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WUA Legislation Country Profiles: SRI LANKA

Note to the reader: Users' participation takes place both via Agrarian Services Committees, which are mixed bodies composed of representatives of farmers and of governmental officials, and Farmers' Organizations. The attention in this analysis will focus on Farmers' Organizations.

Constitutional framework Management of water resources is vested in the Government.

1. Name of organization

Farmers' Organizations, FOs.

2. Purpose

Agricultural purposes, including, in particular, irrigation and distribution of seeds and fertilizer.

3. Legal status and capacity

FOs have the legal status of a body corporate, they may sue and be sued.

4. Establishment

Voluntary. Each FO must include at least twenty-five owners or tenants of land, or one-fourth of all owners or tenants of land in the area.

Procedure for establishment. FOs must register with the Commissioner of Agrarian Services, notice of registration is published in the official gazette. Financial viability of the FO is a requirement for registration.

5. Membership

Voluntary and open to all those who meet the membership criteria

5.1 Eligibility criteria

Owners and tenants of agricultural land in each area as identified by the Government.

5.2 Rights and Duties of members

No specific provision.

6. Internal structure

Each FO can adopt its statute to regulate its structure and functioning. FOs must have a President – no specific provision on the election nor the functions and powers of the President.

No specific provisions on the contents of the FO statute nor the structure of FOs.

7. Functions, Powers and Rights

7.1 Functions

Delivery of irrigation water and operation and maintenance of canals can be transferred to FOs. If the FO fails to maintain the works to the satisfaction of the Government, the Government may resume operation and maintenance tasks.

Dispute settlement. No specific provision.

Others. Formulation and implementation of agricultural programmes for their service area and construction of irrigation works.

7.2 Powers

Levying and collection of assessments. FOs can levy and collect assessments on their members. Assessments shall be set with a view to covering the costs of operation and maintenance of canals and other works and activities beneficial to the farming community. FOs are required to give a written notice, indicating the deadline for the payment, to the persons liable to pay the water charge.

Imposition of fines. No specific provision.

Others. When members do not pay their water charge, FOs can call on the Government (Divisional Secretary of the area) to enforce defaulters to pay.

Each FO can summon a general meeting of all landholders of agricultural land in its area of jurisdiction.

FOs may delegate their duties, subject to government approval, to one or more agents.

7.3 Rights

Water rights No specific provision.

Rights in the infrastructure No specific provision.

Rights of way No specific provision.

Others FOs that have taken over the operation and maintenance of a distribution system can request that lands in their area of jurisdiction be exempted from the payment of irrigation taxes.

8. Financing

Sources of income. Revenue from the collection of water charges imposed on members.

9. Government role

The Government, through the Commissioner of Agrarian Services, adopts regulations on the election of office bearers of registered FOs, on procedures for the transaction of business and on the powers of FOs and is responsible for auditing all accounts maintained by FOs.

All regulations adopted by FOs are subject to the approval of the Government.

The Government may direct any FO to discontinue the services of their agents who are guilty of misconduct or neglect of duty. The FO shall implement such directions.

10. Dissolution

The Commissioner can disestablish FOs that have been inactive for more than two years or for reasons of public interest. In this case, the Commissioner shall also appoint a liquidator to liquidate the FO. The law spells out the powers of the liquidator.

11. Federation of Associations

No specific provision.

References

Legislation

An Ordinance to amend and consolidate the law relating to irrigation, 1 November 1946; An Agrarian Services Act 1979 (No. 58 of 1979), 25 September 1979;
Agrarian Services (Amendment) Act 1991 (No. 4 of 1991), 23 February 1991;
Act to amend the Irrigation Ordinance. (No. 13 of 1994), 7 June 1994;
documents are available in the FAOLEX database at URL <http://faolex.fao.org/faolex>.

Literature

Brewer, Jeffrey D., **Present Status of Participatory Irrigation Management in Sri Lanka**, paper prepared for the Newsletter No. 4 of the International Network on Participatory Irrigation Management, December 1996, available on the Internet at URL <http://www.inpim.org/Library/Newsletters/N4a1/n4a1.html> (July 2001)

Rabi, Namika, **From Participatory Irrigation Management to Irrigation Management Transfer: the Process and Progress in Sri Lanka**, available in the electronic library of the International Network on Participatory Irrigation Management at URL http://www.inpim.org/Library/rab_sril.pdf (August 2001)