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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH CENTRAL PROVINCE PROVINCIAL COUNCIL

North Central Provincial Irrigation Management Statute, No. 03 of 2009

THE aforesaid statute passed by the North Central Provincial Council of the Democratic Socialist Republic of Sri Lanka and the assented by the Hon. Governor on 14th September, 2010 is hereby, published by me for information.

G. D. KEERTHI GAMAGE,  
Secretary,  
North Central Provincial Council.

North Central Provincial Council,  
18th October, 2010.

NORTH CENTRAL PROVINCIAL IRRIGATION MANAGEMENT  
STATUTE No. 03 - 2009

*A statute for the implementation of powers vested under Articles 09 and 19 in list No. 1 of Schedule 9 of the 13th Amendment to the Sri Lanka Constitution and for the preparation of plans, implementation, rehabilitation, maintenance and supervision of all irrigation and ellanga systems, reservoirs, anicuts, canals and streams, water fountains, irrigation conservations and streams, water fountains, irrigation conservations and feeding areas, excepting the rivers flowing inter-provincially and for up lifting agricultural associated products for the benefit of the farmers of the North Central Province and Establishing Irrigation Development Committees connected thereto and decide their powers and providing provisions connected or pertaining thereto*

This statute concurs with the Irrigation Ordinance No. 32 of 1946 and the relevant (Amended) Acts, No. 01 of 1951, No. 48 (Amended) of 1968 and No. 37 (Amended) of 1973 and also the Agrarian Development Act, No. 40 of 2002.

Be it enacted by the North Central Provincial Council of the Democratic Socialist Republic of Sri Lanka.

- |  |                        |
|--|------------------------|
| 01. This statute may be cited as “the North Central Provincial Irrigation Managment Statute No. 03 of 2009”.       | Abbreviated name.      |
| 02. It shall come into operation from the date it received approval of the Governor of the North Central Province. | Date of implementation |

## CHAPTER I

Establishing the Department.

03. For the purpose of the implementation of the Provisions of this statute the Minister of the North Central Provincial Council who is in charge of the subject shall establish a Department cited as the "North Central Province Irrigation Management Department".

Appointment of officials.

04.(1) For the implementation of the powers devolved on the Provincial Irrigation Management Department, an Officer cited as "North Central Provincial Irrigation Management Director" shall be named and appointed.

Possibility of even appointing public officers.

(2) There is also the power to appoint two Deputy Directors, assistant directors and a required number of technological officers necessary for the efficient administration and management of activities connected with Provincial Irrigation Management works.

Shall be subject to the order of the Secretary.

(3) To function with inter co-ordination for efficient Management when it becomes necessary to appoint public officers as Officers of the North Central Provincial Irrigation Management, there is also power to make such appointments obtaining the consent of the Secretary of the relevant line Ministry.

Shall be subject to the provisions of the penal Code.

(4) All officers including the Provincial Irrigation Management Director are subject to the order of the subject.

(5) All officers appointed for the activities of this Statute are considered as public employees within the meaning of the Penal Code.

## CHAPTER II

Name list of irrigation system shall be publicized in the Gazette.

05.(1) A list including irrigation systems of all types coming within the purview of the department prepared at Grama Niladhari Division level in a Divisional Secretariat Division shall be publicized through the Government Gazette by the North Central Province.

(4) This list may be revised when necessary.

(2) Subsequent to the publication of the list of names of the irrigation works in the Gazette, they all come under the administration and supervision of the North Central Provincial Council.

Appointment of the Head of the Department.

(3) If any institution, organization or group intends to rehabilitate, develop or conserve any type of irrigation work publicized in the said *Gazette*, the procedure stipulated in this *Gazette* should be followed and the written approval of the Irrigation Management Director, for the same should be obtained.

Preparation of plans.

06.(1) Irrigation Management Director shall prepare annual, short term, middle term and long term plans for rehabilitation, development and conservation of irrigation systems in the province.

Plans have to be approved by Provincial Planning Committee.

(2) Before obtaining allocations for the implementation of such plans approval has to be obtained after forwarding them to the Provincial Planning Board.

07. By the North Central Provincial Irrigation Management Director or under his directions, the following functions have to be carried out :— Department Function.

- (1) Planning of existing irrigation systems in a very fruitful manner,
- (2) Planning of new irrigation systems in a very fruitful manner,
- (3) Obtaining farmers participation for rehabilitation, maintenance and conservation of irrigation systems,
- (4) Taking legal steps against those persons who damage irrigation systems,
- (5) Declaration of irrigation conserve regions,
- (6) Avoiding and minimizing the damages caused to irrigation systems and environmental factors that lead to their damage and developing the environmental system,
- (7) Designing cultivation seasons to cultivate paddy fields under irrigation systems and making regulations relevant thereto'

### CHAPTER III

08. Under the guidance of the North Central Provincial Irrigation Management Department Director, a committee cited as "Irrigation Management and Development Committee" shall be formed for each tank, anicut and irrigation scheme. Forming development Committees at track level

09. If every person who has made cultivation his/her live hood :

- (1)(a) is a citizen of Sri Lanka,  
(b) is not below 16 years of age, and  
(c) his permanent residence within the Irrigation Management and Development Committee area of which he/she intends to obtain membership or engaged in agricultural activities in that authority area for a period of more than Two years, he/she has the right to obtain membership of an irrigation Management and Development Committee established under subsection One. Development Committee

- (2) Membership associated with Irrigation Management and Development Committee established under subsection One can be obtained by — Membership

Development Committee established under subsection One can be obtained by —

- (a) One whose livelihood is not cultivation but an owner or occupier of an agricultural land within the committee authority area, or
- (b) One engaged in some revenue producing activity connected to agriculture or engaged in the sale of such products.

- (3) Every Irrigation Management and Development Committee shall elect their officials. Regulations pertaining to, the method how officials are elected, their period of office, how to function in committee meetings, committee activities, maintenance of accounts of the committees and their audit, shall be made. Official and their functions
- (4) Every Irrigation Management and Development Committee in its area of authority shall —  
(1) (a) encourage cultivation of paddy or some other crop in paddy lands or in agricultural lands and do extension work of such cultivation activities,

Development  
community  
function

- (b) Put traditional practices relevant to cultivation or other types of cultivation into operation,
- (c) Take care that agricultural activities are done at times appropriate,
- (d) Manage water provided by irrigation schemes and water used for agricultural purposes efficiently,
- (e) Take steps to protect crops from pests and diseases for the conservation of the soil,
- (f) Take steps to ensure that branches of trees and thickets in highlands adjoining some paddy land situated in one's irrigation Management and Development Committee authority area cut and removed and shrub jungles causing obstruction to crops cultivated in some highland or paddy land cut,
- (g) Call meetings of land owning farmers and occupiers to make regulations relevant for the development of lands and collective Agricultural activities.

Appointment of  
tract  
Representative

- (2) By the majority vote of the members of this committee, a person cited as "Irrigation Management Tract Representative" shall be elected. Irrigation Management Tract Representative may be the chairman, secretary, treasurer or even any other official of the committee mentioned in the regulations that are to be made.

10. (1) (a) Unless a letter of resignation addressed to the director is forwarded, or —

Resigning from  
the committee  
and tract  
Representatives  
functions

- (b) Removed from official based on facts revealed in an inquiry held by the director or an officer with powers delegated by him, on inefficiency or malpractices,

the tract representative shall on all other occasions remain in office doing his duties for a period of three years from the date of his election.

Preparation of  
paddy Lands  
register

- (2) Tract representative with the other officials of the Committee, shall prepare a paddy lands register.

(3) Proportionate to the extent of the paddy land that belongs to each land owner or occupier, the tract representative shall allocate extents of the irrigation canal and the main distribution canal for clearing.

(4) By adopting a system to mark boundaries by using timber having core, structures made of cement or granite that would last long, the tract representative shall, by fixing them on earth leaving a part of it to be seen from the earth-loved, work the extent of the portion allocated to each land owner or occupier.

Marking the  
portion

(5) After removing the jungles including thorny clumps and after filling the eroded parts of the bund with earth taken from the reserve or from within the irrigation system, the portion those marked and allocated shall be properly set before commencement of each cultivation system.

(6) The portion belonging to a land owner or an allotted who does not maintain his/her portion properly, shall be cleaned by the irrigation management and development committee and the person who neglected such work shall be notified to pay the amount spent.

(a) If payment is defaulted within 21 days after receiving this notification, action shall be taken to recover this amount by filing a case in the relevant Magistrate's Court.

Tract  
representative's  
function

(b) The Magistrate shall charge this amount payable to the committee as a fine and send it to the committee.

(7) Protection of irrigation systems, taking legal action against those who cause damage to irrigation systems, taking steps to conserve water in irrigation reservoirs and water issued from irrigation system, adherence to a time-frame when cultivation programmers are conducted and operated, are duties of the tract representative.

(8) For performing the aforesaid functions every land owning farmer, or occupier or tenant cultivator shall give the tract representative a fixed part of the harvest as remuneration.

Remuneration

(9) If any land owning farmer, occupier or tenant cultivator defaults the payment of this fixed remuneration he shall become an offender for an offence committed under this statute.

(10) Taking the physical location of the irrigation management and development committee established under paragraph 8 above, a committee cited as "Irrigation System Management and established for the said irrigation system of "Ellangawa".

11. The membership in Irrigation System Management and Development Committee shall be in such a way that every irrigation system is represented at least by one official among the chief officials of the Management and Development Committee established at irrigation or tract level, the Chairman, Secretary and Treasurer.

(i) (a) Three chief officials as chairman, secretary and treasurer shall be appointed to this committee so as to represent the chief irrigation schemes of the system.

Staff of the  
system  
Committee

(b) Committee of 11 persons including these three officials, shall be appointed to the irrigation system management and development committee.

(ii) (a) Taking action for the overall conservation of the irrigation.

(b) Determining the priority order of irrigation schemes with regard to rehabilitation and development activities of the system,

(c) Protection of irrigation reserves located in the whole system,

(d) Assisting to develop highlands in the vicinity of every irrigation scheme of the system.

(e) Assisting the officials of the department to keep separately and protect the components of an irrigation system constituted in accordance with rules and regulations,

Function of a  
system  
Committee

(f) Operation of the system as a unit for integrated development,

Are the function of the committee.

Registration	(iii) (a) Irrigation development and management committee at any level shall be registered at the office of the North Central Province Irrigation Management Director.
	(b) Irrigation Management and Development Committee at any level shall have a continuous existence and general stamp.
Powers and responsibilities	(c) This irrigation development committee shall be a corporation, having powers to sue and be used
Accounts	12.(1) An irrigation Management and Development Committee at any level may open and maintain an account at a bank recognized by the state.
Auditing	(2) This account is subject to be audited in the same way of auditing accounts of a state corporation as provided by section 164 of the constitution.
	(3) Irrigation Management and Development Committee at any level has the powers to enter into agreements within the limitations already imposed or that would be imposed later.
Entering into agreements	(4) Any Irrigation Management and Development Committee at any level shall come under the supervision of the Secretary of the Ministry in charge of the subject, the subject, Provincial Irrigation Management director and/or officers with powers devolved by the Secretary and Irrigation Management Director.

## CHAPTER IV

## Any person

13. to any irrigation scheme, water way, a bank, a conserve a dam, an approach way to a tank or to a reserve —

Offence	(1) (a) Causing Obstructions, (b) Impeding, (c) Fencing for self use without permission, (d) Making preparations to impede, fence for self use or cause damage, (e) Using machinery and equipment to cause damage to cultivations and people.
	(2) Allowing water collected for any irrigation work to go waste, intentionally or, maliciously,
	(3) Doing cultivation in any tank or in a canal located within a tank bed areas without the written approval of the North Central Province Irrigation Management Director,
	(4) Removing or making preparations to remove earth or sand from any tank, a canal located in a tank bed area, an irrigation scheme, a water way, a bank, a conserve, a dam, an approach way to a tank or irrigation reserve,
	(5) Releasing sewage or allowing the flow of sewage to any irrigation scheme, canal, water way, irrigation conserve or paddy land,
	(6) Digging, construction or maintenance of a well within the irrigation system for agricultural purposes without the written approval of the irrigation management director and under conditions laid down by him,

- (7) Sending animals astray so as to cause damage to any irrigation scheme, canal, water way irrigation conserve or paddy land,
- (8) Doing cultivation on a catchment area of an irrigation scheme relevant to this statute without proper written approval of the director,
- (9) Cultivating other crops of multi annual, crops other than the paddy cultivation, violating the decisions arrived at a meeting,
- (10) Filling a paddy land registered in the paddy lands register with earth, stones, pebbles or any other material for a purpose other than cultivation without proper written approval of the director,
- (11) Intervening unnecessarily into some persons cultivation rights of using threshing floors by any person shall be an offence under this statute.

14. If any person is convicted subsequent to a case heard before a Magistrate for an offence committed under this statute or under regulations made under this statute he is liable to be punished with a fine not exceeding Five Thousand Rupees (Rs. 5,000) or a prison sentence for a period not exceeding Six months (06) or both punishments.

Punishments

#### CHAPTER V

15. Minister may make regulations on all matters in the statute.

The fact that such regulations be published in the *Gazette*

16. Every regulation made by the minister shall be published in the *Gazette* and such regulations shall come into operation from the date of such publication or from a date thereafter.

17. After every regulation made by the Minister is published in the *Gazette* it shall be forwarded to the Provincial Council for its approval as soon as possible. Every regulation that is not approved by the Provincial Council shall be considered as revoked from the date it was rejected without prejudices to any action taken under such regulation period to that date and a notification thereabout shall be published in the *Gazette*.

Prevalence of Sinhala version in case of any ambiguity

Whatever it is stated in any other written law, the Provisions of this Statute shall supersede them all.

18. In case of any ambiguity between the Sinhala, Tamil and English versions of this statute Sinhala version shall prevail.

#### INTERPRETATIONS

19. In this statute unless the context otherwise requires –

“Provincial Council” means the North Central Provincial Council, “Minister in charge of the subject” means the provincial minister in charge of the subject of irrigation.

“Secretary” means the secretary of the ministry in charge of the subject of irrigation.

“Provincial Irrigation Management Department” means the Department in charge of the subject of irrigation management already established or going to be established.

“Director” means the Director of Provincial Irrigation Management Department.

“Deputy Director”, “Assistant Director” means the deputy Director and the Assistant Director of Provincial Irrigation Management.

“Engineer” means the Engineers appointed for the development activities of the Provincial Irrigation Management Department.

“Paddy lands” means the lands under paddy cultivation or land that could be used for paddy cultivation within the interpretation of this statute if includes lands privately owned and lands of which ownership has been transferred under land Development Ordinance, State Land Ordinance or any Other Act.

“Occupier” means the person who cultivates agricultural lands, by himself or as the lessee on account of the lands being leased or mortgagee or tenant. It includes persons who make use or enjoy the benefits of agricultural lands of which ownership has been transferred under land Development Ordinance or under any other Act.

“Irrigation tank” means an irrigation tank which is legally included in agricultural land owners’ name list and which is not an inter-provincial irrigation tank.

“Ellangawa or Irrigation system” means a region where there are feeding areas, conservation canals, streams, paddy fields with all irrigation schemes and also a tank which before connecting with a river at the end, collects water originated from a specific area with slopes and following in one direction and over flowing with excessive rains.

“Tract Representative” means an owner cultivator or an occupier elected from among the aforesaid owner cultivators and occupiers by a majority vote to prepare an appropriate system to promote agricultural activities and to work co-ordinately with all officials from the irrigation development committee to the secretary of the ministry of the subjects in charge, on behalf of the land owners or occupiers of the paddy lands of the irrigation scheme defined above.

“Irrigation System Development Committee” means a Committee consisting of a limited number of officials including representatives appointed from among the owner cultivators and occupiers so as to represent all the irrigation schemes included in the said Ellangawai or ;

“Irrigation System” as interpreted above and also officials nominated by either the Irrigation System Development and Management Director or by officials having his powers duly delegated.

“Remuneration” means the share of the harvest provided willing by other farmers to the tract representative for the exertion he experiences and the responsibility he holds more than the other farmers in planning and implementation of cultivation activities systematically and maintaining the tracts of paddy lands properly in a cultivation season, in addition to the cultivation of the paddy land/lands belonging to him as owner cultivator or cultivation of paddy land/lands as occupier.

“Service charge is an amount of money that is fixed depending on the extent of the unit of land ordered legally by the minister in charge of the subject under the provisions and regulations of this statute, to divert into a fund initiated and maintained for rehabilitation work that shall essentially be done when the financial allocations allocated by the Government, provincial council or any other institution, for the proper maintenance in future of the said minor irrigation work, anicut, canal and bund system, as required by the irrigation development committee are either inadequate or not received.



“Portion” means the proportionate portion of the main bund or main canal that shall be possessed after distributing proportionately and allocating after calculating the “number of farmers” included in a paddy lands register and the entire extent of paddy lands in any irrigation project or a tract where cultivation is done obtaining water.

“Threshing floor” means a floor prepared or used, for threshing paddy through physical exertion or using cattle or using machinery or for winnowing paddy or threshing paddy.

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