preparation of Soil and water Conservation Plan**

**15. Power of State Government to require the Board to prepare plans.**—(1) The State Government may, by order, direct the Board that soil and water conservation be undertaken in any notified area or part thereof.

(2) Subject to any rules that may be made in this behalf the Board may, and if so directed by the State Government under sub- section (1) shall, prepare or cause to be prepared a plan setting out-

- (a) the extent and details of the area to be covered by the plan;
- (b) the details about the proposed work;
- (c) the programme for the execution of the plan;
- (d) the ways and means for the execution of the plan;
- (e) the agency or agencies through which the work shall be executed;



- (f) the names or particulars of the persons (including the Government) who will be affected by the plan; and
- (g) such other particulars as may be prescribed.

**16. Preparation of plan by District Committee.**-(1) Subject to any rules that may be made in this behalf, the District Committee may, and if so directed by the Board shall, direct that soil and water conservation be undertaken in the district or any part thereof.

(2) On the direction of the District Committee under sub-section (1), the District Soil Conservation Officer shall prepare a draft of the plan setting out the particulars stated in clauses (a) to (g) of sub-section (2) of section 15.

(3) The draft plan shall be placed for the District Committee which shall consider the same and forward it with their comments to the Board; the Board may, subject to the provisions contained In the proviso to sub-section (1) of section 21, approve the draft plan with or without modifications and may reject it and prepare or cause to be prepared another draft plan:

Provided that the State Government may prescribe the circumstances in and the conditions subject to which the District Committee, and in the case of plans prepared by the Panchayat Samiti, the District Soil Conservation Officer also, may approve and sanction such plans; and to the plan so approved, the provisions of section 18 to 21 shall apply as if for the word "Board" therein, wherever occurring the words "the District Committee or the District Soil Conservation Officer, as the case may be," were substituted.

**17. Preparation of plan by Panchayat Samiti.**-The Panchayat Samiti may, and if so directed by the District Committee or the Board shall, prepare, or cause to be prepared, a draft of the plan for soil and water conservation in the block or any part thereof setting out the particulars specified in clauses (a) to (g) of sub-section (2) of section 15; the draft plan so prepared shall be placed before the District Committee which shall consider and forward the same with their comments to the Board or may approve and sanction the same in accordance with the provisions contained in the proviso to sub-section (3) of section 16:

Provided that in cases in which the District Soil Conservation Officer is competent to approve and sanction the plan, such plan shall be forwarded to such officer for approval and sanction.

**18. Inquiry Officer.**-Whenever the Board approves any draft plan, or itself prepares or causes to be prepared a draft-plan, it shall appoint an officer called the Inquiry Officer for the purposes hereinafter specified:

Provided that where the District Soil Conservation Officer approves a plan, he may himself act as Inquiry Officer for the purposes hereinafter specified.

**19. Publication of draft plan.**-(1) Copies of every draft plan approved or prepared, shall be forwarded to the Inquiry Officer and the Inquiry Officer shall prepare a notice in the prescribed form stating at what place and what time the plan shall be open to inspection by the public free of charge and such other particulars as

may be prescribed. The notice shall be published in the prescribed manner. It shall also be published by beat of drum in the village or villages to which the draft plan relates.

(2) A copy of the draft plan prepared by the District Committee under section 16 shall be sent to the Panchayat Samiti of the block in which the work is to be carried out. The Samiti shall consider the plan in a meeting to be called for the purpose and may, within thirty days of the receipt of the draft plan, make such objections or suggestions in writing to the Inquiry Officer as it may deem necessary.

(3) On publication of the notice under sub-section (1), any person likely to be affected by the plan may, within thirty days from the date of publication by beat of drum, make objections in writing to the Inquiry Officer.

**20. Inquiry Officer to consider objections and submit report to Board.-** The Inquiry Officer shall inquire into the objections and suggestions, received or recorded by him and submit them to the Board through the District Committee or Committees concerned together with his report thereon and his recommendations, if any, for the modification of the draft plan.

**21. Power of Board to sanction or reject draft plan.-(1)** After considering the objections and suggestions and the report and recommendations of the Inquiry Officer and any further report which the Board may require from him, and the comments of the District Committee, if any, the Board may sanction the draft plan with or without modifications or may reject it and direct that in lieu thereof, a fresh draft plan be prepared and submitted for its sanction:

Provided that it shall submit the draft plan to the State Government for its order,—

- (a) where the beneficiaries of more than fifty per cent of the area of the lands included in the draft plan other than Government lands have made objections to the draft plan or part thereof; or
- (b) where the draft plan has been prepared in pursuance of order of the State Government under section 15.

(2) Where a draft plan is submitted to the State Government under sub-section (1), it may sanction the draft plan with or without modifications or may reject it and direct that a fresh plan be prepared and submitted for its sanction.

(3) The copies of the plan as sanctioned by the Board or the State Government, as the case may be, shall be made available in every village and at the headquarters of the sub-division in which the lands included in the plan are situate, at such place and in such manner as the Executive Officer may direct. The Executive Officer shall prepare a notice in the prescribed form stating at what place and time the plan shall be open to inspection by public free of charge and such other particulars as may be prescribed. The notice shall be published in the Official Gazette.

(4) The plan shall come into force and shall have effect as if it was enacted in this Act on and from the date of publication of the notice, under sub-section (3), in the Official Gazette.

(5) The Board may, for the purpose of carrying out the objects of the plan which has come into force under sub-section (4), make regulations requiring any person or persons or the public generally to take certain action or to refrain from taking certain action in respect of any matters supplemental or incidental to the plan.

**22. Subsequent changes and correction of errors in the plan.-** Notwithstanding anything contained in section, the Executive Officer-

- (a) may make such minor changes in the plan as are at any stage necessitated by the charges that may occur in the land due to any unforeseen circumstances: Provided that no such change shall be made to the prejudice of any beneficiary without allowing him an opportunity of being heard;
- (b) may, if satisfied that a clerical or arithmetical error exists in the plan, correct the same in the prescribed manner, either on his own motion or on the application of an interested person.

## **CHAPTER V**

### **Execution of the plan**

**23. Appointment of Executive Officer.-**Subject to any general or special direction, which the State Government may issue in this behalf, where a plan has been sanctioned by the District Committee, the District Committee and where it has been sanctioned by the District Soil Conservation Officer, such officer and in other cases, the Board shall, when a plan comes into force, appoint an officer, called the Executive Officer, to execute it.

**24. Directions to execute work.-**(1) The Executive Officer may, by notice require any beneficiary to carry out at his own cost any work specified in the notice in the manner and within the period mentioned therein.

(2) Where a beneficiary intimates in writing, to the Executive Officer that he is unable to carry out the work within the time aforesaid or if the work is not carried out to the satisfaction of the Executive Officer by the date fixed in that behalf or within such further time as he may allow, the Executive Officer shall get the work carried out and recover the expenses incurred from the beneficiary as arrears of land revenue.

(3) Notwithstanding anything contained in sub-sections (1) and (2), where the plan is sanctioned by the State Government or the Board, the Board or where it is sanctioned by the District Committee, such committee, or where it is sanctioned by the District Soil Conservation Officer, such officer is of the view that it will be in the interest of the general public to have a work carried out by the Executive Officer it may direct the said officer to carry out the work and the cost of such work shall be recovered by the Executive Officer from the beneficiary or from the beneficiaries in such proportion as the Board or the District Committee or the District Soil Conservation Officer, as the case may be, may fix.

(4) If the costs are not paid by the beneficiary or the beneficiaries within the prescribed time, such beneficiary or beneficiaries shall also be liable to pay such

interest thereon at such rate as may be prescribed.

(5) The costs directed to be recovered under sub-section (4) together with interest as aforesaid shall be recoverable from the beneficiaries concerned in such number of equated annual installments payable on the date appointed for payment of the first installment of land revenue as may be prescribed.

**25. Liability of persons whose lands are not included.**-(1) If in consequence of any work carried out under the plan, any person (including the Government) other than the beneficiary of the land in which the work is done, is likely to be benefited, such person shall pay such amount and within such time as the Board may determine, to the beneficiary of the land in which the work has been carried out if the work is carried out by him, or to the Government if the work is carried out by the Executive Officer:

Provided that before any person is required to pay any such contribution, he shall be given a reasonable opportunity of making his representations, if any, in regard to the matter:

Provided further that any such contribution may be waived by the Government in whole or in part in respect of any work carried out in hand owned and held by it.

(2) If default is made in the payment such contribution within the time determined in that behalf in pursuance of sub-section (1), the Collector or any officer authorised by him in this behalf shall recover it from the defaulter and pay the same to the beneficiary of the land in which the work has been carried out in such manner as may be prescribed.

**26. Executive Officer to make report.**-(1) The Executive Officer shall report to the District Committee and to such officer or authority and in such form and at such Intervals as may be prescribed the progress made in the execution of plans.

(2) A copy of the progress report shall also be forwarded to the State Soil Conservation Officer.

(3) The Executive Officer shall submit a quarterly report on the progress of the plans to the Board.

## **CHAPTER VI**

### **Maintenance, report and use of works carried out under the plan**

**27. Preparation of statement.**-(1) The Executive Officer or any other officer specially authorised by the State Government In this behalf shall on completion of the work prepare a statement giving for any specified area the following particulars:—

- (a) (i) the work done;
- (ii) the cost thereof;
- (iii) the total amount to be recovered from the beneficiaries;
- (iv) the general rate per acre or per rupee of assessment per annum at

which such amount is to be recovered from the beneficiaries;

- (v) the period within which such amount is to be recovered; and
  - (vi) the work which in his opinion shall be maintained and repaired individually or jointly and the name of every such person;
- (b) if in the case of any survey number or sub-division of survey number the beneficiary is not liable to repair or maintain works therein, or if the cost is to be recovered from a beneficiary at a rate other than the general rate,

a list of such survey numbers of sub-divisions and the rate at which the cost is to be recovered from the beneficiary or beneficiaries of such survey numbers or sub-divisions;

- (c) a map showing the work carried out in the village; and
- (d) such other matters as may be prescribed.

(2) The District Soil Conservation Officer or any other Officer specially authorised by the State Government in this behalf shall, within the prescribed time and in the prescribed manner prepare a statement of any work carried out in any area in the district where any soil and water conservation measures have been or are being undertaken on or before the date of commencement of this Act, giving the following particulars:—

- (a) (i) the work done;
  - (ii) the work which in his opinion shall be maintained and repaired individually or jointly and the name of any such person;
- (b) a map showing the work carried out in the village; and
- (c) such other matters as may be prescribed:

Provided that no such statement shall be prepared under this subsection unless notice has been given to all persons proposed to be made liable for the maintenance and the repairs of any work specified in such statement.

(3) When a statement is prepared under this section, any rights and liabilities shown therein shall be entered in the record of rights or where there is no record of rights, in such village record and in such manner as may be prescribed and shall thereupon form part of such record of rights or such village record.

**28. Obligations of persons to maintain and repair.**-(1) Every person shown in the statement prepared under section 27 is liable to maintain and repair any work or his successor-in-interest shall to the satisfactions of the Collector and within such time as that officer may fix, maintain and repair the work in his own hand and in any other land in respect of which he is shown as liable in the said statements:

Provided that the State Government may waive in whole or in part, any contribution for maintenance or repair of any work of soil and water conservation already constructed by a Covenanted State of Rajasthan and maintained by it.

(2) If any person fails to maintain or repair the work within the time fixed by the Collector under sub-section (1), the said officer shall himself get the work executed or repaired and recover the cost thereof from such person.

(3) Any dispute as to the amount of the expenses shall be decided by the Collector and his decision shall be final.

## **CHAPTER VII**

### **Reclamation of Waste Land**

**29. Order for taking possession of waste land.**-(1) If the Board is satisfied that for the purpose of executing any plan, it is necessary that temporary possession of any waste land should be taken, it may by order in writing direct the Collector to take temporary possession of such land on behalf of the State Government on such date as may be specified in this order:

Provided that no such order shall be made under this sub-section unless notice has been given to all persons interested in such land and they have been given a reasonable opportunity of being heard.

(2) The order shall be made in such form, and brought to the notice of the person or persons interested in land in such manner, as may be prescribed.

(3) On the date specified in the order, the Collector or any other officer authorised by him shall enter upon and take possession of the land on behalf of the State Government.

**30. Arrangement for reclamation.**-When the land has been taken possession of, the Officer appointed by the Board for the purpose may arrange for undertaking soil and water conservation measures therein,—

- (a) by retaining it under his management for such period as he thinks fit; or
- (b) by settling it for such period and on such terms as may be fixed by the Board with the person or persons who on the date of taking possession under section 29 were in lawful possession of the land or were entitled to such possession or, if any such is dead, with his successor in interest; or
- (c) by a combination of the methods aforesaid: Provided that the total period for which the land is retained or settled under this section shall not exceed ten years.

**31. Claim for arrears of rent not to be enforced against Government etc.**-No claim of the person interested in land to any arrear of rent accrued or due in respect of the land for the period prior to the date of taking possession shall thereafter be enforce by any court, whether in execution of a decree or otherwise, against the State Government or against any person holding the land under State Government or against land.

**32. Termination of possession on completion of reclamation.**-(1) When the temporary possession has to be removed from the land, and in any case before the expiry of the period of ten years from the date of taking possession, the Collector

shall, after making an inquiry in the prescribed manner, by order in writing—

- (a) determine the person to whom possession is to be restored;
- (b) declare that possession of the land shall be restored on such date as may be specified in the order;
- (c) where such person is a tenant, determine the rent payable on account of the use or occupation of the land; and
- (d) where the land or any part thereof has been afforested, regulate the cutting of trees in such land according to a working plan.

(2) On the date specified in the said order, possession of the land shall be deemed to have been delivered by the State Government under clause (a) of sub-section (1).

(3) The delivery of possession of the land to the person determined under clause (a) of sub-section (1) shall be final and full discharge of the State Government from all liability in respect of such delivery, but shall not prejudice any right in respect of the land to which any other person may be entitled, by due process of law, to enforce against the person to whom possession of the land has been so delivered.

**33. Compensation for period of possession.**-(1) As soon as may be after the date of taking possession of the land, the Collector shall make an inquiry in the prescribed manner and determine:—

- (a) in respect of any land which on the said date was in the occupation of a tenant,—
  - (i) the annual rent payable by him; and
  - (ii) the average net annual income, if any, after deducting the rent derived by him during the three years immediately preceding the said date;
- (b) in respect of any other land, the average net annual income, if any, without deducting any land revenue payable, derived by the person interested in land during the three years immediately preceding the said date.

(2) There shall be payable by the State Government as compensation on each anniversary of the date of taking possession until the date referred to in sub-section (2) of section 32,—

- (a) in respect of such land as is referred to in clause (a) of sub-section (1), the amount determined under sub-clause (i) thereof to the landholder and the amount determined under sub-clause (ii) to the tenant; and
- (b) in respect of any other land, the amount determined under clause (b) of sub-section (1) to the person interested in land.

(3) For the purposes of this section "landholder" means the person under whom the tenant holds land and to whom the tenant is, or but for a special contract

would be, liable to pay rent for that land, and any reference to a person interested in land, or landholder or tenant shall be deemed to include a reference to the predecessors and successors in interest of the person interested in land, landholder or tenant.

**34. Accounts.**-The Board shall maintain or cause to be maintained in such form and in accordance with such rules, as may be prescribed, an account of all receipts and payments, by the State Government in respect of the land, and the beneficiaries of the land or any other person having an interest therein, may on payment of a fee of fifty naye paise, inspect the account.

**35. Recovery of net expenditure incurred by State Government.**-(1) The net expenditure incurred by the State Government on the reclamation of the land under the provisions of this Chapter or such part of that expenditure as the State Government may, by general or special order, direct together with interest calculated at the prescribed rate and in the prescribed manner, shall be recovered as arrears of land revenue from the person to whom possession of the land is delivered by the State Government under sub-section (2) of section 32.

(2) The amount to be recovered under sub-section (1) from any person shall be decided by the Board.

## **CHAPTER VIII**

### **Preventive action and penalties**

**36. Prevention of action prejudicial to soil and water conservation.**-(1) Any person who does any act on any land which is prejudicial to the interest of soil and water conservation shall be given notice by the Collector to show cause as to why orders prohibiting him from doing that act should not be passed.

(2) On receipt of such notice the person shall suspend the act and the same shall remain suspended till the notice is discharged.

(3) The person on whom the notice is served may, within thirty days of its receipt, file objections before the Collector.

(4) The Collector shall dispose of the objection after allowing the objector an opportunity of being heard. In case the objection is allowed, the Collector shall discharge the notice. Otherwise he shall pass an order prohibiting the person from doing the act.

**37. Penalties.**-Any person who without proper authority damages or obstructs any work under a plan or contravenes any of the provisions of this Act or any rule or order made thereunder, shall, on conviction be liable to imprisonment for a period not exceeding three months or to a fine not exceeding two hundred rupees or to both and where the offence is a continuing one, to further fine which may extend to twenty rupees for every day during which the offence continues after the date of the first conviction.



## CHAPTER IX

### Miscellaneous

**38. Appeals.**-(1) Any person aggrieved by an order under subsection (3) of section 6, sections 29, 32, 33 or sub-section (2) of section 35 may appeal to the prescribed authority, hereinafter in this Act, referred to as the "appellate authority", within such period and in such manner as may be prescribed:

Provided that the appellate authority may entertain an appeal after the expiry of the prescribed period if it is satisfied that the appellant was prevented by sufficient cause from filing it in time. (2) The appellate authority may, after hearing the appeal, confirm, vary or reverse the order and pass such order in relation thereto as it deemed fit.

(3) The order of the appellate authority on such appeal, and where no appeal is preferred the order which has not been appealed against, shall be final and shall not be called in question in any court.

**39. Vacancy or defect in constitution not to invalidate proceedings.**-No act or proceeding of the Board or a District Committee shall be invalid by reason merely of the existence of any vacancy in, or defect in the constitution of, the Board or the District Committee.

**40. Decision by majority.**-If there is a difference of opinion amongst the members of the Board or of a District Committee regarding any question, the decision of the majority of the members present and voting shall prevail and in case of equality of votes, the Chairman of the Board or the District Committee, as the case may be, shall have a casting vote.

**41. Amount recoverable as arrears of land revenue.**-All amounts due to the State Government or the Board under this Act, shall be recoverable in the same manner as arrears of land revenue.

**42. Procedure and powers at inquiries.**-(1) Any officer or authority empowered to make an inquiry under this Act shall, where no specific provision has been made therefor, make the inquiry in the manner provided in any law relating to revenue inquiries and all the provisions contained in such law shall, as far as may be apply to an inquiry under this Act.

(2) Any officer or authority referred to in sub-section (1) shall have the same powers of summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in revenue officers under the law referred to in that sub-section,

**43. Power to enter, etc.**-For the purpose of preparation or execution of a plan or repairing or maintaining any work under a plan, the State Soil Conservation Officer and any person generally or specially authorised by him in this behalf, and the Executive Officer, may enter upon, survey and mark out any land and do all acts necessary for such purposes.

**44. Officer under the Act to be public servants.**-Every person who is appointed or authorised to exercise any power or perform any function or duty conferred or imposed by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860), and every person who is required to submit any opinion or particular shall be deemed to be legally bound to do so within the meaning of the said Code.

**45. Procedure under the Act.**-A proceeding under this Act before a District Soil Conservation Officer or a Collector or an Inquiry Officer or an appellate authority shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code and also for the purposes of section 196 of the said Code.

**46. Registration of documents.**-(1) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any document or map prepared, made or sanctioned in pursuance of this Act in connection with any plan which has come into force.

(2) All such documents and maps made for the purposes of sections 48 and 49 of the said Act, shall be deemed to be registered in accordance with the provisions of that Act:

Provided that documents and maps relating to such plan shall be accessible to the public in the manner prescribed.

**47. Public access to documents and maps.**-Subject to the rules made in this respect, the public shall have access to all documents and maps pertaining to a plan and copies thereof shall be furnished to any person applying on payment of the prescribed fee.

**48. Determinations and order to be final.**-Save as otherwise provided by or under this Act, any determination or order made in pursuance of the provisions of this Act or the rules made thereunder shall be final and shall not be questioned in any court of law.

**49. Delegation of powers, etc.**-The State Government, and subject to the control of the State Government, the Board or the Collector may delegate to any officer or authority subordinate to it or him any of the powers, functions and duties conferred or imposed on it or him by or under this Act:

Provided that the power of the State Government under section 52 to make rules shall not be so delegated.

**50. Protection of action taken under the Act.**-(1) No suit, prosecution or other proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

(2) Save as otherwise expressly provided by or under this Act, no suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

**51. Provisions of this Act to prevail.**-The provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**52. Power to make rules.**-(1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) the manner in which any owner, holder or occupier of land shall, in cases other than those falling in sub-clause (i) of clause (a) of section 2, be declared a beneficiary;
- (b) the particulars with which and the period within which a claim under sub-section (2) of section 5 may be preferred;
- (c) the manner in which a notice of award shall be given by the Collector under sub-section (4) of section 6;
- (d) the manner In which a representative of the Rajasthan Branch of the Farmers' Forum shall be proposed as member of the Board;
- (e) matters relating to the establishment and constitution of the Board and District Committee;
- (f) the procedure (including quorum) for the conduct of business by the Board and District Committees;
- (g) the appointment and functions of the State Soil Conservation Officer;
- (h) the appointment and functions of District Soil Conservation Officers and allocation of business to District Soil Conservation Officers in the same district;
- (i) the particulars to be set in the draft plan;
- (j) the conditions subject to which the District Committees may approve the plan;
- (k) the time within which costs shall be paid by the beneficiary or beneficiaries and the interest which they shall be liable to pay, if the costs are not paid within such time;
- (l) the number of annual instalments, equated or otherwise, payable under sub-section (5) of section 24;
- (m) the manner in which the amount of contribution recovered from the defaulter shall be paid to the beneficiary of the land in which the work is carried out;
- (n) the particulars of the matters which may be given in any statement

prepared under sub-section (1) of section 27;

- (o) the manner in which the rights or liabilities shown in the statements prepared, under section 27 shall be entered in the record of rights or village records;
- (p) the form in which the order shall be made under sub-section (1) of section 29 and the manner in which It shall be brought to the notice of the person or persons interested in land;
- (q) the manner in which inquiry shall be made under sub-section (1) of section 32 and section 33;
- (r) the form in which an account of all receipts and payments shall be maintained under section 34;
- (s) the rate at which and the manner in which interest shall be calculated under section 35;
- (t) the period within which and the manner in which an aggrieved person may appeal under section 38;
- (u) the manner in which the plan shall be accessible to the public under the provision to sub-section (2) of section 46;
- (v) fee on payment of which copies of all documents and maps pertaining to a plan shall be furnished to any person applying for it;
- (w) the form in which and the intervals at which the progress report shall be submitted by an Executive Officer;
- (x) the statements, returns, registers and other records required to be maintained by or under this Act;
- (y) the form and manner of service of notice under this Act or the rules made thereunder;
- (z) the duties of any officer or authority having jurisdiction under this Act and the procedure to be followed by such officer or authority; and
- (zz) other matters which are to be or may be prescribed.

(3) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature while it is in a session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and, if, before the expiry of the session in which they are so laid or of the session immediately following the House of the State Legislature makes any modification in any such rules or resolves that any such rules should not be made, such rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

**53. Repeal.**-The Bombay Land Improvement Schemes Act, 1942, as applicable to the Abu area and any other corresponding law in force in any part of Rajasthan are hereby repealed.

### **THE FIRST SCHEDULE**

*(See sub-section (2) of section 1)*

#### **Names of districts in which the Act shall come into force at once.**

1. Ajmer.
2. Bharatpur.
3. Bundi.
4. Banswara.
5. Dungarpur.
6. Ganganagar.
7. Jaipur.
8. Jodhpur.
9. Jalore.
10. Jhalawar.
11. Kotah.
12. Nagaur.
13. Pali.
14. Sirohi.
15. Sawai Madhopur.
16. Udaipur.
17. Bhilwara.

### **THE SECOND SCHEDULE**

*[See section 2(j)]*

#### **Matters to be provided for in Soil and Water Conservation Schemes:—**

1. Measures against wind erosion and water erosion (sheet erosion, gully and ravine formation, bank cutting and floods), such as:—
  - (a) Construction and maintenance of 'mends', 'dauls', and 'bundhis' and planting of munja, sarkanda or other soil binding grasses or plants thereon;

- (b) Leveling of the land, grading and irrigation layouts;
  - (c) Contour cultivation;
  - (d) Prohibition on growing row crops;
  - (e) Strip cropping;
  - (f) Growing of quick-maturing leguminous crops and close growing crops during rainy season;
  - (g) Green manuring and application of bulky organic manures, e.g. compost, farm-yard manures, etc;
  - (h) Retirement of a land from cultivation if its continuance under cultivation is prejudicial to this land or some other land;
  - (i) Control of grazing;
  - (j) Afforestation or planting of fruit trees or raising of pastures on any land for its protection from erosion or for the protection of any other land;
  - (k) Planting of trees or shrubs to serve as windbreaks;
  - (l) control of the felling or lopping or trees or clearance of bushes;
  - (m) prevention from breaking of marginal and sub-marginal lands including "char-net" for cultivation purposes;
  - (n) maintenance of surface mulches;
  - (o) adoption of suitable crop rotations.
2. Measures against water-logging and impeded drainage, such as:—
- (a) drainage of water-logged areas to make fit for cultivation;
  - (b) conversion of water-logged area into ponds where drainage under clause (a) cannot be economically done;
  - (c) opening of drainage cuts;
  - (d) pumping out the sub-soil water;
  - (e) increasing the number of culverts and aqueducts or widening the existing ones along railways, canals or road embankments.
3. Measures for improving sandy soils, such as:—
- (a) constructions of 'mends', 'dauls' or 'bundhis' and planting munja, sarkanda or any other soil binding grasses thereon;
  - (b) leveling of land in irrigated areas;
  - (c) prohibition of cultivation of sand dunes;

- (d) growing of leguminous crops;
- (e) application of bulky organic manures, e.g. compost, farmyard manures, etc;
- (f) maintenance of surface mulches;
- (g) control on grazing;
- (h) creation of wind-breaks along canals, roads, railway tracts, fields and other places wherever it is considered necessary, for the purpose of checking the drifting sand;
- (i) adoption of suitable crop rotations.

4. Measures for prevention of usar formation and reclamation of usar lands, such as:—

- (a) drainage of both surface soil and sub-soil where the watertable is high;
- (b) construction of bundhis and impounding of rain and canal water in places where the watertable is low with a view to washing down the injurious salts;
- (c) providing drainage cuts where there is water logging;
- (d) application of gypsum and such other correctives.

5. Such other measures as may be prescribed.