

(Translation)

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Dated July 25, B.E. 2523

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The People Irrigation Act (Second Issue)

B.E. 2523

His majesty King Bhumibol Adulyadej

Enacted on the 16<sup>th</sup> day of July B.E. 2523

Being the 35<sup>th</sup> year of the Present Reign

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His Majesty King Bhumibol Adulyadej hereby proclaimed that:

Whereas it is expedient to amend the law on the people irrigation.

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the National Assembly, as follows :-

Section 1 This act shall be called the "People Irrigation Act (Second Issue) B.E. 2523".

Section 2 This act shall come into force from the date of its publication in the Government Gazette.

Section 3 The following statement shall be added to the People Irrigation Act B.E. 2482 as Section 10 bis and Section 10 tri.

"Section 10 bis With regard to the construction of private irrigation under this Section, whether the permission under Section 7 is required or not, if the owner of the private irrigation has the necessity to train waterway through other person's land or the public domain, he may do so when he has applied for and received the permission from the Official but shall compensate the land owner.

Application for such permission in the first paragraph must be lodged with the District Officer of that locality in compliance with Section 8 (1) and the District Officer shall inform the matter to the owner and the occupant of the land where the waterway will be trained through by sending a registered letter to their domiciles and shall put up notices at the Provincial Land Office, Region Office, District Office, Village Headman's Office and at the site where the waterway will be trained through for fifteen days. If any person considers that he will be adversely affected by the waterway training, then he can file a protest to the District Officer within the period stated. In case of emergency prior permission may be granted.

In case the Official grants the permission being applied for, he shall put up a notice and shall inform the permission and its particulars to the land owner or the occupant by the means stated in the second paragraph at least seven days in advance.

In granting such permission in the first paragraph, Section 7 paragraph 3 shall apply mutatis mutandis; and the suitability of the irrigation practices and minimum damages to the land owner or the occupant shall be considered.

If any disagreement arises as regards the amount of compensation, the applicant may request a committee - comprising the Provincial Governor as Chairman, President of Provincial Commission as Deputy - Chairman; Provincial Land Officer, Provincial Agricultural Officer, RID Delegate and the District Officer or his assistant who is the Head of such sub-amphur as committee members - to fix the amount taking into consideration the nature of the land, the benefits that the applicant may receive and the damages that other land owner or occupant may sustain.

In case the Committee has fixed the amount of compensation as stipulated in the fifth - paragraph but the land owner refuses the compensation, and the Official has put up the notice stipulated in the third paragraph mutatis mutandis and the compensation has been lodged with the Court, the applicant shall have the right to take action in the land.

In case the land owner disagrees with the amount of compensation fixed by the Committee as stipulated in the fifth paragraph, whether he has received the compensation lodged with the court or not, the land owner does not lose the right to go to the Court claiming for the amount he wishes to receive provided he does it within 180 days from the date at which the compensation is lodged with the Court. In the case the Court rules that the additional compensation shall be paid, the land owner shall be entitled to receive interest on the additional amount at the rate of 7.5% per annum accruing from the date at which the compensation is lodged with the Court.

Impeaching action of the land owner in the seventh paragraph shall not affect in any way the concession right to use the land of the applicant.

Section 10 tri The waterway in Section 10 bis shall be used for the benefits of the land receiving water from such waterway. If such land no longer requires water from the waterway for cultivation and the

land owner or occupant of the land where the waterway is trained through has applied for and received permission from the Official, the right to receive water from such waterway of the irrigable land owner or occupant shall be ended.

During the time the waterway is used for benefits of the irrigable land, the irrigable land owner or occupant is entitled to perform any necessary action to maintain and use the waterway, causing minimum damages, in practices, to the owner or occupant of land having such waterway trained through."

Section 4 The following statement shall be added to the People Irrigation Act B.E. 2482 as Section 38 bis and Section 38 tri.

"Section 38 bis When the compensation is paid or lodged with the Court, any land owners or occupants obstructing or not co-operating to the waterway training in Section 10 bis or the waterway maintenance and utilization in Section 10 tri shall be punished with a fine not exceeding one thousand Baht or with imprisonment not exceeding one month or both.

Section 38 tri Whoever obstructs such waterway in Section 10 bis or performs any actions causing decrease in benefits and convenience of the irrigable land owner or occupant without reasonable explanation shall be punished with a fine not exceeding one thousand Baht or with imprisonment not exceeding one month or both."

Countersignature

General Prem Tinnasulanondha  
President of the Council of Ministers

Remarks The reason of this enactment is that large cultivation area is far away from waterways or water resources and the diversion of water from waterways or water resources for complete cultivation use is impossible, thus it is expedient to entitle the owner or occupant of such land to train waterways through other person's land.