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**EXTRAORDINARY**

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**PART IV (A) – PROVINCIAL COUNCILS**

**Provincial Councils Notifications**

**CENTRAL PROVINCE PROVINCIAL COUNCIL**

**Draft of Irrigation Statute of Central Provincial Council No. 05 of 2017**

I, M. Rameshwaran, Minister of Agriculture, Minor Irrigations, Animal Production and Development, Agrarian Development, Inland Fisheries, Hindu Cultural Affairs, Tamil Education and Estate Infrastructure facilities of the Central Provincial Council, hereby notify that above named Draft Statute published below will be presented to the Provincial Council of Central Province after two weeks. If anyone has suggestions or amendments regarding the provisions of this statute, he/she may submit them to me during that period.

M. RAMESHWARAN,  
Minister of Agriculture, Minor Irrigations, Animal Production  
and Development, Agrarian Development, Inland Fisheries,  
Hindu Cultural Affairs, Tamil Education and  
Estate Infrastructure facilities of the Central Provincial Council.

Ministry of Agriculture,  
Central Province,  
Gatambe,  
03rd August, 2018.

**IRRIGATION STATUTE OF THE CENTRAL PROVINCIAL COUNCIL No. 05 OF 2017**

A statute to improve agricultural and related products in order for the betterment of farmer community of the Central Province by allocating provisions for planning, designing, implementing, supervision and maintenance of all irrigation works in the Central Province other than irrigation schemes relating to rivers running through more than one province or interprovincial Irrigation and land development schemes, for restoration and maintenance of minor irrigation works, for establishment of the Department of Irrigation of Central Province, for establishment of Irrigation Management and Development Committees and Regional Irrigation Management Authorities and for the operation and discharge of their powers and functions and for matters connected therewith or consequential thereto.



**BE it enacted by the Central Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows:—**

Short Title and  
Date of  
Enforcement.

1. This Statute may be cited as the Central Provincial Irrigation Statute No. 5 of 2017 of the Central Provincial Council and shall come into force from the date of receipt of assent of the Governor of the Central Province.

**PART I**

**Establishment of the Central Provincial Department of Irrigation**

Establishment of  
Provincial  
Department of  
Irrigation.

2. There shall be established the Central Provincial Department of Irrigation (hereinafter referred to as the “Department”) for the purpose of giving effect to provisions of this Statute.

Provincial  
Director of  
Irrigation.

3. (i) There shall be appointed a Central Provincial Director of Irrigation (hereinafter referred to as the “Provincial Director”) for the operation and discharge of functions and powers of this Department. That person shall be the Head of the Department, and shall be appointed by the Governor of Central Province in accordance with the provisions of the Constitution of Democratic Socialist Republic of Sri Lanka, and the Provincial Councils Act No. 42 of 1987.

(ii) A Class I Officer of the Sri Lanka Engineering Service shall be appointed as the Provincial Director.

(iii) Provincial Director shall implement the provisions of the Statute under the supervision of Secretary in charge of the subject of provincial irrigation.

Appointment  
of other  
officers of the

4. There shall be appointed irrigation engineers, and the staff in accordance with the Provincial Councils Act No. 42 of 1987 as may be required for the purpose of assisting the Provincial Director to exercise powers and functions of this Statute.

Delegation  
of powers

5. Functions and powers of the Provincial Director may be conferred to the officers who are appointed under Section 4 above.

Establishment  
of District or  
Regional  
Offices

6. The Minister may establish District offices for the Districts of Kandy, Matale and NuwaraEliya and may establish Regional Offices with the recommendation of the Secretary to the Ministry as may be required.

**PART II**

**Functions and Powers of the Department**

Functions  
and powers  
of the

7. Functions and Powers of the Department shall be as follows:
  - (i) To plan, design, implement, monitor and maintain irrigation works of the Province.
  - (ii) To restore and maintain minor irrigations.
  - (iii) To develop, maintain, repair and restore roads within or providing access to irrigation schemes coming under (i) and (ii) above.
  - (iv) To make provisions to discharge the duties and functions ordered to be implemented by this Statute.
  - (v) To prepare and publish in the *Gazette*, a list of all irrigation schemes coming under the scope of the Department, situated in Divisional Secretariat Divisions of Central Province, by Grama Niladhari Division.
  - (vi) To revise the above list as appropriate from time to time.

- (vii) To establish, register and supervise Irrigation Management and Development Committees and Regional Irrigation Management Authorities.
- (viii) To ensure construction or maintenance of irrigation works listed in (v) above are not carried out by other institutions without the approval of Provincial Director and to file the design plans and information of approved projects.
- (ix) To identify, demarcate, conserve and protect irrigation reservations and develop catchment areas of irrigations.
- (x) To take legal action against persons who damage or encroach irrigation systems and its structures or intentionally or maliciously cause to waste water stored in an irrigation scheme.
- (xi) To take legal action against persons who engage in a commercial activity at an irrigation scheme or who use irrigation schemes for illegal activities.
- (xii) To plan and design to control damages to irrigation systems and agricultural lands due to natural disasters such as floods and earth slips.
- (xiii) to efficiently manage water supplied by irrigation schemes and water use for agricultural practices.
- (xiv) To build capacities through increasing public awareness on construction, maintenance, and protection of irrigation schemes and water management.
- (xv) To maintain proper coordination with the relevant institution and officials in order to solve the issues that arise while implementing programs related to irrigation schemes.
- (xvi) To plan, design, construct, maintain, repair and restore any engineering work intended to drain water from, or to regulate or prevent water inflow or water outflow to any cultivated land or to protect it from floods.
- (xvii) To get the participation of other government or non- government or volunteer organization in maintenance and construction of irrigation schemes.
- (xiii) The Provincial Director and/ or a person who has been authorized by the Provincial Director may enter at any time and inspect a premise in order to implement the duties of this Statute.
- (xix) To provide engineering guidance for subjects coming under the supervision of Secretary to the Ministry.
- (xx) Other Management and administrative authorities required to implement the duties of the department.

### PART III

#### Establishment of Irrigation Management and Development Committees

##### 8. Powers and Duties of Irrigation Committees

1. There may be established an Irrigation Management and Development Committee (hereinafter referred to as "Irrigation Committee") for every tank, anicut, cascading system or irrigation system or irrigation scheme under the guidance of Provincial Director.
2. Each Irrigation Committee shall be registered at the office of the Provincial Director.
3. Each Irrigation Committee shall have perpetual succession and a common seal.
4. An Irrigation committee shall be a body incorporated with powers to perform all of its duties and may sue or be sued by its name.
5. An Irrigation Committee shall be able to summon meetings with the participation of occupiers and land owners engaged in cultivation and implement the decision taken regarding cultivation for each cultivation season and to take actions to make relevant provisions.
6. The Minister shall impose relevant regulations.

Establishment of  
Irrigation  
Management  
and  
Development  
Committees

Registration

Authority and  
responsibilities

Membership and Associate Membership of the Committee	<p>9. Membership of Irrigation Committees</p> <p>1. Any person whose livelihood is agriculture can obtain membership of an Irrigation Committee established under the clause 8 above if such person is;</p> <ul style="list-style-type: none"> <li>(i) a citizen of Sri Lanka ;</li> <li>(ii) not less than eighteen years of age;</li> <li>(iii) a permanent resident of the area of authority of the Irrigation Committee of which he is seeks the membership, or has been using irrigation water for agricultural activities for a period of over two years;</li> <li>(iv) a benefiting owner cultivation or owner cultivator who obtains water for cultivation or an occupier.</li> </ul> <p>2. Associate Membership of Irrigation Committees</p> <ul style="list-style-type: none"> <li>(i) Officers, organizations and institutions engaged in the field of agriculture; and</li> <li>(ii) A representative from a relevant agency determined by the Provincial Director; may obtain the associate membership of above Committee.</li> </ul>
Officers and Constitution	<p>10. (i) A General Meeting shall be summoned for appointing officers of the above Committee and the Provincial Director or an officer authorized by him shall preside the meeting. The three main office bearers viz Chairman, Secretary and Treasurer of the Irrigation Committee and Vice-Chairman, Deputy Secretary and not less than two executive committee members shall be elected from the members.</p>
Term of office	<p>(ii) Each Irrigation Committee shall have a constitution stating the composition of the committee, its fund and provisions for maintenance of the committee. The Secretary to the Ministry may, from time to time, order the general provisions to be included to the Constitution on the recommendation of the Provincial Director. The regulations required for this shall be formulated and declared by the Minister.</p> <p>(iii) The terms of the office of the Irrigation Committee is two years. However a General Meeting shall be held within 14 days prior to the end of two years and board of officers shall be elected. A member cannot be appointed to the same main position for two consecutive terms. The term of the office of existing office bearers come to an end with the appointment of new office bearers.</p> <p>(iv) Provincial Director may dismiss any person who is found guilty based on the findings of an inquiry for any financial misconduct or financial fraud. A person removed such cannot be appointed for a position for a period of five years.</p> <p>(v) An appeal can be forwarded to Secretary to Ministry related to 10 (iv) above within 14 days. The decision of Secretary to the Ministry shall be final and decisive.</p>
Committee Fund	<p>11. (i) Every Irrigation Committee may maintain a Fund. The account of Fund shall be maintained in a state bank approved by the General Bank of Sri Lanka.</p>
Auditing of accounts	<p>(ii) These 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.</p>
Enter into Agreements	<p>(iii) Irrigation Committees have the power to enter into agreements subject to the restrictions already imposed or to be imposed in future.</p> <p>(iv) An Irrigation Committee will be under the supervision of Secretary to the Ministry or Provincial Director and Secretary to the Ministry or Officers authorized by the Provincial Director.</p>

12. Each Irrigation Committee shall, within the area of its authority;	Role of the Committee
<ul style="list-style-type: none"> <li>(i) inspect whether work items of development projects implemented are properly executed and report to relevant officers of the Department.</li> <li>(ii) obtain contribution of farmers for the success of development projects.</li> <li>(iii) take actions to maintain irrigation schemes effectively during and beyond the maintenance period of development project.</li> <li>(iv) encourage and expand cultivation of paddy or other crops in agriculture lands or paddy lands.</li> <li>(v) Perform traditional customs and conventions relevant to cultivation.</li> <li>(vi) ensure agricultural activities are carried out on par with the decisions taken at occupiers and owner cultivators meetings.</li> <li>(vii) efficiently manage water from irrigation schemes and water used for agricultural use.</li> <li>(viii) take steps to conserve soil by protecting crops from insects and diseases.</li> <li>(ix) take steps to order to cut and remove branches of trees and thicket of lands adjacent to any paddy field and canal and to cut and remove any thicket that interferes to the growth of crops cultivated in a paddy field or land.</li> <li>(x) summon meetings of owner cultivators and occupiers for the purpose of formulating regulations relevant to development of collective agricultural activities in lands or agricultural lands within an irrigation scheme.</li> <li>(xi) inform the relevant officers about obstructions and damages made or being made to irrigation schemes and of floods and other disasters.</li> </ul>	
13. Appointment of Irrigation Representative.	Appointment of Irrigation Representative
<ul style="list-style-type: none"> <li>1. An Irrigation Representative shall be elected on the consent of majority of members at the time of appointing the Irrigation Committee. The Irrigation Representative may even be the chairman, secretary or a member of the executive committee.</li> <li>2. Unless removed from office as a result of <ul style="list-style-type: none"> <li>(i) a letter of resignation forwarded to provincial Director, or;</li> <li>(ii) 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 ;</li> <li>(iii) The Irrigation Representative will hold the office for a period of two years or a period specified by the constitution from the date of appointment.</li> </ul> </li> </ul>	Resignation from Irrigation Committee
3. Role of the Irrigation Representative	Role of Irrigation Representative
<ul style="list-style-type: none"> <li>(i) to prepare a register of paddy lands in the tract with the assistance of other officers of the committee.</li> <li>(ii) to allocated extents of the main bund, main distribution canal, the tank bund and spillway to each owner or occupier for cleaning and maintenance to be in proportionate with the extent of paddy lands belonging to him in the register of paddy lands. In the case of a land cultivated by an occupier, the name of owner of the land shall be indicated in this register.</li> </ul>	Preparation of Registrar of Paddy Lands

Demarcation of Portion	<p>(iii) The portion allocated to each owner or occupier shall be demarcated by him using a lasting method made of timber with heartwood, cement or stones, such that a part of each item buried in the ground to mark the borders is visible above the ground.</p> <p>(iv) to cause the removal of thorny bushes, jungle and antills in the portion so allocated and demarcated and filling with earth the eroded parts of the bund prior to the commencement of each cultivation season. In addition it should be legal to inform the owners and occupiers and to cause maintenance of their portions during a cultivation season if the Irrigation Committee decides that particular irrigation scheme needs maintenance.</p> <p>(v) The Irrigation Committee shall cause to be cleaned any portion allotted to any owner or occupier who does not properly clean the portion allotted to him in terms of sub section 13.3. iii, and shall notify such person to pay the cost incurred.</p> <p>(i) if the relevant owner or occupier fails to pay the said amount within 21 days from the date of receipt of the notice, he shall be an offender under the provisions of this Statute.</p> <p>(ii) When an offence has been committed under the clause i above, Irrigation Committee shall recover the monies as a fine by a request to the Magistrate and this amount shall be credited to the Committee Fund.</p> <p>(vi) to protect irrigations, to report on those who damage irrigation works to the Provincial Director, to assist to bring any such person before the court, to preserve water issued from reservoirs and irrigation works, to operate water management activities in accordance with time tables of agricultural plans,</p>
Emolument	<p>14. Every owner cultivator, occupier or tenant cultivator shall pay an emolument to the Irrigation Representative for the above services with part of their harvest or an amount of money determined by the General Assembly. Failure to pay the emolument is an offence under this Statute.</p>

#### PART IV

##### Establishment of Regional Irrigation Management Authorities

Establishment of Regional Irrigation Management Authorities.	<p>15. Establishment of Regional Irrigation Management Authorities.</p> <p>1. (i) Each Divisional Secretariat division of the Central Province may have a Regional Irrigation Management Authority ( hereinafter referred to as “ Regional Authority”) with the Integration of all Irrigation Committees of that Divisional Secretariat division. The Regional Authority shall comprise the members selected from registered Irrigation Committees within its Divisional Secretariat Division.</p> <p>(ii) A General Meeting, presided by the Provincial Director or an officer authorised by him, shall be summoned to appoint officers of the Regional Authority. The three main office bearers - chairman, secretary and the treasurer - and not less than four executive committee members shall be elected from the members of the committee.</p> <p>(iii) Every Regional Authority must have a Constitution stating the composition, Fund and the provisions required to conduct the Regional Authority, The Secretary to the Ministry may, from time to time, order the general provisions to be included in the Constitution. The Minister shall formulate and declare regulations required for this.</p>
Term of office	<p>(iv) The term of office of the Regional Authority is two years from the date of appointment. However a General Meeting shall be held within 14 days prior to the end of two years and</p>

board of officers shall be elected. A member cannot be appointed to the same main position for two consecutive terms. The term of the office of existing office bearers come to an end with the appointment of new office bearers.

(v) Provincial Director may dismiss any person who is found guilty based on the findings of an inquiry for any financial misconduct or financial fraud. A person removed such cannot be appointed for a position for a period of five years.

(vi) An appeal can be forwarded to Secretary to Ministry related to 15. v above within 14 days. The decision of Secretary to the Ministry shall be final and decisive.

2. Every Regional Authority appointed under 15.1 shall register at the office of the Provincial Director.

3. Every Regional Authority shall have a perpetual succession and a common seal.

4. An Irrigation Committee shall be a body incorporated with powers to perform all of its duties and may sue or be sued by its name.

16. Every Regional Authority, within its area of authority;

Authority and  
Responsibilities

(i) three main office bearers shall represent the regional agriculture committee.

(ii) shall work towards improving the inter- relationships among Irrigation Committees.

(iii) shall conserve irrigation works.

(iv) shall determine priorities in restoration and development activities.

(v) shall protect the relevant irrigation reservations and develop and conserve catchment areas.

(vi) shall assist in developing high lands in the close proximity to every irrigation work.

(vii) to assist in demarcating and preserving components of irrigation works as required by rules and regulations.

17. (i) Every Regional Authority may maintain a fund under the provisions of the Constitution. An account shall be maintained in respect of the Fund in a State Bank approved by the Central Bank of Sri Lanka.

Fund

(ii) The accounts of the Authority 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.

Auditing

(iii) Every Regional Authority has the power to enter into agreements subject to the restrictions already imposed or to be imposed in future.

Enter into  
Agreement

(iv) A Regional Authority will be under the supervision of Secretary to the Ministry or Provincial Director and Secretary to the Ministry or Officers authorised by the Provincial Director.

18. The Minister may formulate regulations in terms of other matters and procedures related to Irrigation Committees and Regional Authorities established under sections 8 and 15.

Formulating  
Regulations

## PART V

## Offences and Punishments

Damaging  
an irrigation  
system is an  
offence

19. 1. Any person who;
- (i) blocks;
  - (ii) obstructs;
  - (iii) encroaches the land;
  - (iv) causes to be blocked or encroached upon;
  - (v) damage or causes to be damaged;
  - (vi) wastes conserved water wilfully or maliciously;
  - (vii) cultivates or puts up unauthorised erections within an irrigation or irrigation reservation;
  - (viii) moves or causes to be moved earth or sand from connected areas;
  - (ix) dumps in the connected areas earth, sand, gravel, metal or similar matter from outside for a purpose of paddy cultivation;
  - (x) dumps or allows dumping of garbage or allows the folw any waste or dirty matter;
  - (xi) damages or causes damages using animals, vehicles or, machinery; any irrigation scheme, watercourse, bank, tank, bund, access to any tank, anicut or irrigation scheme, reservation of an irrigation scheme, sluice, thawulla, stream, brook, water reservation, irrigation reservation, agricultural road, streamlet, river, anicut, an erection in an irrigation or a cascading system;
  - (xii) aids or supports to commit the above;
- without the prior permission of the director, shall be an offender for an offence stipulated under this statute.
2. Digging, constructing and maintaining a well for agricultural purposes in any identified irrigation system shall be an offence under this Statute unless it is done subject to the conditions laid down by the Provincial Director.
3. It shall be an offence under this Statute to act against any decisions made at Irrigation Committee meetings on agricultural activities.

Issuance of  
orders by the  
provincial  
Director

20. Where the Provincial Director observes that any person engages in an activity by contravening to provisions of Section 19, a substantial order shall be issued promptly by the Provincial Director according to the Schedule 1 directing to
- (i) rectify the relevant offence,
  - (ii) restrain from continuing,
  - (iii) bring back the relevant work to normal within a period of minimum 7 days and maximum 14 days.

Judicial actions  
when orders are  
breached.

21. (i) When any person commits a breach of the order of the Section 20, the Provincial Director shall have the power to complain by a written notice to the Magistrate Court having jurisdiction.
- (ii) Where a written notice under Sub- Section 21 i has been received by the Magistrate, and the aforesaid person is convicted after a summary trial before the Magistrate, to direct him to pay a fine not exceeding ten thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. The expenses to rectify the consequences of his actions shall be charged from the convict (s). The report of the Director of such expense shall be a decisive evidence for that lawsuit.
- (iii) The Magistrate Court shall have the power to order the convict to follow the order issued by the Director in terms of Section 20.



- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 22. Any person who commits a breach of any provision of this Statute or provisions of any regulation made under it shall be guilty of an offence under this Statute, and where such offence shall not be imposed a special punishment under this Statute when such person is convicted after a summary trial before the Magistrate, to direct him to pay a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. | General punishment. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

## PART VI

### General Provisions

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 23. The Minister shall have the power to formulate regulations required to discharge the functions and powers of the Department in terms of implementing the provisions of this Statute.                                                                                                                                                                                                                                                                                                                               | Imposing regulations related to Statute. |
| 24. (i) Every regulation formulated by the Minister shall come in to operation on date of publication in the <i>Gazette</i> or on such later date, as may be specified in the regulation.                                                                                                                                                                                                                                                                                                                              |                                          |
| (ii) Every regulation made by the Minister shall be presented to the Provincial Council for approval, immediately after or within a month after its publication in the <i>Gazette</i> . Any regulation failing to obtain approval thus shall be considered as repealed as from the date of its disapproval, but without prejudice to any such executed there under, and that shall be published in the <i>Gazette</i> . Every regulation approved by the Provincial Council shall be published in the <i>Gazette</i> . |                                          |
| (iii) After the approval of regulation made under this Charter by the Provincial Council, such regulations shall have the same force and effect as if they were contained in this Statute.                                                                                                                                                                                                                                                                                                                             |                                          |
| (iv) If any department, public corporation, person or board of persons intends to restore, develop, or preserve any type of irrigation scheme belonging to a irrigation scheme published in <i>Gazette</i> as per 7.v above, the written permission of Provincial Director shall be obtained.                                                                                                                                                                                                                          |                                          |

## PART VII

### Transitional Provisions

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| 25. The person who has been appointed as the Provincial Director of the Provincial Department of Irrigation and Officers who have been appointed to other posts before the prescribed date shall be considered as the employees of the Provincial Department of Irrigation subjected to rules and conditions which are not less advantageous than the rules and conditions of this Statute.                                                                                                  | Provincial Director and staff who have held posts from before. |
| 26. (i) All assts, responsibilities, all debt liabilities, legal actions which have existed with the Provincial Department of Irrigation that has come in to operation since before the prescribed date and all contract agreements entered with the said Department shall be considered as the assets, responsibilities, debt liabilities, legal actions, and contract agreements which have existed under the Department that has been established under this Statute.                     | Continuance of assets, responsibilities and liabilities        |
| (ii) All assets, responsibilities, all debt liabilities, legal action which have existed with three District Officers in Kandy, Matale, and Nuwaraeliya those have come into operation before the prescribed date and all contract agreements entered with District Irrigation Engineers shall be considered as the assets, responsibilities, debt liabilities, legal actions, and contract agreements which have existed under the Department that has been established under this Statute. |                                                                |

## PART VIII

### Interpretation

27. In this Statute unless the context otherwise requires;

“irrigation work” means irrigation scheme providing water to an agricultural land within the province, other than irrigation schemes relating to rivers running through more than one province or interprovincial irrigation and land development schemes;

“minor irrigation work” means an irrigation scheme that supplies water to agricultural land up to the extent of two hundred (200) acres;

“Province” means the Central Province;

“Provincial Council” means the Central Provincial Council;

“Governor” means the person who holds the post of Governor of Central Province at present in terms of the Constitution;

“Minister” means the Minister who is in-charge of the subject of irrigation of the Central Provincial Council;

“Secretary to Ministry” means Secretary to the Ministry to which activities of irrigation schemes of the Central Provincial Council are delegated to;

“Provincial Director” means the Central Provincial Director of Irrigation;

“Engineer” means an engineer appointed to discharge the tasks and duties of the Provincial Irrigation Department.

“construction” with reference to any irrigation scheme, includes any improvement or extension of any irrigation scheme, or the repair or restoration of any abandoned irrigation scheme, or (subject to the definition of “maintenance” hereinafter contained) any action taken for the protection of any irrigation scheme, or the irrigable area there under, or of any part of such system or area;

“maintenance” with reference to any irrigation scheme, includes any operation for the protection of any existing irrigation scheme, or the irrigable area there under;

“irrigation scheme” includes the followings those come under the subject of Provincial Irrigation:-

- (i) any tank, cascading system, bund, anicut, stream, channels, field channel, or watercourse comprised in or incidental or ancillary to an irrigation scheme or;
- (ii) any structure, road, bridge, sluice, gate, or other engineering work comprised in or incidental or ancillary to construction or maintenance of irrigation scheme or;
- (iii) any structure, bund, sluice, or other engineering work erected for the purpose of protecting any farming area in any cultivated area from floods or any other disasters.

“water course” includes any river, tributary, or oya, or ela, or natural ela, or ela built to run off water time to time, or water run off tributary or waterway or branch of such tributary, and area extending towards the land from the two banks of the said water course to a length equal to the length between the centre and the bank of such water course.

“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 to it as may be used by the cultivator for a threshing floor or for constructing his dwelling house, but does not include any land which is used for any purpose other than cultivation or which has been determined by the Commissioner of Agrarian Services as a non-paddy land.

“occupier” shall mean the person for the time being entitled to use and occupation of agricultural land by virtue of his being the lessee or usufructuary mortgagee and shall include persons in use and occupation of agricultural lands alienated under the Land Development Ordinance, State Land Ordinance or any other enactment, and includes a tenant cultivator.

“cascading system or an irrigation system” means a region where there are feeding areas, reservations, canals, streams, paddy fields with all irrigations and also a tank which, before connecting with a river or oya at the end, collects water originated from a specific area with slopes and flowing in one direction and overflowing with excessive rains;

“emolument” means share of harvest given by other farmers on their mutual consent to the irrigation representative for his effort and responsibility put into proper maintenance of the respective irrigations including the paddy fields and proper conductance of cultivation season in addition to the responsibility undertaken by the him in planning and implementation of cultivation of his paddy field as an owner cultivator or tenant cultivator.

“Portion” means the portion of main bund and main distribution canal allotted to a farmer in proportionate to the number of farmers who cultivate with the water from an irrigation scheme and extent of his land indicated in the register of paddy lands.

“Irrigation reservation” means the strip of land left undisturbed to be used for the protection, preservation, maintenance or development of a tank, anicut, water course, or drainage canal.

*viz.*

- for a tank or an anicut - 10 meters from maximum water level,
- for an irrigation canal - 05 meters from maximum water level of the bank where the width of the bottom of the canal is less than 03 meters, or  
10 meters from maximum water level of the bank in case width of the bottom of the canal is more than or equal to 03 meters.

Words importing one gender shall include all genders.

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

In an inconsistency Sinhala text shall prevail

## SCHEDULE 01

## Form A

I ..... Director of Irrigation, according to the powers vested in me by the Sections..... of the Central Provincial Irrigation Statute No. 05 of 2017, having the opinion that you, ....., have committed and / or cause more close to be committed the offence described hereunder;

hereby order you to act immediately according to

and/ or to prevent from acting / further continuing according to

and / or to restore the offensive action committed by you within the period .....

In case of your failure to act according to the above order, legal action being taken against you according to the powers delegated to me in terms of the Section 20 of the Irrigation Statute.

Provincial Director of Irrigation,  
Central Province.

Date: .....