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In the Name of the People
The Revolutionary Command Council
Resolution No. (72)

Date : 16th Rabia Al- Awal- 1416 H,
12-8-1995 A.D.

In accordance with the provisions of Para (A) of Article (42) of the constitution.

The Revolutionary Command Council have decided to promulgate the following Law:

Law No. (12) of 1995

The Law of Maintaining the Networks of Irrigation and Drainage

Chapter One:

The aims of the law

Article one

This law aims at maintaining the Networks of Irrigation and drainage, their establishment and the insurance of their administration and operation according to the designs put thereto, the protection of the Irrigated agricultural lands of the prejudice of negligence, salting, the fertility reduction, and the definition of the responsible authorities to do the same.

Chapter Two

The Networks of Irrigation and drainage

Article Two

Firstly : The Irrigation Networks shall be consisted of.

- A- The main streams - are the Irrigation channel carrying water from the watering sources to the branch streams or the agricultural project.
- B- The branch streams - are the Irrigation channels carrying water from the main to the branch streams.
- C- The Secondary Streams - are Irrigation channel carrying water from the branch streams, to the farm streams.

D- The farm streams - are Irrigation channels carrying water from the secondary streams to the farm Immediately.

Secondly - The Drainage Networks are consisted of

A- Farm Drainage - are opened or covered drainages to drain the drainage water from the farm to the assembly drainages.

B- The Assembly drainage - are opened or covered drainages to assemble the waters of farm drainages.

C- The secondary drainages - are drainages carrying water from assemble drianges to the main or branch drainages.

D- Branch drainages - are drainages carrying water from the secondary drainages to the main drainages immediately.

E- The main drainages : are drainages carrying the draining water from the lands of an agricultural project or more to a general mouth or steppies the evaporation Basins or any other outlet.

tural project or more to a general mouth or steppies or the evaporation basins or any other outlet.

Thirdly - The following establishment shall be joined with the Irrigation and drainage networks:

A- Irrigation Establishments - are covering the pumping stations, the main and branch and cutting off systems, their attachements of Iron doors and networks and otherwise, as well as the different outlets of Irrigation, falls, escarpments, and bridges.

3- The Drainage Establishments - are covering al the pumping stations mouths and bridges or any other establishment enlisted within designs.

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Article Three

The departments undertaking the standing and putting the designs of Irrigation and drainage projects shall carry out the organization of a directory to manage, operate, and maintain these projects, provided that the directory shall be ready at the project completion or the first level of its levels, and shall be handed to the authority responsible for operating and maintaining the project, and handed with the directory and group of the implemented project maps really.

Chapter - 3 -

The Management of Agricultural Lands and their Exploitation

Article Four

The authority implementing the projects of land reform shall inform the user authority in the two ministries of Irrigation and Agriculture with the date of handing over the reformed lands and their area before a period not less than (180) days and the user authority shall put the required plans to define the area of distribution unit and the kinds of agricultural holdings and their places.

Article Five

Firstly : The General Body to Operate the Irrigation projects which will be known thereafter with (Body) and the Irrigation Directorates in the governorates shall be responsible of maintaining the following rivers, streams, drainages, and their establishments.

A- The natural rivers.

B- The main drainages and mouths and evaporation basins.

C- The main streams and drainages defined by the design maps with their establishments and the pumping station situated thereupon.

D- The main branch, and secondary streams of a drainage (400 litre / Second and more, the branch and secondary drainages, their establishments and pumping stations.

Secondly : The farmer shall be responsible for the maintaining the branch streams which their drainage is less than (400 litre Second) and the assembled drainages serving his land, according to the direction and supervision of Irrigation body and directorates, in coordination with the cooperative farmers societies and it is meant by "farmer" for the purposes of this law, landowner or the one one has the right disposal therein or its leasee or the farmer distributed thereupon or the contractor with the agrarian reform.

Thirdly : A- The water observers shall be appointed to supervise over the distribution of the streams Internal water, and in the number defined by the Irrigation departments in the projects and their wages shall be paid by the users of the water for each administrative unit or project and the way of their nomination, appointment, the disbursement of their wages, their duties and whatever concerning with their affairs, and organizing their contracts with on Instructions issued by Minister of Irrigation and Minister of Irrigation.

sued by Minister of Irrigation.

B- The laws of service, pension, and labour shall not be valid on those covered by the provisions of para. (A) of this Item.

Article - 6 -

The farmer shall be restricted with the following:

Firstly A- The applying of the agricultural densi

ty, and this means the ratio which can be formed really of land according to its nature and the water share decided there to in summer and winter.

B- The right use of water within times defined by the Irrigation departments, especially, watering and Irrigation during the night and the non-stepping of water from the Irrigation streams to the drainages net works.

C- The maintaining of the farm drianges and their mouths.

D- The obligation with water shares decided by virtue of special designs of the project

Secondly : A- The non-prejudice of streams, drainages, Irrigation establishment and the gates concerning therewith.

B- The abstinence from the expansion in gardens establishment in contradiction with the ratio defined for horticulture in the project designs.

C- The abstinence from investing the lands for the purposes of quarries or fish basins or for Industrial and service purposes on the rivers banks unless after getting the consent of the Ministry of Irrigation.

D- The abstinence from putting any Irregular transverse or establishments or passroads in the networks of Irrigation and drainage.

Article - 7 -

Firstly - A fixed annual wage shall be collected during the first quarter of each year about the watering of the one donum of the land area according to ratios and conditions decided by the Council of Ministers and for each case of the cases below:

A- The reformed lands Totally:

- 1- The agricultural lands Irrigated by flow or away owned by the State, or by away owned by the state.

B- The lands which be reformed partially, and its meant by the partial reformation for this purposes, the existence of the main and branch networks of drainage.

- 1- The agricultural lands watered in flow or by away owned by the state.

- 2- The orchard or the seashore watered in flow
- C- Non-reformed lands:-

- 1- The agricultural lands watered in flow or by away owned by the state.

- 2- The orchard watered in flow or in a away owned by the state.

D The lands invested for the projects of fish rearing.

Secondly : The parts of one donum or the area which is less than on Donum shall not be subject to the wages collection.

Thirdly : Half of the wage decided on the agricultural land or the orchard shall be collected if it was watered in a mean not owned by the state....

Fourthly : The farmer or any body responsible for the land or the orchard of the partners shall be entrusted with the paying of wage defined in the two Items (Firstly) and (Thirdly) of this Article.

Fifthly : The wage defined in the two Items (Firstly) and thirdly of this article in case of its non-payment after the passing of (90) day, of the date of claiming therein.

Sixthly : The agricultural land or the Orchard or the seashore shall be exempted from the wages is case of water stopping there upon or the impossibility of its cultivating for reasons beyoned the farmer will.

Article Eight:

The Directorates of Irrigation in the governorates shall undertake the collection of wages decided by virtue of this law and registered in their name as trustees and expended on the

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operation, maintenance and improvement of Irrigation and drainage net works and the paying of the water observers wages whom they in the cadre of Ministry of Irrigation after the discounting of not less than 5% and not exceeding (20% therefrom to distribute it as reward for the distinguished affiliates working in the irrigating units of those who operating the Irrigation networks by virtue of Instructions issued by Minister of Irrigation.

Chapter 4

"Punitive provisions"

Article - 9 -

Firstly - In the case of not undertaking by the farmer the maintenance of any part of the steam or the drainage or the creation serves his land lies within his responsibility, according to the provision of Item (Secondly) of Article (Five) of this law, the Irrigation body and the directorates shall undertake the maintenance of that part, and the maintenance costs shall be collected therefrom by the prevalent prices adding thereto the administrative loads in ratio of (20%) therefrom accounted on the total cost.

Secondly : If the farmer didnt pay the sums accrued in his debt according to the provision of Item (Firstly) of this Article, then he shall be alarmed by the obligation of their paying, and in case of non-payment during (30) days from the date of his informing with the alarm, then the sum indebted shall be increased by ratio of 50% and if he didnt pay within (30) days then it will be gotten from the farmer according to the provisions of the Law of Getting the Government Debts No. (56) of 1977.

Article - 10 -

Firstly - There shall be punished in a fine not less than (1000 dinars and not exceeding 5000 dinars with the compensation of the compensation of the prejudices if any each one contravened the provisions of any one of the two Items (Firstly) and secondly of Article (6) of this law and the imprisonment punishment shall be for a period not exceeding six months with the compensation of the prejudices if any for any body repeating his contravention to the provision of Item (Secondly) of the article itself.

Secondly : In addition to the punishment decided in Item (Firstly) of this article the farmer contravened the provisions of para. (1) of Item (Firstly) of Article (6) of this law shall be punished with a fine estimated 100 dinars on each donum of his lands in the case of the contravention repetition.

Article - 11 -

Firstly - The Director General of the Body and the Irrigation directors in the governorates shall be granted the authority of misdemeanors Judge for the purpose of the fine stipulated thereon in Article (10) of this law, and if it deferred for any one of them that contravention obliges the imprisonment punishment then he may imprison the contravenor and referring him to the competent court.

Secondly : It is permissible to object in the provisions and resolutions issued according to the Item (Firstly) of this Article during (30) days of the date of his informing there-with or considered as informed before a permanent Body under the presidency of acting Minister or the membership of one of the technicians in the Ministry his grade is not less than Adirector General and adirector of

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legal affairs and undertaking the reviewing of the provisions and resolutions and taking the final decision in the objection therein according to the criminal procedure law No. (23) of 1971 and the body decision shall be final.

Thirdly - The report submitted by the competent official in the Irrigation Department in the region which the contravention committed therein shall be considered as an enough evidence if the responsible engineer has confirmed him unless he makes a contravened evidence and the competent authority may review in the request the presence of the report organizer before it to discuss with him thereon.

Article - 12 -

The Directorates of Irrigation in the governorates and the projects Departments each one shall be in its specialization responsible for the observation and following up the implementation of the provisions of this law, and referring the contravenors to the authorities defined therein to investigate with him, and the administrative units, the Implementation Directorates and the police Departments shall undertake the following up of the procedures of Implementing the provisions of this law within their specializations.

Article-13-

Firstly : In case that the entrusted official does not achieve the observation and the following up of the implementation of the provisions of this law, and the referring of the contravenors to the competent authorities, he shall be punished with the fine decided for the contravention of a relation and that does not violate the imposition of the punishment decided on the contravenor.

Secondly : The Minister of Irrigation shall undertake the imposition of the fine stipulated in Item (Firstly) of this article on the Irrigation directors in the governorates and the directors of Irrigation and drainage projects in the governorates in case of their non-settlement of the contraventions cases referred thereto during (30) days of the referring date without legal excuse and the Director General of the Body shall undertake the imposition of the said fine on the officials entrusted with the observing, following up, and the controlling of the contraventions in the case of their neglecting their control or the informing thereon or their following up during (15) days of the date of their occurrence.

Chapter Five

General and Final Provisions

Article - 14 -

Firstly : (40%) of each imposed fine shall be registered according to the provisions of Article (10) of this law as a trust in the name of the project management in relation and shall be disbursed on its operation and maintenance and (20%) shall be registered of the fine as a revenue for the Ministry of Finance.

Secondly : There shall be granted by an Instructions issued by the Minister of Irrigation the residue of the fine stipulated in Item (Firstly) of this Article on the following aspect.

A- (30%) to the Rapporteur of the contravention.

B- (70%) for each on of the technical Report submitter and the Official of Irrigation, engineers, technicians and those working in the Irrigation department in the Qada or Nahiya in ratios according to the responsibility and the effort.

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Article - 15 -

The costs and wages stipulated in this Law shall be collected according to the provisions of the Law of getting the governmental debts N . plus que le citoyen même.

(65) of 1977

Article - 16 -

The Minister of Irrigation may Issue an In-structions to facilitate the Implementation of the provisions of this law.

Article - 17 -

The law of maintaining the Irrigation and Drainage networks and the protection of reformed lands No.(112) of 1983 shall be abrogated and the Instructions Issued by its virtue shall remain valid in what not contravening the provisions of this law till the issuance of what have pieces thereof.

Article - 18 -

This law shall be Implemented from the date of its publication In the Official Gazette.

**Saddam Hussain
Chairman of the
Revolutionary Command Council**

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