

No. 29 of 1964

WATER RESOURCES BOARD

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A WATER RESOURCES BOARD, AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[12th November, 1964.]

1. This Act may be cited as the Water Resources Board Act, No. 29 of 1964.

Short title.

2. (1) There shall be established in accordance with the provisions of this Act a Board which shall be called the Water Resources Board, hereinafter in this Act referred to as "the Board".

Establishment of Water Resources Board.

(2) The Board shall, by the name assigned to it, be a body corporate and shall have perpetual succession and a common seal, any may sue and be sued in such name.

3. (1) The seal of the Board shall be in the custody of the Board, and may be altered in such manner as the Board may determine.

Seal of the Board.

(2) The seal of the Board shall not be affixed to any instrument or document except in the presence of the Chairman of the Board who shall sign such instrument or document in token of his presence.

4. (1) The Board shall consist of not more than five members appointed by the Minister from persons who appear to the Minister to have had experience and shown capacity in Administration, Engineering, Irrigation, Electricity, Geology, Economics, Law, or Hydrology :

Constitution of the Board.

Provided that the Minister shall not appoint as such member any person who is an employee of the Government or a member of the Local Government Service or an employee (other than a member of the Local Government Service) of any local authority, or an employee of any public corporation.

(2) The Minister may at any time, without assigning reason, remove from office any member of the Board.

(3) Each member of the Board shall, unless he vacates office earlier, hold office for a term of five years from the date of his appointment and shall be eligible for reappointment :

Provided that a person appointed as a member of the Board in succession to any person who has ceased to be a member of the Board before the expiry of his term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the member whom he succeeds.

(4) A member of the Board shall be deemed to have vacated office—

(a) on sending his resignation in writing to the Minister ; or

(b) on his removal from office by the Minister ; or

(c) on the expiry of his term of office.

(5) Where any member of the Board becomes, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint any person to act in his place.

Chairman of
the Board.

5. (1) The Minister shall appoint one of the members of the Board to be the Chairman of the Board.

(2) If the Chairman of the Board becomes, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint any other member of the Board to act in his place.

(3) The Chairman of the Board shall preside at every meeting of the Board. In the absence of the Chairman from any meeting of the Board, the members of the Board attending that meeting shall elect from themselves a chairman for that meeting.

Quorum.

6. The quorum for any meeting of the Board shall be three.

7. (1) Every question which comes up for consideration before the Board shall be dealt with at a meeting of the Board, and shall be determined by the majority of the members of the Board present and voting.

The
procedure of
the Board.

(2) In the event of an equality of votes on any question considered at a meeting of the Board, the chairman of that meeting shall have a casting vote in addition to his original vote.

(3) Subject to the provisions of this Act, the Board may regulate its own procedure.

(4) No act or proceeding of the Board shall be invalid by reason only of the existence of a vacancy among its members or any defect in the appointment of any of its members.

8. The Chairman and the other members of the Board shall be entitled to receive such remuneration as the Minister may, with the concurrence of the Minister of Finance, determine.

Remuneration
of Chairman
and other
members of
the Board.

9. (1) The Board shall have the power to employ such officers and servants as the Board considers necessary :

Officers and
servants of
the Board.

Provided, however, that the cadre, the grading and classification, and the salary scales, in relation to such officers and servants, shall be such as are approved by the Minister with the concurrence of the Minister of Finance.

(2) At the request of the Board, any officer in the public service may, with the consent of that officer and the Secretary to the Treasury, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff.

(3) The provisions of subsection (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is temporarily appointed to the staff of the Board, and the provisions of subsection (3)

of the aforesaid section 9 shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is permanently appointed to such staff.

(4) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(5) At the request of the Board, any member of the Local Government Service or any officer or servant (other than a member of the Local Government Service) of any local authority may, with the consent of such member, officer or servant and the Local Government Service Commission or that authority, as the case may be, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Board and that Commission or authority.

(6) Where any person is temporarily appointed to the staff of the Board in pursuance of the provisions of subsection (5), he shall be subject to the same disciplinary control as any other member of such staff.

(7) All officers and servants of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Cap. 19.

Secretariat to
the Board.

10. (1) There shall be a Secretariat to the Board consisting of the officers and servants of the Board.

(2) The Secretariat to the Board shall carry out the functions of the Board, subject to the general direction and control of the Chairman of the Board.

Expenditure
to be charged
to Consoli-
dated Fund.

11. The expenditure incurred in the working of the Board and the Secretariat of the Board, including the remuneration of the members and of the officers and servants of the Board, shall be a charge on the Consolidated Fund of Ceylon.

12. It shall be the duty of the Board to advise the Minister on the following matters, and on any other matter that is referred to the Board for advice by the Minister :—

Duties of
the Board.

- (a) the control, regulation and development, including the conservation and utilization, of the water resources of the country ;
- (b) the promotion, construction, operation and maintenance of schemes of irrigation, drainage, flood control and hydraulic power ;
- (c) the promotion of afforestation ;
- (d) the control of soil erosion ;
- (e) the prevention of the pollution of rivers, streams, and other watercourses ;
- (f) the formulation of national policies relating to the control and use of the water resources of the country with the following objectives in view :—
 - (i) the multi-purpose development and use of water resources ;
 - (ii) the short-term and long-term provision of water resources for domestic supplies, industrial supplies, hydraulic power, hydro-electric power, irrigation, reclamation of land, flood control, navigation, development of fisheries, protection of wild life, and control of soil erosion ;
 - (iii) the disposal of sewage and industrial wastes ;
 - (iv) afforestation ;
 - (v) the control of salinity ; and
 - (vi) any other like objective ;
- (g) the preparation of comprehensive and integrated plans for the conservation, utilization, control and development of the water resources of the country ;
- (h) the co-ordination of the activities of Government Departments, local authorities and public corporations, in regard to surveys of basic data and other investigations relating to river-basin

- and trans-river-basin development projects, soil classification, and the hydrological, geological and other similar aspects of the use of land ;
- (i) the analysis of reports based on investigation, statistical surveys, plans and proposals relating to the water resources of the country made by Government Departments, local authorities and public corporations ;
 - (j) the preparation of a scheme of priorities in the matter of developing river-basin and trans-river-basin projects ;
 - (k) the co-ordination of projects undertaken by Government Departments, local authorities and public corporations relating to the conservation, utilization and development of the subterranean water resources of the country, and the assessment of the possibilities, benefits and economic feasibilities of such projects ;
 - (l) the conduct of research by Government Departments, local authorities and public corporations on the utilization of water by various agricultural crops ; and
 - (m) any other suitable measures to be taken by the Government for the proper control and economic use of water.

Board may engage persons as advisers.

13. The Board may, with the prior sanction of the Minister, engage the services of any person or persons to advise the Board on any matter relating to the duties of the Board. The Minister may, with the concurrence of the Minister of Finance, direct the Board to pay such person or persons such remuneration as the Minister considers reasonable. Such remuneration shall be a charge on the Consolidated Fund of Ceylon.

Inter-Departmental Advisory Committee.

14. (1) There shall be a Committee of persons which shall be called the "Inter-Departmental Advisory Committee to the Water Resources Board", and hereinafter referred to as the "Advisory Committee", and consisting of the Permanent Secretary, the Head of the Development Division of the Ministry in charge

of the subject or function of industries, and the Heads of the following Government Departments :—

- (a) Irrigation Department ;
- (b) Department of Government Electrical Undertakings ;
- (c) Department of Health ;
- (d) Department of Local Government ;
- (e) Geological Survey Department ;
- (f) Department of Agriculture ;
- (g) Department of the Land Commissioner ;
- (h) Survey Department ;
- (i) Department of Agrarian Services ;
- (j) Department of National Planning ;
- (k) Department of Water Supply and Drainage ;
- (l) Forest Department ;
- (m) Public Works Department ;
- (n) Railway Department.

(2) Any Head of a Government Department referred to in subsection (1) may appoint an officer of his Department to represent him at any meeting of the Advisory Committee.

(3) It shall be the function of the Advisory Committee to advise the Board on any or all of the matters set out in section 12.

(4) The Permanent Secretary shall preside at the meetings of the Advisory Committee ; in the absence of the Permanent Secretary from any meeting, the members of the Advisory Committee present at that meeting shall elect one of their number to preside at that meeting.

(5) The Advisory Committee shall be summoned to meet as often as the Permanent Secretary considers it necessary. The Permanent Secretary shall not be entitled to vote at any meeting of such Committee.

15. (1) The Chairman of the Board or an officer of the Board authorized for the purpose by the Chairman, may by notice require any person to furnish any such

Board may
call for
information.

information as the Chairman or such officer may consider necessary for the proper discharge of the duties of the Board, and it shall be the duty of the person who receives such notice to comply with the request contained therein before such date as may be specified in such notice, notwithstanding the provisions of any written law which prohibit him from disclosing such information.

(2) Any person who—

- (a) without reasonable cause, fails to comply with the requirements of a notice issued under subsection (1) before the time stated in such notice, or
- (b) while complying with the requirements of such notice, furnishes any information which he knows to be incorrect,

shall be guilty of an offence under this Act.

(3) Where a person is prohibited by the provisions of any written law from disclosing any information which he is required to disclose under the provisions of subsection (1), such disclosure by him shall, notwithstanding anything to the contrary in such written law, not be deemed to be a contravention of such written law.

(4) No information furnished by any person to the Board or an officer of the Board in compliance with the requirements of a notice issued under subsection (1), shall be published or communicated, except in the course of the discharge of the duties and functions of the Board, to any other person without the consent in writing of the person who furnished such information. Any contravention of the provisions of this subsection shall be an offence under this Act.

Rules.

16. (1) The Board may make rules for the purpose of carrying out and giving effect to the principles and provisions of this Act and for all matters connected with the functions and duties of the Board.

(2) Every rule made under subsection (1) shall, upon approval by the Minister, be published in the

Gazette, and shall have effect from the date of such publication or from such later date as may be specified therein.

17. (1) The Board shall cause proper accounts to be kept of all the transactions of the Board and shall prepare an annual statement of such accounts in such form and containing such particulars as the Minister, with the concurrence of the Minister of Finance, may from time to time specify.

Accounts and
audit of
accounts.

(2) The accounts of the Board for each year shall be audited by the Auditor-General. The Auditor-General may, for the purposes of assisting him in the audit of such accounts, employ the services of any qualified auditor or auditors who shall act under his direction and control.

(3) The Auditor-General shall examine the accounts of the Board and furnish a report—

- (a) stating whether he has or has not obtained all the information and explanations required by him ;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board ; and
- (c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Board.

(4) The Auditor-General shall transmit his report to the Board.

(5) For the purpose of this section, the expression "qualified auditor" means any person who is a member of the Institute of Chartered Accountants of Ceylon.

18. The Auditor-General and any person assisting him in the audit of the accounts of the Board shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Board

Powers of the
Auditor-
General and
his assistants.

as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the members or officers of the Board with such information within their knowledge as may be required for such purposes.

Report of the Board and copies of Auditor-General's report and statement of accounts to be sent to the Minister and laid before the Senate and the House of Representatives.

19. (1) The Board shall, as soon as possible after the end of each financial year of the Board, make to the Minister a report on the exercise and performance by such Board of its powers and duties during that year. The Minister shall lay a copy of such report before the Senate and the House of Representatives.

(2) The Board shall, on receipt of the Auditor-General's report in each year, transmit to the Minister—

(a) a copy of such report ; and

(b) a copy of the statement of accounts prepared under section 17 (1).

(3) The Minister shall lay copies of the report and statement referred to in subsection (2) before the Senate and the House of Representatives.

Punishments for offences.

20. (1) Any person who is guilty of an offence under this Act shall, upon conviction after summary trial before a Magistrate, be liable to a fine of five hundred rupees or to a term of imprisonment of either description not exceeding one month, or to both such fine and imprisonment.

(2) Where an offence under this Act is committed by a body corporate, any person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of such body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission

of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the other circumstances.

21. In this Act, unless the context otherwise requires,—

Interpre-
tation.

“local authority” means any Municipal Council, Urban Council, Town Council or Village Council ;

“Local Government Service” and “member of the Local Government Service” have the same meanings respectively as in the Local Government Service Ordinance ;

Cap. 264.

“public corporation” means any corporation which was or is established with capital entirely or partly provided by the Government.