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NOTIFICATION

No.LJD 11/89/100, the 17th August, 1990. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor is hereby published for general information.

The Mizoram Act No. 10 of 1990.
The Mizoram Soil and Water Conservation Act, 1990.

(Received the assent of the Governor of Mizoram on the 19th July, 1990)

AN

ACT

to provide and Consolidate the law relating to the Conservation of Soil and Water resources in the State of Mizoram.

Be it enacted in the Forty First Year of Republic of India as follows:-

CHAPTER—I

PRELIMINARY

Short title, extent and commencement. 1. (i) This act may be called the Mizoram Soil and Water Conservation Act, 1990.

- (ii) It shall come into force on such date as the State Government may, by notification in the Gazette, appoint in this behalf and different dates may be appointed for different districts.

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

- (1) “Beneficiary” in relation to any land benefitted or likely to be benefitted by the execution of a plan means an owner, holder or occupier of the land whom the Soil and Water Conservation Officer, in view of the nature of his interest in the 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, and includes the successor in interest of the beneficiary.
- (2) “Board” means the Soil and Water Conservation Board established under section 3.
- (3) “Chairman” means the Chairman of the Board.
- (4) “Collector” means and includes Deputy Commissioner and Additional Deputy Commissioner.
- (5) “Director” means the Director of Soil and Water Conservation, Government of Mizoram and includes Additional Director/Joint Director of Soil and Water Conservation, Government of Mizoram.
- (6) “District Committee” means the District Soil and Water Conservation Committee established under Section 5.
- (7) “Plan” means a plan-prepared under this Act.
- (8) “Prescribed” means prescribed by rules made under this Act.
- (9) “Schedule” means a Schedule appended to this Act.
- (10) “Soil and Water Conservation” means reclamation, maintenance and improvement of Soil and Water Resources and includes any of the measures stated in the First Schedule.

- (11) "Soil and Water Conservation Officer" means any Officer appointed under Section 7.
- (12) "Secretary" means Secretary of the Board.
- (13) "State Government" means the State Government of Mizoram.
- (14) "State" means State of Mizoram.
- (15) "Work" means any work carried out or to be carried out under a plan and includes pasture or forest provided for or raised under a plan.
- (16) "Betterment contribution" means an amount payable by a beneficiary as may be determined by the State Government from time to time under sub-sections (4) and (5) of Section 14.

CHAPTER—II

Establishment and Constitution of the Board.

3. (1) As soon as may be after the commencement of this Act, there shall be established by the State Govt. by notification in the Gazette, a Soil & Water Conservation Board for the State.
- (2) The Board shall consist of the following members, namely :—
- (i) The Chief Minister, Mizoram — Chairman
 - (ii) The Minister in-charge of Soil and Water Conservation Department.—Vice Chairman.
 - (iii) Chief Secretary, Mizoram. — Member.
 - (iv) Secretary, Soil and Water Conservation Department. — — Member.
 - (v) Secretary, Land Revenue and Settlement Department — — Member.
 - (vi) Secretary, Rural Development Department. — — Member.
 - (vii) Principal Chief Conservator of Forests/Secretary to the Govt. Environment & Forest Department—Member.
 - (viii) Secretary, Finance Department — Member.
 - (ix) Secretary, Agriculture Department—Member.
 - (x) Secretary, Law Department — Member.
 - (xi) Secretary, Animal Husbandry & Veterinary Department — — Member.
 - (xii) Chief Engineer (PWD) — — Member.

- (xiii) Director, Soil and Water Conservation — — — — — Member.
- (xiv) Two members of the Legislative Assembly to be nominated by the State Government — — — — — Member.
- (3) The Director of Soil and Water Conservation shall be the Member—Secretary of the Board.

Explanation.

When a member ceases to hold the Office by virtue of which he becomes eligible for the membership of the Board, he shall cease to be such member.

Function of the Board

4. (1) The functions of the Board shall be :
- (a) to lay down policies for Soil and Water Conservation;
- (b) to devise ways and means for co-ordinating and periodically reviewing the work under the plans and for eliminating the difficulties in relation thereto;
- (c) to scrutinise the progress made under the plans;
- (d) to perform such other functions as may be specified by or under this Act.
- (2) The Board shall prescribe the procedure including quorum for the conduct of its business.
- (3) The Member — Secretary of the Board shall :—
- (a) initiate formulation of rules, regulations monitor and evaluate plan schemes or programme implementation.
- (b) Conduct administrative control and keep the Board informed of the progress of works implementation from time to time.
- (c) scrutinise the plan so prepared by the District Committee and place before the Board for final approval at the State Level.

Establishment and Constitution of District Soil and Water Conservation Committee

5. (1) The State Government shall constitute for each district a District Soil and Water Conservation Committee and the Committee shall function under the policy directives of the Board.
- (2) The District Soil and Water Conservation Committee shall consist of :—
- (i) Deputy Commissioner of concerned District — Chairman
- (ii) District Agriculture Officer — Member.
- (iii) Divisional Soil Conservation Officer — Member.

- (iv) Divisional Forest Officers — Member.
- (v) Block Development Officer — Member.
- (vi) Executive Engineer, PWD Department — Member.
- (vii) Executive Engineer (Agriculture/Soil & Water Conservation) wherever available — — Member.
- (viii) District Veterinary Officer — Member.
- (ix) Chief Executive Member of each autonomous District Council in the District Committee of Chhimtuipui District only — Member.
- (3) Senior most of the Divisional Soil Conservation Officers in the concerned District shall be the member — Secretary.

Functions (6)
of the
District
Committee

- (1) The functions of the District Soil and Water Conservation Committee shall be:-
 - (a) to take steps to educate people in Soil and Water Conservation;
 - (b) to direct the Soil and Water Conservation Officer to make a survey, collect data and prepare plans for the District or any part thereof and to perform functions incidental thereto;
 - (c) to consider, and approve the plans so prepared;
 - (d) to take steps to ensure proper execution of the plans including identification of the institution for specific work and to watch the progress of works there under;
 - (e) to make recommendations to the Board for securing efficient execution of the plans;
 - (f) to carry out the directives issued by the Board from time to time with regard to a plan;
 - (g) to undertake a periodic review and appraisal of the plan; and

(h) to perform such other functions as may be specified by or under this Act.

(2) The District Soil and Water Conservation Committee shall prescribe the procedure including quorum for the conduct of its business.

Soil and 7
Water
Conservation
Officer.

(1) The State Government shall appoint the Senior most Divisional Soil & Water Conservation Officer/Divisional Soil Conservation Officer of the district to be the Soil & Water Conservation Officer. He shall be member Secretary of the District Soil & Water Conservation Committee.

(2) The Soil and Water Conservation Officer shall execute the plans and perform such other functions as may be specified by or under this Act.

CHAPTER - III

Preparation of Soil & Water Conservation Plan

Preparation of 8
Soil and Water
Conservation
Plan.

(1) Whenever it appears that in any area of a district it is desirable to provide for Soil and Water Conservation Works, the State Government may by notification in the official gazette, notify the area in respect of which plans be made.

(2) On the notification being made, under subsection (1) the Soil and Water Conservation Board shall direct the District Soil and Water Conservation Committee to prepare a plan setting out:-

(a) the extent and details of the area to be covered by the plan, which shall be on watershed basis;

(b) the details about the proposed works including all or any of the measures mentioned in the First Schedule;

(c) the programme for the execution of the plan ;

(d) work to be carried out by a beneficiary at his own cost;

(e) the ways and means for the execution of the plan in which the available grant-in-aid shall also be taken into consideration;

- (f) the institution/institutions through which the work shall be executed; and
 - (g) such other particulars as may be prescribed.
- (3) In imposing liability on a beneficiary to carry out a work at his own cost, the benefits or likely benefits to his land from that work shall be taken into consideration.
 - (4) The Soil and Water Conservation Officer shall get the plan published and make them available at the offices of the Deputy Commissioner, Soil and Water Conservation Officers, Administrative Officers, Block Development Officers, and Village Council Presidents to which the plan relates. The Soil and Water Conservation Officer shall invite objections and suggestions from the beneficiaries or any person affected by it to be submitted within 30 days of its publication. After considering the objections, if necessary, he may modify the plan.

Consideration and approval of the plan.

9. (1) The plan so modified, shall be placed before District Soil and Water Conservation Committee which shall consider the same and forward it to the Board for approval and publication.
- (2) Upon the publication, the Board shall prepare a notice in the prescribed form stating the place and time the plan shall be opened for inspection by the public free of charge. The notice shall be published and made available at the Offices of the Deputy Commissioner, Soil and Water Conservation Officer, Administrative Officers, Block Development Officers and Village Council Presidents to which the plan relates.
- (3) On the publication of the notice under sub-section (2) any person likely to be affected by the plan may, within thirty days from the date of publication, make objections/suggestions in writing to the Soil and Water Conservation Officer.
- (4) If any objection and suggestions are made under sub-section (3) within the time stipulated therein, the Soil and Water Con-

ervation Officer shall hear the same in the prescribed manner and submit his report together with the objections and suggestions to the District Soil and Water Conservation Committee.

- (5) After considering the objections and suggestions and the report submitted under sub-section (4) and any further report which the Soil and Water Conservation Officer may be required to submit, the District Soil and Water Conservation Committee may approve the plan with or without any modification and, subject to obtaining consent in writing of more than 50 percent of the beneficiaries, the plan so approved shall become final.
- (6) If more than 50 percent of the beneficiaries make objection to the plan, the report of the Soil and Water Conservation Officer along with the recommendation of the District Soil and Water Conservation Committee shall be placed before the Soil and Water Conservation Board for final decision at the State Level.

Publication
of the Plan.

10. After the plan has been approved by the Government of Mizoram in consultation with Planning Commission, Govt. of India the Board shall publish the plan in the prescribed manner and it shall become final.

CHAPTER - IV

Taking Temporary Possession of land and

PAYMENT OF COMPENSATION

Order for
taking tem-
porary pos-
session of
land.

11. (1) If the Collector, on receipt of a reference from the State Government, is satisfied that for the purposes of executing a plan it is necessary that temporary possession of any land should be taken, he may, by order, direct the Soil and Water Conservation Officer to take temporary possession thereof for such period, not exceeding five years, as may be specified in the order.

- (2) The collector may, by order, extend from time to time the period of temporary possession, provided that the total period of temporary possession shall be in no case exceed twenty five years in all for forest land and ten years in case of other land.

Explanation :

- (1) For the purpose of this section 'Land' does not include any land covered by a building of permanent character.
- (2) The land owner's right to transfer land shall not be affected by this, but the rights of any tenants on the land shall be effected by the transfer.

Taking possession of land. 12.

The Soil and Water Conservation Officer or any Officer authorised by him in this behalf shall in pursuance of the order under section 11 take temporary possession of the land.

Provided that possession shall not be taken without notifying in the prescribed manner the date and intention of taking possession atleast fifteen days prior to such date.

Payment of Compensation. 13.

- (1) As soon as may be after the date of taking possession of the land, the Collector shall make an inquiry and determine the compensation payable for every year or part of the year during which the land remains under such temporary possession and also the person entitled thereto.
- (2) For the purpose of determining compensation and the persons entitled thereto, the collector shall issue a general notice in the prescribed form and manner requiring persons concerned to file their claims in the prescribed manner by the date fixed in the notice, provided that the collector may, for reasons to be recorded, extend such date.
- (3) The Collector shall also fix a date for hearing of the claims and shall on that date, or in case of the hearing adjourned to any other date on such other date, hear the evidence that may be produced by a claimant and he may take such other evidence as he considers necessary.

- (4) For the purpose of determining the compensation and the persons entitled thereto the collector shall have the same powers as are vested in the court under the code of Civil procedure, 1908 in respect of the following matters namely -
- (a) enforcing attendance of any person and examining a person on oath or affirmation;
 - (b) issuing commission for examination of any witness or for local investigation;
 - (c) compelling production of any document.
- (5) In determining the compensation, regards shall be had to -
- (a) the average net annual income from the land derived during the three years immediately preceding the date of temporary possession being taken and in the case of land not having such income, the average net annual income, if any, from similar land in the locality derived during that period.
 - (b) the damage, if any, sustained by the person as a result of dispossession;
 - (c) the damage, if any, caused or likely to be caused to the land; and
 - (d) such other factors as may appear to the collector to be relevant for the purpose of such determination.
- (6) Any person aggrieved by a determination made under sub-section (1) may, within thirty days from the date of such determination, file an appeal to the State Government.
- (7) The State Government may entertain an appeal after the expiry of the said period of thirty days, if satisfied that there was sufficient cause for not preferring the appeal within that period.
- (8) The compensation so determined shall be paid in cash in yearly instalments to the person found entitled thereto under this

section and such payment shall be a final and full discharge of the State Government and its officers from all liability to pay compensation for the period covered by the payment, but shall not prejudice the rights of any other person to compensation to which he may be entitled by due process of law to enforce against the person to whom payment has been made under this Act.

- (9) In case permanent acquisition of land has to be resorted to, it shall be done under land Acquisition Act, 1894.

**Restoration
of possession.**

14. (1) When the temporary possession of land has to be restored and in any case before the expiry of the period fixed for temporary possession, the collector shall, after making inquiry in the prescribed manner, by order in writing :-
- (a) specify the person to whom the possession shall be restored; and
 - (b) declare that possession of the land shall be restored to him on such date as may be specified in the order.
- (2) On the date specified in the said order possession of the land shall be deemed to have been delivered to the person mentioned therein.
- (3) The delivery of possession of the land to the person specified in an order under subsection (1) shall be a final and full discharge of the State Government and its officers from all liabilities 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 the possession of the land is delivered.
- (4) The State Government may levy a tax called 'betterment contribution' from the person to whom the temporary possession has been restored and who is benefitted by the execution of the plan.
- (5) The amount of betterment contribution payable in respect of any land, the tem-

porary possession of which has been restored shall be an amount equal to one third of the total cost of the execution of the plan provided that the amount of the betterment contribution payable in respect of any land should not be more than half of the total cost or as may be prescribed by the State Government from time to time.

- (6) During temporary possession, or on restoration, the subsisting rights of tenants and share-croppers shall not be disturbed nor shall they be dislodged or evicted.

CHAPTER—V

EXECUTION OF THE PLAN

Directions to execute work.

15. (1) The Soil and Water Conservation Officer may, by notice, require any beneficiary to carry out at his own cost any work under the Plan in the manner and within the period mentioned in the notice.
- (2) Where a beneficiary intimates in writing to the Soil and Water Conservation 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 Soil and Water Conservation Officer by the date fixed in that behalf or within such further time as he may allow, the Soil and Water Conservation Officer shall get the work carried out and, subject to the provision prescribed in this behalf, recover the expenses incurred from the beneficiary as arrears of land revenue with such interest as may be prescribed by the State Government.
- (3) Notwithstanding anything contained in sub-section (1) and (2), where the collector is of the view that it will be in the interest of the general public to have a work carried out by the Soil and Water Conservation Officer, he may direct the said Officer to carry out the work under the general direction of the Board and the cost of such work shall, subject to the provision prescribed in this behalf, be reco-

vered by the Soil and Water Conservation Officer as arrears of land revenue from the beneficiaries in such proportion, as the collector may fix, after taking into consideration the benefits or likely benefits to the land of each beneficiary from that work and other relevant matters as certified by the Soil Conservation Officer.

- (4) If the costs are not paid by the beneficiary or beneficiaries within the prescribed time, such beneficiary or beneficiaries shall also be liable to pay such interest thereon as may be prescribed by the State Government.

Soil and Water Conservation Officer to make progress report.

16. (1) The Soil and Water Conservation Officer shall report to the District Soil and Water Conservation Committee in such a form and at such intervals, as may be prescribed, the progress made in the execution of the plans.

- (2) A copy of the progress report shall be forwarded to the Soil and Water Conservation Board.

Entry of rights and liabilities in revenue record.

17. The Soil and Water Conservation Officer shall on completion of the works under a plan, prepare a statement in the prescribed form showing therein the rights and liabilities of the beneficiaries and shall forward the statement to the collector who shall, on the basis of the statement, get the entries made in the relevant village records and maps maintained by the Land Revenue and Settlement Department. The revenue records regarding rights and liabilities will be prepared in accordance with any law for the time being in force and after following the procedure prescribed.

Discharge of liabilities.

18. (1) It shall be the duty of the beneficiary :
- (a) to maintain and repair at his own cost, work as required by the plan; and
 - (b) to discharge other liabilities imposed upon him under the plan.
- (2) Where a beneficiary fails to maintain or repair the work or discharge a liability as required by sub-section (1), the Soil and

Water Conservation Officer may cause the work to be maintained or repaired and liability to be discharged and the cost of such maintenance, repair or discharge shall be recovered from the beneficiary as arrears of land revenue.

CHAPTER - VI APPRAISAL AND EVALUATION OF THE SOIL & WATER CONSERVATION

Appraisal and
Evaluation of
the plan.

19. The Soil and Water Conservation Board may direct the District Soil and Water Conservation Committee or any other institution to evaluate any plans in accordance with the criteria mentioned in second Schedule.

CHAPTER--VII PREVENTIVE ACTION AND PENALTIES

Prevention of
action preju-
dicial to Soil
and Water
Conservation.

20. (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 Deputy Commissioner 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 Deputy Commissioner.
- (4) The Deputy Commissioner shall dispose of the objection after allowing the objector an opportunity of being heard. In case the objection is allowed, the Deputy Commissioner shall discharge the notice otherwise he shall pass an order prohibiting the person from doing the act.
- (5) Any person aggrieved by an order of the Deputy Commissioner under sub-section (4) may, within thirty days of the order, file an appeal before the State Government whose decision thereon shall be final.

Penalties

21. Whoever voluntarily or 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 there under, shall be liable on conviction, to imprisonment for a period not exceeding six months or to a fine not exceeding rupees one thousand or with both;

Provided that in case of continuing offence a daily fine of not less than rupees twenty five during the period of the continuance of the offence shall also be imposed.

Control over Waste-land, erosion activated land and scheme under taken being the property of the Government or community land.

22. (1) The State Government may, by notification in the Official Gazette, regulate or prohibit any degraded lands, wastelands, erosion activated lands or lands taken under Soil Conservation Plantation Scheme when such regulation or prohibition appears to be necessary for any of the following purposes, namely -

- (a) breaking up or clearing of lands for jhum Cultivation or any other aggravating Cultivation;
- b) firing or clearing of vegetation; or
- c) pasturing of cattle;
- d) preservation of the Soil on the ridges and slopes and in the valleys;
- e) prevention of land slide/land slips or formation of ravines and torrents, or the protection of lands against erosion, or the deposit thereon of silts or sand, stones and gravel;
- f) maintenance of water supply in springs;
- g) protection of roads and other line of Communication;
- h) preservation of public health.

(2) The State Government may, for such purposes, construct at its own expenses, in or upon any degraded and wastelands such work as it thinks fit.

Soil and Water Conservation Officer to be Public Servant.

All Soil and Water Conservation Officer shall be deemed to be public servants within the meaning of section 21 of Indian Penal Code, 1860.

Central Act No. 45 of 1860.

CHAPTER -VIII

Miscellaneous

- Proceeding under the Act. 24. A proceeding under this Act before a Soil and Water Conservation Officer or a Collector or a Deputy Commissioner 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. Act No. 45 of 1860.
- Vacancy for defect in constitution not to invalidate proceedings. 25. No Act or proceeding of the Board or the Committee shall be invalid by reason merely of the existence of any vacancy in, or defect in the constitution of, the Board or the Committee.
- Decision by majority. 26. If there is a difference of opinion amongst the members of the Board or of the 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 Committee as the case may be, shall have a casting vote.
- Power to enter etc. 27. (1) Whenever it shall be necessary to make an enquiry or examination in connection with the preparation or execution of plan or repair or maintenance of any work under a plan, the Soil and Water Conservation Officer duly empowered in this behalf or any Officer, acting under his general or special orders in this behalf may :-
- a) enter upon any land and structure or any thing attached to land as he may think necessary for the purpose;
 - b) Undertake surveys or take levels thereon;
 - c) Where otherwise such enquiry cannot be completed, cut down and clear away any part of any standing crop, fence or jungle, exercise all powers and do all things in respect of such land as he might exercise and do if the state Government had issued a notification under the provisions of section 4 of the Land Acquisitions Act, 1894 to the effect that land in the locality is likely to be needed for a public purpose.
- Central Act No. 1 of 1894.

- (2) In every case of entry upon any land, the Soil and Water Conservation officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work, to any crop, tree or land and, within one month from the date of such entry, compensation shall be tendered by the Soil and Water Conservation Officer to the owner or occupier of the property, as the case may be.
- (3) If the tender of the compensation is not accepted within a week of the tender, the Soil and Water Conservation Officer shall forthwith refer the matter to the Collector who shall decide the matter. In determining the amount of compensation, the collector shall be guided by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894;

Provided that regard shall be had to the diminution in the market value, at the time of awarding compensation, or the property in respect of which compensation is claimed, and where such market value is not ascertainable, the amount of the annual net profits of such property caused by the exercise of the powers conferred by the Act.

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| Public access to documents and maps. | 28. | Subject to the rules made in this respect 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. |
| Determinations and orders to be final. | 29. | 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. |
| Suit on legal proceedings not to lie for acts done in good faith. | 30. | (1) No suit, prosecution or other proceeding shall lie against any Officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government. |

- (2) No officer or servant of the State Government shall be liable in respect of any such act in any court or criminal proceeding if the act is done in good faith in the course of the execution of duties or the discharge of the functions imposed by or under this Act.

Provision of this Act to prevail.

31.

Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have effect.

Powers to make rules.

32.

- (1) The State Government may, by notification in the Gazette, make rules to give effect to the provisions of this Act.
- (2) Without prejudice to the generality of the following power, such rules may provide for—
- a) the procedure for and the manner of declaring a person to be beneficiary;
 - b) matters relating to the establishment and constitution of the Soil and Water Conservation Committee;
 - c) appointment and function of Soil and Water Conservation Officers;
 - d) the manner of notifying the intention and date of taking temporary possession;
 - e) the manner of inquiry for determining the compensation payable for the land of which temporary possession has been taken and the persons entitled thereto;
 - f) the time within which the costs of works carried out by the Soil and Water Conservation Officer shall be paid by the beneficiary and the interest on such costs;
 - (g) the form in which and the intervals at which progress report shall be submitted by the Soil and Water Conservation Officer;
 - (h) the form of statement of rights and liabilities of the beneficiaries;

- (i) the statements, returns, registers and other records required to be maintained by or under this Act;
 - (j) the form and manner of service or publication of notices under this Act or the rules made thereunder;
 - (k) filing and disposal of objections and appeals under this Act and the procedure to be followed in regard thereto;
 - (l) the duties of any Officer or authority having jurisdiction under this Act and the procedure to be followed by such Officer or authority; and
 - (m) any other matter which may be prescribed.
- (3) Every rule made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive session aforesaid, the State Legislature agrees in making any modification in the rule or that the rule should not be made, the rules 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 under that rule.

FIRST SCHEDULE

(See Section-8)

Soil and Water Conservation Scheme under section 8(2) may include all or any of the following items :

- (1) (a) Identification of priority watersheds in accordance with the methodology prescribed by the State Soil and Water Conservation Board.

- (b) Soil Survey and Land Use Planning and Classification of land according to its capabilities.
 - (c) Research, Education and Training on matters relating to Soil and Water Conservation.
- (2) Measures relating to control of erosion due to water and wind such as :
- (a) Construction of contour/graded bunds (Narrow base terrace), bench terraces, bunds with surplusing arrangement and disposal outlets, arrangements for planting on earthfilled surfaces.
 - (b) Levelling of Land and improvement of soil by applying appropriate amendments, manure and fertilizers.
 - (c) Adopting appropriate farming/tillage practices such as contour cultivation, strip cultivation, shallow/deep cultivation etc.
 - (d) Growing of quick maturing leguminous crops during rainy season and growing row crops with appropriate conservation measures.
 - (e) Retirement of any land from cultivation if its continuance under agriculture is prejudicial to that land or some other land;
 - (f) Afforestation of degraded forests and non-agricultural lands along with closures and necessary soil moisture conservation practices with a view to promoting improved tree growth from forests and village woodlots.
 - (g) Development of grass lands and fuel cum-fodder reserved in waste land ; community/ Government lands with appropriate erosion control and moisture conservation measures such as contour dykes and check dams etc.
 - (h) Control/regulation of grazing, felling or lopping of trees or clearance of bushes.

- (i) Raising of useful tree plants on private/community/waste lands with a view to provide additional supplies of feed, fodder as well as vegetables, besides raw materials for subsidiary industries and income therefrom such as planting of sisal, cashew nut, sesbania grandiflora, drum stick, amla (Sunhlu) etc.
 - (j) Planting and growing of trees, shrubs or grasses for providing shelter belt or wind breaks or other protection purposes.
 - (k) Prevention from breaking up marginal and sub-marginal land for cultivation purposes.
 - (l) Controlling and stabilising torrents/chaos, landslides and slips, road-side and cattle path erosion etc. by biological and engineering measures, such as check dams, spurs, retaining walls, revetments etc.
- (3) Construction of earth and masonry works in fields, gullies and ravines, including catch water drains, wherever necessary ;
 - (4) Construction of small storage structures including ponds at appropriate locations in private/community/government lands with a view to increasing surface detention and depression storage in the catchment to promote greater infiltration, reduce silt load in channel flow and regulating peak flows, farm ponds and other water harvesting measures may even become combined with erosion and gully control works, restoration of degraded lands for better management, for increasing insitu utilisation of incident rainfall by creating potential for providing protective/supplemental irrigation and thus increase production, taking up nalla plugging, field bunds, percolation tank etc. with a view to increase better ground water recharge and some subsequent utilisation for productive as well as domestic use of water.
 - (5) Measures for controlling water logging and impeded drainage would include development of water logged areas into ponds,

opening of drainage ditch, increasing number of culverts and other cross drainage works for releasing larger portion of the affected area for development/utilisation, for productive management.

- (6) Development and reclamation of lands subjected to salinity, alkalinity, acidity by providing appropriate drainage system with storage ponds, whenever necessary, applying amendments, impounding water for washing-down the injurious salts and taking up appropriate crops for reduction of harmful salts or increasing aggregate production.
- (7) Improvement of sandy soils by constructing bunds, planting of grasses, shrubs and trees, levelling of lands, restricting depths of cultivation, growing leguminous crops and controlled grazing and exploitation.
- (8) Taking up consolidation of holdings in accordance with the relevant law on the subject in areas for better use of land and available water and disposal of the excess water.
- (9) Maintenance and repair of works conducive to Soil and Water Conservation, whether these works are executed under the plan or otherwise.
- (10) Introducing system for utilising products such as sisal leaf, cashew pods, etc. for enhancing employment and income therefrom.
- (11) Such other measures as may become necessary under the given physiographic, climatic and socio-economic conditions prevailing in the area and prescribed by the District Soil and Water Conservation Committee/State Soil and Water Conservation Board.

SECOND SCHEDULE

(See Section-19)

APPRAISAL AND EVALUATION OF THE SOIL AND WATER CONSERVATION PLAN

Soil Conservation Programme under Section 19 to be evaluated or appraised periodically for identifying technical approaches for measuring benefits and collec-

ting time series data for the purpose and also to identify the kinds of benefits and their sub-divisions. The benefits will comprise in general the following :-

(1) PROTECTIVE BENEFITS

- a) Direct land protection against erosion such as gullying etc.
- b) Protection to the existing production from eroding lands mentioned under (a) above.
- c) Appreciated value of restored land and water resources.
- d) Proportionate investment on dam and its command, protected under major, medium and minor irrigation projects.

(2) PRODUCTIVE BENEFITS

- a) Additional rainfed production from catchment of the structure;
- b) Additional production from mini command of the structure;
- c) Production from restored and irrigated lands which were otherwise out of cultivation or plant management.

(3) EMPLOYMENT GENERATION.

- a) Casual employment due to construction of bunds, terraces, raising of plantations etc.
- b) Regular employment due to intensification of land management or improvement of cropping/plant management;
- c) Ratio of the post project employment (Regular) can be termed as employment improvement ratio and taken as an index for charging the effectiveness of the plant and its implementation. The evaluation shall take into account the investment made on plan/treatment etc. as :-

- i) Land treatment;
- ii) Land restoration;
- iii) Construction of erosion control and water harvesting structures;
- iv) Mini command Development.

In order to carry out such analysis it would be necessary to select certain mini project areas representing typical package of conservation practices and provide adequate funds and personnel for collection of pre-project and post project data. The collection of data can be of two categories :

- i) Hydrologic and sedimentation including climatic and watershed attributes;
- ii) Socio-economic data which will cover family size and economics, holdings crop and plant management, production, return and employment.

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