

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1,505/21 – 2007 ජූලි 13 වැනි සිකුරාදා – 2007.07.13

No. 1,505/21 – FRIDAY, JULY 13, 2007

(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

Provincial Council Notifications

SOUTHERN PROVINCIAL COUNCIL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Southern Province Provincial Council Secretariat Staff Statute

I, S. M. G. K. Perera, Secretary of the Secretariat of the Southern Provincial Council, hereby notify that Southern Province Provincial Council Secretariat Staff No..... of 2007 published below will be presented to the Southern Provincial Council after a lapse of two weeks from its publication in this *Gazette*. Any person interested in representing any matters pertaining to provisions in this statute should submit them to me within period of two weeks referred to above.

S. M. G. K. PERERA,

Secretary,

Secretariat of the Southern Provincial Council,

Southern Province.

Secretariat of the Southern Provincial Council,
Hill Top Building,
Galle,
07th June, 2007.

SOUTHERN PROVINCIAL COUNCIL SECRETARIAT STAFF STATUTE NO.....OF THE 2007 OF THE SOUTHERN PROVINCE PROVINCIAL COUNCIL

THE Southern Provincial Council of the Democratic Socialist Republic of Sri Lanka hereby enacts as follows:-

This statute may be cited as the Southern Province Provincial Council Secretariat Staff Statute No..... of 2007.

The Southern Provincial Council Secretariat Staff Statute No. 05 of 1989 shall become nullified from the date of the approval of this statute by the Governor.

Short Title
and Date of
Operation.

1. This Statute may be cited as the Southern Province Provincial Council Secretariat Staff Statute No. 2007 and shall come into operation on the date of its approval by the Governor.

Secretary to the
Council.

2. (i) There shall be a secretary to the council appointed by the Governor and he shall hold office during good behavior subject to the provisions of the sub section.
- (ii) A senior officer in special grade in the Sri Lanka Administrative Service who holds a post in the public service or provincial public service may be appointed for the post of secretary with the consent of the chairman under the above sub section (1).
- (iii) Salaries, allowances and privileges payable to the Secretary shall be similar to salaries allowances and privileges payable to a secretary to a Provincial Ministry and paid out of the fund of the Provincial Council.
- (iv) The post of the secretary shall be permanent and pensionable.
- (v) The office of the Secretary shall become vacant :
 - (a) Upon his death ;
 - (b) On his resignation in writing addressed to the Governor ;
 - (c) By transfer to another post in Sri Lanka Administrative Service ; or
 - (d) On his attaining Fifty five years of age or on such later date as may be decided by him;
 - (e) On his removal by the Governor on account of ill-health or physical or mental incapacity or on any disciplinary action or, on his being feeble or outside Sri Lanka; or
 - (f) On his being subject to a fine of not less than rupees thousand or a term of imprisonment by a court of competent jurisdiction ;
 - (g) Where the Secretary is by reason of illness or other infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office, the Governor may appoint another person to act in his place in terms of the provisions of sub-section (1).

The Secretarial
and the staff of
the Secretariat.

3. I. There shall be a Secretariat to the council and the staff of the Secretariat (hereinafter referred to as the "Secretariat Staff") shall consist of such number of officers as shall be determined by the Secretary with the approval of Governor.
- II. The number of officers of the secretariat staff may be altered on the recommendation of the Staff Advisory Committee, with the approval of the Governor.
- III. The appointment of the officer to the Secretariat staff shall be made by the Provincial Public Service Commission, upon a request made by the Secretary to that effect to such Commission.
- IV. The officers appointed to the Secretary Staff under the Statute No. 5 of 1989 shall be absorbed to the Provincial Public Service from the date of commencement of this Statute ; and

- (a) their dates of appointment to the Secretary shall be considered for all purposes as the dates of appointment to the Provincial Public Services ;
- (b) their period of service in the Secretariat shall be deemed to be the period of service in the Provincial Public Service ;
- (c) their seniority in the Secretariat shall not be adversely affected by reason of absorption into the Provincial Public Service ; and
- (d) the seniority of the members in similar or same posts in the Provincial Public Service shall not be adversely affected by reason of such absorption.

4. The Secretary may with the prior approval of the Governor make temporary appointments to the Secretariat Staff of appropriately qualified persons on causal or daily paid basis or on contract depending on the exigencies of Service. Other appointments.

5. (a) Any person who holds any post in the Provincial Public Service may be transferred to the Secretariat Staff with the consent of the Secretary first obtained for the purpose ; Transfers.
- (b) Any person who has been appointed to or transferred to the Secretariat Staff on a request made by the Secretary shall not be transferred from the Secretariat Staff without the prior written consent of the Secretary.

Provided that the release of any such officer for employment shall not generally be rejected by the Secretary except for the following reasons ; namely –

- (a) where his service in the Secretariat Staff is subject to a Bond ; or
- (b) even if his service is not subject to a Bond if he has been specially trained by the Secretariat to perform work at the Secretariat ; or
- (c) Where the secretary considers that the release of any such officer may adversely affect the performance of the duties of the secretariat.

6. The office of the members of the Secretariat Staff shall become vacant due to. Following reasons, namely– Vacations of officers.

- (a) retirement ;
- (b) transfer ;
- (c) resignation ;
- (d) removal or ;
- (e) death.

7. (1) The salaries and other allowances payable to the Secretariat Staff shall be paid out of the Fund of the Council. Salaries and Allowances of the staff.
- (2) An allowance in addition to the salary may be paid with the approval of the Governor to the officers who are transferred to the Secretariat Staff under paragraph (a) of Section 5 or appointed under subsection (3) of Section 3, to the Secretariat for so long as they are employed in the Secretariat.

8. On recommendation of the Staff Advisory Committee referred to in Section 9, the Secretary shall identify new posts, which will be required for the better administration of the Council enabling the appointment of new officers. Creation of new posts.

Staff Advisory Committee.	<p>9. (1) There shall be a Staff Advisory Committees (hereinafter referred to as the 'Advisory Committee') consisting of—</p> <p>(a) The Chairman of the Council ;</p> <p>(b) The Chief Minister of the Council ;</p> <p>(c) The Leader of the Opposition of the Council. ;</p> <p>(d) The Chief Secretary ;</p> <p>(e) The Secretary of the Provincial Public Service Commission ; and</p> <p>(f) The Secretary of the Council.</p> <p>(2) The Chairman and Secretary of the Council shall be the Chairman and secretary respectively of the Advisory Committee.</p>
Functions of the Staff Advisory Committee.	<p>10. The Staff Advisory Committee shall discharge the following functions, namely</p> <p>(a) identifying new posts as referred to in Section 9 ;</p> <p>(b) determine facilities and privileges to be provided for the members of the Secretary Staff ;</p> <p>(c) forward recommendations to the Governor in determining the number of members of the Secretariat staff and the allowances payable to the members of such staff.</p>
Regulations.	<p>11. The rules and regulations which have already been imposed or may from time to time be imposed by the Governor or the Provincial Public Service Commission shall be applicable to the Secretariat Staff.</p>
Members of the staff deemed to be public servants.	<p>12. The members of the Secretariat Staff shall be deemed to be public servants within the meaning and for the purpose of the penal code and the Bribery Act.</p>
Retirement of the members of the staff.	<p>13. (1) Any members of the Secretariat Staff shall have the option to retire on reaching fifty seven (57) years of age before that by a letter forwarded to the Secretary, at least three months prior to the date of his retirement.</p> <p>(2) Any officer who opts to serve beyond Fifty Seven (57) years of age shall three months prior to the date on which he reaches fifty seven years and there after three months before the expiry of each period of extension granted to him, make a written application to the Governor and the Governor may grant such extension on the recommendation of the Secretary. No extensions will be granted beyond the age of sixty years.</p>
Financial.	<p>14. An Estimate relating to the expenditure of the Council for each years shall be prepared and submitted to the Chief Secretary of the Council by the Secretary in compliance with the rules relating to the Council Funds, made by the Governor and passed by the Council.</p>
Interpretation.	<p>15. In this statute, unless the context otherwise requires "Governor" means the Governor of the Southern Province ;</p> <p>"Council" means the Southern Province Provincial Council ;</p> <p>"Provincial Public Commission" means the Provincial Public Service Commission of the Southern Province ;</p>

“Chief Secretary” means the Chief Secretary of the Southern Province ;

“Secretary” means the Secretary of the Southern Province Provincial Council ;

“Secretariat” means the secretariat of the Southern Province Provincial Council ;

16. In the event of any inconsistency between the Sinhala, and Tamil texts of this Statute, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

07-475/1

**SOUTHERN PROVINCIAL COUNCIL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA
DRAFT STATUTE ON ALTERNATIVE POWER AND ENERGY**

I, P. M. Thilaka Kalyani, Secretary of the Southern Provincial Ministry of Food Co-operative, Provincial Roads, Electricity, Alternative Energy and Trade, hereby notify that Draft Statute on Alternative Power and Energy No..... of 2007 of the Southern Provincial Council published below will be presented to the Southern Provincial Council after a lapse of two weeks from its publication in this *Gazette*. Any person interested in representing any matters pertaining to provisions in this draft statute should submit them to me within period of two weeks referred to above.

P. M. THILAKA KALYANI,
Secretary,
Ministry of Food Co-operative, Provincial Roads,
Electricity, Alternative Energy and Trade,
Southern Province.

No. 67, Leyn Baan Street,
Fort,
Galle,
19th June, 2007.

Statute on Alternative Power and Energy No.....of 2007 of Southern Provincial Council

A Statute to provide for establishing the subject of Alternate Power and Energy in the Southern Province for Identification, preservation and improvement of Alternate power and Energy sources and exploit them for enhancement of the power supply for the benefit of the people of the Southern Province causing the least harm to the Environment and all other matters connected with, incidental and ancillary thereto.

The Southern Provincial Council of the Democratic Socialist Republic of Sri Lanka enacts that—

Short Title and
Date of Operation.

1. This Statute may be cited as the Statute on Alternate Power and Energy No..... of 2007 of the Southern Province. It shall come into operation on the day the Governor of the Southern Province gives his assent.

General Objectives.

02. General objectives of this Statute are—

- (1) Development of sites and facilities within the province for the generation and enhancement of electricity supply, their conservation and control (except hydro electricity generated to feed the national grid).
- (2) Preservation and the maintenance of power generation projects already in operation within the provincial authority of the Provincial Council and others expected to be identified in future.
- (3) Generation of power and energy through the exploitation of renewable energy sources such as natural cascades, solar energy, wind power, bio-gas and dendro which are not productively exploited.
- (4) Interacting with and accreditation, subject to supervision, of persons with acceptable qualifications, non-government organizations, other persons and organizations with experience for providing all organizational management, technical and financial consultancy services in planning, implementation and strengthening the sustainability of alternate power and energy sources.
- (5) To organize—
 - (a) Provincial Committees and sub-committees, and
 - (b) Divisional Steering Committees

aimed at providing guidance, co-ordination, advice and supervision of schemes in operation and the provision of resources needed by them.
- (6) Adoption within the provisions of this statute any policies decided upon from time to time, as necessary for the promotion and operation of alternate power and energy projects in the interest of the general public.
- (7) Encourage people to make use of alternate energy sources for domestic electricity, development and manufacturing activities and provide them with necessary guidance and assistance regarding same.
- (8) To take necessary steps to prevent damages to the eco-systems when operating or exploiting alternate power and energy sources.
- (9) To take necessary steps to promote the generation of power and its use among the people and encourage them in that regard.
- (10) Registration with the Ministry of Alternate Power and Energy, all societies and organizations promoting the generation and use of alternate power and energy among the people and provide them with state assistance.

PART I

Establishment of
Provincial
Committees and
sub committees.

03. For the achievement of the objectives of Section 02 and subject to the provisions here-in-after laid down, there shall, on the recommendation of the Minister and with the approval of the Governor, be established.

- (a) A Provincial Committee ;
- (b) Administration unit under the Secretary to the Ministry ; and
- (c) An alternate Power and Energy Development Fund.

04. There shall be established a provincial committee consisting of persons well proficient in the subject of alternate power and energy. The membership of this committee shall not exceed thirteen (13). The Secretary to the Ministry of Alternate power and Energy shall function as the Chairman of the committee.

Composition of the provincial committee.

The membership shall include

- (a) Secretary to the Provincial Ministry of Alternate Power and Energy ;
- (b) Secretary to the Provincial Ministry in charge of the subject of environment or his nominee ;
- (c) Secretary to the Provincial Ministry in charge of the subject of agriculture or his nominee ;
- (d) A representative of the Ceylon Electricity Board ;
- (e) An officer representing the Forest Conservation Department ;
- (f) Secretary to the provincial Ministry of Rural Development or his nominee ;
- (g) Commissioner of Local Government ;
- (h) A representative from the Provincial Ministry of Water Supply ;
- (i) A representative from the Provincial Ministry of Tourism ;
- (j) Assistant Commissioner of Agrarian Services ;
- (k) Provincial Commissioner of Co-operative Development ; and
- (l) Two persons proficient and knowledgeable in the relevant subject, to be appointed by the Minister.

05. (a) Identification of power and energy sources currently extant within the province, their conservation and maintenance ;
- (b) Planning, development and management of power and energy sources ;
- (c) Provision of Technical, financial and consultancy services ;
- (d) Co-ordination among the non-government organizations, persons and organizations with supervision ;
- (e) Sale of movable and immovable properties received as gifts or donations and crediting the account of the Fund with proceeds realised.

Functions of the Provincial Committee.

06. (i) There shall be established a Divisional Steering Committee consisting of persons proficient and knowledgeable in the subject of alternate power and energy. Its membership shall not exceed eight (08) and the Divisional Secretary of the area shall function as the Chairman of the committee.

Composition of the Divisional Steering Committee.

The membership shall include—

- (a) Divisional Secretary ;
- (b) Environment Officer ;

- (c) Rural Development Officer ;
- (d) Community Development Officer ;
- (e) Science and Technology Officer ;
- (f) Agrarian Development Officer ;
- (g) Development Officer ; and
- (h) Range Forest Officer.

Functions of the
Divisional Steering
Committee.

07. (a) Implementation of alternate power and energy projects ;
- (b) Providing consultancy services ;
- (c) Accreditation of suitably qualified persons, non-government organizations and organizations with experience for consultancy services subject to the supervision of the provincial committee.

Term of office of
provincial
committee
members.

08. (i) Every member appointed to the Provincial Committee or the Divisional Steering Committee, shall unless he earlier vacates his office by death, resignation or removal, hold office for a period of three (03) years from the date of his appointment.
- (ii) An appointed member may resign his office where the Governor accepts the letter which shall be addressed to the Governor through the Minister by that member.
- (iii) In the event of resignation of a member before the expiry of his term of office, the Governor may on the recommendation of the Minister, appoint any other person in his place. The member so appointed shall hold office for the unexpired part of the term of office of his predecessor.
- (iv) Any member of the committee who vacates office on completion of his term or before that shall, unless disqualified under the provisions of this statute, be eligible for re-appointment.
- (v) Wherever any member is temporarily unable to perform the functions of his office by reason of illness, absence from Sri Lanka or any other reason, the Governor may, on the recommendation of the Minister, appointed another person to act in his place.
- (vi) Wherever it is brought to the notice of the Minister or if he becomes aware that any member appointed including the Chairman, has committed an act of misconduct, the Minister may on findings of an inquiry conducted through the Secretary, remove such member from membership with the approval of the Governor.

Disqualificaion for
membership.

09. Any person who—
- (a) had been convicted of a criminal offence and subjected to a fine exceeding Rupees Five Hundred (Rs. 500.00) or a term of imprisonment (including a suspended sentence) by a court of justice in Sri Lanka or any other country ; or
- (b) had been dismissed from service on charges of grave misconduct ; or
- (c) Is a member of Parliament, a Provincial Council or a Local Government body or becomes such member ;

Shall be disqualified for appointment as a member of the Committee or to continue as a member thereof.

10. Any member who —

Annulment of
Membership.

- (a) Resigns his office ; or
- (b) Is removed from membership ; or
- (c) Completes his term of office as specified in this Statute ; or
- (d) Is elected as a Member of Parliament, a Provincial Council or a Local Government body ; or
- (e) Fails to attend three consecutive meetings of the Provincial Committee or the Divisional Steering Committee ;

Shall have his membership annulled and cease to be a member.

11. If at a vote on any issue at the Provincial Committee or the Divisional Steering Committee, the number of votes cast both for and against is equal, the Chairman shall be entitled to a casting vote in addition to his own vote.

Chairman entitled
to a Casting Vote.

PART II - FINANCE AND ACCOUNTS

12. The initial capital of the Southern Province Alternate Power and Energy Development fund shall be Rupees One Million (Rs. 1,000,000). The Chief Minister shall credit the account of the Fund with an amount as determined by him in consultation with the Minister in charge of the subject, by way of capital.

Initial Capital of
the Fund.

13. (1) There shall be established a Fund called the “Southern Province Alternate Power and Energy Development Fund” to be maintained out of funds of the Southern Provincial Council.

The account of the
Southern Province
Alternate Power
and Energy
Development
Fund.

(2) Following shall be paid to this Fund :-

- (a) Funds voted by the Southern Provincial Council from time to time, for the purposes of achieving the above mentioned objectives ;
 - (b) Provisions made available out of Provincial Councillors’ allocations for their proposals ;
 - (c) All moneys received from any local or foreign institution or country ;
 - (d) Cash donations made by any person or group of persons ; and
 - (e) Moneys received from any other sources.
- (3) Cash or funds received under sub-sections (2)(c)(d) and (e) above shall be spent only for specific purposes under the directions of the Provincial Tax Advisory Board.
- (4) The Minister may with the concurrence of the Advisory Board accept any movable or immovable property, gift or donation granted for the purposes of this statute. Sale proceeds of such properties should be credited to the Fund.

14. (1) The Provincial Committee shall ensure that necessary accounting records relating to its income, expenditure, assets and liabilities and all other transactions are duly maintained.

Accounts and
Audit.

(2) The provisions of Clause 154 of the Constitution of the Democratic Socialist Republic of Sri Lanka and the regulations of the Southern Provincial Council shall apply with regard to matters concerning the auditing of accounts.

Financial Year.

15. The Financial Year for the purposes of this Statute shall be the calendar year.

PART III - TRAINING AND RESEARCH

Establishment of
Training and
Research
Centres.

16. One or more Training and Research Centres may be established for the under-mentioned purposes, on the recommendations of the Provincial Committee.

- (a) Establishment and maintenance of training and research centres on alternate power and energy and conducting of meetings, workshops, seminar etc. on the subject of power and energy.
- (b) For holding exhibitions, pageants and concerts ;
- (c) Maintain an information centre for compiling and providing necessary data for promotion, development and utilization of alternate power and energy sources.
- (d) Awarding of local and foreign scholarships.

PART IV - GENERAL PROVISIONS

Regulations.

17. (1) (a) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Statute or on any other matter where he has been directed to do so.
- (b) All regulations made by the Minister shall be published in the *Gazette* and shall as soon as convenient after such publication be brought before the Provincial Council for its approval.
- (2) (i) The Committee may make regulations on all matters where it has been directed or empowered to do so under this Statute.
- (ii) No regulation made by the Committee under Sub-section (2)(i) shall come into force until it has been approved by the Provincial Council and such approval published in the *Gazette*.

Interpretations.

18. (i) In this Statute unless the context otherwise requires—

“Minister” means the Minister in Charge of the subject of alternate power and energy in the Southern Provincial Council ;

“Provincial Council” means the Southern Provincial Council ;

“Account” means the Account of the Southern Province Alternate Power and Energy Development Fund ;

“Province” means the Southern Province ;

“Secretary” means the Secretary to the Ministry of Alternate Power and Energy of the Southern Provincial Council.

19. In case of any inconsistency between the Sinhala and Tamil versions of this Statute, the Sinhala Version shall prevail.

SOUTHERN PROVINCIAL COUNCIL

Southern Provincial Council of the Democratic Socialist Republic of Sri Lanka

IRRIGATION MANAGEMENT ENACTMENT

I, G. Gamage, Secretary of the Southern Provincial Ministry of Land and Land Development, Agriculture, Irrigation and Animal Production hereby notify that the Irrigation Management Statute No. of 2007 of the Southern Provincial Council published below will presented to the Southern Provincial Council after a lapse of two weeks from its publication in this *Gazette*. Any person interested in representing any matters pertaining to provisions in this statute should submit them to me within period of two weeks referred to above.

G. GAMAGE,
Secretary,
Ministry of Land and
Land Development, Agriculture,
Irrigation and Animal Production.
Southern Provincial Council.

2nd Floor,
Super Market Building,
Talbot Town,
Galle,
23rd May, 2007.

IRRIGATION MANAGEMENT ENACTMENT No. OF 2007 OF THE SOUTHERN PROVINCIAL COUNCIL

An Enactment to make provision for the implementation of Powers vested under Sections 09 and 19, List No. 1 of the Ninth Schedule to the Nineteenth Amendment of the Constitution of the Democratic Socialist Republic of Sri Lanka and provide for Planning, Designing, Implementation, Rehabilitation, Supervision and the Maintenance of all irrigation works other than Inter-Provincial Irrigation Schemes, Ellanga Networks, Reservoirs, Anicuts, Streams, Springs, Irrigation Reservations and Irrigable Areas for raising the Production of Agricultural and related products for the Benefit of the Farming Community of the Southern Province and to Establish Irrigation Development Committees in connection with same, determine their powers and provide for all other matters connected with, incidental and ancillary thereto.

Provisions of this Enactment are not consistent with the Provisions of Irrigation Ordinance No. 32 of 1946, Irrigation (Amendment) Act, No. 1 of 1951, Irrigation (Amendment) Act, No. 48 of 1968, Irrigation (Amendment) Act, No. 37 of 1973, Land Grants (Special Provisions) Act, No. 43 of 1973 and Agrarian Development Act, No. 46 of 2000.

Southern Provincial Council of the Democratic Socialist Republic of Sri Lanka Enacts that –

1. This Enactment may be cited as Irrigation Management Enactment No. of 2007. Short Title.

2. After its approval by the Southern Provincial Council, it shall come into operation on the day the Governor of the Southern Province gives his assent. Date of operation.

CHAPTER I

3. There shall be established a department which shall be called the Provincial Department of Irrigation Management of the Southern Province under the Minister in Charge of the subject in the Province for the purpose of implementing the provisions of this Enactment. There may be established district sub-offices of the department. Establishment of the Department.

4. (i) There shall be appointed an officer designated 'Provincial Director of Irrigation Management' for implementing the powers devolving on the Minister in Charge of the subject under this Enactment. Appointment of Head of Department.

Appointment of Field Officers.	(ii) There may be appointed Deputy Directors, Assistant directors and such other officers as may be required for work connected with irrigation management and its administration.
Appointment of Government Officers.	(iii) Whenever it becomes necessary to obtain the services of Government officers to the Provincial Department of Irrigation Management for efficient co-ordination and management of its activities, it may be done with the concurrence of the Secretary of the line ministry concerned.
To be subject to Secretary's control.	(iv) The Director appointed as provided above shall be subject to the directions of the Secretary.
To be subject to the Penal Code.	(v) In appointing, transferring, terminating service or, taking disciplinary action on officers and servants referred to in Schedule I, II, III powers vested in Governor of the Southern Province and Provincial Public Service Commission shall be exercise.

CHAPTER II

List of irrigation schemes to be published.	5. (i) (a) The Provincial Director of Irrigation Management shall cause to be published in the government <i>Gazette</i> a list of all irrigation schemes coming under the purview of the Department at Divisional Secretariat and Grama Niladhari Division level. (b) This list may be amended as and when necessary.
Rehabilitation of irrigation works.	(ii) All these irrigation schemes after their publication in the <i>Gazette</i> shall be the property of the Southern Provincial Council. (iii) Any establishment, organization, group of persons or a leader proposing to undertake any rehabilitation, development or conservation work of whatever nature in respect of any of the irrigation schemes published in the <i>Gazette</i> , shall obtain the prior written approval of the Director of Irrigation Management in that regard. (iv) The prior approval of the Provincial Director of Irrigation Management should be obtained before commencing any irrigation schemes of whatever description.
Planning.	6. (i) The Director of Irrigation Management shall prepare annual, short and medium term plans for the rehabilitation, development and conservation of the irrigation network of the province.
Plans to be approved by Planning Committee.	(ii) All such plans shall be submitted to the Planning Council of the province and its approval obtained before applying for monetary provisions for their implementation.
Powers and Functions of the Director.	7. The Provincial Director of Irrigation Management shall by himself or under his direction – (i) Plan and design irrigation schemes to result in optimum productivity ; (ii) Plan and design new irrigation works to result in optimum productivity. (iii) Harness the participation of farmer community in the rehabilitation, maintenance and conservation of irrigation schemes ; (iv) Take legal action against persons who cause damages to irrigation works ; (v) Declare irrigation reservations ; (vi) Take action to prevent or minimise environmentally harmful activities leading to the degradation or destruction of irrigation works and for the preservation of the ecology ; (vii) Prepare a cultivation calendar for the cultivation of paddy lands under irrigation schemes and introduce necessary regulations regarding same ;

- (viii) Construct and maintain flood protection structures ;
- (ix) Construct and maintain salt-water exclusion gates ;
- (x) Appoint officers for the supervision of irrigation development committees.

CHAPTER III

8. (i) The Provincial Director of Irrigation Management shall cause to be established under each irrigation scheme in the province, an Irrigation Conservation and Development Committee. Establishment of committees at tract level.
- (ii) Every person – Membership of committees.
 - (a) If he is a citizen of Sri Lanka ;
 - (b) Is not less than sixteen years of age ;
 - (c) Is a permanent resident of and has been engaged in agricultural activities for a period of more than two years in the area of authority of the Irrigation Conservation and Development Committee in which he expects to be admitted to membership ;
shall be eligible for membership of an Irrigation Conservation and Development Committee established under sub-section (i) above.
- (iii) (a) Any person whose main livelihood is not agriculture but owns or resides on any agricultural land within the area of authority of the committee ; or Associate membership.
(b) is engaged in the production or sale of any agricultural products in the committee area ; may be granted associate membership of the Irrigation Conservation and Development Committee established under sub-section (i) above.
- (iv) Each Irrigation Conservation and Development Committee shall elect its own office bearers. Regulations may be made in respect of the procedure to be adopted in the election of office bearers, their term of office, the procedure to be followed at committee meetings, functions of the committee, maintenance of accounts and their audit. Office Bearers.
- (v) Each Irrigation Conservation and Development Committee shall within its area of authority – Functions of the committee.
 - (a) Encourage the cultivation of paddy or other crops on agricultural lands and their extension activities ;
 - (b) Enforce the established customs affecting such cultivations ;
 - (c) Ensure the proper timing of agricultural operations ;
 - (d) Efficiently manage the usage of water supplied under irrigation schemes or other sources for cultivation purposes ;
 - (e) Protection of crops against pests and diseases and the conservation of soil ;
 - (f) Take necessary action to lop, prune and remove branches of trees, rank vegetation and shrub jungle on lands bordering paddy fields creating obstructions to the crops grown in paddy fields or other agricultural lands within its area of authority ;
 - (g) Convene meetings of all owner cultivators and occupiers for the purpose of making regulations on joint measures for the development land and agricultural activities.
9. (i) A person designated 'Tract Representative shall be elected by the majority wish of committee members. This tract representative for irrigation conservation may also be the chairman, secretary, treasurer or a committee member of the Irrigation Conservation and Development Committee which would be referred to in the regulations to be made hereafter. Appointment of Tract Representatives.

Duties of tract
representative.

- (ii) (a) The tract representative shall hold office for a period of three years from the date of his election unless he resigns his office earlier by letter addressed to the director in that behalf on ; or
- (b) Is removed from office due to inefficiency or fraud on the findings of an inquiry held by the Director or other officer duly authorised by him. The office of the tract representative may be terminated on a proposal adopted by the Committee with a majority vote of the membership.
- (iii) The tract representative shall with the assistance of other members of the committee, prepare a register of paddy lands in the tract.
- (iv) The tract representative shall assign a section of the main distributory channel and the bund to each land owner or occupier in proportion to the sowing extent of the paddy lands held by him.
- (v) The land owners or occupiers who are thus assigned sections of the channel and the bund, shall mark out their sections with long lasting land marks of hard timber, cement or stones in such manner that at least part of the land mark shall be visible above ground.
- (vi) The sections so marked out shall before the commencement of each cultivation season, be cleared of all rank vegetation, any eroded or damaged areas of the bund repaired and reinforced with earth extracted from the irrigation reservation or the irrigation scheme and kept in proper order and maintenance by the respective land owners or occupiers.
- (vii) Any section of the channel or the bund not so maintained by an assignee shall be attended to by the Committee itself and the defaulting parties notified to reimburse the expenses incurred by the committee in that regard.
 - (a) where any person thus notified fails to pay the amount due from him within twenty one days of the said notice, action may be taken to refer the matter to the Magistrate of the area and recover the dues through courts.
 - (b) The Magistrate shall recover the amount due to the Committee by way of a fine and remit to the committee.
- (viii) It shall be the duty of the tract representative to protect irrigation schemes from saboteurs and bring offenders before the law, to conserve water issued under irrigation schemes and to ensure that cultivation activiteis are carreid out according to plans and the cultivation calender.

Remuneration of
the tract
representative.

- (ix) Every owner cultivator, occupier or tenant farmer shall give unto the tract representative by way of remuneration for the performance of above duties, a portion of his harvest as stipulated under the regulations.
- (x) Any owner cultivator, occupier or tenant farmer who refuses to pay this remuneration shall be guilty of an offence under this Enactment.

CHAPTER IV

- 10. (i) There shall be established a committee to be called the "Committee for Conservation and Development of Irrigation Network" in respect of 'ellangawa' or the entire irrigation network of the area basing on its physical topography, in all the committee areas established under Section 8 (i).
- (ii) The membership of the Committee for Conservation and development of Irrigation Networks shall include at least one of the three key officials - chairman, secretary or the treasurer - of the Irrigation Development and Conservation Committees established at tract or scheme level so that all the irrigations schemes in the area would be represented in this committee.

- (iii) (a) Three officials shall be elected for this committee as Chairman, Secretary and Treasurer representing main irrigation schemes within the network.
(b) A committee comprising of eleven members including the three officials referred to above shall be elected to this Committee for Conservation and Development of Irrigation Networks.
- (iv) The duties and responsibilities of the Committee for Conservation and Development of Irrigation Networks shall be –
 - (a) to take necessary steps for the conservation of the entire irrigation network.
 - (b) determine the priority basis in which rehabilitation and development work of the irrigation schemes within the network should be undertaken.
 - (c) preservation of all irrigation reservations within the network.
 - (d) assist in the development of highlands in neighbourhood of irrigation schemes within the network.
 - (e) assist departmental officers in defining the aspects and features of an irrigation network to be declared under the regulations and protect the networks so declared.
 - (f) direct all development activities within the network on an integrated basis treating the entire network as a single unit.
- 11. (i) Irrigation Conservation and Development Committees established at whatever level should be registered at the office of the Provincial Director of Irrigation Management of the Southern Province.
(ii) Irrigation Conservation and Development Committee at whatever level shall have perpetual succession and a common seal.
(iii) An Irrigation Conservation and Development Committee shall be a body corporate with powers to sue and be sued in its name.
- 12. (i) An Irrigation Conservation and Development Committee may open and maintain an account with any bank recognised by the Government.
(ii) Such account shall be subjected to audit as provided for under Clause 164 of the Constitution in auditing accounts of Government corporations.
(iii) An Irrigation Conservation and Development Committee at whatever level shall have power to enter into any agreements within limits already laid down or that may be laid down in future.
(iv) An irrigation service charge as may be determined by the Minister in Charge of the subject or the Director of Irrigation Management of the province under the directions of the Minister, shall be payable by every land owner occupier or tenant cultivator of agricultural land, towards the cost of rehabilitation, reconstruction, conservation and maintenance of irrigation works and their future upkeep by the Government, Southern Provincial Council or other government or non-government organization under the direction of the Southern Provincial Council.
(v) The tract representative shall recover this charge and credit it to a fund as directed.

CHAPTER V

Offences.

13. (i) Any person who –
- (a) blocks up ;
 - (b) obstructs ;
 - (c) encroaches upon ;
 - (d) or causes to be in anyway obstructed or encroached upon on any irrigation channel, watercourse, channel bank, reservation, tank, bund or any road or path comprised in an irrigation work ; or
 - (e) wilfully or mischievously causes waste of water conserved in an irrigation work ;
- (ii) Removes or causes to remove soil or sand from any tank, ela or stream in a catchment area, from an irrigation scheme, watercourse, bund, bank, reservation, dam, a path comprising an approach to a tank or an irrigation system ; or
- (iii) Causes to drain or allows to drain effluents to any irrigation channel, ela, watercourse, irrigation reservation or paddy land ; or
- (iv) Digs, constructs or maintains a well for agricultural purposes unless with the written authority of the Director of Irrigation Management and under the terms and conditions laid down by him ; or
- (v) Drives stray animals into any irrigation channel, ela, watercourse, irrigation reservation or paddy field causing damage to them ; or
- (vi) Engages in cultivation in the tank bed of any irrigation scheme coming under this Enactment without the express written permission of the Director of Irrigation Management ; or
- (vii) Cultivates any crops other than paddy or other crops agreed at Committee meetings with irrigated water ; or
- (viii) Fills up with earth, gravel or rubble any paddy land registered in the paddy lands register for any purpose other than cultivation without the written permission of the Director of Irrigation Management ; and
- (ix) Interferes unnecessarily with any person's cultivation rights, threshing rights, right to use kamatha lands, right to remove the harvest or right to use an agricultural road ;
- shall be committing an offence under this Enactment.

Penalties

14. Any person who is found guilty of an offence under this Enactment or any regulation made thereunder, shall after trial before a Magistrate, be liable to a fine not exceeding rupees fifteen thousand or imprisonment for a period not exceeding six months or for both such fine and imprisonment, unless otherwise provided for under the provisions of this Enactment.

CHAPTER VI

15. (i) The Minister may make regulations in respect of all matters stated in or required by this Enactment.
- (ii) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or upon such later date as may be specified in the regulations.

- (iii) Every regulation made by the Minister shall as soon as convenient after the publication in the *Gazette* be brought before Southern Provincial Council for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder. Notification of the date on which any regulation is deemed to be rescinded shall be published in the *Gazette*.

16. The provisions of this Enactment shall have force notwithstanding anything to the contrary in any other written law.

17. In case of any inconsistency between the Sinhala and Tamil versions of this Enactment the Sinhala version shall prevail.

18. In this Enactment unless the context otherwise requires –

Interpretations.

- (i) 'Provincial Council' means the Southern Provincial Council.
- 'Minister in charge of the subject' means the Minister in charge of the subject of irrigation in the Southern Provincial Council.
- (ii) 'Secretary' means the Secretary of the Ministry in charge of the subject of irrigation in the Southern Provincial Council.
- (iii) 'Provincial Department of Irrigation Management' means the department established or to be established to be in charge of the subject of irrigation in the southern province.
- (iv) 'Director' means the Director of the Provincial Department of Irrigation Management.
- (v) 'Deputy Director' and 'Assistant Director' mean the Deputy Director and Assistant Director of the Provincial Department of Irrigation Management.
- (vi) 'Paddy lands' for the purposes of this Enactment means any lands which are given to the cultivation of paddy or lands suitable for the cultivation of paddy and include private lands and lands alienated under the Land Development Ordinance, State Lands Ordinance or any other Enactment.
- (vii) 'Occupier' means a person who is in occupation and cultivating an agricultural land on his own right or by virtue of his being the lessee or mortgagee or tenant cultivator and it includes persons for the time being entitled to the use and occupation of lands alienated under the Land Development Ordinance or any other Enactment and also tenant farmers on such lands for the purposes of this Enactment.
- (viii) 'Irrigation Tank' means an irrigation tank comprised in an irrigation scheme other than an inter-provincial scheme and which is included in the Agricultural Lands Register.
- (ix) "Ellangawa" or irrigation network means a specific area with a gradient giving rise to a number of watercourses flowing in the same direction and forming a flood plain and a lake before joining a river or stream and which area consists of a series of irrigation works, irrigable areas, paddy lands, stream reservations, watercourses, irrigation tanks and lakes.
- (x) "Committee for Conservation and Development of Irrigation Network" means the committee elected for an irrigation network area or "ellangawa" referred to above which includes tract representative elected from among all owner cultivators and occupiers of agricultural lands representing all the irrigation schemes within the network and a limited number of officers nominated by the Director of Irrigation Management or officers duly authorised by him.

- (xi) “Remuneration” means that portion of the harvest given over to the tract representative by other farmers of the tract at their own free will, in consideration of the extra services rendered and responsibilities borne by him in connection with the proper maintenance of irrigation channels of the tract and in the observance of cultivations seasons their planning and implementation in addition to his own work of cultivating his paddy lands as a land owner or occupier.
- (xii) “Service charge” is a charge imposed under the regulations made by the Minister under this Enactment on the basis of the extent of the unit of land to which it relates, in favour of a fund for the proper maintenance of minor irrigation works, anicuts, channels, channel banks and dams belonging to them by the Irrigation Development Committee in future, if funding for same by the state, provincial council or other organization become inadequate or not forthcoming.
- (xiii) “Section” means that stretch of the main channel and the bund of a minor irrigation schemes assigned to each farmer for upkeep on the basis of the extent of the land and the number of farmers in a tract according to the paddy lands register benefitting from the irrigation scheme.
- (xiv) “Kamatha” means a land set apart or made use of for threshing of paddy either manually, by cattle or mechanically or for the winnowing of paddy.
- (xv) “Irrigation reservation” means an area required for the future improvement of any channel, watercourse, tank, agricultural road or any other aspect of an irrigation network or for the prevention of spread of flood waters at time of special distress or to be kept under continuous observation by the farmers and the Director or other officer duly authorised by him against such situations.

07-475/3