



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

SOIL CONSERVATION

(AMENDMENT)

ACT, No. 24 OF 1996

[Certified on 27th August, 1996]

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**Soil Conservation (Amendment)
Act, No. 24 of 1996**

[Certified on 27th August, 1996]

L. D.—O. 48/92

AN ACT TO AMEND THE SOIL CONSERVATION ACT

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Soil Conservation (Amendment) Act, No. 24 of 1996 and shall come into operation on such date as the Minister may appoint by Order published in the Gazette.

Short title and date of operation.

2. Soil Conservation Act (hereinafter referred to as "the principal enactment") is hereby amended by the substitution for the long title thereof of the following:—"AN ACT TO MAKE PROVISION FOR THE ENHANCEMENT AND SUBSTENANCE OF PRODUCTIVE CAPACITY OF THE SOIL; TO RESTORE DEGRADED LAND FOR THE PREVENTION AND MITIGATION OF SOIL EROSION; FOR THE CONSERVATION OF SOIL RESOURCES AND PROTECTION OF LAND AGAINST DAMAGE BY FLOODS, SALINITY, ALKALINITY WATER LOGGING, DROUGHT; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO."

Replacement of the long title to Chapter 450.

3. The following new sections are hereby inserted immediately after section 1 of the principal enactment and shall have effect as section 1A, 1B, 1c and 1d respectively of that enactment:—

Insertions of sections 1A, 1B, 1c, and 1d in the principal enactment

Establishment of the Soil Conservation Board. 1A. (1) There shall be established a Board which shall be called the Soil Conservation Board (hereinafter referred to as the "Board").

(2) The Board shall consist of the following members who shall be appointed by the Minister, appointed under Article 44 of the Constitution, to be in charge of the subject of Agriculture:—

(a) the Secretaries of the Ministries of the Ministers appointed under Article 44 of the Constitution, in charge respectively of the subjects of—

- (i) Environment;
- (ii) Land;

(iii) Mahaweli development;

(iv) Housing and Construction;

(v) Highways;

(vi) Plantation Industries;

(vii) Agriculture;

(viii) Finance;

(ix) Provincial Councils;

(x) Mines and Minerals;

(xi) Forestry;

(xii) Irrigation.

(b) the Director-General of Agriculture;

(c) Director of Coast Conservation;

(d) the Director-General of the Board of Investment of Sri Lanka; established by the Board of Investment of Sri Lanka Law, No. 4 of 1978;

(e) the Director-General of the Urban Development Authority; established by the Urban Development Authority Law, No. 41 of 1976;

(f) the Chairman of the Central Environmental Authority established by the National Environment Act No. 47 of 1980;

(g) a representative each from two non-governmental organizations engaged in activities related to soil conservation and land use (hereinafter referred to as "appointed members");

(h) the Board may with the concurrence of the Minister co-opt a maximum of two persons or officers who have special knowledge in relation to the subjects referred to in paragraph (a);

(3) Secretaries to the Ministries of the Ministers in charge of the subject of Agriculture in Provincial Councils may be invited to attend meetings of the Soil Conservation Board, when matters relating to a particular Provincial Council is taken up at the meetings of the Board.

(4) (a) An appointed member may, at any time resign his office, by letter addressed to the Minister.

(b) The Minister may, at any time remove an appointed member from office, without assigning any reason therefor.

(c) Subject to the provisions of paragraphs (a) and (b) the term of office of an appointed member shall be three years.

(d) Where an appointed member vacates office by death, resignation, removal from office or otherwise, the Minister may appoint another person from the non-governmental organization to which such member belonged, in his place:

Provided that a member appointed under this paragraph shall hold office for the remainder of the term of office of the member whom he succeeds.

(e) Where an appointed member is by reason of illness or infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office, the Minister may appoint another person from the non-governmental organization to which such member belongs to act in his place.

**Chairman
and
Secretary
of the
Board.**

1B. (1) The Secretary to the Minister appointed under Article 44 of the Constitution in charge of the subject of Agriculture shall act as Chairman of the Board.

(2) The Director-General shall act as the Secretary to the Board.

Functions of the Board.

1c. (1) The functions of the Board shall be—

(a) to propose measures, and co-ordinate activities, research and programmes, relating to—

(i) the enhancement and the sustenance of the productive capacity of the soil;

(ii) the restoration of the productive capacity of land which has been degraded due to the lack of proper conservation measures:

(iii) the protection of land vulnerable to degradation:

(iv) the conservation of water and watersheds, in so far as it is necessary for the conservation of the soil and the maintenance of its productivity:

(b) to prevent soil erosion resulting from non-agricultural activities leading to—

(i) siltation or degradation of agricultural land of a degree likely to affect the productivity of such land; and

(ii) siltation of water bodies and irrigation systems capable of supporting agricultural productivity:

(c) to administer and manage the soil Conservation Fund established by section 1p; and

(d) to advise the Minister on the implementation of the provisions of this Act.

(2) The Board may, for the purpose of facilitating the technical work of the Board, consult the Land Use Planning Committees at the Provincial District and Divisional Secretary levels constituted by the Ministry of the Minister in charge of the subject of Lands.

**Soil
Conservation
Fund.**

1b. (1) There shall be established a Fund called the "Soil Conservation Fund".

(2) (a) There shall be paid into the Fund—

- (i) all such sums of money as may be voted from time to time by Parliament for the use of the Fund;
- (ii) all sums of money required to be paid into the Fund under this Act or any other written law;
- (iii) any donation or grant from local or foreign sources; and
- (iv) all such sums of money as the Board may from time to time determine as being payable into the Fund";

(b) There shall be paid out of the Fund, all such sums of money required to defray any expenditure incurred by the Director-General in the exercise, discharge and performance of its powers, functions and duties under this Act or any other written law, and all such sums of money as are required to be paid out of such Fund by or under this Act.'

4. Section 2 of the principal enactment is hereby amended as follows:—

(1) by the repeal of subsection (1) thereof and substitution therefor of the following subsection:—

**Amendment
of section
2 of the
principal
enactment.**

"(1) It shall be the duty of the Director-General to cause, surveys and investigations to be made for the purposes of ascertaining the nature and extent of land degradation due to various factors including floods, droughts, salinisation, desertification, siltation and soil erosion and of enabling the Minister to determine the areas which should be declared under this Act to be conservation areas";

(2) by the substitution for the words "Soil erosion", in the marginal note thereto of the words "Land degradation".

**Amendment
of section
3 of the
principal
enactment.**

5. Section 3 of the principal enactment is hereby amended as follows:—

(1) by the substitution for the words "to be an erodible area", of the words "to be a conservation area";

(2) by the substitution for the words "erodible areas" in the marginal note thereto of the words "conservation areas".

**Amendment
of section
4 of the
principal
enactment.**

6. Section 4 of the principal enactment is hereby amended as follows:—

(1) by the substitution for the words "erodible area" and "erodible areas" wherever such words occur in that section of the words "conservation area" and "conservation areas" respectively.

(2) by the insertion immediately after paragraph (b) thereof, of the following new paragraph:—

"(bb) prohibiting or restricting the extraction of any material from a stream course or stream bank or the disposal of any material on any stream bank or into any stream that may lead to the erosion of the stream bank;"

(3) by the addition immediately after paragraph (e) thereof of the following new paragraph:—

"(f) authorising any prescribed officer or person to give directions in respect of the procedure to be adopted to enhance the productivity of degraded lands;

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(g) authorising any prescribed officer or person to give directions in respect of the procedure to be adopted for the conservation of water and watersheds".

7. Section 5 of the principal enactment is hereby amended as follows:—

Amendment
of section
5 of the
principal
enactment.

- (1) by the substitution for the words "erodible area" and "erosion", respectively of the words "conservation area" and "degradation";
- (2) by the substitution for the words "erosion" in the marginal note thereof, of the word "degradation".

8. The following new section is hereby inserted immediately after section 5 of the principal enactment and shall have effect as section 5A of that enactment:—

Insertion of
new section
5A in the
principal
enactment.

Delegation
of Powers

5A. the Director-General may delegate to the Divisional Secretary in charge of a Division, any power, duty or function conferred or imposed on or assigned to, him by or under this Act."

9. Section 6 of the principal enactment is hereby amended by the insertion immediately after paragraph (h) thereof of the following new paragraph:—

Amendment
of section
6 of the
principal
enactment.

"(hh) measures to be taken by owners of land to protect land vulnerable to degradation and to increase the productive capacity of such lands;

(hhh) the measures to be taken to conserve water and watersheds in so far as it is necessary for the conservation of the soil;"

10. Section 11 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees" of the words "fine not less than one thousand rupees and not exceeding five thousand rupees".

Amendment
of section
11 of the
principal
enactment.

**Replacement
of section
12 of the
principal
enactment.**

11. Section 12 of the principal enactment is hereby repealed and the following section is substituted therefor:—

**Interpre-
tation.**

12. In this Act unless the context otherwise requires—

“Board” means the Soil Conservation Board established by section 1A;

“Director-General” means the Director-General of the Department of Agriculture;

“Fund” means the Soil Conservation fund established by section 1D;

“owner” in relation to any land includes the lessee or mortgagee of the land;

“water bodies” include reservoirs, artificial tanks, rivers, streams, canals and kandura.’

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

**Sinhala text
to prevail
in case of
Inconsistency**