

TRANSLATION

THE FIELD DYKES AND DITCHES ACT

B.E. 2484

In the name of His Majesty King Ananda Mahidol

The Council of Regency

(By Notification of the President of the Assembly  
of the People's Representative dated 4th August B.E. 2480)

Aditya Dib Abha

General Bijyendra Yodhin

Enacted on the 26th day of September B.E. 2484

Being the 8th year of the Present Reign

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Whereas the Assembly of the People's Representatives has passed a resolution that it is expedient to control the construction of field dykes and ditches so as to promote rice cultivation.

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the Assembly of the People's Representatives, as follows :

Section 1 This Act shall be called the "Field Dykes and Ditches Act B.E. 2482."

Section 2 This Act shall come into force on and from the date of its publication in the Government Gazette and shall only apply to those localities as shall be specified in the Royal Decree.

Section 3 After the publication of a Royal Decree enforcing this Act in any locality, all laws, bye-laws and other regulations in so far as they are contrary to or inconsistent with the provisions of this Act shall be repealed for that locality.

Section 4 In this Act.

"FIELD DYKE" means a mound of earth raised on the paddy field for the purpose of conserving or retaining water for rice cultivation.

"FIELD DITCH" means a water course dug in the paddy field for supplying water to or draining water from the paddy field.

"PLOT OF PADDY FIELD" means the area of paddy land surrounded by the dyke on the paddy field.

"OWNER OF THE PADDY FIELD" means the person who has the ownership or the right of possession in the capacity of owner of that paddy field.

"OFFICIAL" means the competent Official appointed by the Director General of the Royal Irrigation Department under this Act.

Section 5 When a Royal Decree enforcing this Act in any locality has been published, the owner of the paddy field shall cause to be made within six months field dykes and ditches to conform to the rule, manner, dimension and conditions prescribed in this Act, and the same shall be completed within six months from the date of promulgation of the said Royal Decree.

Notification of the locality as specified by the Royal Decree in the foregoing paragraph shall be posted at the District Office, the Village Headman's Office and public places or places of conglomeration of people in the locality.

Section 6 The owner of the paddy field shall cause to be made under the foregoing SECTION field dykes and ditches to conform to the rule and manner as follows :

1. The owner of the paddy field possessing the paddy land of over fifty Rais in one plot shall cause to be made field dykes and ditches around it and shall also cause to be made field dykes and ditches so as to form the boundary line for each plot of land of not over fifty Rais ;

2. The owner of the paddy field possessing separate plots of paddy land not exceeding fifty Rais each shall cause to be made field dykes and ditches around them or may join with another owner whose paddy field adjoins his or hers so as to make their plots into one plot of not over fifty Rais and then jointly cause to be made field dykes and ditches around it.

Section 7 Along the boundary line of paddy field which adjoins the paddy land of another and in case the plots are not joined together as provided in SECTION 6 (2) the owner of the paddy field on each side shall jointly cause to be made a ditch and also cause to be made a dyke on each side at a distance of not less than fifty Centimetres from the boundary line.

In case of disagreement on the boundary line the owner of the paddy field may petition the Official to appoint a Committee, who may fix the location of the dykes and ditches. The Committee is to compose of the local District Officer, or his Representative as a Chairman, the Official, and the local Village Headmen. The fixing of location of the dykes and ditches by this Committee does not, however, cancel the legal rights of the owner of the area concerned.

Wherever a plot of paddy land has its side adjoining the boundary of a drainage channel of the irrigation system, the owner of such plot of paddy land shall cause to be made a dyke only.

Section 8 If the gradient of the paddy field in any locality varies a great deal so that the field dykes and ditches made according to the rule and manner prescribed in SECTION 6 and 7 are not sufficient to regulate the water generally, the owner of the paddy field shall cause to be made additional field dykes and ditches as may be appropriate for every stage where the difference of the ground levels is between twenty-five to fifty centrimetres approximately or as may be notified in writing by the Official.

Section 9 The description and dimensions of the field dyke and ditch shall be as follows:

A field dyke shall be of a sufficient height so as to retain an average level of water at not less than thirty centimetres in each plot of paddy field, while the topwidth of the field dyke shall be not less than twenty centimetres higher than the water level maintained.

2. A field ditch shall be made between the field dykes with a topwidth of not less than one metre from the berm of the field dykes, and in every case it shall be constructed in such a manner that water can flow with ease.

Section 10 It shall be the duty of the owner of the paddy field to keep the field dykes and ditches in good repair within the boundary of his land so as to ensure proper control of water

Any person having necessity to use the field dykes or ditches as a means of access to their fields in connection with tilling operations causes damage to the field dykes or ditches of others, such person shall make good the damage to the field dykes or ditches as prescribed in the foregoing paragraph.

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Section 11. Within an area of not more than 6,000 Rais the Official shall elect one Paddy Field Inspector With an Assistant from the possessors of the paddy fields in that area. Such election shall be made by taking votes of the majority of the possessors of the paddy fields in that area.

Section 12. The Paddy Field Inspector shall act as an Assistant to the Official in supervising the construction of field dykes and ditches as well as distribution of water supply and drainage within the area where he is elected, and he is empowered to warn or advise the owner or possessor of the paddy field, as the case may be, to comply with this Act or to carry out what may be ordered by the Official.

The Assistant Paddy Field Inspector shall have the same power and duty as the Paddy Field Inspector during the time when the latter is unable to perform his duty.

Section 13. The Official shall have power to remove the Paddy Field Inspector and the Assistant when there is any ground to warrant such act.

Section 14. No person except the Paddy Field Inspector or the Official shall close the field ditch unless permission in writing is obtained either from the Paddy Field Inspector or the Official.

Section 15. The Official shall have power to order the owner of the paddy field to carry out any alterations or repairs to the field dyke or the ditch to conform to the this Act within reasonable time.

The Official is empowered to order the possessor of the paddy field to make any gap in the field dyke or close the same for the benefit of a greater part of the paddy field.

Section 16. The Paddy Field Inspector shall be exempted from Local Development Contribution by virtue of his supervision and control of the paddy land basing on the rate of 100 Rais to one Rai, any fraction thereof if more than half, shall be counted as one. In case the Paddy Field Inspector has neither sufficient area of paddy field for exemption, nor any paddy field of his own, he may transfer his right of exemption to any paddy field owner in that locality.

Section 17. Any paddy field owner neglecting to construct the field dyke and the field ditch within six months as provided in SECTION 5, shall be subjected to a penalty of not exceeding ten Stangs per rai according to the area of the field.

In case the same is not completed within three years, a fine shall be imposed according to the length of the field dyke or the field ditch remaining incomplete at the rate of not exceeding two Stangs per metre, and for every subsequent twelve months the same rate of fine shall be imposed for the length of time during which the work remains uncompleted.

In case as mentioned in the foregoing two paragraphs, the Royal Irrigation Department is empowered, if it is deemed expedient, to cause the field dyke and the field ditch to be made at the expense of the owner of the paddy field, and in such case the penalty shall cease from the date the Royal Irrigation Department has taken steps to carry out the work.

Section 18: Whoever fails to carry out the repairs to the field dykes and ditches according to the provisions of SECTION 10, shall be subjected to a penalty of not more than Baht twelve.

Section 19. The money realized from the fine under SECTION 17 shall be accounted for as Local Development Contribution funds within the meaning of the Revenue Act.

If there is any act of violation for non - payment of the fine the provisions of the Revenue Act shall apply.

Section 20. Whoever acts in contravention of the provisions of SECTION 14 or does not obey the order of the Official under SECTION 15 Paragraph I shall be punished with a fine of not exceeding Baht one hundred.

Section 21. Any possessor of the paddy field does not act in accordance with the order of the official under SECTION 15 paragraph two shall be punished with a fine of not more than Baht fifty.

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Section 22. Whoever causes damage to the regulation of water by damaging the field dyke or ditch, or obstructing the construction of the field dyke or ditch shall be punished with a fine of not exceeding Saht one thousand or imprisonment not exceeding six months, or both.

Section-23. The Director General of the Royal Irrigation Department is empowered to appoint the official for the execution of the work in accordance with this Act; such appointment shall be made by publication in the Government Gazette.

Section 24. The Minister of Agriculture shall have charge and control of the execution of this Act, and shall have power to issue Ministerial Regulations for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

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