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RESERVATIONS  
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## CHAPTER X

### RESERVATIONS

#### 10.1 Reservations.

**Legal definitions** of reservations are covered by Section 49,50,55,101 of the State Lands Ordinance No 8 of 1974 and Orders No.11,22 published with relevant to above section under gazette notification no 9912 published on 15th October 1948. This has further described at section 227 to 230 of Land Manual on state land. In addition that Act no 02 of 1937 on animal and tree conservation, Act no 16 of 1907 on conservation, Act no 24 of 1940 on archeology conservation, Act no 10 of 1861 thoroughfare, Act no 41 of 1978 on urban development authority, Act no 02 of 1985 on cost conservation and Act no 12 of 1962 on cemetery and burial ground, Sri Lanka Land Reclamation and Development Corporation Act no. 15 of 1968 As amended by Sri Lanka Land Reclamation and Development Corporation (Amendment) Act No. 52 of 1982 and Act No.27 of 1976 also indicate reservation relevant to activities those act.

Reservations should not be defined through private land or old cultivation or land surveyed of acquisition, unless there are special instructions to do so.

Reservations should be defined according to following D.S.R, through state land when surveying done for any kind of alienation of state land. All the other definition of reservations should be done as an implementation of order based on relevant laws when and where.

#### 10.2 (a) Natural Streams should have the following reservations; -

<b>Bed width</b>	...	<b>Reservations from the inner side</b>
Below 3 m	...	5 m for both sides
3 to 8 m	...	10 m for both sides
8 to 15 m	...	20 m for both sides
15 to 22 m	...	40 m for both sides

Dry streams that carry water only in rainy weather should carry the minimum reservation specified above. For more details see sec 228 of SLO No.8 of 1947.

(b) Sources of streams must be reserved. Reservations should be rectangular.

#### Irrigation Department

#### 10.3 Man made Canals and Channels should have the following reservations:-

<b>Bed width</b>	...	<b>From the outside edge of Cutting or Toe of bank</b>
3 m and over	...	Not less than 15 m on each side
1.5 m – 3 m	...	Not less than 8 m on each side

Under 1.5 m                      ...                      Not less than 3 m on each side

Wan Elas and Pita Elas which run to waste and do not irrigate any fields require no reservations. For more details see sec 228 of SLO No.8 of 1947.

Bund reservation is 15 times the height of the bund at any point measured from the centre line at the top of the bund.

- 10.4** In major Irrigation Schemes reservations shown on blocking out diagrams prepared by the Irrigation Department will be adopted.

#### **Department of Wildlife Conservation**

- 10.5** The Department of Wildlife Conservation has declared the following areas as National Reserves under the Fauna & Flora Protection Ordinance No 2 of 1937

- i) Strict Natural Reserves
- ii) National Park
- iii) Nature Reserve
- iv) Jungle Corridor
- v) Refuge
- vi) Marine Reserve
- vii) Buffer Zone

Within 1.6km of the boundary of these reserves development activities are either prohibited or restricted. All reserves are state land.

Sanctuaries may also be declared that could include state as well as private lands. If work falls with in above or closer please contact relevant agency and get instruction.

#### **Forest Department**

- 10.6** Forest Department administers two enactments as follows.

- 1) Forest Ordinance covering four areas (No 16 of 1907)
  - i) Conservation Forests
  - ii) Forest reserves
  - iii) Proposed Forest reserves
  - iv) Other State Forests
- 2) National Heritage Wilderness Areas Act: Sinharaja National Heritage Wilderness

#### **Coast Conservation Department (CCD)**

- 10.7** The Cost Conservation Department has published buffer zones applicable to the coastal areas of the country.

At least 40 m from the maximum high water mark will be reserved.

For more details see SLO No.08 of 1947 and Coast Conservation act No. 5 of 1985.

Set back Standards for development activities in the Costal Zone by reservation area and restricted area should be obtained from the CCD if the work falls as in above.

### **Archaeological Department**

- 10.8** The Archaeological Department has declared several sites as archaeological reserves and protected monuments

According to the archaeological conservation act No: of 1940, section 24:

*400m are to be kept from the archaeological monument as a buffer zone. All development activities such as constructions, mining, and quarrying within these buffer areas are restricted.*

(Archaeological reserves and protected monuments are listed according to some manner and contact Archaeological Department for more details)

### **Ceylon Electricity Board (CEB)**

- 10.9** Reservation for high tension power lines:-

The Ceylon Electricity Board has imposed certain height restrictions for any structure coming within a specified strip of land underneath the main grid lines.

For 33,000KV and 11,000 KV	- 10m
For 132,000KV and 220,000 KV	- 40m.

The width of the reservation will be determined by the Ceylon Electricity Board.

### **Telecom, Water and Sewerage lines**

- 10.10** The reservations should be in conformity with the acts & ordinances governing such bodies, i.e., Sri Lanka Telecom Ltd, National Water Supply & Drainage Board, Water Resources Board etc..

### **Reservations on Roads / Path**

- 10.11** As per Ordinance No.10 of 1861 on thoroughfares the basic law on road is that, "Neither the provisions of the prescription ordinance nor those of any other law relating to the acquisition of roads by virtue of possession or user shall apply to roads and no person shall be entitled to exclusive rights of ownership, possession or use over or in respect of a road or any portion thereof by reason of his having, either before or after the coming into operation of this Ordinance, and possession or use of any description whatsoever, of the same."

- 10.12** According to the Section 34 of the thoroughfares ordinance (revised legislative enactments, 1956), road includes all land adjoining any roads which has been reserved for its protection or benefits.

Roads / Paths

Public carriage way or cart way	...	10 m measured from the middle
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Public pathway ... 3.5 m measured from the middle

In areas falling within the jurisdiction of local bodies, and roads graded according to "Thoroughfares Ordinance" No.10 of 1861 (with timely amendments), reservations should be in conformity with the acts & ordinances governing such bodies.

The reservation should be determined for roads (road classes of A, B, C, D) maintained by the Road Development Authority (RDA) or Provincial Road Development Department only after consulting the relevant Authority.

- 10.13** In order to avoid blind corners at the junction of all type of roads including paths, corners of reservations should be sloped off up to a depth of  $\frac{1}{4}$  of the whole width or more. Small triangles thus cut off will be included in the reservations.
- 10.14** In towns blind corners should be curved with a radius decided upon in consultation with the local bodies or the Road Development Authority. For more details see Regulation 32 of UDA Law No.41 of 1978.
- 10.15** Reservations for footpaths should, where possible, be set out in straight sections. The paths will then be made to conform to the reservations but the existing tracks must still be surveyed and shown on the plan. Care must be taken in a hilly country to see that the route of the proposed path is practicable.
- 10.16** In Colonization schemes, the following road reservations should be reserved: -
- (a) For main access roads 20 m
  - (b) For internal roads 10 m  
(These represent arterial roads taking off from the main access and going through the schemes).
  - (c) For internal access roads 10 m  
(These roads take off from the arterial roads or main access and lead to allotments)
- For more details see Regulation 16(2)(a) form A, of schedule 111 of UDA Law No.41 of 1978.
- 10.17** Width of access on land acquired for village expansion should be 5 m except in special cases.
- 10.18** Reservations shown on any old plans should be set out when they adjoin private property and landmarked where necessary.
- 10.19** All buildings, structures and walls falling within reservations along roads should be surveyed and fully described.
- 10.20** If necessary road or path and reservation of it may shown in plan but no need to separately lot and consider as one lot.

### **Tanks**

- 10.21** (a) No separate reservation lot will be created for tanks but the boundary will be taken at least 5m and for important tanks 20m above Full Supply Level(FSL).
- (b) The full supply level of abandoned tanks, after allowing a margin of safety, should be surveyed and defined except through Title Plans, Forest and old cultivation.
- (c) This F.S.L. will be shown and defined in claimed private Chena areas but in State Chena areas it will be shown but not defined.
- (d) In surveys falling within areas covered by Engineering Surveys, the same procedure as set out above will be followed but where definition not required, the F.S.L. will be laid down on the prints of survey plans from the Engineering Survey contours. The surveyor should indicate in his report what contour will cover with safety the F.S.L.
- 10.22** The boundary should be landmarked at bends and the landmarks used as survey instrument stations. Distance between landmarks should not exceed 100m. This boundary will be closed at two points, such as, about 10m beyond each end of the bund, or beyond the spill, if this is situated at the end of the bund. These two points will be roughly on the continuation of the centerline of the bund, See Technical Instructions in Chapter IV.
- 10.23** The evidence of the Grama Niladari and the villagers, as well as that of the flood marks must be considered in order to determine the high water mark.
- 10.24** In addition to evidence obtained from the Grama Niladari and villagers, the high water mark should be set out from spill level, by approximately determining the contour with a theodolite or Total station.
- 10.25** Below Tank Bund, there should be a reservation of approximately 15 times the height measured at right angles from the center line of the top.

This will be set out by landmark not more than 100 m. apart and at prominent bends. The height will be measured by stepping, and the corresponding width set out as shown in Technical Instructions Chapter IV.

From the two end points thus set out, the boundary of the reservations will close on to the two points 10 meters beyond and on the continuation of its center line described in D.S.R. 10.22.

### **Railways**

- 10.26** No land is to be cut out within 40 m of a railway line, either for state or other purposes, until a tracing has been referred to, and approved by, the General Manager through Head Office.
- 10.27** If the reservation has been demarcated with iron rails, it should be surveyed. If not instructions should be obtained from as per DSR 10.26.

**Paddy Fields Adjoining Steep Land**

- 10.28** Reservations from steep land will be left only if asked for by the Divisional Secretary. If, in the opinion of the surveyor, a reservation is necessary and has not been asked for, the matter must be submitted to his Superintendent of Surveys, for reference to the Divisional Secretary.

**Ambalams, Wells, Springs**

- 10.29** In dealing with Requisitions for Survey rectangular reservations, sufficient to protect any ambalams, wells, or springs, will be set out after consultation with the Grama Niladari, if no suitable boundaries exist on the ground.

**Cemeteries, Communal or Sanitary Reserves (Tis-Bambas)**

- 10.30** Only existing cemeteries and communal or sanitary reserves should be surveyed unless special instructions are issued to the contrary. For more details see Cemeteries and burial ground Ordinance No 12 of 1962

**Means of Access.**

- 10.31** All existing means of access should be surveyed. For more details see Regulation 16(2)(a) form A schedule III of UDA Law No.41 of 1978.
- 10.32** When State land is blocking out for alienation, care should be taken that a reservation for 6m or more, according to local requirements, is surveyed so as to provide access to any isolated State land.
- 10.33** Means of access to any adjoining private land may be laid through State land, if after careful investigation, it is considered by the Superintendent of Surveys that such access is necessary.

**Geodetic Control Stations**

- 10.34** All effort should get to demarcate reservation for all type of geodetic survey control stations. Special effort should get demarcate reservation Primary, Secondary level control stations. The size of reservation should be decided considering ground situation, environment, surrounding tree etc of control station.

**General.**

- 10.35** Reservations should be as straight as possible, and should not follow the minor bends of streams, roads, etc, but only the general direction. They will thus vary in depth, but should nowhere be appreciably narrower than the prescribed width.
- 10.36** Land over 1500m in altitude is to be reserved. Requisitions for Survey coming within this reservation will only be surveyed when specially authorized.
- 10.37** Special landmarks as described in D.S.R. 3.1 (iii) will be used to mark the approximate position where the 1500m Climate Contour crosses roads and paths. The rest of the boundary forming the 1500m contours will be



landmarked in the ordinary way. Special survey instructions will be issued by District Superintendents when this contour is to be set out.

**10.38** In order to preserve the run-off, to maintain underground water supplies, and to prevent both the erosion to the soil and the silting of lower lying areas, no land should be alienated for purposes of cultivation or grazing that;

- (a) has a slope of over 30 degrees (= 1 in 2 or 50%) for a greater consecutive distance than 20m measured up and down the slope at right angles to the contours of the land; or
- (b) includes the tops or the whole of steep, forest-clad hills and ridges; or
- (c) consists mainly of outcrops or rock and large boulders; or
- (d) is necessary to protect and conserve the courses and sources of streams and springs.

**10.39** however it is obvious that any approximate portion of land which is being surveyed comes within the terms of the above order. This fact should be mentioned in the tenement list and the land should be separately lotted.

**10.40** If such a lot should contain a spring or be within 40 m, this must be mentioned in the tenement list.

**10.41** When land is blocked out adjoining a main, minor or Pradesiya Sabha road, the road frontage should not exceed approximately,  $\frac{2}{3}$ <sup>rd</sup> of the depth. Access should be left to land at the back of such lots, in accordance with D.S.R. 10.31 at reasonable intervals.

**10.42** When a large extent is to be cut out adjoining a road, and there is difficulty in estimating the frontage, the required length of the sides can be arrived at by proportion by the following method:-

Taking a lot of 2400 square meters - 40 m by 60 m - as the standard, the proportionate lengths of the frontage and depth, for the area to be cut out, can be worked separately thus;

$$\text{Frontage} = 40 \left\{ \sqrt{\frac{\text{Area to be cut out Square meters}}{2400}} \right\}$$

$$\text{Depth} = 60 \left\{ \sqrt{\frac{\text{Area to be cut out Square meters}}{2400}} \right\}$$

#### **10.43 Surveys within U.D.A. areas**

If the surveys fall within the U.D.A. areas, it must adhere to the U.D.A. regulations govern under section 21 of the Urban Development Authority Law no 41 of 1978 of the National State Assembly.

**10.44 Surveys within Mahaweli areas**

If the surveys fall within Mahaweli area, it is advised to refer Mahaweli authority of Sri Lanka act No.23 of 1978 and connected rules and regulations.

**CORRECTION SLIPS**

**CORRECTION SLIPS**