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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1836/13 - 2013 නොවැම්බර් මස 13 වැනි බදාදා - 2013.11.13

No. 1836/13 - WEDNESDAY, NOVEMBER 13, 2013

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

PROVINCIAL COUNCIL OF THE NORTH WESTERN PROVINCE

Irrigation Statute No. of 2013 of the Provincial Council of the North Western Province

IT is hereby notified that the following Irrigation Statute No..... of 2013 of the Provincial Council of the North Western Province will be presented in the Provincial Council of the North Western Province after a lapse of 30 days from this date. Any person who is willing to make any representation regarding any provision of this Statute shall make such representations before the expiry of the said date.

SANATH NISHANTHA PERERA,
Minister of Agriculture, Fisheries, Animal Production,
and Development, Minor Irrigation and
Agrarian Development.

North Western Provincial Ministry of Agriculture,
Fisheries, Animal Production and Development,
Minor Irrigation and Agrarian Development,
Dambulla Road,
Kurunegala.

NORTH WESTERN PROVINCIAL IRRIGATION STATUTE OF THE NORTH WESTERN PROVINCIAL COUNCIL

A Statute to provide for the planning, designing, implementation, supervision, maintenance and rehabilitation of all irrigation works other than irrigation schemes in the North Western Province relating to rivers running through more than one Province and the Inter-Provincial Irrigation and Land Development schemes ; for the matters incidental thereto and for the repeal of the North Western Provincial Statute of Minor Irrigation and Rural Road Sustainable Maintenance Fund No. 03 of 2004 of the North Western Provincial Council.

This Statute concurs with the Irrigation Ordinance No. 32 of 1946 as amended by the Irrigation (Amendment) Act, No. 01 of 1951, Irrigation (Amendment) Act, No. 48 of 1968, Irrigation (Amendment) Act, No. 37 of 1973, Irrigation (Amendment) Act, No. 23 of 1983, Irrigation (Amendment) Act, No. 13 of 1994 and with the Agrarian Development Act, No. 40 of 2000 as amended by the Agrarian Development (Amendment) Act, No. 46 of 2011.



Short title and date of operation.	Be it enacted by the Provincial Council of the North Western Province as follows :— 1. This Statute may be cited as the North Western Provincial Irrigation Statute No..... of 2012 of the North Western Provincial Council.
Date of Operation.	2. The Statute shall come into operation on such date as the Governor of the North Western Province may appoint on the approval of the North Western Provincial Council.
Objects of the Statute.	3. The objects of the Statute are as follows ; (i) Provide for the planning, designing, and implementing all irrigation works and ellanga systems, reservoirs, anicuts, canals and streams, water fountains, irrigation reservations and feeding areas other than irrigation schemes relating to rivers running through more than one province and for the demarcation of boundaries of irrigation works and ; (ii) to establish the North Western Provincial Department of Irrigation ; (iii) to establish the North Western Provincial Irrigation Committee ; (iv) to establish the Irrigation Management and Development Committees and Irrigation systems Management and Development Committees ; (v) to create an agro culture on the basis of natural agriculture ; (vi) to establish and manage the Provincial Irrigation Sustainable Maintenance Fund ; (vii) to regularize the management of the Minor Irrigation and Rural Road Maintenance fund presently in operation in the North Western Province ;

PART I

ESTABLISHMENT OF THE NORTH WESTERN PROVINCIAL
DEPARTMENT OF IRRIGATION AND ITS COMPOSITION AND FUNCTIONS

Establishment of the Department.	4. There shall be established the North Western Provincial Department of Irrigation (hereinafter referred to as the “Department”) for the purpose of giving effect to Provisions of this Statute.
Department to be a body corporate.	5. The Department herein constituted shall be and become a body corporate with perpetual succession and a common seal and may sue or be sued its name with the power to perform all actions pertaining to irrigation work
Composition of the Department.	6. The Department shall be comprised of a Provincial Director, a Deputy Director, Assistant Directors, other Officers and employees.
Appointment of the Director.	7. The Governor of the Province shall on the recommendation of the North Western Provincial Minister in-charge of the subject appoint a Class I Officer of the Engineering Service as the “North Western Provincial Director of Irrigation” for the exercise of the powers vested with the North Western Provincial Department of Irrigation.
Public Officers to be appointed.	8. There shall have the power to appoint Public Officers as Officers of the North Western Provincial Department of irrigation with the concurrence of the relevant Line Ministry in the event the services of such Officers become necessary for the efficient Administration and Management of Irrigation work.

9. All Officers appointed for the purpose of this Statute shall be deemed as Public Officers within the meaning of the Penal Code. To be Public Officers.

10. Functions of the North Western Provincial Department of Irrigation shall be as follows : Functions of the Department.

- (i) to redesign existing irrigation systems in a more productive manner ;
- (ii) to rehabilitate, develop and conserve irrigation systems and to formulate and implement plans to demarcate and conserve the boundaries of irrigation systems ;
- (iii) to design and implement new irrigation systems in a more productive manner ;
- (iv) to prepare the Annual Provincial Irrigation Plan ;
- (v) to obtain the participation of Irrigation Committees for the rehabilitation, maintenance and conservation of irrigation systems ;
- (vi) to take legal action against those persons who cause damages to irrigation systems ;
- (vii) to declare irrigation reservations ;
- (viii) to demarcate and declare cultivation areas and extents ;
- (ix) to provide institutional assistance to Provincial Ministry of Agriculture, Provincial Department of Agriculture, Department of Animal Productions, Department of Agrarian Services and other Governmental and non-governmental institutions in the field of agriculture in the implementation of agricultural programmes ;
- (x) to implement programmes in relation to the water management and combined invasive aquatic plants management ;
- (xi) to prevent and mitigate environmental damages that lead to decay and dilapidation of irrigation systems and to take actions to develop echo systems ;
- (xii) to assist in the formulation of cultivation schedules for the cultivation of paddy under irrigation or otherwise ;
- (xiii) to develop, update and maintain the data system of the Department ;
- (xiv) to provide guidance and advice to Irrigation Management and Development Committees and formulate procedures for their meetings ;
- (xv) to impose limitations on and examine accounts of Irrigation Management and Development Committees and Irrigation Systems Management and Development Committees ;
- (xvi) to take legal action against any Officer or any member of any Irrigation Management and Development Committee who is found to have misappropriated moneys or resources of the Committee, on the examination of accounts of the Committee ;
- (xvii) to formulate plans to make use of spare water in irrigation systems ;
- (xviii) to take action to develop agricultural thoroughfares ;
- (xix) to grant approval for Irrigation Management and Development Committees to dredge for irrigation renovation activities and for maintaining required water levels.

powers of the
Provincial
Director.

11. The Director shall be vested with the powers to execute orders and regulations made for the purpose of this Statute or for the matters incidental thereto under the normal direction of the Secretary.

Delegation of
powers of the
Director.

12. The Director may delegate his powers to other Officers of the Department as may be required.

Establishment of
Zonal or District
Office.

13. There may be established and maintained Zonal or District Offices for the effective management of irrigation work.

PART II

PROVINCIAL IRRIGATION COMMITTEE

Provincial
Irrigation
Committee.

14. There shall be established a Provincial Irrigation Committee called "North Western Provincial Irrigation Committee" to facilitate the implementation of the Provincial Irrigation Policy. The Provincial Minister In-charge of the subject of Irrigation shall be the Chairman of this Committee and the Secretary to the Ministry In-charge of the subject of Irrigation shall be the Secretary to the Committee. This Committee may conduct its deliberations in association with Provincial Animal Production and Development Committee and the Provincial Agriculture Committee.

Zonal and
Instructor's
Offices to be
established.

15. (1) The Committee shall comprise of the following members :-

- (i) Provincial Council Members of the Advisory Committee to the North Western Provincial Ministry in-charge of the subject of Irrigation ;
- (ii) District Secretaries of the Districts of Kurunegla and Puttalam ;
- (iii) North Western Provincial Director of Irrigation ;
- (iv) North Western Provincial Director of Animal Production and Health ;
- (v) North Western Provincial Director of Agriculture ;
- (vi) North Western Provincial Commissioner of Lands ;
- (vii) North Western Provincial Director of Engineering ;
- (viii) Deputy Inspector General's of Police of Kurunegala and Puttalam Districts ;
- (ix) Zonal Director of Irrigation - Puttalam/Kurunegala ;
- (x) Deputy or Assistant Commissioners of Agrarian Services in the Districts of Kurunegala and Puttalam ;
- (xi) Director, Environment Authority of the North Western Provincial Council ;
- (xii) District Heads of Kurunegala and Puttalam of the Aquaculture Development Authority of Sri Lanka ;
- (xiii) Districts Managers of the district of Kurunegala and Puttalam of the Agriculture and Agrarian Insurance Board ;
- (xiv) Forest Conservators of the Districts of Kurunegala and Puttalam ;

(xv) North Western Assistant Director of Wildlife ;

(xvi) Provincial Manager of the Paddy Marketing Board ;

(xvii) District Heads of Kurunegala and Puttalam of the National Fertilizer Secretariat ;

(xviii) Two persons with expertise in the subject of irrigation ;

(xix) Two representatives of the irrigation Management and Development ;

(xx) Two heads of special projects of the State, Semi-Government, or private sector implemented within the Province in relation to agriculture, animal production and irrigation.

(2) The Minister may co-opt any other representatives of Government, Semi-Government or Non-Government institutions or organizations for the Committee as deemed necessary.

16. The members referred to from (i) to (xvii) at Sub-section 15(1) of this Statute shall be ex-officio members of the Committee and the Minister may appoint the other members referred to from (xvii) to (xix) at his discretion. Appointment of members of the Committee.

17. The term of Office of the members appointed by the Minister shall be two (02) years. Term of Office of members.

18. Where a member appointed by the Minister vacates Office by expiry of term of Office, resignation, removal by the Minister at his discretion, absence from three consecutive meetings or death or insanity, the Minister shall fill the vacancy so created. Vacation of membership.

19. The Provincial Committee shall meet at least once in every two months and the Secretary may convene supplementary meetings of the Committee as necessary on the advice of the Chairman. Meetings of the Committee.

20. (1) The quorum of the Committee shall be 1/4 of the membership. The quorum

(2) The existence of vacancies in the Committee shall not obstruct the conduct of meetings of the Committee or the making of decisions at such meetings.

21. The functions of the Provincial Irrigation Committee shall be as follows : - Powers and functions of the Committee.

(i) to submit and implement recommendations and proposals for the formulation of policies relevant to the Province regarding matters stipulated in the Statute in compliance with the National Policy ;

(ii) to provide advice for the operation and implementation of matters mentioned in the Statute ;

(iii) to approve the Provincial Irrigation Plan ;

(iv) to take follow up actions and to review the implementation of the Provincial Irrigation Policy while providing necessary resources and assistance for the implementation of same ;

(v) to resolve issues that may arise in the planning and implementation of irrigation works in the Province ;

(vi) to grant prior approval for any Project or Programme to be implemented within the Province by any institution, organization, foundation, federation, project, programme or any other similar institution, person or group of persons ;

(vii) to ensure the optimum utilization of irrigated paddy lands for the maximum yield.

Procedures and remuneration for participation.

22. (1) The Committee may make procedures for the conduct of business of the meetings of the Committee.

(2) The members of the Committee attending the meetings thereof may be remunerated at such rates as may be approved by the Minister.

PART III

PROVINCIAL SUSTAINABLE IRRIGATION MAINTENANCE FUND

Provincial Sustainable Irrigation Maintenance Fund.

23. There shall be established the North Western Provincial Sustainable Irrigation Maintenance Fund (hereinafter referred to as the "Fund").

The Fund to be a body Corporate.

24. The Fund shall be and become a body corporate with perpetual succession and a common seal and may sue or be sued by its name with the power to perform all actions pertaining to irrigation work.

Assets and liabilities to be assigned.

25. All assets and liabilities of the Minor Irrigation and Rural Road Maintenance Fund established under North Western Provincial Minor Irrigation and Rural Road Maintenance Fund Statute No. 03 of 2004 of the North Western Provincial Council shall be assigned to the Fund established under Section 23 of this Statute.

The custody of the Fund.

26. The custody of the Fund shall be vested in the North Western Provincial Director of Irrigation.

Board of Management of the Maintenance Fund.

27. The Board of Management of the North Western Provincial Sustainable Irrigation Maintenance Fund as provided for hereinafter shall be responsible for the administration, management and the control of the Fund.

Composition of the Board.

28. The Composition of the Board of Management of the North Western Provincial Irrigation Management Fund hereinafter referred to as the "Board" shall be as follows :

- (i) Secretary to the Provincial Ministry in-charged of the subject of Irrigation ;
- (ii) Deputy Chief Secretary (Finance Management) of the Provincial Council of the North Western Province ;
- (iii) North Western Provincial Director of Irrigation ;
- (iv) Kurunegala and Puttalam District Heads of the Department of Agrarian Development appointed with the concurrence of the Director General of Agrarian Services ;
- (v) Head of the Provincial Sustainable Irrigation Maintenance Unit ;
- (vi) A representative of Non-Governmental Organization appointed by the North Western Provincial Minister in-charged of the subject of Irrigation ;

- (vii) ten representatives of Irrigation Management and Development Committees representing Agricultural Zones in the District of Kurunegala and Puttalam appointed by the North Western Provincial Minister in-charged of the subject of Irrigation.

29. The members of the Board of Management may be remunerated as determined by the Board of Ministers of the Provincial Council of the North Western Province. A payment to be made.

30. (1) The Secretary to the North Western Provincial Ministry in-charged of the subject of Irrigation shall be the ex-officio Chairman of the Board. Appointment of the Chairman and the Secretary of the Board.

(2) North Western Provincial Director of Irrigation shall be the Secretary of the Board. Appointment of members of the Board and their term of Office and removal.

31. Appointment of the members of the Board and their term of Office :

- (1) The Minister shall appoint members of the Board to hold Office for a term of 03 years ;
- (2) The Minister shall have the absolute power to remove any member of the Board except an ex-officio member, at any time, if the Minister is of the view that such member is not holding the appointment duly or it is detrimental for him to hold the said appointment ;
- (3) When an ex-officio member ceases to hold Office by virtue of which he was appointed, his membership shall cease forthwith and the successor to such Office shall be appointed for the remaining period of membership of his predecessor ;
- (4) Any member except an ex-officio member may resign from the membership on a written request made to the Minister ;
- (5) The term of Office of any member appointed to a vacancy created as a result of resignation or removal of any member, shall be for the remaining period of term of the member who he succeeds.

32. The quorum of the Board shall be one third of the membership. Quorum of the Board.

33. The Director of Irrigation shall maintain a separate Bank Account in respect of the Fund in a State Bank Monies accumulated in excess may be deposited in a fixed deposit in a State bank. Accounts of the Fund.

34. (1) Monies and administrative expenses equivalent to 30% provided from the Provincial Council Fund under annual sustainable estimates for irrigation work ; Constitution of the Fund.

- (2) monies provided by the Government institutions ;
- (3) monies received from other projects in operation in the are of authority of the Province with funds from local/foreign sources ;
- (4) Monies that may be received from other sources as grants, donations or gifts ;
- (5) interests received from term and fixed deposits ;
- (6) all monies allocated for rehabilitation and renovation by the Government, Provincial Councils or by any other institution ;

shall be deposited to the credit of the Fund.

Cancellation of registration and liquidation.

35. The Director of Irrigation may subject to the approval of the Board of Management, pay out of the Fund :

- (1) the payments of 30% contribution of the annual maintenance estimate approved by the Director of Irrigation or his representative to the Irrigation Management and Development Committee, for which purpose, the committee needs to have deposited 70% of the said estimate in its account.
- (2) the payments made to Farmer Organizations for the labour in any irrigation work with the consent of the respective Maintenance Manager ;
- (3) the payments for the purchase of necessary equipment for maintenance of irrigation works which are successfully maintained subject to a maximum as determined ;
- (4) the payments allocated by the Board for the sustainable maintenance programmes and for the requirements of the Unit that implements maintenance Programmes ;
- (5) the payments made to the Chairman and all other members of the Board for attending the meetings of the Board.

Accounts of the Fund.

36. (1) The Director of Irrigation shall cause proper accounts be kept of the income and expenditure of the Fund.

(2) The Auditor General shall audit the accounts of the Fund.

Minister to make regulations.

37. (1) The Minister may make regulations in respect of matters incidental to the exercise, execution and implementation of powers, duties and functions of the Board.

PART IV

ESTABLISHMENT AND POWERS OF THE MANAGEMENT AND DEVELOPMENT COMMITTEES

Establishment of the Management and Development Committees.

38. There shall be established one or more Irrigation Management and Development Committees in an irrigated agricultural area as determined by the Provincial Director of Irrigation.

Committee to be a body Corporate.

39. The Committee so established shall be registered at the Office of the Provincial Director of Irrigation and shall be and become a body corporate with perpetual succession and a common seal and may sue or be sued by its name with the power to perform all actions pertaining to irrigation work.

Power to institute action

40. (1) Any person whose livelihood is agriculture may enroll himself as a member of a Irrigation Management and Development Committee established under Section 38 of this Statute if such person is :—

- (i) a citizen of Sri Lanka ;
- (ii) not less than 18 years of age ;
- (iii) engaged in agricultural activities in the area of authority of the Irrigation Management and Development Committee he intends to enroll with.

(2) Any person residing in the area of authority of the respective Irrigation Management and Development Committee who is :

- (i) not engaged in agriculture as his livelihood but is a owner or a occupant of a agricultural land within the are of authority of such Committee; and
- (ii) engaged in income generation in the field of agriculture, or marketing agricultural products or goods may obtain the associate membership of a Irrigation Management and Development Committee established under Section 38 of this Statute.

(3) Associates members may be enrolled for the sole purpose of obtaining advice and views and such Associate Members shall not be entitled to caste vote or to hold any Office of the Irrigation Management Committee.

41. The Membership of every Irrigation Management and Development Committee shall elect a Chairman, Secretary, Treasurer, Vice-Chairman, Deputy Secretary, and not less than six members to the Executive Committee and the term of such office bearers shall be for a period of twelve months from the date of their appointment.

Composition and term of Office of Office bearers of the Irrigation Management and Development Committee.

42. Every Irrigation Management and Development Committee shall cause the election of its Office Bearers, conduct of business at meetings of the Committee, functions of the Committee and Maintenance of Accounts in compliance with the procedures required by the Director of Irrigation.

Procedures of the Committee.

43. Powers and functions of the Irrigation Management and Development Committee shall be as follows :

Powers and functions of the Committee.

- (i) to facilitate cultivation of crops and paddy in agricultural lands and paddy lands respectively and effect extension work and prepare plans relating thereto ;
- (ii) to give effect to and promote traditional practices relating to agriculture and other activities related to agriculture ;
- (iii) to ensure that agricultural activities are carried out as scheduled ;
- (iv) to manage efficiently the use of water supplied by irrigation schemes and for agricultural purposes ;
- (v) to take action to remove weeds that obstruct the paddy cultivation in any paddy land ;
- (vi) to establish a sustainable maintenance fund for each any every irrigation work within the area of authority of the Committee and to maintain an account in favour of each sustainable maintenance fund for each irrigation work ;
- (vii) to levy as a subscription a prescribed portion of the yield proportionate to the extent of land in possession for the purpose of establishing the sustainable maintenance fund ;
- (viii) to effect the maintenance, protection and Water Management of the Irrigation Tank ;
- (ix) to assist in demarcating the boundaries of irrigation works ;
- (x) to control invasive aquatic plants ;

- (xi) to coordinate programmes on brackish water fisheries ;
- (xii) to ensure that a maintenance estimate is prepared annually under each irrigation work and that farmers will deposit in an account of the Committee an amount equivalent to at least 70% of the said annual estimate ;
- (xiii) to take actions to protect irrigations in an exigency outside the annual estimate ;
- (xiv) to assist to bring before the court any person who commits an offence under this Statute ;
- (xv) to pay to the credit of the fund the fines imposed by the Court.

Meetings and the quorum.

44. (1) The meetings of the Irrigation Management and Development Committee shall be convened once in every month or in every two months.

(2) The quorum of meetings of the Committee shall be more than one third of the membership.

Appointment of the Water Manager, Maintenance Manager and his term of office

45. (1) The membership of the Committee shall elect three persons as the Water Manager, Maintenance Manager and Plant Manager or one or two persons for the purpose from and among the membership.

(2) The Water, Maintenance, and Plant Manager so elected may hold Office for a term of Twelve Months from the date of such election.

Cessation of Office.

46. (1) The Manager may resign from his Office on a written request addressed to the Irrigation Management and Development Committee.

- (2) (i) The Director may remove the aforesaid Managers from Office on the consent of majority of members or on the grounds of findings of an inquiry conducted by the Director or by any other Officer duly authorized by him on charges of inefficiency or misconduct ;
- (ii) An appeal from the removal referred to at (i) above may be made to the Secretary to the Ministry ;
- (iii) The determination of the Secretary on any such appeal shall be final.

Functions of the Water Manager.

47. The functions of the Maintenance Manager shall be as follows :

- (1) to prepare a register of paddy lands in the tract with the assistance of the other members of the Committee and get it approved by the Committee and submit same to the Director of Irrigation for approval ;
- (2) to allocate extents of the main irrigation dam, main distribution canal and the tank bund for cleaning and maintenance to be in proportionate with the extent of paddy lands belonging to each owner or occupier in the register of paddy lands ;
- (3) to demarcate using some permanent method the extent allocated to each owner or occupier ;
- (4) to cause the removal of thorny bushes, jungle and anthills in the extent so allocated and demarcated and filling with earth the eroded parts of the bund prior to the commencement of each cultivation season ;

(5) to carry out all other identified activities connected with the sustainable maintenance of the bund with the participation of members of the Irrigation Management and Development Committee :

(6) to arrange for the conservation of the boundaries of irrigations and irrigation reserves.

48. The functions of the Water Manager shall be as follows :—

Functions of the
Water Manager.

- (1) to take action to protect irrigations ;
- (2) to assist the Irrigation Management and Development Committee to bring before the court any person who causes damages to irrigations ;
- (3) to preserve water issued from reservoirs and irrigation works ;
- (4) to carry out agricultural programmes in accordance with time tables of agricultural plans ;
- (5) to issue water according to the plan approved by the Committee for the distribution of water taking into account weather and climatic factors, on identification of water needs ;
- (6) to minimize the waste of water.

49. The functions of the plants Manager shall be as follows :—

Functions of the
Plants Manager.

- (1) to identify invasive aqua plants in the irrigation systems ;
- (2) to educate farmers about the dangers of the invasive aqua plants ;
- (3) to co-ordinate aqua plants removing activates ;
- (4) to monitor and co-ordinate activities related to production of manure using the aqua plants removed from irrigation systems ;
- (5) to assist the Committee in freshwater fisheries.

50. In the event, any owner or occupant fails to properly clean the portion allotted to him, the Committee shall cause such portion be cleaned, and notify such person, to pay the monies incurred for such cleaning and other expenses in the post under registered cover.

Provisions
relating to failure
to clean the
allotted portion.

- (1) Any person who fails to pay the said amount within fourteen days from the receipt of the said letter shall be guilty of default of the said amount ;
- (2) When an offence is committed under Section 50 (1) of this Statute, if the Irrigation Manager is satisfied after an inquiry, the Committee shall file action in the court under which jurisdiction the land at issue is situated on the certificate issued by the Director and shall recover the said sum in the form of a fine imposed by the court after a summery trial. The fine so imposed shall be credited to the Fund of the respective Irrigation Management and Development Committee ;
- (3) The sum of money indicated on the certificate issued for the purpose of Sub-section 50 (2) under the hand of the Director of Irrigation or any other Officer authorised for the purpose shall be prima facie evidence of the sum of money due and owing to the Irrigation Management and Development Committee ;

(4) The Magistrate shall not require producing any other proof in support of the certificate referred to at Sub-section 50 (3) of this Statute.

Establishment of
Irrigation System
Management and
Development
Committee.

51. There may be established a Committee which shall be called “Irrigation System Management and Development Committee” as determined by the Director or Irrigation on the basis of the Physical setting of the area of authority of the Irrigation Management and Development Committees established under Section 38 of this Statute, for each irrigation system or Ellanga system.

Irrigation System
Management and
Development
Committee to be
a body
corporate.

52. The Irrigation System Management and Development Committee so established shall be registered with the Provincial Director of Irrigation and shall be and become a body corporate with perpetual succession and a common seal and may sue or be sued by its name with the power to perform all actions pertaining to irrigation work.

Membership of
Irrigation System
Management and
Development
Committees.

53. The three main office bearers viz Chirman, Secretary and the Treasurer of the Irrigation Management and Development Committees established at irrigation or tract level within the area of authority of the Committee, shall be the members of the Irrigation System Management and Development Committee.

Irrigation System
Management and
Development
Committee.

54. (1) Three members representing each irrigation work of the system shall be elected to the Office of the Chairman, Secretary and the Treasurer of the Committee. In appointing members to the said Office of Chairman, Secretary and the Treasurer, no two members from the same Irrigation Management and Development Committee shall be appointed.

(2) An Executive Committee comprising of not less than 11 members including the said three office bearers shall be appointed for the Irrigation System Management and Development Committee.

(3) The term of Office of the Executive Committee shall be one year.

(4) The irrigation System Management and Development Committee shall comply with the general constitution drafted by the Director and approved by the Minister.

Functions of the
Committee.

55. The functions of the Committee shall be as follows :—

- (i) to take action for the conservation of the entire irrigation system ;
- (ii) to determine priorities of irrigation work in rehabilitation and development activities ;
- (iii) to conserve irrigation reservations scattered along the irrigation system ;
- (iv) to assist in developing high lands in the close proximity to every irrigation work of the system ;
- (v) to assist the officials of the Department in demarcating and preserving components of the irrigation system as required by rules and regulations ;
- (vi) to manage the entire system as a single unit for an integrated development ;
- (vii) to conserve catchments ;
- (viii) to produce organic manure utilizing organic wastes in the irrigation work and the tract ;
- (ix) to introduce integrated pest and weed control methods and integrated cultivation models ;

(x) to carry out agro product marketing activities and awareness and training programmes for farmers ;

(xi) to co-ordinate matters pertaining to Ellanga Systems which are connected to other Provinces.

PART VI

GENERAL

56. Every Irrigation Management and Development Committee and Irrigation System Management and Development Committee shall open and maintain an account in a State Bank for the purpose of the Committee. An account to be maintained.

57. The accounts of the Committee shall be audited in the same manner as is adopted to audit accounts of the State Corporations as provided for under Article 154 of the Constitution. Audit of accounts.

58. Every Irrigation Management and Development Committee and Irrigation System Management and Development Committee shall submit to the Director of Irrigation Management or any other person authorized by him the Statement of accounts of the Committee prepared in the format as required by the Director within two (02) weeks from the expiry of a period of twelve (12) months from the commencement of its term of Office. Statement of accounts to be submitted to the Director.

59. Every Irrigation Management and Development Committee and Irrigation System Management and Development Committee shall have the power to enter into Agreements subject to the restrictions already imposed or to be imposed in future, to conditions as resolved by the General Meeting and to the approval of the Director. Restrictions in entering into Agreements.

60. If any institution, organization or group intends to rehabilitate, develop or conserve any Irrigation work whatsoever, such institution, organization or group shall follow the procedure prescribed by regulations and obtain the approval therefor of the Director with the concurrence of the Irrigation Management and Development Committee. Not to effect rehabilitation of irrigating works without permission.

61. Any institution, organization or group when seeking permission to rehabilitate, develop or conserve any irrigation work, shall compulsorily take follow up action to the satisfaction of the Director of Irrigation for the sustainable maintenance of the irrigation work so rehabilitated and Development Programmes which do not entail such follow up action shall not be permitted. Sustainable irrigating management programmes to be essential.

62. Where any institution, organization or group seeks permission to rehabilitate, develop or conserve any irrigation work, if the members of the relevant Irrigation Management Committee refuse to consent to and provide necessary assistance for the sustainable maintenance of the irrigation work upon the completion of the said rehabilitation, development or conservation thereof, permission to rehabilitate, develop or conserve the said irrigation shall not be permitted. Not to grant permission for rehabilitation or development on non consent for sustainable maintenance.

63. (1) The Minister may make regulations for and in respect of matters referred to in the Statute. Power to make regulations

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such date as may be specified in such regulation. Every regulation made by the Minister shall as soon as it is convenient after its publication in the Gazette, be brought before the Provincial Council for approval. Any regulation which is not so approved by the Provincial Council shall be deemed to be rescinded as from the date of disapproval but without prejudices to anything previously made thereunder and a notification of the date on which any such regulation is deemed rescinded shall be published in the *Gazette*.

cancellation of
registration and
liquids

64 (1) The Director may appoint an liquidator for the purpose of cancellation of registration and liquidation of any registered Irrigation Management and Development Committee or Irrigation System Management and Development Committee on grounds any one or many reasons given below :

- (i) the membership of the Committee declines to less than twelve ;
- (ii) the Committee being defunct for a period over one year ;
- (iii) the Committee having acted in violation of objects of the Committee ;
- (iv) a request being made to the Director by a number of members not less than one fourth of the membership of the Committee stating that the Committee has failed to act for the welfare of its membership.

(2) The liquidator appointed under sub-section 64.1 above shall have following powers :

- (i) to determine any question of priority which arise among creditors of the Committee.
- (ii) to sell the assets of the Committee.
- (iii) to compromise any claim by or against the Committee provided the sanction of the Registrar has first been obtained.
- (iv) to distribute assets of the Committee

(3) The notice of the closing of the liquidation shall be published in newspaper circulated in Sinhala, Tamil and English languages.

(4) The funds of the Committee shall be applied first to the cost of liquidation then to the discharge of liabilities of the Committee. Any surplus remaining after the application of the funds as specified above shall be paid into the credit of the Provincial Irrigation Sustainable Maintenance Fund.

PART VII

OFFENCES

Offences

65. (1) Any person who wilfully or maliciously :

- (i) blocks up ;
- (ii) obstructs ;
- (iii) encroaches upon or puts up unauthorized erections ;
- (iv) causes to be encroached upon ;
- (v) causes damages ;
- (vi) wastes conserved water wilfully or maliciously or obtains water without permission ;
- (vii) aids or supports to commit the above ;
- (viii) cultivates in the connected areas ;

(ix) moves or causes to be moved earth or sand from connected areas ;

(x) dumps in the connected areas earth or sand or any other similar things from outside ;

(xi) dumps or causes to be dumped garbage ;

(xii) damages or causes damages using animals, vehicles or machinery.

any irrigation work, watercourse, bund, tank, bank, tank access, irrigation pool, cannel, stream, brook, fountain, water catchments, irrigation reservation, channel,beck, pit, river, amuna, irrigation construction or agricultural roads, shall be guilty of an offence under this Statute.

(2) Digging, constructing and maintaining a well for agricultural purposes in any indetified irrigation Management System shall be an offence under this Statute unless it is done subject to the conditions laid down by the Director or Irrigation Management.

(3) It shall be an offence under this Statute to act against any decisions made at a Irrigation Management and Development Committee meeting on agricultural activities.

66. Every person who commits an offence under this Statute or regulation made thereunder, and shall on conviction after a summery trial before a Magistrate be liable to a fine not exceeding fifty Thousand Rupees or to imprisonment for a period not exceeding six months or to both such fine or imprisonment. Penalties.

67. In this Statute unless the context otherwise requires :— Interpretation.

“Provincial Council” means, the Provincial Council of the North Western Province ;

“Minister” means, the Minister in-charge of the subject of Irrigation of the Provincial Council of the North Western Province ;

“Secretary” means, the Secretary of the Ministry in-charge of the subject of Irrigation of the Provincial Council of the North Western Province ;

“Provincial Department of Irrigation” means, the North Western Provincial Department of Irrigation ;

“Director” means, the North Western Provincial Director of Irrigation ;

“Paddy Land” means, land which is cultivated with paddy or is prepared for the cultivation of paddy or which, having at any time previously been cultivated with paddy, is suitable for the cultivation of paddy, and includes such other land adjoining or appertaining thereto as may be used by the cultivator for a threshind floor or for constructing his dwelling house ;

“agricultural road” means, any raod used for the transportation of agricultural harvest and the yield, or for the taking of animals or agricultural tools or equipment for agricultural purposes or for the provision of agricultural services, or any other road used for agricultural activities and includes any raod that is used to access any agricultural land and any other road used for any of the above purposes before the date of coming into effect of this Statute ;

“occupier” means, a person who is the owner or the lessee of the land or the cultivator of such land having obtained it on mortgage or as a tenant and includes all personss who

occupy or enjoy the benefits of an agricultural land which is alienated under the Land Development Ordinance or under any other Act and tenants ;

“Irrigation” means, all irrigations other than inter provincial irrigation as interpreted in the Thirteenth Amendment to the Constitution ;

“Ellanga”, 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 ;

“Maintenance/Water/Plant Manager” means, an owner, cultivator or a occupier elected from and among owners, cultivators or a occupiers of the Irrigation Management and Development Committee for the formulation of a systematic mechanism to promote agriculture for each of the aforesaid irrigation system ;

“Portion” means, the portion allotted in proportionate to the extent of land indicated in the register of paddy land referred to in Section 47 of this Statute ;

“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 ;

“Irrigation well” means, as well of which the circumference is not less than 15 feet and the depth from the ground level is not less than 20 feet with a fixed wall and used for drawing water periodically for crop cultivation ;

“Construction” means, any improvement or extension of any irrigation work, repair or restoration of any abandoned irrigation work, any operation for the protection of any irrigation work or irrigable area thereunder or of any part of such work or area ;

“Hut” means, a temporary structure with no permanent roof which is built on four pillars with no outer walls in a cultivated land to be used by the cultivator while attending to cultivation activities ;

“agriculture” means, the cultivation and conservation of all useful plants to ensure the food and nutrition security of the public with or without commercial objects ;

“Vanatha”, means, the thicket that has grown in the land used for the agriculture and that causes damages to the cultivation thereon ;

“Sustainable maintenance” means, the proper and systematic maintenance of development.

“Unauthorized construction” means, any construction effected in connection with any irrigation without the approval of an Irrigation Management and Development Committee or of the Director of Irrigation.

Sinhala text to prevail in case of inconsistency

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