

Irrigation (Amendment)

Act No 13 of 1994

AN ACT TO AMEND AND IRRIGATION ORDINANCE

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

Short title. **1.** This Act may be cited as the Irrigation (Amendment) Act, No. 13 of 1994.

**2.** The Irrigation Ordinance (hereinafter referred to as the " principal enactment ") is hereby amended by the substitution for the expression "Cultivation Committee" wherever such expression occurs in any section of that enactment, of the expression "Farmer's Organizations"

Insertion of new sections 2A and 2B in the principal enactment. **3.** The following new section are hereby inserted immediately after section 2 and shall have effect as section 2A and 2B respectively of the principal enactment :-

"Power to exempt certain lands from irrigation rate. 2A. Where any Farmers' Organisation which has taken over the operation and maintenance of the whole or part of the distributory canal system of a certain lands inter-provincial irrigation and land development scheme requests that lands within the jurisdiction of such Organization be exempt from the payment of the irrigation rate imposed under subsection (1) of section 2, the Divisional Secretary of the Divisional Secretary's division within which such lands are situated may, by Order published in the Gazette, direct that for such period, and subject to such terms and conditions as may be specified in the Order, the lands within such area specified in the Order shall be exempt from payment of the irrigation rate imposed under subsection (1) of section 2.

Farmers' Organisation to impose a levy. 2B.

(1) Any Farmers' Organisation which has taken over the whole or part the operation and maintenance of distributory canal system and the lands within whose jurisdiction are exempted from the payment of irrigation rates under section 2A may, impose and recover a levy of such amount in respect of such lands to cover the cost of operation and maintenance of the distributory canal system and any other work beneficial to the farming community in such area. The levy imposed in relation to a land in respect of which there is an allottee or tenant cultivator or owner cultivator shall be pay able by such allottee or tenant cultivator or owner cultivator, as the case may be.

(2) The provisions of subsection (4) of section 2 shall, mutatis mutandis, apply to a levy imposed under subsection (1).

(3) Where any levy is imposed under subsection (1) in respect of a land, the Farmers" organization within whose jurisdiction such land is situate shall give a written notice of the amount of levy, to the person who is liable to pay such levy under subsection (1)

(4) It shall be the duty of every person or. whom a notice under subsection (3) is given, to comply with such notice within the period specified therein.

(5) Where default is made in the payment of the levy imposed under subsection (1) of this section in relation to a land, the

Farmers' Organization imposing the levy shall inform the Divisional Secretary of the Divisional Secretary's Division within, which such lab is situated in writing, and the Divisional Secretary shall proceed to recover the levy in the same manner as provided in Part VII of this Ordinance, and the provisions of that Part shall , mutatis mutandis apply to the recovery of such levy The levy so recovered by the Divisional Secretary shall be transmitted by him to the Farmers' Organization in respect of which such default was made.

(6) Any sums recovered by a Formers' Organization under subsection (1) and subsection (5) may be used by such Farmer's Organization for the purpose referred to in subsection (1).

Insertion of new heading in Part II of the 4. The following new heading is inserted immediately after section 5 principal enactment in Part II of the principal enactment:"

#### PROJECT MANAGEMENT COMMITTEES

Insertion of new section 5A in the principal enactment. 5. 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.

Project 5A  
Management  
Committees  
in respect of  
specified  
major  
irrigation  
work.

(1) In respect of every major irrigation work being a part of a inter-provincial irrigation and land development scheme which is specified by the Secretary to the Ministry of the Minister in charge of the subject of Irrigation there shall be a Project Management Committee consisting of-

- (a) such number of representatives of the Farmers' Organisation in that area as may be necessary to make the number of farmer representatives in the Committee not less than fifty per centum of the total membership of the Committee;
- (b) a Project Manager appointed by the Secretary to the Ministry of the Minister in charge of the subject of Irrigation who shall function as the Chairman or Secretary of the Committee;
- (c) a representative appointed by each of the following officers:-

- (i) the Director of Irrigation
- (ii) the land Commission
- (iii) the Commissioner of Agrarian Services,
- (iv) the Director of Agriculture, and
- (v) the Commissioner of Co-operative Development ;

(d) representatives from any other related agencies as may be determined by the Secretary to the Ministry of the Minister in charge of the subject of Irrigation ;

(e) the Divisional Secretary or Secretaries of the Divisional Secretary's division or divisions within

which that irrigation work is situated.

(2) The Chairman of the Project Management Committee shall summon a meeting of the Committee as often as may be necessary and in any case before the commencement of each cultivation season.

(3) The Project Management Committee shall have the power to set up Sub-Project Management Committees, where in the opinion of the Project Management Committee it is necessary for better co-ordination of the project at sub-project level. Such Sub-Project Committee shall be presided by a representative of the Farmers' Organizations in the Committee.

(4) It shall be the duty of the Project Management Committee to co-ordinate all project management activities at the project level and sub-project level.

(5) The Project Management Committee may by a special meeting held before the commencement of each cultivation season (hereinafter referred to as the Precultivation Meeting") make recommendations to the Divisional Secretary of the Divisional Secretary's division within which the irrigation work is situated or where the irrigation work covers more than one Divisional Secretary's Division, to the District Secretary on such matters relating to cultivation as :"

(i) the date of the commencement of cultivation operations including ploughing, sowing and reaping ;

(ii) the cropping pattern for the season.

(iii) arrangements for the annual maintenance of irrigation works, and any other matters relating to the execution of rules made under subsections d) and (2) of section 11.

(6) The Divisional Secretary or the District Secretary, as the case may be, shall upon receipt of the recommendations of the Project Management Committee under sub section (5), summon a special meeting of the Project Management Committee (herein after referred to as the " Cultivation meeting ") and thereupon the powers conferred on allottees, cultivators or proprietors of lands within an irrigable area by sub section (5) of section 11, shall be exercised by the Project Management Committee at such meeting. The Divisional Secretary or the District Secretary, as the case may be, may call on any person whose participation is in his opinion useful, to attend such meeting:

Provided that any such meeting shall not be deemed to be valid unless at least two-third of third representatives of Farmers' Organizations in the Project Management Committee are present at such meeting.

(7) Where at a meeting referred to in sub section (6), a decision under paragraph (b) or paragraph (c) of subsection (5) of section 11 has not been arrived at whether for want of quorum or for any other cause, the power to make such decision shall be exercised by the Divisional Secretary or the District Secretary, as the case

may be, who summoned the meeting.'

Amendment of section 6 of the principal enactment. **6.** Section 8 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words " In respect of every major Irrigation work", of the words " respect of every major irrigation work, other than an irrigation work in respect of which a Project Management Committee has been appointed under section 5A.

Amendment of section 24 of the principal enactment. **7.** Section 24 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words and figures " Commissioner for action under section 38 of the Paddy Lands Act, No. 1 of 1958 ", of the word " Commissioner "

Amendment of section 118 of the principal enactment. **8.** Section 118 of the principal enactment is hereby amended in subsection (1) of that section as follows:"

(a) by the omission of the definition "Cultivation Committee " ; and  
(b) by the insertion immediately before the definition of " Government Agent of the following definition: "

Farmers' Organization;' means a Farmers' Organization registered with the Commissioner of Agrarian Services under the Agrarian Services Act, No. 58 of 1979 ;'.

Sinhala text to prevail in case of inconsistency. **9.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.