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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 1876/31 - WEDNESDAY, AUGUST 20, 2014

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

North Western Provincial Irrigation Statute No. 02 of 2014 of the North Western Province Provincial Council

THE above mentioned Statute passed by the Provincial Council of the North Western Province on 03rd June, 2014 is hereby published for the information of the public.

PADMINI KARIYAWASAM,
Secretary,
Provincial Council,
North Western Province.

Council Office,
North Western Provincial Council,
Kurunegala.
13th day of August, 2014.

**NORTH WESTERN PROVINCIAL IRRIGATION STATUTE
OF THE NORTH WESTERN PROVINCE 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.



Be it enacted by the Provincial Council of the North Western Province as follows :—

Short title and date of operation	1. This Statute may be cited as the North Western Provincial Irrigation Statute No. 02 of 2014 of the North Western Provincial Council.
Date of Operation	2. This 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 Province Council.
Objects of the Statute	3. The objects of the Statute are as follows :— <ul style="list-style-type: none"> (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 ; (v) to create an agro culture on the basis of natural agriculture ; (vi) to manage the Provincial Irrigation Sustainable Maintenance Fund ; (vii) to regularize the management of 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 by 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 Minister in the event the services of such officers become necessary for the efficient administration and management of irrigation works.

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 amore productive manner ;
- (iv) to prepare the Annual Provincial Irrigation Plan and to obtain the approval for same of the Secretary ;
- (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 register, Irrigation Management and Development Committees ; provide guidance and advice to such committees and to 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 apporval for Irrigation Management and Development Committees to dredge for irrigation renovation activities and for maintaining required water levels ;
- (xx) to approve the paddy land register as certified by the Irrigation management and Development Committees ;
- (xxi) to grant approval for any institution, organization or group which intends to rehabilitate, develop or conserve an irrigation for same.

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.

Composition of
the Committee

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 Kurunegala and Putlam ;
- 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. North Western Provincial Director of Fisheries ;
- ix. North Western Provincial Commissioner of Local Governments ;
- x. Deputy Inspector Generals of police of Kurunegala and Putlam Districts ;
- xi. Zonal Director of Irrigation - Putlam / Kurunegala ;
- xii. Deputy or Assistant Commissioners of Agrarian Services in the districts of Kurunegala and Putlam ;
- xiii. Director, Environment Authority of the North Western Provincial Council ;
- xiv. District Heads of Kurunegala and Putlam of the Aquaculture Development Authority of Sri Lanka ;
- xv. District Managers of the districts of Kurunegala and Putlam of the Agriculture and Agrarian Insurance Board ;
- xvi. Forest Conservators of the Districts of Kurunegala and Putlam ;
- xvii. North Western Provincial Director of the Department of Wildlife ;

- xviii. Provincial Manager of the paddy Marketing Board ;
- xix. District heads of Kurunegala and Putlam of the National Fertilizer Secretariat ;
- xx. Two persons with expertise in the subject of irrigation ;
- xxi. Two representatives of the Irrigation Management and Development Committee ;
- xxii. Two Heads of special Projects of the State, Semi-government or non-government sector implemented in the province in relation to agriculture, animal production or 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 (xix) 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 (xx) to (xxii) at his discretion. Appointment of members to the Committee.

17. The term of office of the members appointed by the Minister shall be one (01) year. 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 additional 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 submit proposals and to provide advice and guidance for the preparation of the Annual Provincial Irrigations 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 effective utilization of irrigations.

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 Putlam 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 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 districts of Kurunegala and Putlam appointed by the North Western Provincial Minister in-charged of the subject of Irrigation.

Appointment of the Chairman and the Secretary of the Board.

29. (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.

(2) North Western Provincial Director of Irrigation shall be the Secretary of the Board.

30. Appointment of the members of the Board and their term of office :	Appointment of members of the Board and their term of office and removal.
(1) The Minister shall appoint members of the Board to hold office for a term of 03 years from the date of appointment.	
(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.	
31. The quorum of the Board shall be one third of the membership.	Quorum of the Board.
32. The members and the Secretary 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.
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. There shall be paid into the Fund :—	Constitution of the Fund.
(1) 50% of monies provided from the Provincial Council Fund under the annual sustainable irrigation maintenance estimates ;	
(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 ;	
(7) a part of the proceeds of sale of silt and soil dredged and removed in irrigation rehabilitation activities.	
35. The Director of Irrigation may subject to the approval of the Board of Management, pay out of the Fund :—	Cancellation of registration and liquidation.
(1) the payment of 50% contribution of the annual maintenance estimate apporved by the Director of Irrigation or his representative to the Irrigation Management and Development Committee, for which purpose, the committee needs to have deposited 50% 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 power to perform all actions pertaining to irrigation work.

40. (1) Any person whose livelihood is agriculture may enrol 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. (i) Every Irrigation Management and Development Committee shall act in compliance with the general constitution prepared by the Director and approved by the Minister.
- Procedures of the Committee
- (ii) the Minister may make regulations pertaining to the conduct of business at meetings of the committee, functions of the Committee and maintenance of accounts and to matters incidental thereto.
43. Powers and functions of the Irrigation management and Development Committee shall be as follows :-
- Powers and Functions of the Committee
- (i) to prepare plans and facilitate cultivation of crops and paddy in agricultural lands and paddy lands respectively ;
 - (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 water supplied by irrigation schemes ;
 - (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 and 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 50% 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.
44. (1) The meetings of the Irrigation Management and Development Committee shall be convened once in every month or in every two months.
- Meetings and the quorum.
- (2) The quorum of meetings of the Committee shall be more than one third of the membership.

Election of the Water, Maintenance and Plant 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 Maintenance 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.

The functions of the Water Manager.

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

- (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 operate water management activities 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 coordinate aqua plants removing activates ;
- (4) to monitor and coordiante activities related to production of manure using the aqua plants removed from irrigation systems ;
- (5) to assist the Committee in freshwater fisheries.

50. (1) 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.

(2) 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.

(3) When an offence is committed under Section 50 (2) 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 from 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.

(4) The sum of money indicated on the certificate issued for the purpose of sub - Section 50 (3) under the hand of the Director of Irrigation or any other officer authorized for the purpose shall be *prima facie* evidence of the sum of money due and owing to the Irrigation Management and development Committee.

(5) The Magistrate shall not require producing any other proof in support of the certificate referred to at sub - Section 50 (4) of this statute.

PART V

ESTABLISHMENT OF IRRIGATION SYSTEM MANAGEMENT AND DEVELOPMENT COMMITTEES AND THEIR POWERS

51. There may be established a Committee which shall be called “Irrigation System management and Development Committee” as determined by the Director of 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.

Establishment of
Irrigation
System
Management and
Development
Committee.

52. The Irrigation System Mangement and Development Committee so established shall be registered with the Provincial Director if 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.

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

53. The three main office bearers viz Chairman, 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.

Membership of
Irrigation
System
Management
and
Development
Committees.

Staff, the
Committee,
Term of office
and Constitution
of the 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 and 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 coordinate matters pertaining to Ellanga systems which are connected to other provinces.

PART VI

GENERAL

An account to
be maintained.

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.

Audit of
accounts.

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.

Statement of
accounts to be
Submitted to the
Director.

58. Every Irrigation Management and Development Committee and Irrigation System Management and Development Committee shall submit to the Director of Irrigation 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.

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 with the concurrence of the Irrigation Management and Development Committee and obtain the written approval therefor of the Director of Irrigation.
- Permission to effect rehabilitation of irrigating works.
- For the purpose of granting such permission, there shall be follow up actions to the satisfaction of the Director of Irrigation for the sustainable maintenance of the irrigation work undertaken and the Committee concerned shall consent to provide necessary assistance for the sustainable maintenance of the irrigation work.
61. (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 there under and a notification of the date on which any such regulation is deemed rescinded shall be published in the Gazette.
62. (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 :
- Cancellation of registration and liquidation.
- (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 AND PENALTIES

Offences

63. (1) Any person who willfully 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 willfully or maliciously or obtains water without permission ;
 - (vii) cultivates in the connected areas ;
 - (viii) moves or causes to be moved earth or sand from connected areas ;
 - (ix) dumps in the connected areas earth or sand or any other similar things from outside ;
 - (x) dumps or causes to be dumped garbage ;
 - (xi) damages or causes damages using animals, vehicles or machinery ; any irrigation work, watercourse, bund, tank, bank, tank access, irrigation pool, canal, stream, brook, fountain, water catchments, irrigation reservation, channel, beck, pit, river, amuna, irrigation construction or agricultural roads ;
 - (xii) aids or supports to commit the above ;
- shall be guilty of an offence under this Statute.

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

Penalties

64. Every person who commits an offence under this Statute or regulation made there under, and shall on conviction after a summary 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.

65. 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 Minister 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 threshing floor or for constructing his dwelling house ;

“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 persons 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 irrigation 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 a 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 perpetual maintenance of the relevant irrigation ;

“unauthorized construction” means any construction effected in connection with any irrigation without the approval of the Province Director of Irrigation ;

“Project” means a collective process designed for the realization of agricultural development or any other specific objects implemented utilizing irrigation systems or alternate irrigation sources and the physical and human resources within the stipulated time frame and financial limits ; and

“Programme” means a process comprising of several projects implemented for the realization of a specific objects utilizing Irrigation Schemes or alternate irrigation sources.

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

Sinhala text to prevail in case of inconsistency.